

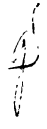


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CIVIL AND CRIMINAL CASES INSTITUTED BY THE UNITED STATES UNDER THE SHERMAN ANTITRUST LAW OF JULY 2, 1890, AND THE ACT TO REGULATE COMMERCE, APPROVED FEBRUARY 4, 1887 AS AMENDED * INCLUDING THE ELKINS ACT

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SUITS AND PROSECUTIONS INSTITUTED BY THE UNITED STATES UNDER THE SHERMAN ANTITRUST LAW OF JULY 2, 1890.

President Harrison's Administration, March 4, 1889, to March 4 1893.

[WILLIAM H. MILLER, Attorney-General, March 5, 1889, to March 6, 1893.]

1. *United States v. Jellico Mountain Coal Company* (43 Fed. Rep., 898; 46 Fed. Rep., 432) (Circuit Court, Middle District Tennessee; decided October 13, 1890; June 4, 1891).—Bill filed September 25, 1890, against the members of the "Nashville Coal Exchange," composed of various coal mining companies operating mines in Kentucky and Tennessee, and of persons and firms dealing in coal in Nashville, formed for the purpose of fixing prices and regulating the output of coal.

A preliminary injunction was denied, but upon full hearing the court held the combination to be in violation of the antitrust law and enjoined the further carrying out of the agreement.

2. *United States v. Greenhut et al.* (50 Fed. Rep., 469) (District Court, Massachusetts; decided May 16, 1892).—Indictment returned about May 1, 1892, against the officers of the Distilling and Cattle Feeding Company (Whisky Trust), an Illinois corporation. The indictment alleged that the defendants had purchased or leased 78 competing distilleries in the United States, producing 75 per cent of all the distilled spirits manufactured and sold, with the intent to monopolize the manufacture and sale of such spirits in Massachusetts and among the several States, increase the price, and prevent competition. The indictment was quashed because it failed to allege that defendants monopolized or conspired to monopolize trade and commerce among the several States or with foreign nations, the allegations being held insufficient to constitute an offense under the statute.

3. *United States v. Nelson* (52 Fed. Rep., 646) (District Court, Minnesota; decided October 10, 1892).—Indictment returned in 1902 against a number of lumber dealers for conspiring together to raise the price of lumber in violation of the antitrust law. Demurrer to indictment sustained, the court holding that an agreement between a number of dealers and manufacturers to raise prices, unless they practically controlled the entire commodity, could not operate as a restraint of trade within the meaning of the act.

4. *United States v. Trans-Missouri Freight Association* (53 Fed. Rep., 440; 58 Fed. Rep., 58; 166 U.S., 290) (Circuit Court, Kansas; decided November 28, 1892. Circuit Court of Appeals, Eighth Circuit; decided October 2, 1893. United States Supreme Court; argued December 8, 9, 1896, by Attorney-General Harmon; decided March 22, 1897).—Bill filed January 6, 1892, to enjoin the operations of a combination of railroads engaged in interstate commerce, alleged to have been formed for the purpose of maintaining "just and reasonable rates," and preventing unjust discriminations. The bill was dismissed by the Circuit Court, whose decree was affirmed by the Circuit Court of Appeals. The Supreme Court reversed the case, holding that the antitrust act applied to railroad carriers and embraced all contracts in restraint of trade and commerce among the several States and with foreign nations, and was not confined to those in which the restraint was unreasonable.

5. *United States v. Workingmen's Amalgamated Council of New Orleans et al.* (54 Fed. Rep., 994; 57 Fed. Rep., 85) (Circuit Court, Eastern District Louisiana; decided March 25, 1893. Circuit Court of Appeals, Fifth Circuit; decided June 13, 1893.)—Bill filed November 10, 1892, to restrain defendants, a combination of workingmen, from interfering with interstate and foreign commerce, in violation of the antitrust law. The injunction was granted, and the law held to apply to combinations of laborers as well as capitalists. The Circuit Court of Appeals affirmed this decree.

6. *United States v. Patterson et al.* (55 Fed. Rep., 605; 59 Fed. Rep., 280) (Circuit Court, Massachusetts; decided February 28 and June 7, 1893).—Cash register case. Indictment returned about January, 1893, against the members of a combination formed for the purpose of controlling the price of cash registers. A demurrer was sustained as to certain counts of the indictment and overruled as to others, and leave granted to file special demurrers to the counts which were sustained. The special demurrers were overruled and leave granted the defendants to answer. Letter of Attorney-General dated October 16, 1893, shows that the case was allowed to lapse because of the consolidation of the complaining witness with defendants, said witness being in possession of the evidence relied on.

7. *United States v. E. C. Knight Company* (Sugar Trust) (60 Fed. Rep., 306; 60 Fed. Rep., 934; 156 U. S., 1) (Circuit Court, Eastern District Pennsylvania; decided January 30, 1894. Circuit Court of Appeals, Third Circuit; decided March 26, 1894. United States Supreme Court; argued by Solicitor-General Lawrence Maxwell, jr., October 24, 1894, Mr. Attorney-General Olney on brief; decided January 21, 1895).—Bill filed May 2, 1892, to enjoin the acquisition by the American Sugar Refining Company, a New Jersey corporation, of the stock of the E. C. Knight Company, the Franklin Sugar Company, the Spreckels Sugar Refining Company, and the Delaware Sugar House, Pennsylvania corporations. The Circuit Court dismissed the bill, and the decree of dismissal was affirmed by the Circuit Court of Appeals and the Supreme Court, the latter court holding that the antitrust act did not apply to combinations of manufacturers.

President Cleveland's Second Administration, March 4, 1893, to March 4, 1897.

[RICHARD OLNEY, Attorney-General, March 6, 1893, to June 7, 1895; JUDSON HARMON, Attorney-General June 8, 1895, to March 5, 1897.]

1. *United States v. Elliott* (62 Fed. Rep., 801; 64 Fed. Rep., 27) (Circuit Court Eastern District, Missouri; decided July 6, and October 24, 1894).—Suit instituted about July 1, 1894, to restrain Elliott, Debs, and others, members of the American Railway Union, from carrying out their unlawful conspiracy to interfere with interstate commerce and to obstruct the carrying of the mails, in violation of the antitrust law. Preliminary injunction granted and a demurrer to the bill overruled.

2. *United States v. Agler* (62 Fed. Rep., 824) (Circuit Court, Indiana; decided July 12, 1894).—Information filed July, 1894, charging contempt of court in disobeying an injunction restraining Agler and others from interfering with interstate commerce and obstructing the mails. This was one of the Debs cases. It was alleged that Agler was a member of the American Railway Union, the members of which were on a strike, and had been enjoined under the antitrust law from interfering with the carrying of the mails and from obstructing interstate commerce. Information quashed for lack of certainty in describing defendant and his actions.

3. *United States v. Debs et al.* (64 Fed. Rep., 724) (Circuit Court, Northern District, Illinois; decided December 14, 1894).—Information filed July 17, 1894. Proceedings in contempt to punish Debs and others for disobeying an injunction restraining them from interfering with interstate commerce and with obstructing the mails, by means of a conspiracy, in violation of the antitrust law. Defendants found guilty and punished.

4. *In re Debs, petitioner* (158 U. S., 564)—(United States Supreme Court; decided May 27, 1895).—Proceedings instituted July 2, 1894. Application for a writ of habeas corpus to secure discharge from imprisonment for disobeying an injunction of the Circuit Court for the Northern District of Illinois, restraining Debs and others from conspiring to interfere with interstate commerce, in violation of the antitrust law. Petition for the writ denied.

5. *United States v. Cassidy* (67 Fed. Rep., 698)—(District Court, Northern District, California; charge to jury delivered April 1 and 2, 1895).—Cassidy and others were indicted under section 5440, United States Revised Statutes, for conspiring to commit offenses against the United States, which acts consisted in combining and conspiring to restrain trade and commerce between the States in violation of the antitrust law, the prosecutions growing out of the Pullman car strike, which occurred June-July, 1894. The trial lasted five months, resulting in a disagreement of the jury.

6. *Moore v. United States* (85 Fed. Rep., 465)—(Circuit Court of Appeals, Eighth Circuit; decided February 14, 1898).—Indictment of the members of an association of dealers in coal at Salt Lake City for entering into a conspiracy to regulate the price of coal. Indictment returned November 4, 1895. Moore was tried and convicted in the District Court of Utah upon this indictment. The Circuit Court of Appeals reversed the judgment of conviction for the reason that upon the admission of Utah as a State it was no longer a "Territory" within the meaning of the antitrust act, and the combination was not in restraint of interstate commerce.

7. *United States v. Joint Traffic Association* (76 Fed. Rep., 895; 89 Fed. Rep., 1020; 171 U. S., 505)—(Circuit Court, Southern District of New York; decided May 28, 1896. Circuit Court of Appeals, Second Circuit; decided March 19, 1897. United States Supreme Court; argued by Solicitor-General John K. Richards, February 24, 25, 1898; decided October 28, 1898).—Suit instituted January 8, 1896. Bill in equity to enjoin the alleged violation of the antitrust law by a combination of railroads. Thirty-one railroad companies engaged in transportation between Chicago and the Atlantic coast formed themselves into an association, known as the Joint Traffic Association, to control competitive traffic, fix rates, etc. The Circuit Court dismissed the bill and the Court of Appeals affirmed the action of the Circuit Court. These judgments were reversed by the United States Supreme Court upon the authority of *United States v. Trans-Missouri Freight Association* (166 U. S., 290), and the case remanded for further proceedings in conformity with its opinion, by which the combination was adjudged illegal.

8. *United States v. Hopkins et al.* (82 Fed. Rep., 529; 88 Fed. Rep., 1018; 171 U. S., 578)—(Circuit Court, Kansas; September 20, 1897. Circuit Court of Appeals, Eighth Circuit; December 27, 1897. United States Supreme Court; October 24, 1898).—Suit instituted December 31, 1896. Bill to restrain the operations of the "Kansas City Live Stock Exchange." The injunction was granted, but on appeal the Supreme Court reversed the decree of the Circuit Court and remanded the case, with instructions to dismiss the bill, the business of the exchange being held not to constitute interstate commerce, nor covered by the antitrust act.

9. *United States v. Addyston Pipe and Steel Company* (78 Fed. Rep., 712; 85 Fed. Rep., 271; 175 U. S., 211)—(Circuit Court, Eastern District Tennessee; decided February 5, 1897. Circuit Court of Appeals, Sixth Circuit; decided February 8, 1898. United States Supreme Court; argued by Solicitor-General Richards, April 26, 27, 1899; decided December 4, 1899).—Suit instituted December 10, 1896. Bill in equity to enjoin the operations of the cast-iron pipe trust, which attempted to enhance the price of cast-iron pipe by controlling and parceling out the manufacture and sale thereof throughout the several States and Territories to the several corporations forming the combination. The bill was dismissed by the Circuit Court. The Circuit Court of Appeals reversed the decree of the Circuit Court and remanded the case, with instructions to enter a decree for the Government. On appeal to the Supreme Court the action of the Circuit Court of Appeals was affirmed, the court distinguishing the case from that of *United States v. E. C. Knight Company* (156 U. S., 1).

President McKinley's Administration—March 4, 1897—September 14, 1901.

(JOSEPH MCKENNA, Attorney-General, March 5, 1897, to June 25, 1898; JOHN W. GRIGGS, Attorney-General, June 25, 1898, to March 29, 1901; PHILANDER C. KNOX, Attorney-General, April 5, 1901, to June 30, 1904.)

1. *Anderson v. United States* (82 Fed. Rep., 998; 171 U. S., 604)—(United States Supreme Court; decided October 24, 1898).—Suit instituted June 7, 1897, in the Circuit Court of the United States for the Western District of Missouri, to restrain the operations of The Traders' Live Stock Exchange, of Kansas City, an association formed for the purpose of buying cattle on the market. A temporary injunction was granted and the case appealed to the Circuit Court of Appeals for the Eighth Circuit. From there it was certified to the Supreme Court of the United States for instructions upon certain questions. The Supreme Court reversed the decree of the Circuit Court and remanded the case with directions to dismiss the bill, holding that the rules of the association were not in violation of the antitrust law.

2. *United States v. Coal Dealers' Association* (85 Fed. Rep., 252)—(Circuit Court, Northern District California; decided January 28, 1898).—Suit brought December 16, 1897. Bill for injunction to restrain the operations of a combination of coal dealers known as the "Coal Dealers' Association of California."

A temporary injunction was granted.

3. *United States v. Chesapeake and Ohio Fuel Company et al.* (105 Fed. Rep., 93; 115 Fed. Rep., 610)—(Circuit Court, Southern District Ohio; decided August 31, 1900. Circuit Court of Appeals, Sixth Circuit; decided April 8, 1902).—Bill filed May 8, 1899, to annul a contract and dissolve a combination of producers and shippers of coal in Ohio and West Virginia, engaged in mining coal and making coke intended for "western shipment," under agreement to sell the same at not less than a memorandum price, to be fixed by an executive committee appointed by the producers. Defendants enjoined, contract declared void and illegal, and the combination dissolved.

Affirmed by Circuit Court of Appeals. No appeal to Supreme Court taken.

President Roosevelt's Administration—September 14, 1901 ———.

(PHILANDER C. KNOX, Attorney-General, April 5, 1901, to June 30, 1904; WILLIAM H. MOODY, Attorney-General, July 1, 1904, to December 16, 1906; CHARLES J. BONAPARTE, Attorney-General, December 17, 1906———.)

CIVIL CASES.

1. *United States v. Northern Securities Co., Great Northern Railway Co., Northern Pacific Railway Co. et al.* (120 Fed. Rep., 721; 193 U. S., 197)—(Circuit Court, Minnesota; decided April 9, 1903. United States Supreme Court; decided March 14, 1904).—This suit was brought on March 10, 1902, in the Circuit Court of the United States for the District of Minnesota, to enjoin the defendant, the Northern Securities Company, from purchasing, acquiring, receiving, holding, voting, or in any manner acting as the owner of any of the shares of the capital stock of the two defendant railway companies and to restrain the defendant railway companies from permitting the Securities Company to vote any of the stock of said railways, or from exercising any control whatsoever over the corporate acts of either of said railway companies, it being charged that the Securities Company was formed for the purpose of acquiring a majority of the capital stock of the two railway companies in order that it might in that way effect practically a consolidation of the two companies by controlling rates and restricting and destroying competition, in violation of the Sherman antitrust law.

The Circuit Court entered a decree in favor of the Government, as prayed in the petition, and this decree was affirmed by the Supreme Court of the United States.

2. *United States v. Swift & Co. et al.* (122 Fed. Rep., 529; 196 U. S., 375).—Suit brought May 10, 1902, in the Circuit Court of the United States for the Northern District of Illinois to restrain the defendants (commonly known as the "Beef Trust") from carrying out an unlawful conspiracy entered into between themselves and with various railway companies to suppress competition and to obtain a monopoly in the purchase of live stock and selling dressed meats. A preliminary restraining order was granted on May 20, 1902.

The defendants having demurred to the bill, the court, after hearing, on April 18, 1903, overruled the demurrers and granted a preliminary injunction. The defendants having failed to answer, the court, on May 26, 1903, entered an order making the decree final and perpetually enjoining the further operations of the trust.

The defendants, on August 14, 1903, appealed from the final decree of the Circuit Court to the Supreme Court of the United States.

Decree affirmed by the Supreme Court, January 30, 1905.

3. *United States v. The Federal Salt Company et al.*—Suit brought October 15, 1902, in the Circuit Court of the United States for the Northern District of California, to restrain the defendants (known as the "Salt Trust") from unlawfully combining and conspiring to suppress competition in the manufacture and sale of salt in the States west of the Rocky Mountains, in violation of the Sherman antitrust law. A temporary restraining order was issued on that date, and, the cause coming on for hearing, the court on November 10, 1902, granted an injunction pendente lite, thus, in effect, making the restraining order perpetual.

No appeal taken.

4. *United States v. Jacksonville Wholesale Grocers' Association.*—A suit in equity, instituted on September 12, 1903, in the United States Circuit Court for the Southern District of Florida, for the purpose of dissolving a combination of wholesale grocers operating in violation of the antitrust law. The members of the association have filed answers, and the cause has been continued from time to time and will be heard at the next term of court. November 1, 1907, case dismissed.

5. *United States v. General Paper Company et al.*—December 27, 1904, a bill in equity was filed in the Circuit Court of the United States for the District of Minnesota against the General Paper Company and twenty-three other corporations engaged in the manufacture and sale of paper, alleging that said defendants had entered into a combination and conspiracy to control, regulate, monopolize, and restrain trade and commerce in the manufacture of news print, manila, fiber, and other papers and products of paper, in violation of the Sherman antitrust law, by making the General Paper Company their common sales agent.

After issue was joined, the defendants and their officers declined to obey orders of the Circuit Court for the District of Minnesota and the Circuit Court for the Eastern District of Wisconsin, in which district testimony was also being taken, requiring them to answer certain questions and to produce certain books and papers, and appealed to the Supreme Court of the United States. On March 12, 1906, the court dismissed the appeals in the Wisconsin cases and affirmed the judgment in the Minnesota cases. (*Nelson v. United States*, 201 U. S., 92; *Alexander v. United States*, id., 117.)

On May 11, 1906, judgment was ordered in favor of the Government by the Circuit Court for the District of Minnesota, dissolving the combination and affording the Government all the relief prayed for in its bill.

6. *United States v. Metropolitan Meat Company et al.*—Bill in equity filed in October, 1905, in the United States Circuit Court for the District of Hawaii, to restrain the alleged unlawful operations of certain combinations in the matter of the restraint of trade in beef and beef products. Demurrer to bill overruled October 2, 1906. Pending.

7. *United States v. Allen and Robinson et al.*—Bill in equity filed in October, 1905, in the United States Circuit Court for the District of Hawaii, to restrain the operation of an alleged unlawful combination to control the trade in lumber in that Territory. Answers of three defendants filed January 2, 1906. March 4, 1907, cases on trial—continued on application of defendants until September. Pending.

8. *United States v. Nome Retail Grocers' Association.*—November 4, 1905, the Department directed the United States Attorney for the second division of Alaska to file a bill in equity against the Nome Retail Grocers' Association, alleging a combination to fix prices and to suppress competition, in violation of the Sherman antitrust law.

Suit was promptly instituted, whereupon the defendants agreed to the entry of a decree which would subserve all the interests of the Government and the general public set forth in the bill. A decree dissolving the combination was entered accordingly.

9. *United States v. The Terminal Railroad Association of St. Louis et al.*—Petition filed in the Circuit Court of the United States for the Eastern District of Missouri on December 1, 1905, to enjoin the defendants (The Terminal Association, the bridge companies, and the railroad and ferries crossing the Mississippi River at St. Louis) from carrying out an unlawful combination entered into between them to operate the Eads Bridge and the Merchants' Bridge as a common agency of interstate commerce, and to suppress competition between said bridges and between the bridges and ferries, and to monopolize interstate transportation at this point. The case is pending.

10. *United States v. Otis Elevator Company et al.*—Bill in equity filed March 7, 1906, in the United States Circuit Court for the Northern District of California against the Otis Elevator Company and a number of other corporations and individuals, in which it was alleged that they were maintaining a combination in restraint of trade in the matter of the manufacture and sale of elevators. June 1, 1906, a decree was entered by consent dissolving the combination and granting the relief prayed.

11. *United States v. National Association of Retail Druggists et al.*—Bill in equity filed May 9, 1906, in the United States Circuit Court for the District of Indiana against the National Association of Retail Druggists and others, alleging a combination in restraint of interstate trade and commerce in the matter of the sale of drugs and proprietary medicines to consumers through retail druggists. May 9, 1907, final decree entered by agreement giving the Government all the relief prayed for in the petition.

12. *United States v. Standard Oil Company et al.*—November 15, 1906, bill in equity filed in the United States Circuit Court for the Eastern District of Missouri against the Standard Oil Company and others, in which it is alleged that they are maintaining a combination in restraint of trade in the manufacture and sale of petroleum. Motions were filed by the defendants to vacate an order of the court directing service of subpoenas upon nonresident defendants. These motions were argued on January 30, 1907, and on March 7, 1907; the court rendered an opinion in favor of the Government. Exceptions filed by defendants to Government's petition. May 24, 1907, hearing at St. Paul, Minn., on bill of exceptions which resulted in a decision in favor of the Government. Testimony now being taken.

13. *United States v. American Seating Company et al.*—March 12, 1907, bill in equity filed in the United States Circuit Court for the Northern District of Illinois against the American Seating Company and others, in which it is alleged that they are maintaining a combination in restraint of trade in the manufacture and sale of school and church furniture. August 15, 1907, decree entered granting perpetual injunction against all defendants, except E. H. Stafford Manufacturing Company, E. H. Stafford, E. M. Stafford, and E. G. Bentley.

14. *United States v. The Reading Company et al.*—June 12, 1907, bill in equity filed in the Circuit Court for the Eastern District of Pennsylvania to dissolve a combination among the anthracite coal-carrying roads and others, which are operating in violation of the Sherman antitrust law. Examiner has been appointed by the court and testimony now being taken. Case pending.

15. *United States v. American Tobacco Company et al.*—July 10, 1907, bill in equity filed in the Circuit Court of the United States for the Southern District of New York against the American Tobacco Company and others, in which it is alleged that they are maintaining a combination in restraint of trade in the manufacture and sale of tobacco. Testimony has been taken; May, 1908, case argued. Pending.

16. *United States v. E. I. du Pont de Nemours & Co. et al.*—July 30, 1907, bill in equity filed in the Circuit Court for the District of Delaware against E. I. du Pont de Nemours & Co. and others, in which it is alleged that they are maintaining a combination in restraint of trade in the manufacture and sale of gunpowder and other high explosives. September 1, 1908, examiner appointed to take testimony. Pending.

17. *United States v. One Hundred and Seventy-five Cases of Cigarettes.*—October 28, 1907, information filed in the District Court for the Eastern District of Virginia covering the seizure of 175 cases of cigarettes under section 6 of the Sherman Antitrust Act. Case pending.

18. *United States v. Union Pacific Railroad Company et al.*—February 1, 1908, a bill in equity was filed in the Circuit Court of the United States for the District of Utah, charging a combination and conspiracy in violation of the Sherman Act. Case pending.

19. *United States v. New York, New Haven and Hartford Railroad Company et al.*—May 22, 1908, a bill in equity was filed in the Circuit Court of the United States for the District of Massachusetts charging the New Haven Company with combining and attempting to combine under one common control the various railroad and electric railway systems in New England, in violation of the Sherman Act. Case pending.

CRIMINAL CASES.

1. *United States v. The Federal Salt Company.*—On February 28, 1903, the grand jury for the United States District Court for the Northern District of California returned an indictment against The Federal Salt Company for having violated the antitrust law.

On May 12, 1903, the company pleaded guilty and the court sentenced it to pay a fine of \$1,000, which was paid.

2. *United States v. Armour & Co. et al.*—After the affirmance by the Supreme Court of the decree of the Circuit Court in *United States v. Swift & Company* (above referred to) complaints from various quarters were made to the Department that the combination still continued. The Department thereupon undertook by every means at its command to investigate the truth of these complaints. Exhaustive inquiry was made before the grand jury for the Northern District of Illinois, which resulted in the return of an indictment on July 1, 1905, against Armour & Company, and J. Ogden Armour, president; Patrick A. Valentine, treasurer; Arthur Neekler, general manager; Thomas J. Connors, superintendent, and Samuel A. McRoberts, assistant treasurer, of Armour & Company; the Armour Packing Company, and Charles W. Armour, president; Swift & Company, and Louis F. Swift, president; Lawrence A. Carton, treasurer; D. Edwin Hartwell, secretary, and Albert H. Veeder and Robert C. McManus and Arthur F. Evans, agents of Swift & Company; the Fairbank Canning Company, and Edward Morris, vice-president; Ira N. Morris, secretary of the Fairbank Canning Company; the Cudahy Packing Company, and Edward A. Cudahy, vice-president and general manager of the Cudahy Packing Company.

Against this indictment many preliminary objections were urged. All were disposed of in favor of the Government, except certain special pleas of immunity in bar, based upon information concerning the matters for which they were indicted, which they had given to the Department of Commerce and Labor. The court sustained the pleas so far as the individual defendants were concerned and overruled them with respect to the corporations.

3. *The Tobacco Trust Cases (Hale v. Henkel, 201 U. S. 43; McAlister v. Henkel, id., 90).*—These cases grew out of an investigation by a Federal grand jury in the Southern District of New York of the American Tobacco Company and the MacAndrews & Forbes Company, believed to be violating the antitrust laws, the matter having been brought to the attention of the grand jury by the officers of the Department of Justice, special counsel having been appointed for the purpose of investigation and prosecu-

tion. Subpoenas duces tecum were served upon the officers of the companies directing them to produce papers and other documentary evidence belonging to the corporations. They refused to obey the subpoena or to answer questions propounded to them. The Circuit Court adjudged them in contempt and committed them until they should produce the books and answer the questions. They applied to another judge of the same court for writs of habeas corpus, which upon hearing were discharged. Upon appeal the Supreme Court affirmed the orders denying the writs.

June —, 1906, the grand jury returned an indictment against the MacAndrews & Forbes Company, the J. S. Young Company, a corporation of Maine, and Karl Jungbluth and Howard E. Young, their respective presidents, for illegally combining and conspiring to regulate the interstate trade and sale in licorice paste, an article used in the manufacture of plug and smoking tobacco, snuff, and cigars. Defendants entered pleas of not guilty, with leave to withdraw or demur on or before July 9, 1906. July 9, 1906, demurrers filed by all of the defendants. December 4, 1906, demurrers overruled. December 19, 1906, trial commenced. January 10, 1907, MacAndrews & Forbes Company found guilty on first and third counts of indictment, the J. S. Young Company found guilty on first and third counts; verdict of acquittal as to individual defendants. MacAndrews & Forbes Company fined \$10,000. J. S. Young Company fined \$8,000. Stay of sixty days to perfect appeal. Appeal to the Supreme Court of the United States.

4. *United States v. F. A. Amsden Lumber Company et al.*—Indictment returned in the District Court of Oklahoma, May 4, 1906, for violation of the Sherman Act in restricting competition and maintaining prices in the sale of lumber. May 13, 1907, change of venue granted to Grant County. September 25, 1907, pleas of guilty and fines imposed aggregating \$2,000, which were paid.

5. *United States v. Virginia-Carolina Chemical Company et al.*—May 25, 1906, the Federal grand jury for the Middle District of Tennessee, upon information furnished by the Department of Justice, returned an indictment against 31 corporations and 25 individuals engaged in the fertilizer business in the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, and Tennessee, charging them with engaging in a conspiracy in violation of the Federal antitrust act, and with conspiring to commit an offense against the United States, viz, the aforesaid conspiracy, in violation of section 5440 of the Revised Statutes. The fertilizer manufacturers combined to fix the price of fertilizers in the territory mentioned and to apportion the trade among themselves according to an agreed percentage. July 11, 1906, all the defendants appealed to the Supreme Court of the United States from an order of the Circuit Court of the Eastern District of Virginia denying the right of habeas corpus and remanding them to the custody of the marshal for removal to the Middle District of Tennessee for trial. The case before the Supreme Court was argued on December 3, 1906, and on March 4, 1907, the judgment of the Circuit Court for the Eastern District of Virginia was reversed and the case remanded to that court for further proceedings in accordance with the opinion of the Supreme Court. April 17, 1908, various motions, pleas in abatement, and demurrers filed. July 3, 1908, certain motions and demurrers overruled, plea in abatement allowed, and indictment quashed.

6. *United States v. American Ice Company et al.*—July 12, 1906, indictment returned in the Supreme Court of the District of Columbia, charging an unlawful agreement to control prices and restrict competition in the sale of ice. Case pending.

7. *United States v. Chandler Ice and Cold Storage Plant et al.*—September 19, 1906, indictment returned in the District Court for the Territory of Oklahoma against the Chandler Ice and Cold Storage Plant and others, charging a combination to apportion territory in the matter of the sale of ice. May 5, 1907, demurrer filed by defendant Groves and overruled. May 20, 1907, demurrer filed by Chandler Ice and Cold Storage Plant. Pending.

8. *United States v. Alfred M. Gloyd et al.*—September 21, 1906, indictment returned against Alfred M. Gloyd and others in the District Court for the Territory of Oklahoma, charging a combination to maintain prices and restrict competition in the sale of lumber. The case is pending.

9. *United States v. People's Ice and Fuel Company, a corporation, and W. B. Lount.*—October 23, 1906, indictment returned in the District Court for the Territory of Arizona, charging a combination to control prices and restrict competition in the sale of ice. January 5, 1907, trial commenced. Verdict not guilty as to People's Ice and Fuel Company and company held to next grand jury. Trial of W. B. Lount continued over term. October 16, 1907, plea in bar filed. October 17, 1907, plea in bar sustained.

10. *United States v. Demund Lumber Company et al.*—October 23, 1906, indictment returned in the District Court for the Territory of Arizona, charging a combination to control prices and restrict competition in the sale of lumber. January 2, 1907, trial commenced. Verdict of not guilty as to Demund Lumber Company. January 7, 1907, cases against Chamberlain Lumber Company and Valley Lumber Company continued over term. May 8, 1907, motion made to court to instruct for acquittal. Motion argued and taken under advisement. May 9, 1907, motion sustained and verdict of acquittal returned.

11. *United States v. Phoenix Wholesale Meat and Produce Company, a corporation, P. T. Hurley, and S. J. Tribolet.*—October 23, 1906, indictment returned in the District Court for the Territory of Arizona, charging a combination to control prices and restrict competition in the sale of meats. January 7, 1907, trial commenced. Verdict of not guilty as to Phoenix Wholesale Meat and Produce Company. January 8, 1907, indictment against Hurley dismissed. Verdict of guilty as to defendant S. J. Tribolet. January 12, 1907, Tribolet sentenced to pay fine of \$1,000. January 9, 1907, case against Phoenix Wholesale Meat and Produce Company dismissed. Appeal to the Supreme Court of the Territory of Arizona. Supreme Court affirmed decision of lower court. Fine paid.

12. *United States v. T. B. Hogg et al.*—December 8, 1906, indictment returned in the District Court for the Territory of Oklahoma, charging a combination and conspiracy in restraint of trade and commerce in the sale of lumber. March 25, 1907, plea of not guilty. Change of judge granted on application of defendants. Case pending.

13. *United States v. Atlantic Investment Company et al.*—February 11, 1907, indictment returned in the United States District Court for the Southern District of Georgia against the Atlantic Investment Company and others, charging a combination in restraint of trade and commerce in the matter of the manufacture and sale of turpentine. February 18, 1907, four corporations and two individuals, defendants to this indictment, entered pleas of guilty, and the court imposed a fine of \$5,000 upon each of the six defendants, making a total of \$30,000.

14. *United States v. American Seating Company et al.*—March 12, 1907, indictment returned in the District Court of the Northern District of Illinois charging a violation of the Sherman Anti-trust law by engaging in a combination in restraint of trade in the manufacture and sale of school and church furniture. April 1, 1907, defendant corporations entered pleas of guilty, with one exception. May 20, 1907, fines imposed aggregating \$43,000. Defendant E. H. Stafford Manufacturing Company filed demurrer April 3, 1907. May 31, 1907, demurrer overruled and plea of not guilty entered.

15. *United States v. Santa Rita Mining Company and Santa Rita Store Company.*—April 4, 1907, indictment returned in the District of New Mexico charging a violation of section 3 of the Sherman Anti-trust law for engaging in a combination in restraint of trade. Demurrer filed and overruled. Fine of \$1,000 imposed on each defendant; total \$2,000. Appeal taken to the Supreme Court of the Territory of New Mexico.

16. *United States v. National Umbrella Frame Company et al.*—July 1, 1907, indictment returned in the District Court for the Eastern District of Pennsylvania charging a conspiracy to restrain interstate trade and commerce in the manufacture and sale of umbrella material, in violation of the Sherman Anti-trust law and Section 5440, R. S. Case pending.

17. *United States v. E. H. Stafford Manufacturing Company et al.*—July 10, 1907, indictment returned in the District Court for the Northern District of Illinois charging a violation of the Sherman Anti-trust law by engaging in a combination in restraint of trade in the manufacture and sale of school and church furniture. Case pending.

18. *United States v. H. D. Corbett Stationery Company et al.*—November 1, 1907, indictment returned in the District Court for the District of Arizona charging a combination in restraint of trade. November 4, 1907, demurrer filed. November 14, 1907, demurrers sustained and defendants referred to next grand jury.

19. *United States v. Union Pacific Coal Company et al.*—November 20, 1907, indictment returned in the District Court for the District of Utah, charging a conspiracy to violate and for a violation of the Sherman Act. January 6, 1908, demurrer filed. March 2, 1908, demurrer sustained as to first count and overruled as to second count. Case pending.

20. *United States v. Chas. L. Simmons et al.*—January 20, 1908, indictment returned in the District Court for the Southern District of Alabama charging a combination in restraint of trade and commerce in the matter of the manufacture and sale of plumbers supplies. Pending.

21. *United States v. E. J. Ray et al.*—February 14, 1908, indictment returned in the Circuit Court for the Eastern District of Louisiana against seventy-two laborers charging a combination and conspiracy in restraint of foreign trade and commerce, in violation of the Sherman Act. Case pending.

22. *United States v. E. J. Ray et al.*—February 15, 1908, indictment returned in the Circuit Court for the Eastern District of Louisiana against seventy-two laborers charging a combination and conspiracy in restraint of interstate trade and commerce, in violation of the Sherman Act. Case pending.

23. *United States v. Joseph Stiefvater et al.*—February 15, 1908, indictment returned in the United States Circuit Court for the Eastern District of Louisiana, charging a combination in restraint of trade and commerce in the matter of the manufacture and sale of plumbers' supplies. Case pending.

24. *United States v. American Naval Stores Company et al.*—April 11, 1908, indictment returned in the United States Circuit Court for the Southern District of Georgia charging a combination in restraint of trade and commerce in the matter of the manufacture and sale of turpentine. Case pending.

25. *United States v. John H. Parks et al.*—June 16, 1908, indictment returned in the Circuit Court of the United States for the Southern District of New York, charging a combination in restraint of trade in the matter of the manufacture and sale of paper. June 19, 1908, defendants plead guilty and sentenced to pay fines aggregating \$50,000 which were paid. Case against John H. Parks pending.

SUMMARY OF CASES UNDER ANTITRUST LAWS.

President Harrison's Administration, 1889-1893.

4 bills in equity:
 3 injunctions granted.
 1 dismissed.
 3 indictments:
 1 quashed.
 1 demurrer sustained.
 1 discontinued.

President Cleveland's Second Administration, 1893-1897.

- 4 bills in equity:
 3 injunctions granted.
 1 dismissed.
- 2 informations (for contempt in violating injunctions):
 1 quashed.
 1 conviction.
- 2 indictments:
 1 quashed.
 1 dismissed.

President McKinley's Administration, 1897-1901 (September 14).

- 3 bills in equity:
 2 injunctions granted.
 1 dismissed.

President Roosevelt's Administration, September 14, 1901, to ———.**SUMMARY OF CIVIL CASES.**

- 18 bills in equity:
 8 injunctions granted.
 1 dismissed.
 9 pending.
- 1 forfeiture proceeding:
 Pending.

SUMMARY OF CRIMINAL CASES.

- 25 indictments:
 8 convictions.
 2 pleas in bar sustained.
 1 quashed.
 1 demurrer sustained.
 1 acquittal.
 12 pending.
- 2 proceedings for contempt in refusing to testify before grand jury: Convictions.
 Total fines imposed, \$147,000.

CIVIL AND CRIMINAL CASES INSTITUTED BY THE UNITED STATES UNDER THE ACT TO REGULATE COMMERCE, AS AMENDED, AND THE ELKINS ACT.

CASES UNDER THE ACT TO REGULATE COMMERCE.

[Approved February 4, 1887; took effect April 5, 1887.]

President Cleveland's First Administration, March 4, 1885—March 4, 1889.

[AUGUSTUS H. GARLAND, Attorney-General, March 6, 1885, to March 5, 1889.]

1. *United States v. Tozer* (District Court, Missouri).—March 8, 1888, indictment found for giving rebates; December 17, 1892, indictment nol-prossed.

President Harrison's Administration, March 4, 1889, to March 4, 1893.

[WILLIAM H. MILLER, Attorney-General, March 5, 1889, to March 6, 1893.]

1. *United States v. Mich. Cent. R. Co. et al.* (District Court, Illinois).—May 10, 1890, indictment found for charging less than tariff rates; June 23, 1890, Street found guilty and fined \$3,000; others acquitted or discharged.

2. *United States v. Morsman* (District Court, Missouri).—May 9, 1890, indictment found for undue prejudice in transporting goods by express; May 21, 1890, indictment quashed.

3. *United States v. L. S. & M. S. R. Co.* (District Court, Ohio).—October 15, 1890, indictment found for failure to post tariffs; November 15, 1892, indictment nol-prossed.

4. *United States v. C., C. and S. R. Co.* (District Court, Ohio).—October 15, 1890, indictment found for failure to post tariffs; November 15, 1892, indictment quashed.

5. *United States v. N. Y., L. E. and W. R. Co.* (District Court, Ohio).—October 15, 1890, indictment found for failure to post tariffs; November 15, 1892, indictment nol-prossed.

6. *United States v. C., C., C. and St. L. Rwy. Co.* (District Court, Ohio).—October 15, 1890, indictment found for failure to post tariffs; November 15, 1902, indictment nol-prossed.

7. *United States v. Brine et al.* (District Court, Ohio).—October 15, 1890, proceeding for contempt; October 16, 1890, rule discharged.

8. *United States v. Johnson* (District Court, Illinois).—December 5, 1890, indictment found for charging less than tariff rates; November 22, 1892, indictment nol-prossed.

9. *United States v. Egan* (District Court, Illinois).—December 5, 1890, indictment found for charging less than tariff rates; November 22, 1892, indictment nol-prossed.

10. *United States v. Miller* (District Court, Illinois).—December 5, 1890, indictment found for charging less than tariff rates; April 5, 1893, indictment nol-prossed.

11. *United States v. Miller* (District Court, Illinois).—December 5, 1890, indictment found for charging less than tariff rates; November 22, 1892, verdict of acquittal.

12. *In re Counselman* (District Court, Illinois).—December 11, 1890, application for habeas corpus denied; January 11, 1892, appellant discharged from custody by order of United States Supreme Court.

13. *In re Peasley* (District Court, Illinois).—December 11, 1890, application for habeas corpus denied; January 11, 1892, prisoner discharged, following the Counselman case.

14. *United States v. Edmundson* (District Court, Missouri).—December 17, 1890, indictment found for false report of weight; June 8, 1891, prisoner plead guilty, and fined \$100 on each count.

15. *United States v. Egan et al* (District Court, Minnesota).—January 22, 1891, indictment found for selling tickets at less than published rates; July 9, 1891, verdict of acquittal directed by the court.

16. *United States v. McCormick* (District Court, Maryland).—March 16, 1891, indictment for false billing; May 13, 1891, verdict of guilty; fined \$100.

17. *United States v. Stimson et al.* (District Court, Indiana).—March 28, 1891, indictment found for charging less than tariff rates; December 7, 1892, indictment nol-prossed.

18. *United States v. Howell et al.* (District Court, Missouri).—April 10, 1891, indictment found for false weighing; July 21, 1892, Howell and Tibbits found guilty; each fined \$2,000 and sentenced to prison for eighteen months; both pardoned.

19. *United States v. Rogers* (District Court, Tennessee).—June 4, 1891, indictment found for false billing; December 19, 1891, indictment nol-prossed.

20. *United States v. Robertson* (District Court, Tennessee).—June 4, 1891, indictment found for inducing to discriminate; December 19, 1891, indictment nol-prossed.

21. *United States v. Dorr* (District Court, Tennessee).—June 4, 1891, indictment found for inducing to discriminate; December 19, 1891, indictment nol-prossed.

22. *United States v. Keyer* (District Court, Tennessee).—June 4, 1891, indictment found for inducing to discriminate; December 19, 1891, verdict of acquittal.

23. *United States v. Knight* (District Court, Illinois).—July 1, 1891, indictment found for charging less than tariff rates; February 29, 1892, indictment quashed.

24. *United States v. Kehlror* (District Court, Illinois).—July 1, 1891, indictment found for inducing to discriminate; February 29, 1892, indictment quashed.

25. *United States v. Knight et al.* (District Court, Missouri).—September 7, 1891, indictment found for charging less than tariff rates; April 23, 1894, indictment quashed.

26. *United States v. Fowkes et al.* (District Court, Missouri).—October 31, 1891, indictment found for giving rebates; December 14, 1893, verdict of not guilty by direction of court as to all defendants except Fowkes; January 15, 1894, indictment nol-prossed and Fowkes discharged.

27. *United States v. Crane et al.* (District Court, Missouri).—October 31, 1891, indictment found for charging less than tariff rates; December 15, 1893, indictment nol-prossed.

28. *United States v. Knight et al.* (District Court, Missouri).—October 31, 1891, indictment found for charging less than tariff rates; February 4, 1895, indictment nol-prossed.

29. *United States v. Field et al.* (District Court, Missouri).—October 31, 1891, indictment found for charging less than tariff rates; October 29, 1895, nol-prossed as to some; others found not guilty; Field plead guilty; fined \$1 and costs.

30. *United States v. Wyckoff et al.* (District Court, Missouri).—October 31, 1891, indictment found for charging less than tariff rates; February 4, 1895, indictment nol-prossed.

31. *United States v. Firmenich et al.* (District Court, Illinois).—November 18, 1891, indictment found for inducing to discriminate; November 22, 1892, indictment nol-prossed.

32. *United States v. Swift et al.* (District Court, Illinois).—November 18, 1891, indictment found for inducing to discriminate; November 22, 1892, indictment nol-prossed.

33. *United States v. Spriggs* (District Court, Illinois).—November 18, 1891, indictment found for charging less than tariff rates; May 9, 1894, indictment dismissed.

34. *United States v. Mellen et al.* (District Court, Kansas).—April 27, 1892, indictment found for conspiring to discriminate; April 11, 1894, indictment quashed as to bar; nol-prossed as to others.

35. *United States v. Mellen et al.* (District Court, Kansas).—April 27, 1892, indictment found for conspiring to discriminate; April 11, 1894, indictment nol-prossed.

36. *In re Brimson et al* (Circuit Court, Illinois).— ———, 1892, application for order to answer questions denied; May 26, 1894, Supreme Court reversed Circuit Court and remanded cause for further proceedings.

37. *United States v. Fell* (District Court, Illinois).—May 13, 1892, indictment found for giving rebates; July 31, 1894, indictment nol-prossed.

38. *United States v. Farrell et al.* (District Court, Nebraska).—May 25, 1892, indictment found for inducing to discriminate; June 13, 1892, nol-prossed as to Sharp and verdict of not guilty as to Farrell.

39. *United States v. Sharp* (District Court, Nebraska).—May 25, 1892, indictment found for inducing to discriminate; June 13, 1892, verdict of guilty; fined \$25 and costs.

40. *Interstate Commerce Commission v. B. and O. R. Co.* (Circuit Court, Ohio).—May —, 1890, petition filed in Circuit Court to enforce an order of the Commission declaring certain party rates illegal; August —, 1890, Circuit Court dismissed the petition; May —, 1892, Supreme Court sustained the Circuit Court.

41. *Interstate Commerce Commission v. A., T. and S. F. R. Co. et al.* (Circuit Court, California).—April —, 1891, petition filed to enforce order of the Commission in regard to the San Bernardino long and short haul case; April —, 1892, petition dismissed; May 1, 1893, remanded by Supreme Court to Circuit Court of Appeals, and subsequently discontinued.

42. *Interstate Commerce Commission v. L. V. R. Co. et al.* (Circuit Court, Pennsylvania).—May —, 1891, petition filed to enforce order of the Commission in the Coxe Brothers coal case; May —, 1896, petition dismissed; October 1, 1897, discontinued in the Circuit Court of Appeals.

43. *Interstate Commerce Commission v. C., N. O. and T. P. R. Co. et al.* (Circuit Court, Georgia).—October —, 1891, petition filed to enforce order of Commission in the Social Circle long and short haul case; June —, 1893, petition dismissed by Circuit Court; May —, 1894, Circuit Court of Appeals sustained the Commission on two questions and the Circuit Court on one question; March —, 1896, Supreme Court sustained Circuit Court of Appeals.

44. *Interstate Commerce Commission v. Ga. R. Co.* (Circuit Court, Georgia).—November —, 1891, petition filed to enforce order of Commission in regard to unjust discrimination because of color; —, 1899, case discontinued.

45. *Interstate Commerce Commission v. D., G. H. and M. R. Co. et al.* (Circuit Court, Michigan).—November —, 1891, petition filed to enforce order of Commission in regard to unjust discrimination by granting free cartage; October —, 1893, Circuit Court decreed enforcement of Commission's order; April —, 1896, Circuit Court of Appeals reversed the Circuit Court; May —, 1897, Supreme Court sustained Circuit Court of Appeals.

46. *Interstate Commerce Commission v. T. and P. R. Co. et al.* (Circuit Court, New York).—January —, 1892, petition filed to enforce order of Commission in the Import Rate case; October —, 1892, Circuit Court decreed enforcement of Commission's order; October —, 1893, Circuit Court of Appeals sustained the Circuit Court; March —, 1896, Supreme Court reversed courts below.

47. *Interstate Commerce Commission v. N. Y., P. and N. R. R. Co. et al.* (Circuit Court, Virginia).—August —, 1892, petition filed to enforce order of Commission in the Delaware Grange case; —, 1893, petition dismissed.

48. *Interstate Commerce Commission v. Mo. Pac. R. Co. et al.* (Circuit Court, North Dakota).—August —, 1892, petition filed to enforce order of the Commission in the Fargo long and short haul sugar case; case still pending.

President Cleveland's Second Administration, March 4, 1893, to March 4, 1897.

[RICHARD OLNEY, Attorney-General, March, 6, 1893, to June 7, 1895; JUDSON HARMON, Attorney-General, June 8, 1895, to March 5, 1897.]

1. *Interstate Commerce Commission v. L. and N. R. Co. et al.* (Circuit Court, Tennessee).—March —, 1893, petition filed to enforce order of the Commission in the Nashville coal case; April —, 1896, petition dismissed; —, 1901, case discontinued in Circuit Court of Appeals.

2. *Interstate Commerce Commission v. L. and N. R. Co. et al.* (Circuit Court, Ohio).—March —, 1893, petition filed to enforce order of the Commission in the Gerke long and short haul beer case; —, 1901, case discontinued.

3. *United States v. Calder et al.* (District Court, Washington).—July 12, 1893, indictment found for discrimination in sale of tickets; June 27, 1894, indictment dismissed.

4. *United States v. Fraser and Wight* (District Court, Pennsylvania).—October 16, 1894, indictment found for carrying at less than tariff rates; May 18, 1895, nol-prossed as to Fraser and verdict of guilty as to Wight, who was fined \$1,000; May 24, 1897, verdict sustained by Supreme Court.

5. *United States v. Fraser and Wight* (District Court, Pennsylvania).—October 16, 1894, indictment found for giving rebates; May 18, 1895, indictment nol-prossed.

6. *United States v. Fraser and Wight* (District Court, Pennsylvania).—October 18, 1894, indictment found for giving rebates; May 18, 1895, indictment nol-prossed.

7. *United States v. Means* (District Court, Pennsylvania).—October 18, 1894, indictment found for giving rebates; May 6, 1895, plead nolo contendere and fined \$500.

8. *United States v. Means* (District Court, Pennsylvania).—October 18, 1894, indictment found for carrying at less than tariff rates; May 6, 1895, plead nolo contendere and fined costs.

9. *United States v. Hanley and Reinhart* (District Court, Illinois).—October 19, 1894, indictment found for giving rebates; January 6, 1897, nol-prossed as to Reinhart; January 9, 1897, verdict of not guilty as to Hanley.

10. *United States v. Thompson* (District Court, Illinois).—October 19, 1894, indictment for inducing to discriminate; January 20, 1896, indictment quashed.

11. *United States v. Morris* (District Court, Illinois).—October 29, 1894, indictment for inducing to discriminate; January 20, 1896, indictment quashed.

12. *United States v. Jenkins* (District Court, Illinois).—October 19, 1894, indictment found for inducing to discriminate; January 20, 1896, indictment quashed.

13. *Interstate Commerce Commission v. E. T., V. & G. R. Co. et al.* (Circuit Court, Tennessee).—April —, 1893, petition filed to enforce order of the Commission in the Chattanooga long and short haul case; February —, 1898, Circuit Court decreed enforcement of Commission's order; November —, 1899, Circuit Court of Appeals sustained the Circuit Court; April —, 1901, Supreme Court reversed courts below.

14. *Interstate Commerce Commission v. W. & A. R. Co. et al.* (Circuit Court, Georgia).—May —, 1893, petition filed to enforce order of the Commission in the Georgia Railway Commission case; June —, 1898, petition dismissed; March —, 1899, Circuit Court of Appeals affirmed Circuit Court; April —, 1901, Supreme Court affirmed courts below.

15. *Interstate Commerce Commission v. Clyde S. S. Co. et al.* (Circuit Court, Georgia).—This case took same course as above case.

16. *Interstate Commerce Commission v. Clyde S. S. Co. et al.* (Circuit Court, Georgia).—This case took same course as above case.

17. *Interstate Commerce Commission v. Ocean S. S. Co. et al.* (Circuit Court, Georgia).—May —, 1893, petition filed to enforce order of the Commission in the Georgia Railway Commission case; ———, 1901, case discontinued.

18. *Interstate Commerce Commission v. C., N. O. and T. P. R. Co. et al.* (Circuit Court, Georgia).—Same history as above case.

19. *Interstate Commerce Commission v. C., M. and St. P. R. Co. et al.* (Circuit Court, Minnesota).—July —, 1893, petition filed to enforce order of the Commission in regard to relative wheat rates from Dakotas to Minneapolis; ———, 1893, modified order of Commission complied with, and case discontinued.

20. *Interstate Commerce Commission v. Ala. Mid. R. Co. et al.* (Circuit Court, Alabama).—January —, 1894, petition filed to enforce order of the Commission in regard to the Troy long and short haul case; July —, 1895, petition dismissed; June —, 1896, Circuit Court of Appeals affirmed Circuit Court; November —, 1897, Supreme Court affirmed courts below.

21. *Interstate Commerce Commission v. C., N. O. and T. P. R. Co. et al.* (Circuit Court, Ohio).—September —, 1894, petition filed to enforce order of the Commission in the Chicago and Cincinnati Freight Bureaus cases; October —, 1896, petition dismissed; October —, 1896, case certified to Supreme Court by Circuit Court of Appeals; May —, 1897, Supreme Court affirmed the Circuit Court.

22. *United States ex rel. v. Mo. Pac. R. Co. et al.* (Circuit Court, Kansas).—July 26, 1896, original proceedings to restrain defendants from discriminating in rates against Wichita, Kans.; July —, 1897, injunction granted; May 23, 1900, Circuit Court of Appeals affirmed decree of Circuit Court; March 9, 1903, Supreme Court reversed Circuit Court of Appeals and remanded case to Circuit Court for further proceedings. This case also construed for the first time certain sections of the Elkins law, which had just been passed.

23. *In re Brown* (Circuit Court, Pennsylvania).—May 6, 1895, adjudged guilty of contempt; November —, 1895, application for habeas corpus denied; March 23, 1896, Supreme Court affirmed the Circuit Court in its action whereby Brown was ordered to jail for refusing to testify on the ground of self-crimination.

24. *United States v. Huntington* (District Court, California).—March 22, 1895, indictment found for issuing free passes; August 14, 1895, indictment nol-prossed.

25. *United States v. Huntington* (District Court, California).—March 26, 1895, indictment found for issuing free passes; August 14, 1895, indictment nol-prossed.

26. *United States ex rel. v. N. Y. and T. S. S. Co.* (Circuit Court, New York).— ———, 1893, petition for mandamus to compel filing of annual report; ———, 1897, petition dismissed.

27. *United States v. Judd and Watkins* (District Court, Missouri).—May 1, 1896, indictment found for false billing; May 12, 1896, Judd plead guilty and was fined \$350; October —, 1896, verdict of not guilty as to Watkins.

28. *United States v. Thorne and Sargent* (District Court, Louisiana).—January 21, 1897, indictment found for departure from published rates; ———, 1897, plead guilty and each fined \$4,000.

29. *United States v. De Coursey* (District Court, New York).—September 23, 1896, indictment found for giving rebates; September 26, 1899, indictment nol-prossed.

30. *United States v. Reid et al.* (District Court, Kansas).—September 20, 1896, indictment found for false billing; April 12-24, 1897, indictment nol-prossed.

31. *United States v. Reid et al.* (District Court, Kansas).—September 24, 1896, indictment found for false billing; April 12–24, 1897, indictment nol-prossed.

32. *United States v. Buerger et al.* (District Court, Wisconsin).—February 19, 1896, indictment found for false billing; February 12, 1897, indictment nol-prossed.

33. *United States v. Dick and Blair* (District Court, Pennsylvania).—October 22, 1896, indictment found for charging less than tariff rates; May 2, 1898, defendants plead nolo contendere and fined \$50 each.

34. *Interstate Commerce Commission v. N. E. R. Co. et al.* (Circuit Court, South Carolina).—January —, 1896, petition filed to enforce order of Commission in the Truck Farmers' strawberry case; April —, 1896, petition dismissed; November —, 1897, Circuit Court of Appeals affirmed the Circuit Court; no appeal.

35. *Interstate Commerce Commission v. So. Pac. Co. et al.* (Circuit Court, Colorado).—March 30, 1896, petition filed to enforce order of the Commission in regard to unjust discrimination in rates on iron from Pueblo, Colo., to Pacific coast points; May —, 1896, plea to jurisdiction overruled. Subsequently the order of the Commission was substantially complied with and the case was discontinued.

36. *Interstate Commerce Commission v. W. N. Y. and P. R. Co. et al.* (Circuit Court, Pennsylvania).—May —, 1896, petition filed to enforce order of the Commission in the Titusville oil cases; still pending.

37. *Interstate Commerce Commission v. So. Ry. Co. et al.* (Circuit Court, Alabama).—November 14, 1896, petition filed to enforce order of Commission in the Piedmont long and short haul case; November —, 1900, petition dismissed; ——— —, 1901, case discontinued in Circuit Court of Appeals.

38. *Interstate Commerce Commission v. So. Ry. Co. et al.* (Circuit Court, Alabama).—Same history as above case.

39. *United States ex rel. v. B., Z. & C. R. Co.* (Circuit Court, Ohio).— ——— —, 1896, petition for mandamus to compel filing of annual reports; January 11, 1897, petition dismissed.

40. *United States ex rel. v. Seaboard R. Co.* (Circuit Court, Alabama).— ——— —, 1896, petition for mandamus to compel filing of annual reports; July 2, 1897, mandamus granted.

41. *United States ex rel. v. C., K. and S. R. Co.* (Circuit Court, Michigan).— ——— —, 1896, petition for mandamus to compel filing of annual reports; June 23, 1897, petition dismissed.

(NOTE.—At the same time 61 other suits were brought in various United States courts to compel carriers to file annual reports with the Commission, but these cases were subsequently discontinued because the carriers agreed to file reports.)

President McKinley's Administration, March 4, 1897, to September 14, 1901.

[JOSEPH MCKENNA, Attorney-General, March 5, 1897, to June 25, 1898; JOHN W. GRIGGS, Attorney-General, June 25, 1898, to March 29, 1901; PHILANDER C. KNOX, Attorney-General, April 5, 1901, to June 30, 1904.]

1. *United States v. Stubbs et al.* (District Court, Louisiana).—April —, 1897, indictment found for giving rebates. (Still pending.)

(NOTE.—Eleven other indictments were found in the same district against the same parties in June, 1898.)

2. *United States v. Papy and Menzies* (District Court, Florida).—December 22, 1897, indictment found for departure from published rates; January 26, 1898, indictment quashed as to Menzies; January 26, 1898, Papy plead guilty; fined \$350.

3. *United States v. Pennington and Pleasants* (District Court, Florida).—December 28, 1897, indictment found for departure from published rates; January 17, 1898, indictment quashed as to Pleasants; January 19, 1898, Pennington plead guilty; fined \$350.

4. *Interstate Commerce Commission v. L. & N. R. R. Co. et al.* (Circuit Court, Alabama).—July 23, 1897, petition filed to enforce order of the Commission in the La Grange long and short haul case; December —, 1899, injunction granted; May —, 1900, Circuit Court of Appeals reversed Circuit Court; May 18, 1903, Supreme Court affirmed decision of Circuit Court of Appeals.

5. *United States v. Belknap et al.* (District Court, Texas).—June 5, 1899, indictment found for false billing; ——— —, 1900, indictment nol-prossed.

6. *United States v. Price et al.* (District Court, Kentucky).—April 18, 1899, indictment found for conspiracy to violate act to regulate commerce; March 2, 1900, indictment nol-prossed.

7. *United States v. Price* (District Court, Kentucky).—April 19, 1899, indictment found for obstructing administration of the act to regulate commerce; March 1, 1900, plead guilty and fined \$500.

8. *United States v. Price* (District Court, Kentucky).—March 1, 1900, indictment found for false billing; March 1, 1900, plead guilty and fined \$1,000.

9. *United States v. Ault et al.* (District Court, Texas).—June —, 1899, indictment found for false billing; 1899, Circuit Court granted order of removal from Kentucky; October 2, 1900, Circuit Court reversed by Circuit Court of Appeals and defendants discharged.

10. *United States v. Shotter et al.* (District Court, Georgia).—December 11, 1899, indictment found for false weighing; March 9, 1900, two other indictments consolidated with this case; March 9, 1900, Shotter plead guilty and was fined \$1,000; nol-prossed as to each of the other defendants.

11. *United States v. Joint Traffic Association* (Circuit Court, New York).—January 8, 1896, petition filed to declare among other things the Traffic Association illegal, because violative of the pooling section of the act to regulate commerce; May 28, 1896, petition dismissed; March 19, 1897, Circuit Court of Appeals affirmed Circuit Court; October 24, 1898, Supreme Court declared combination illegal.

12. *Interstate Commerce Commission v. C., B. and Q. R. Co. et al.* (Circuit Court, Illinois).—March —, 1899, petition filed to enforce order of the Commission in the Cattle Raisers' Terminal case; December —, 1899, petition dismissed; June —, 1900, Circuit Court of Appeals affirmed Circuit Court; June —, 1902, Supreme Court affirmed the courts below, but without prejudice as to further proceedings; case still pending before the Commission.

13. *Interstate Commerce Commission v. N. C. and St. L. R. Co. et al.* (Circuit Court, Florida).—November 2, 1900, petition filed to enforce order of Commission in the Hampton long and short haul case; April 16, 1902, petition dismissed; February 24, 1903, Circuit Court of Appeals sustained Circuit Court; November 1, 1904, discontinued in Supreme Court by stipulation.

14. *Interstate Commerce Commission v. L. and N. R. Co. et al.* (Circuit Court, Georgia).—June 9, 1900, petition to enforce order of the Commission in the Pensacola naval stores case; July —, 1902, injunction granted; no appeal.

15. *Interstate Commerce Commission v. So. Pac. Co. et al.* (Circuit Court, California).—June —, 1900, petition filed to enforce order of the Commission in the Kearney long and short haul case; November 26, 1904, petition dismissed; no appeal.

President Roosevelt's Administration, September 14, 1901—

[PHILANDER C. KNOX, Attorney-General, April 5, 1901, to June 30, 1904; WILLIAM H. MOODY, Attorney-General, July 1, 1904, to December 16, 1906; CHARLES J. BONAPARTE, Attorney-General, December 17, 1906, to —.]

CIVIL AND CRIMINAL CASES INSTITUTED UNDER INTERSTATE COMMERCE ACT PRIOR TO THE PASSAGE OF THE ELKINS ACT.

1. *United States v. L. and N. R. Co.* (District Court, Kentucky).—March 14, 1902, indictment found for charging less than established rates; October 12, 1903, indictment nol-prossed.

2. *United States v. Ill. C. R. Co. et al.* (District Court, Tennessee).—May 28, 1902, indictment found for pooling; August 15, 1905, suit dismissed.

3. *United States v. Harrahan et al.* (District Court, Tennessee).—June 20, 1902, indictment found for pooling; August 15, 1905, indictment nol-prossed.

4. *United States v. W. and A. R. Co. et al.* (District Court, Georgia).—June 20, 1902, indictment found for pooling; July 1, 1905, indictment nol-prossed.

5. *United States v. Capps et al.* (District Court, Georgia).—June 20, 1902, indictment found for pooling; July 1, 1905, indictment nol-prossed.

6. *United States v. Whitcomb et al.* (District Court, Minnesota).—September 4, 1902, indictment found for charging less than established rates; March —, 1903, indictment nol-prossed.

7. *United States v. A., T. and S. F. Ry. Co.* (Circuit Court, Western District, Missouri).—March 18, 1902, petition filed to enjoin departure from published tariff rates on certain commodities from Missouri River points to Atlantic seaboard; March 25, 1902, temporary injunction granted; June 2, 1902, demurrer filed; May 8, 1903, demurrer overruled; May 25, 1903, answer filed; May 10, 1907, dismissed by plaintiff without prejudice.

(NOTE.—Similar proceedings at the same time, in the same court, were taken against the following railroads: C., R. I. and P. Rwy. Co., May 4, 1908, dismissed by plaintiff without prejudice; C., B. and Q. Rwy. Co., May 10, 1907, dismissed by plaintiff without prejudice; C., M. and St. P. Rwy. Co., May 10, 1907, dismissed by plaintiff without prejudice; C. and A. Rwy. Co., May 10, 1907, dismissed by plaintiff without prejudice; C. G. W. Rwy. Co., May 10, 1907, dismissed by plaintiff without prejudice; M. P. Rwy. Co., May 9, 1908, dismissed by plaintiff without prejudice; Wabash Rwy. Co., May 4, 1908, dismissed by plaintiff without prejudice.)

8. *Interstate Commerce Commission v. L. and N. R. Co. et al.* (Circuit Court, Georgia).—August 4, 1902, petition filed to enforce order of the Commission in the Tifton long and short haul case; March —, 1904, defendants complied with Commission's order; petition dismissed, defendants paying costs.

9. *Interstate Commerce Commission v. C. P. and V. R. Co. et al.* (Circuit Court, North Carolina).—August 16, 1902, petition filed to enforce order of the Commission in Wilmington Tariff Association case; August —, 1903, petition dismissed; no appeal.

10. *Interstate Commerce Commission v. So. Pac. Co. et al.* (Circuit Court, California).—August 21, 1902, petition filed to enforce order of the Commission in the orange routing cases; September 6, 1904, injunction granted; February 26, 1906, Supreme Court reversed Circuit Court.

11. *Interstate Commerce Commission v. L. S. and M. S. R. Co. et al.* (Circuit Court, Ohio).—March 19, 1903, petition filed to enforce order of the Commission in the National Hay Association case; January 27, 1905, petition dismissed; May 21, 1906, Supreme Court affirmed Circuit Court.

12. *United States ex rel. v. L. S. and M. S. R. Co.* (Circuit Court, Ohio).—November 18, 1903, petition to compel filing of annual reports; —, 1904, petition dismissed; April 10, 1905, Supreme Court affirmed decision of Circuit Court.

13. *United States ex rel. v. N. Y. C. and H. R. R. Co.* (Circuit Court, New York).—November 28, 1903, petition to compel filing of annual reports; —, 1905, case discontinued.

14. *United States ex rel. v. B. and M. Co.* (Circuit Court, Massachusetts).—November 29, 1903, petition to compel filing of annual reports; —, 1905, case discontinued.

15. *Interstate Commerce Commission v. C. H. and D. R. Co. et al.* (Circuit Court, Ohio).—July 20, 1904, petition filed to enforce order of the Commission in the Proctor & Gamble Soap case; November 22, 1905, injunction granted. Appeal to Supreme Court; May 13, 1908, decree affirmed by Supreme Court.

16. *Interstate Commerce Commission v. C. G. W. R. Co. et al.* (Circuit Court, Illinois).—April 29, 1905, petition filed to enforce order of the Commission in Chicago Live Stock Exchange case; November 20, 1905, petition dismissed.

17. *Interstate Commerce Commission v. So. Ry. Co. et al.* (Circuit Court, Virginia).—April 1, 1901, petition filed to enforce order of Commission as to unreasonable rates to Danville, Va.; August —, 1902, petition dismissed; May —, 1903, Circuit Court of Appeals sustained Circuit Court; November 1, 1904, discontinued in Supreme Court by stipulation.

18. *Interstate Commerce Commission v. So. Pac. Co. et al.* (Circuit Court, California).—April —, 1905, petition filed to enforce order of Commission in the California orange rate case; still pending.

19. *Interstate Commerce Commission v. Ill. Cent. R. R. Co. et al.* (Circuit Court, Louisiana).—June —, 1905, petition filed to enforce order of the Commission in Central Yellow Pine Lumber Association case; case still pending.

20. *Interstate Commerce Commission v. M. and O. R. Co.* (Circuit Court, Mississippi).—July —, 1905, petition filed to enforce order of the Commission in the Aberdeen Group Commercial Association case; case still pending.

21. *United States v. L. and N. R. Co.* (District Court, Kentucky).—March 14, 1902, indictment found for charging less than established rates; October 12, 1903, indictment nol-prossed.

CIVIL CASES INSTITUTED UNDER ELKINS ACT.

(Approved and effective February 19, 1903.)

1. *United States v. C. and N. W. R. Co.* (Circuit Court, Illinois).—March 20, 1902, petition filed to enjoin departure from published tariff rates on certain commodities from Missouri River points to Atlantic seaboard; March 24, 1902, temporary injunction granted; April 24, 1903, amended temporary injunction granted so as to be issued under the Elkins law; June 2, 1903, answer filed; June 19, 1903, referred to master to take testimony.

(NOTE.—Similar proceedings at the same time in the same court were taken against the following railroads: Illinois Central Railroad Company, Michigan Central Railroad Company, Pennsylvania Company, P., C., C. and St. L. Rwy. Co., and Lake Shore and Michigan Southern Rwy. Co.)

2. *Interstate Commerce Commission v. Baird et al.* (Circuit Court, New York).—April 22, 1903, Baird and others, agents of certain coal roads, declined to give testimony before the Commission in the Hearst anthracite coal-rate investigation; June 12, 1903, Circuit Court denied the motion to require defendants to answer the questions; April 4, 1904, Supreme Court reversed the Circuit Court and remanded the cause for further proceedings. In this case further construction of the Elkins law was made.

3. *United States v. C. and O. R. Co. et al.* (Circuit Court, Virginia).—July 13, 1903, petition filed under the interstate-commerce act and Elkins law to restrain the Chesapeake and Ohio from giving preferences and rebates in coal rates to the N. Y., N. H. and H. R. Company; February 19, 1904, injunction granted; February 19, 1906, Supreme Court affirmed Circuit Court.

4. *United States ex rel. v. D. and H. Co.* (Circuit Court, Massachusetts).—November 17, 1903, petition to compel filing of annual reports; ———, 1905, case discontinued.

5. *Interstate Commerce Commission v. C. G. W. R. Co. et al.* (Circuit Court, Illinois).—July 17, 1905, petition filed under the Elkins Act to enforce order of the Commission in Chicago Live-Stock Exchange case; November 20, 1905, petition dismissed.

6. *In re Reichman* (District Court, Illinois).— ———, 1905, Reichman, an officer of Street's Western Car Lines, refused to answer certain questions put to him by Commission. The proceedings involved excessive charges of private car lines. Reichman contended that Elkins Act did not apply to private car lines; ———, 1905, proceedings instituted in court to compel Reichman to testify; February 27, 1906, court ordered Reichman to answer the questions, and construed the Elkins Act against his contention.

7. *United States v. Milwaukee Refrigerator Transit Company et al.* (Circuit Court, Wisconsin).— ———, 1905, petition filed under the Elkins law for an injunction to prevent payment of rebates on shipments of beer; May 31, 1906, Circuit Court granted injunction as to all defendants except the Pabst Brewing Company. The other defendants were the Pere Marquette Railroad Company, Erie Railroad Company, Chicago, Rock Island and Pacific Railroad Company, St. Louis and San Francisco Railroad Company, Wisconsin Central Railroad Company, and Chicago and Alton Railroad Company.

8. *United States v. Chicago, Indianapolis and Louisville Railway Company* (Circuit Court, Northern Illinois).—June 19, 1907, petition filed under section 3 of the Elkins Act to enjoin said company from deviating from its published tariffs. Case pending.

9. *United States v. United States Express Company et al.* (Circuit Court, Northern Illinois).—July 2, 1907, petitions filed under section 2 of the Elkins Act to test law with reference to the issuance of franks by said companies; July 2, 1907, stipulations and answers filed; April 22, 1908, injunction granted prohibiting the issuance of franks, except as provided for in the act; operation of injunction suspended until December, 1908, to allow Supreme Court to pass on the question; May 18, 1908, appealed to Supreme Court.

10. *United States v. Missouri Pacific Railway Company et al.* (Circuit Court, Western Missouri).—July 11, 1908, petition filed under section 20 of the Hepburn Act for mandatory injunction to restrain defendants from departing from their tariff on grain originating west of the Missouri River. Case pending.

11. *United States v. Missouri Pacific Railway Company et al.* (Circuit Court, Western Missouri).—July 11, 1908, information filed under section 20 of the Hepburn Act for writ of mandamus compelling the defendants to adhere to their tariffs on grain. Case pending.

CRIMINAL CASES INSTITUTED UNDER ELKINS ACT.

1. *United States v. Weil et al.* (District Court, Illinois).—July 1, 1905, indictment found for conspiracy to obtain rebates contrary to the interstate commerce and Elkins acts on shipments of cattle and packing-house products from Chicago to New York; September —, 1905, defendants severally pleaded guilty and were sentenced to pay fines aggregating \$25,000. Fines paid.

2. *United States v. Price & Wells* (District Court, Kentucky).—October 13, 1905, indictment found for conspiracy to violate the interstate commerce and Elkins acts. March 13, 1906, plead guilty and each fined \$1,025. Fine paid.

3. *United States v. Zorn et al.* (District Court, Kentucky).—October 24, 1905, indictment found for receiving rebates under the act to regulate commerce and the Elkins law. January 17, 1906, defendants plead guilty and each was fined \$1,025. Paid.

4. *United States v. G. N. R. R. Co.* (District Court, Pennsylvania).—December 11, 1905, indictment found under the interstate commerce and Elkins acts for granting rebates on iron pipe from points in New Jersey and Pennsylvania to Winnipeg, Canada. Case still pending.

5. *United States v. Campbell* (District Court, Pennsylvania).—December 11, 1905, indictment found under the interstate commerce and Elkins acts for granting rebates on iron pipe from points in New Jersey and Pennsylvania to Winnipeg, Canada. Case still pending.

6. *United States v. R. D. Wood & Co.* (District Court, Pennsylvania).—December 11, 1905, indictment found under the interstate commerce and Elkins acts for receiving rebates on iron pipe from points in New Jersey and Pennsylvania to Winnipeg, Canada: April 2, 1906, verdict of not guilty as to Walter Wood and Stuart Wood.

7. *United States v. Lake* (District Court, Pennsylvania).—December 11, 1905, indictment found under the interstate commerce and Elkins acts for granting rebates on iron pipe from points in New Jersey and Pennsylvania to Winnipeg, Canada. Case still pending.

8. *United States v. Mutual Transit Co.* (District Court, Pennsylvania).—December 11, 1905, indictment found under the interstate commerce and Elkins acts for granting rebates on essence for coffee from Philadelphia to Minneapolis. Case still pending.

9. *United States v. Diver* (District Court, Pennsylvania).—December 11, 1905, indictment found under the interstate commerce and Elkins acts for granting rebates on essence for coffee from Philadelphia to Minneapolis. Case still pending.

10. *United States v. Mutual Transit Co.* (District Court, Pennsylvania).—December 11, 1905, indictment found under the interstate commerce and Elkins acts for granting rebates on essence for coffee from Philadelphia to Winnipeg, Canada. Case still pending.

11. *United States v. Diver* (District Court, Pennsylvania).—December 11, 1905, indictment found under the interstate commerce and Elkins acts for granting rebates on essence for coffee from Philadelphia to Winnipeg, Canada. Case still pending.

12. *United States v. Thomas and Taggart* (District Court, Missouri).—December 15, 1905, indictment found for conspiracy to obtain rebates contrary to the interstate commerce and Elkins acts on shipments of general merchandise from Kansas City to the East; May 25, 1906, defendants found guilty; June 22, 1906, Thomas sentenced to jail for six months and fined \$6,000; Taggart sentenced to jail for three months and fined \$4,000. Appeal to Circuit Court of Appeals for the Eighth Circuit. October 21, 1907, judgment reversed by the Circuit Court of Appeals and causes remanded to the court below for a new trial. January 25, 1908, defendants plead guilty; Thomas fined \$7,000 and Taggart \$4,000; total, \$11,000. Fines paid.

13. *United States v. Swift & Co.* (District Court, Missouri).—December 15, 1905, indictment found under the interstate commerce and Elkins acts for receiving rebates on export shipments of packing-house products; June 12, 1906, defendants found guilty; June 22, 1906, fined \$15,000. Appeal to Circuit Court of Appeals for the Eighth Circuit. April 29, 1907, Circuit Court of Appeals affirmed judgment of the lower court. October 21, 1907, writ of certiorari allowed to the Supreme Court of the United States. March 16, 1908, judgment affirmed by the Supreme Court. Fine paid.

14. *United States v. Crosby et al.* (District Court, Missouri).—December 15, 1905, indictment found under the interstate commerce and Elkins acts for conspiracy to obtain rebates on shipments of general merchandise from Kansas City to the East; May 25, 1906, court instructed jury to bring in verdict of acquittal for the defendants, which was done.

15. *United States v. Armour Packing Co.* (District Court, Missouri).—December 15, 1905, indictment found under the interstate commerce and Elkins acts for receiving rebates on export shipments of packing-house products; June 12, 1906, found guilty; June 22, 1906, fined \$15,000. Appeal to Circuit Court of Appeals for the Eighth Circuit. April 29, 1907, Circuit Court of Appeals affirmed judgment of the lower court. October 21, 1907, writ of certiorari allowed to the Supreme Court of the United States. March 16, 1908, judgment affirmed by the Supreme Court. Fine paid.

16. *United States v. C. and A. Rwy. Co.* (District Court, Missouri).—December 15, 1905, indictment found under the interstate commerce and Elkins acts for granting rebates on export flour; June 11, 1906, indictment nol-prossed.

17. *United States v. C., M. and St. P. Rwy. Co.* (District Court, Missouri).—December 15, 1905, indictment found under the interstate commerce and Elkins acts for granting rebates on export flour; June 11, 1906, indictment nol-prossed.

18. *United States v. Cudahy Packing Co.* (District Court, Missouri).—December 15, 1905, indictment found under the interstate commerce and Elkins acts for receiving rebates on export shipments of packing-house products; June 12, 1906, found guilty; June 22, 1906, fined \$15,000. Appeal to Circuit Court of Appeals for the Eighth Circuit. April 29, 1907, Circuit Court of Appeals affirmed judgment of the lower court. October 21, 1907, writ of certiorari allowed to the Supreme Court of the United States. March 16, 1908, judgment affirmed by Supreme Court. Fine paid.

19. *United States v. Nelson Morris & Co.* (District Court, Missouri).—December 15, 1905, indictment found under the interstate commerce and Elkins acts for receiving rebates on shipments of lard from Kansas City to New York City and Hoboken for export; June 12, 1906, found guilty; June 22, 1906, fined \$15,000. Appeal to the

Circuit Court of Appeals for the Eighth Circuit. April 29, 1907, Circuit Court of Appeals affirmed judgment of the lower court. October 21, 1907, writ of certiorari allowed to the Supreme Court of the United States. March 16, 1908, judgment affirmed by the Supreme Court on Fine paid.

20. *United States v. Kresky* (District Court, Missouri).—December 15, 1905, indictment found for conspiring to obtain rebates contrary to the interstate commerce and Elkins acts on export flour from Kansas City to New York City. June 11, 1906, indictment nol-prossed.

21. *United States v. Chicago and Alton Railway Company, John M. Faithorn, and Fred A. Wann* (District Court, Western Missouri).—December 15, 1905, indictment returned charging a violation of the act of February 4, 1887, as amended by the Elkins Act for offering, granting, and giving rebates to Schwartzchild & Sulsberger Company. July 3, 1908, case dismissed.

22. *United States v. Chicago and Alton Railway Company, John M. Faithorn, and Fred A. Wann* (Northern District Illinois).—December 13, 1905, indictment returned under the Elkins Act for granting and giving rebates on freight. July 6, 1906, jury trial; verdict of guilty. July 11, 1906, defendant corporation fined \$40,000; individual defendants fined \$10,000 each. Appeal to the United States Circuit Court of Appeals. April 16, 1907, judgment affirmed by Circuit Court of Appeals. Writ of certiorari allowed to Supreme Court.

23. *United States v. Chicago, Burlington and Quincy Railroad Company* (District Court, Missouri).—December 15, 1905, indictment found under the Elkins Act for granting rebates on export traffic from Kansas City to Liverpool via New York City and Hoboken. June 13, 1906, verdict of guilty. June 29, 1906, fined \$15,000. Appeal to Circuit Court of Appeals for the Eighth Circuit. November 8, 1907, judgment affirmed by the Circuit Court of Appeals. Writ of certiorari allowed to Supreme Court. March 16, 1908, judgment affirmed. June 5, 1908, fine paid.

24. *United States v. C., B. and Q. R. Co. et al.* (District Court, Illinois).—December 29, 1905, indictment found under the interstate commerce and Elkins acts for granting rebates on shipments of tin plate from points in Pennsylvania, Ohio, and other States to Vancouver, British Columbia. April 20, 1906, jury brought in a verdict of guilty, upon an agreed statement of facts, and the judge sentenced Miller and Bernham to pay a fine of \$10,000 each, and the C., B. & Q., \$40,000, which fines were immediately paid.

25. *United States v. Suffolk and Carolina Rwy. Co.* (District Court, Virginia).—January 10, 1906, indictment found under the interstate commerce and Elkins acts for granting rebates on shipments of logs from Center Hill, N. C., to Suffolk, Va.; case still pending.

26. *United States v. Bosley* (District Court, Virginia).—January 10, 1906, indictment found under the interstate commerce and Elkins acts for granting rebates on shipments of logs from Center Hill, N. C., to Suffolk, Va.; case still pending.

27. *United States v. Gay Manufacturing Co.* (District Court, Virginia).—January 10, 1906, indictment found under the interstate commerce and Elkins acts for receiving rebates on shipments of logs from Center Hill, N. C., to Suffolk, Va.; case still pending.

28. *United States v. N. Y. C. and H. R. R. Co.* (District Court, New York).—January 10, 1906, indictment found under the interstate commerce and Elkins acts for granting rebates on general electric supplies from Schenectady, N. Y., to points outside of New York. April 2, 1907, mistrial. June term, 1907, continued on account of absence of material witness for Government. December 4-19, 1907, jury trial; disagreement. Case pending.

29. *United States v. D. and H. Co.* (District Court, New York).—January 10, 1906, indictment found under the interstate commerce and Elkins acts for granting rebates on general electric supplies from Schenectady, N. Y., to points outside of New York; case still pending.

30. *United States v. American Sugar Refining Company* (District Court, Southern New York).—March 24, 1906, indictment returned under the interstate commerce and Elkins acts for receiving rebates on shipments of sugar over New York Central and Hudson River Railroad from New York to Cleveland. November 16, 1906, jury trial; verdict guilty. November 27, 1906, defendant sentenced to pay fine of \$18,000. Paid.

31. *United States v. The New York Central and Hudson River Railroad Company* (District Court, Southern New York).—March 24, 1906, indictment returned under the interstate commerce and Elkins acts for granting rebates. May 22, 1906, demurrer filed. July 6, 1906, demurrer overruled. September 17, 1906, plea of not guilty. November 14, 1906, trial commenced. November 15, 1906, trial concluded; verdict of guilty. November 22, 1906, defendant sentenced to pay fine of \$18,000. Writ of error allowed to the Supreme Court.

32. *United States v. The New York Central and Hudson River Railroad Company and Nathan Guilford* (District Court, Southern New York).—May 4, 1906, indictment returned under the interstate commerce and Elkins acts for offering, granting, and giving rebates. May 22, 1906, demurrer filed. July 6, 1906, demurrer overruled. September 17, 1906, plea of not guilty. April 7, 1908, nolle prosequi entered as to Nathan Guilford. Case pending.

33. *United States v. Nathan Guilford, Fred L. Pomeroy, C. Goodlow Edgar, and Edwin Earle* (District Court, Southern New York).—May 4, 1906, indictment returned charging a conspiracy to violate the interstate commerce law by offering, granting, and giving rebates. May 21, 1906, demurrers filed. July 6, 1906, demurrers sustained.

34. *United States v. New York Central and Hudson River Railway, Nathan Guilford, and Fred L. Pomeroy* (Circuit Court, Southern New York).—May 4, 1906, indictment returned charging a violation of Elkins Act in giving and granting rebates and concessions; demurrers filed and overruled. October 15-17, trial and verdict of guilty on certain counts of indictment. October 19, Pomeroy sentenced to pay fine of \$6,000. New York Central and Hudson River Railroad Company sentenced to pay fine of \$108,000. Appeal to the Supreme Court of the United States. Case against Guilford pending. April 7, 1908, nolle prosequi entered as to Nathan Guilford.

35. *United States v. American Sugar Refining Company, et al.* (District Court, Southern New York).—May 4, 1906, indictment returned under the interstate commerce and Elkins acts for soliciting and receiving rebates on shipments of sugar from New York to Detroit over the New York Central and Hudson River Railroad. Defendants plead not guilty. Case dismissed.

36. *United States v. American Sugar Refining Company, American Sugar Refining Company of New York, C. G. Edgar, and E. Earle* (District Court, Southern New York).—May 4, 1906, indictment returned under the interstate commerce and Elkins acts for soliciting and receiving rebates on shipments of sugar from New York to Detroit over New York Central and Hudson River Railroad. Demurrers filed and overruled. December 10, 1906, defendants Edgar and Earle plead guilty and sentenced to pay a fine of \$1,000 each. December 11, 1906, American Sugar Refining Company plead guilty and was sentenced to pay a fine of \$10,000. Nol. pros. entered as to American Sugar Refining Company of New York. Fines paid.

37. *United States v. A., T. and S. F. Rwy. Co.* (District Court, New Mexico).—June 1, 1906, indictment found under the interstate commerce and Elkins acts for granting rebates on shipments of coal from Starville, Colo., to Deming, N. Mex. July 12, 1906, case submitted on agreed statement of facts and a fine of \$15,000 imposed. Paid.

38. *United States v. Colorado Fuel and Iron Company* (District Court, New Mexico).—June 1, 1906, indictment found under the interstate commerce and Elkins acts for receiving rebates on shipments of coal from Starville, Colo., to Deming, N. Mex. July 12, 1906, case submitted on agreed statement of facts and fine of \$15,000 imposed. Fine paid.

39. *United States v. Camden Iron Works*.—Information filed June 1, 1906, in the United States District Court for the Eastern District of Pennsylvania against the Camden Iron Works for accepting rebates on iron pipe in violation of the Elkins Act. Defendants found guilty and sentenced to pay a fine of \$3,000 and costs of prosecution. Appeal to Circuit Court of Appeals. January 28, 1908, Circuit Court of Appeals reversed decision of District Court. Case pending.

40. *United States v. American Sugar Refining Company and American Sugar Refining Company of New York* (Circuit Court, Southern New York).—July 27, 1906, indictment returned charging these two companies with soliciting, accepting, and receiving rebates in violation of the Elkins Act. December 11, 1906, American Sugar Refining Company pleads guilty to first count in indictment. Nol. pros. as to American Sugar Refining Company of New York. Defendant American Sugar Refining Company sentenced to pay fine of \$10,000. Fine paid.

41. *United States v. Western Transit Company* (Circuit Court, Southern New York).—July 27, 1906, indictment returned charging a violation of the Elkins Act in giving and granting rebates. October 12, 1906, plea of not guilty, with leave to withdraw. October 26, 1906, demurrer filed. June 6, 1906, demurrer withdrawn and indictment dismissed by consent of United States Attorney.

42. *United States v. Northern Steamship Company* (Circuit Court, Southern New York).—August 10, 1906, indictment returned under the Elkins Act for offering, granting, and giving rebates. October 18, 1906, plea of not guilty, with leave to withdraw. April 7, 1908, indictment nol-prossed.

43. *United States v. American Sugar Refining Company and American Sugar Refining Company of New York, C. Goodlow Edgar, and Edwin Earle* (Circuit Court, Southern New York).—August 10, 1906, indictment returned charging a violation of the Elkins Act in soliciting, accepting, and receiving rebates. December 10, 1906, defendants

Edgar and Earle plead guilty to five counts of the indictment, and fines imposed aggregating \$10,000. December 11, 1906, defendant, American Sugar Refining Company, pleads guilty. Nol. pros. as to American Sugar Refining Company of New York. American Sugar Refining Company sentenced to pay fine aggregating \$50,000. Fines paid.

44. *United States v. American Sugar Refining Company and American Sugar Refining Company of New York* (Circuit Court, Southern New York).—August 10, 1906, indictment returned charging a violation of the Elkins Act in soliciting, accepting, and receiving rebates from the Northern Steamship Company. December 11, 1906, American Sugar Refining Company pleads guilty to first count of indictment and nol. pros. entered as to second count. Nol. pros. entered as to American Sugar Refining Company of New York. December 11, 1906, defendant American Sugar Refining Company sentenced to pay a fine of \$10,000, which was paid.

45. *United States v. Brooklyn Cooperage Company* (Circuit Court, Southern New York).—August 10, 1906, indictment returned charging a violation of the Elkins Act in soliciting, accepting, and receiving rebates. December 11, 1906, plea of guilty entered to seven counts of the indictment and defendant sentenced to pay fine aggregating \$70,000. Fine paid.

46. *United States v. Delaware, Lackawanna and Western R. R. Co.* (Circuit Court, Southern New York).—August 10, 1906, indictment returned charging a violation of the Elkins Act in offering, granting, and giving rebates. October 10, 1906, plea of not guilty with leave to withdraw. November 9, 1906, demurrer filed. February 15, 1907, demurrer overruled. March 11, 1907, plea of not guilty. March 12, 1907, jury trial—disagreement. Case pending.

47. *United States v. N. Y. C. and H. R. R. Co.* (Circuit Court, Southern New York).—August 10, 1906, indictment returned charging a violation of the Elkins Act in offering, granting, and giving rebates. October 26, 1906, demurrer filed. December 3, 1907, demurrer sustained. December 13, 1907, motion made for reargument on demurrer, which was granted, and demurrer reargued, but court adhered to decision filed. Writ of error allowed to Supreme Court.

48. *United States v. N. Y. C. and H. R. R. Co.* (District Court, Western New York).—August 24, 1906, indictment returned charging failure to file schedules as required by the interstate commerce act of February 4, 1887. October 9, 1906, demurrer filed. April 4, 1907, demurrer overruled. June 10, 1907, trial commenced—verdict of guilty, and defendant sentenced to pay a fine of \$15,000. Sixty days' stay of proceedings granted.

49. *United States v. Standard Oil Company of New York* (District Court, Western New York).—August 24, 1906, indictment returned charging violations of the Elkins Act in receiving rebates. October 9, 1906, demurrer filed. March 29, 1907, demurrer overruled. Case pending.

50. *United States v. Standard Oil Company of New York* (District Court, Western New York).—August 24, 1906, indictment returned under the Elkins Act for accepting and receiving rebates. October 9, 1906, demurrer filed. March 29, 1907, demurrer overruled. Case pending.

51. *United States v. Pennsylvania Railroad Company* (District Court, Western New York).—August 24, 1906, indictment returned under the Elkins Act for granting and giving rebates. October 10, 1906, demurrer filed. April 4, 1907, demurrer overruled. Case pending.

52. *United States v. Vacuum Oil Company* (District Court, Western New York).—August 24, 1906, indictment returned under the Elkins Act for accepting and receiving rebates. October 9, 1906, demurrer filed. March 29, 1907, demurrer overruled. June 1, 1908, indictment nol-prossed.

53. *United States v. Standard Oil Company* (District Court, Northern Illinois).—August 27, 1906, indictment returned charging a violation of the Elkins Act in receiving rebates. November 10, 1906, demurrer filed. January 3, 1907, demurrer overruled. February 15, 1907, plea of not guilty. Pending.

54. *United States v. Standard Oil Company* (District Court, Northern Illinois).—August 27, 1906, indictment returned charging a violation of the Elkins Act in receiving rebates. November 10, 1906, demurrer filed. January 3, 1907, demurrer sustained.

55. *United States v. Standard Oil Company* (District Court, Northern Illinois).—August 27, 1906, indictment returned charging a violation of the Elkins Act in receiving rebates. November 10, 1906, demurrer filed. January 3, 1907, demurrer overruled. March 4 to April 12, 1907, trial. April 13, 1907, verdict of guilty. August 3, 1907, sentenced to pay fine of \$29,240,000. Appeal to Circuit Court of Appeals for the Seventh Circuit. July 22, 1908, Circuit Court of Appeals reversed District Court with directions to grant a new trial. Case pending.

- 56.** *United States v. Standard Oil Company* (District Court, Northern Illinois).—August 27, 1906, indictment returned under the Elkins Act for accepting rebates. November 10, 1906, demurrer filed. January 3, 1907, demurrer overruled. February 15, 1907, plea of not guilty. Case pending.
- 57.** *United States v. Standard Oil Company* (District Court, Northern Illinois).—August 27, 1906, indictment returned charging a violation of the Elkins Act in accepting rebates. November 10, 1906, demurrer filed. January 3, 1907, demurrer overruled. February 15, 1907, plea of not guilty. Pending.
- 58.** *United States v. Standard Oil Company* (District Court, Northern Illinois).—August 27, 1906, indictment returned charging a violation of the Elkins Act in accepting rebates. November 10, 1906, demurrer filed. January 3, 1907, demurrer overruled. February 15, 1907, plea of not guilty. Pending.
- 59.** *United States v. Standard Oil Company* (District Court, Northern Illinois).—August 27, 1906, indictment returned charging a violation of the Elkins Act in accepting rebates. November 10, 1906, demurrer filed. January 3, 1907, demurrer overruled. February 15, 1907, plea of not guilty. Pending.
- 60.** *United States v. Standard Oil Company* (District Court, Northern Illinois).—August 27, 1906, indictment returned charging a violation of the Elkins Act in accepting rebates. November 10, 1906, demurrer filed. January 3, 1907, demurrer sustained.
- 61.** *United States v. Standard Oil Company* (District Court, Northern Illinois).—August 27, 1906, indictment returned charging a violation of the Elkins Act in accepting rebates. November 10, 1906, demurrer filed. January 3, 1907, demurrer overruled. February 15, 1907, plea of not guilty. Pending.
- 62.** *United States v. Standard Oil Company* (District Court, Northern Illinois).—August 27, 1906, indictment returned charging a violation of the Elkins Act in accepting rebates. November 10, 1906, demurrer filed. January 3, 1907, demurrer overruled. February 15, 1907, plea of not guilty. Pending.
- 63.** *United States v. Baltimore and Ohio Railroad Co.* (Northern District, West Virginia).—October 9, 1906, information filed by the district attorney charging a violation of the Elkins Act for discrimination in the distribution of cars. October 23, 1906, demurrer filed. April 28, 1907, demurrer sustained.
- 64.** *United States v. Standard Oil Company* (District Court, Western Tennessee).—October 16, 1906, indictment returned under the interstate commerce act of 1887, as amended, for accepting and receiving rebates. August 7, 1907, demurrer filed. October 28, 1907, demurrer overruled. November 14, 1907, plea of not guilty. Case pending.
- 65.** *United States v. Chicago, St. Paul, Minneapolis and Omaha Railway Company, H. M. Pearce, E. B. Ober, and F. C. Gifford* (District Court, Minnesota).—November 8, 1906, indictment returned under the Elkins Act (50 counts) for giving rebate on shipment of grain from Minneapolis to Duluth and Superior. Demurrers filed and overruled. April 2–10, 1907, trial; verdict of guilty as to the railroad company and H. M. Pearce; not guilty as to Gifford and Ober. August 23, 1907, railroad company sentenced to pay fine of \$20,000 and H. M. Pearce \$2,000; total \$22,000. August 23, 1907, writ of error allowed to Circuit Court of Appeals.
- 66.** *United States v. Great Northern Railway Company, B. Campbell, W. W. Broughton, H. A. Kimball, and D. G. Black* (District Court, Minnesota).—November 8, 1906, indictment returned under the Elkins law (26 counts) for giving rebate on shipment of grain from Minneapolis to Duluth and Superior. Demurrers filed and overruled. February 23, 1907, plea of not guilty. April 9, 1908, indictment nol-prossed.
- 67.** *United States v. Great Northern Railway Company, B. Campbell, W. W. Broughton, H. A. Kimball, and A. G. McGuire* (District Court, Minnesota).—November 8, 1906, indictment returned under the Elkins Act (14 counts) for giving rebate on shipment of grain from Minneapolis to Duluth and Superior. Demurrers filed and overruled. February 23, 1907, plea of not guilty. April 9, 1908, indictment nol-prossed.
- 68.** *United States v. Great Northern Railway Company, W. W. Broughton, and G. I. Sweeney* (District Court, Minnesota).—November 8, 1906, indictment returned under the Elkins Act (15 counts) for giving rebate on shipment of grain from Minneapolis to Duluth and Superior. Demurrers filed and overruled. April term, 1907, jury trial—verdict of guilty. Defendant corporation fined \$15,000. Appeal to Circuit Court of Appeals for Eighth Circuit. Judgment affirmed by Circuit Court of Appeals. November 18, 1907, writ of certiorari allowed to the Supreme Court of the United States and case advanced for hearing on January 6, 1908. February 24, 1908, Supreme Court affirmed decision of Circuit Court of Appeals. April 9, 1908, nol. pros. entered as to individual defendants. Fine paid.
- 69.** *United States v. Great Northern Railway Company, W. W. Broughton, and G. I. Sweeney* (District Court, Minnesota).—November 8, 1906, indictment returned under

the Elkins Act (13 counts) for giving rebates to the McCaull-Dinsmore Company on grain shipments. Demurrers filed and overruled. February 23, 1907, plea of not guilty. April 9, 1908, indictment nol-prossed.

70. *United States v. Wisconsin Central Railway Company, Burton Johnson, and George T. Huey* (District Court, Minnesota).—November 8, 1906, indictment returned under the Elkins Act (17 counts) for giving rebates to Spencer Grain Company on grain shipments. Demurrers filed and overruled. August 10, 1907, defendant corporation sentenced to pay fine of \$17,000, Burton Johnson \$2,000, and George T. Huey \$1,000. Appeal to Circuit Court of Appeals for the Eighth Circuit.

71. *United States v. Minneapolis and St. Louis Railroad Company and J. T. Kenny* (District Court, Minnesota).—November 8, 1906, indictment returned under the Elkins Act (5 counts) for offering rebate to Spencer Grain Company on grain shipments. Demurrers filed and overruled. February 23, 1907, plea of not guilty. November 23, 1907, indictment nol-prossed.

72. *United States v. Ames-Brooks Company, of Duluth (a corporation)* (District Court, Minnesota).—November 8, 1906, indictment returned under Elkins Act (5 counts) for soliciting and accepting rebate on grain shipped from Minneapolis to Duluth and Superior. Demurrer filed and overruled. July 27, 1907, plea of guilty on first count and fine of \$1,000 imposed and paid. Other counts nol. prossed.

73. *United States v. Duluth-Superior Milling Company* (District Court, Minnesota).—November 8, 1906, indictment returned under the Elkins Act (5 counts) for soliciting and accepting rebate on grain shipped from Minneapolis to Duluth and Superior. Demurrer filed and overruled. August 27, 1907, plea of guilty and a fine of \$1,000 imposed and paid.

74. *United States v. McCaull-Dinsmore Company (a corporation)* (District Court, Minnesota).—November 8, 1906, indictment returned under Elkins Act (13 counts) for soliciting and accepting rebates on grain shipments. Demurrer filed and overruled. July 27, 1907, plea of guilty and a fine of \$1,000 imposed and paid.

75. *United States v. W. P. Devereaux Company (a corporation)* (District Court, Minnesota).—November 8, 1906, indictment returned under Elkins Act (15 counts) for soliciting and accepting rebates from Great Northern Railway Company. Demurrer filed and overruled. May 4, 1907, plea of guilty and a fine of \$1,000 imposed and paid.

76. *United States v. Davis H. Kresky and W. A. McGowan* (District Court, Western Missouri).—November 13, 1906, indictment returned under section 5440, Revised Statutes, charging a conspiracy to procure rebates and concessions from the Chicago and Alton and Chicago, Milwaukee and St. Paul Railway Companies. November 20, 1906, demurrer filed. December 2, 1907, demurrer overruled. December 21, 1907, defendants plead guilty. January 21, each defendant sentenced to pay fine of \$1,000; total \$2,000, which were paid.

77. *United States v. Henry S. Hartley* (District Court, Western Missouri).—November 13, 1906, indictment returned under the Elkins Act for procuring concessions and rebates from the St. Louis and San Francisco and the Chicago, Burlington and Quincy Railroad companies. December 1, 1906, defendant plead guilty and fined \$1,000 and costs. Fine paid.

78. *United States v. Waters-Peirce Oil Company* (District Court, Eastern Missouri).—November 28, 1906, indictment returned under the Elkins law for accepting and receiving rebates. Case pending.

79. *United States v. Waters-Peirce Oil Company* (District Court, Eastern Missouri).—November 28, 1906, indictment returned under the Elkins law for accepting and receiving rebates. Case pending.

80. *United States v. Union Pacific Coal Company; Union Pacific Railroad Company; Oregon Short Line Railway Company; James M. Moore and Everet Buckingham* (District Court, Utah).—December 7, 1906, indictment returned, charging a conspiracy to violate and for a violation of the interstate-commerce laws, involving the question of undue and unreasonable prejudice in the shipment of coal. March 4, 1907, demurrer filed. April 1, 1907, demurrer overruled as to first count and sustained as to second count. November 20, 1907, case dismissed.

81. *United States v. Ann Arbor Railroad Company* (District Court, Northern Ohio).—December 18, 1906, indictment returned under the Elkins Act for offering, granting, and giving rebates. February 1, 1907, defendant plead guilty and was fined \$15,000. Fine paid.

82. *United States v. Toledo Ice and Coal Company* (District Court, Northern Ohio).—December 18, 1906, indictment returned under the Elkins Act for accepting and receiving rebates. Demurrer filed and overruled. June 23, 1908, plea of nolo contendere to three counts and a fine of \$3,600 imposed. Paid.

83. *United States v. Atchison, Topeka and Santa Fe Railway Company* (District Court, Southern California).—January 9, 1907, indictment returned charging a violation of the Elkins Act in granting and giving rebates. April 17, 1907, demurrer filed.

April 26, 1907, demurrer overruled. September 30, 1907, trial—verdict of guilty on all counts. November 7, 1907, sentenced to pay a fine of \$330,000. January 14, 1908, writ of error allowed to the Circuit Court of Appeals.

84. *United States v. Atchison, Topeka and Santa Fe Railway Company* (District Court, Southern California).—January 9, 1907, indictment returned charging a violation of the Elkins Act in granting and giving rebates. April 17, 1907, demurrer filed. April 26, 1907, demurrer overruled. Case pending.

85. *United States v. Grand Canyon Lime and Cement Company* (District Court, Southern California).—January 9, 1907, indictment returned charging a violation of the Elkins Act in accepting and receiving rebates. April 17, 1907, demurrer filed. April 26, 1907, demurrer overruled. Case pending.

86. *United States v. Grand Canyon Lime and Cement Company* (District Court, Southern California).—January 9, 1907, indictment returned charging a violation of the Elkins Act in accepting and receiving rebates. April 17, 1907, demurrer filed. April 26, 1907, demurrer overruled. Case pending.

87. *United States v. John S. Schirm* (District Court, Southern California).—January 9, 1907, indictment returned charging a violation of the Elkins Act in accepting and receiving rebates. February 4, 1907, plea of not guilty. Case pending.

88. *United States v. Great Northern Railway Company* (District Court, Southern New York).—February 19, 1907, indictment returned under the Elkins law for offering granting, and giving rebates. May 20, 1907, demurrer filed. June 4, 1907, demurrer overruled. June 24, 1907, plea of not guilty. April 6–7, 1908, jury trial—verdict of guilty and sentenced to pay a fine of \$5,000.

89. *United States v. Mutual Transit Company*.—Information filed February 27, 1907; in the United States District Court for the Western District of New York against the Mutual Transit Company for giving rebates in violation of the Elkins Act. April 1, 1907, demurrer filed. May 24, 1907, demurrer overruled. November 18–23, 1907, jury trial—disagreement. January 20–24, 1908, jury trial—verdict of guilty. March 9, 1908, defendant sentenced to pay fine of \$5,000.

90. *United States v. Mutual Transit Company*.—Information filed February 27, 1907, in the United States District Court for the Western District of New York against the Mutual Transit Company for giving rebates in violation of the Elkins Act. April 1, 1907, demurrer filed. May 24, 1907, demurrer overruled. Case pending.

91. *United States v. Western Transit Company* (Southern District, New York).—May 1, 1907, indictment returned charging a violation of the Elkins Act in giving and granting rebates on sugar. June 6, 1907, plea of guilty. Fined \$10,000. Paid.

92. *United States v. Chicago, Rock Island and Pacific Railway Company* (Southern District, New York).—May 7, 1907, indictment returned charging a violation of the Elkins Act in giving and granting rebates on coffee. May 13, 1907, plea of not guilty with leave to withdraw within one week. May 20, 1907, plea of not guilty withdrawn and plea of guilty to first and second counts of indictment. Fined \$20,000. Paid.

93. *United States v. Chicago, Milwaukee and St. Paul Railway Company* (Southern District, New York).—May 7, 1907, indictment returned charging a violation of the Elkins Act in giving and granting rebates on coffee. May 16, 1907, plea of guilty on first and third counts of indictment. Fined \$20,000. Paid.

94. *United States v. New York, Ontario and Western Railway Company* (Southern District, New York).—May 7, 1907, indictment returned charging a violation of the Elkins Act in giving and granting rebates on coffee. May 13, 1907, plea of not guilty with leave to withdraw. Case pending.

95. *United States v. W. H. Bennett* (District Court, Northern Ohio).—June 7, 1907, indictment returned under the Elkins Act for offering, granting, and giving rebates. Pending.

96. *United States v. Central Vermont Railway Company* (Southern District, New York).—June 18, 1907, indictment returned under the Elkins Act for offering, granting, and giving rebates. June 24, 1907, plea of not guilty with leave to withdraw. Demurrer filed and overruled. March 17, 1908, defendant plead guilty on first count and sentenced to pay fine of \$1,000, which was paid. Other counts nol. prossed.

97. *United States v. Atchison, Topeka and Santa Fe Railway Company* (District Court, Northern Illinois).—July 10, 1907, indictment returned charging a violation of the interstate-commerce laws for granting and giving rebates. Case pending.

98. *United States v. The New York, Chicago and St. Louis Railway Company, and Lehigh Valley Railway Company* (District Court, Northern Illinois).—August 3, 1907, indictment returned charging a violation of the interstate-commerce laws for granting and giving rebates. Case pending.

99. *United States v. The New York, Chicago and St. Louis Railway Company* (District Court, Northern Illinois).—August 3, 1907, indictment returned under the interstate-commerce laws for granting and giving rebates. Case pending.

100. *United States v. A. Booth & Company* (District Court, Northern Illinois).—August 3, 1907, indictment returned charging a violation of the interstate-commerce laws for accepting and receiving rebates. Case pending.

101. *United States v. New York Central and Hudson River Railroad Company* (District Court, Western New York).—August 9, 1907, indictment returned charging a violation of the Elkins Act (188 counts) for giving and granting rebates. Case pending.

102. *United States v. New York Central and Hudson River Railroad Company* (District Court, Western New York).—August 9, 1907, indictment returned (40 counts) charging a violation of the Elkins Act for giving and granting rebates. Case pending.

103. *United States v. New York Central and Hudson River Railroad Company and Pennsylvania Railroad Company* (District Court, Western New York).—August 9, 1907, indictment returned (188 counts) charging a violation of the Elkins Act in giving and granting rebates. Case pending.

104. *United States v. New York Central and Hudson River Railroad Company and Pennsylvania Railroad Company* (District Court, Western New York).—August 9, 1907, indictment returned (40 counts) charging a violation of the Elkins Act in giving and granting rebates. Case pending.

105. *United States v. Pennsylvania Railroad Company* (District Court, Western New York).—August 9, 1907, indictment returned (188 counts) charging a violation of the Elkins Act in giving and granting rebates. Case pending.

106. *United States v. Pennsylvania Railroad Company* (District Court, Western New York).—August 9, 1907, indictment returned (40 counts) charging a violation of the Elkins Act in giving and granting rebates. Case pending.

107. *United States v. New York Central and Hudson River Railroad Company* (District Court, Western New York).—August 9, 1907, indictment returned (114 counts) charging a violation of the Elkins Act in giving and granting rebates. Case pending.

108. *United States v. Vacuum Oil Company* (District Court, Western New York).—August 9, 1907, indictment returned (188 counts) charging a violation of the Elkins Act in accepting and receiving rebates. October 10, 1907, demurrer filed. January 4, 1908, demurrer overruled. Pending.

109. *United States v. Vacuum Oil Company* (District Court, Western New York).—August 9, 1907, indictment returned (40 counts) charging a violation of the Elkins Act in accepting and receiving rebates. October 10, 1907, demurrer filed. January 4, 1908, demurrer overruled. Pending.

110. *United States v. Standard Oil Company of New York* (District Court, Western New York).—August 9, 1907, indictment returned (189 counts) charging a violation of the Elkins Act in accepting and receiving rebates. October 10, 1907, demurrer filed. January 4, 1908, demurrer overruled. Pending.

111. *United States v. Standard Oil Company of New York* (District Court, Western New York).—August 9, 1907, indictment returned (40 counts) charging a violation of the Elkins Act in accepting and receiving rebates. October 10, 1907, demurrer filed. January 4, 1908, demurrer overruled. Pending.

112. *United States v. Standard Oil Company of New York and Vacuum Oil Company* (District Court, Western New York).—August 9, 1907, indictment returned (57 counts) charging a violation of the Elkins Act in accepting and receiving rebates. October 10, 1907, demurrer filed. January 4, 1908, demurrer overruled. Pending.

113. *United States v. Standard Oil Company of New York* (District Court, Western New York).—August 9, 1907, indictment returned (114 counts) charging a violation of the Elkins Act in accepting and receiving rebates. October 10, 1907, demurrer filed. January 4, 1908, demurrer overruled. Pending.

114. *United States v. Vacuum Oil Company* (District Court, Western New York).—August 9, 1907, indictment returned (114 counts) charging a violation of the Elkins Act in accepting and receiving rebates. October 10, 1907, demurrer filed. January 4, 1908, demurrer overruled. Pending.

115. *United States v. Pacific Mail Steamship Company* (District Court, Northern California).—September 28, 1907, indictment returned under the interstate-commerce law (8 counts) charging the shipping of matting at less than filed tariff from Kobe through San Francisco to points in the East. November 20, 1907, motion to quash filed. June 26, 1908, motion to quash denied. Case pending.

116. *United States v. Pacific Mail Steamship Company* (District Court, Northern California).—September 28, 1907, indictment returned under the interstate-commerce law (8 counts) charging the shipping of matting at less than legal tariff from Kobe through San Francisco to points in the East. November 20, 1907, motion to quash filed. June 26, 1908, motion to quash denied. Case pending.

117. *United States v. Southern Pacific Company* (District Court, Northern California).—September 28, 1907, indictment returned under the interstate-commerce law

(8 counts) charging the forwarding of matting from Kobe to San Francisco at less than its filed tariff. November 20, 1907, motion to quash filed. June 26, 1908, motion to quash denied. Case pending.

118. *United States v. Southern Pacific Company* (District Court, Northern California).—September 28, 1907, indictment returned under the interstate-commerce law (50 counts) charging the forwarding of 50 parcels of matting from Kobe through San Francisco to points in the East at less than filed rate. November 20, 1908, motion to quash filed. June 26, 1908, motion to quash denied. Case pending.

119. *United States v. Southern Pacific Company* (District Court, Northern California).—September 28, 1907, indictment returned under the interstate-commerce law (50 counts) charging the forwarding of 50 parcels of matting from San Francisco to final destinations at less than filed tariff. November 20, 1907, motion to quash filed. June 26, 1908, motion to quash denied. Case pending.

120. *United States v. Southern Pacific Company* (District Court, Northern California).—October 7, 1907, indictment returned under the interstate-commerce law (8 counts) charging the shipping of matting from San Francisco to destination at less than published tariff. November 20, 1907, motion to quash filed. June 26, 1908, motion to quash denied. Pending.

121. *United States v. Pacific Mail Steamship Company* (District Court, Northern California).—October 7, 1907, indictment returned under the interstate-commerce law (8 counts) charging the shipping of matting from Kobe, Japan, to final destination in the United States at less than published rate. November 20, 1907, motion to quash filed. June 26, 1908, motion to quash denied. Case pending.

122. *United States v. Pacific Mail Steamship Company* (District Court, Northern California).—October 11, 1907, indictment returned under the interstate-commerce law (4 counts) charging the shipping of matting from Kobe, Japan, to final destination in the United States at less than published rate. November 20, 1907, motion to quash filed. June 26, 1908, motion to quash denied. Pending.

123. *United States v. Pacific Mail Steamship Company* (District Court, Northern California).—October 11, 1907, indictment returned under the interstate-commerce law (4 counts) charging the shipping of matting from Kobe, Japan, to final destination in the United States at less than published rate. November 20, 1907, motion to quash filed. June 26, 1908, motion to quash denied. Pending.

124. *United States v. Southern Pacific Company* (District Court, Northern California).—October 11, 1907, indictment returned under the interstate-commerce law (1 count) charging the shipping of one parcel of matting from Kobe, Japan, to final destination in the United States at less than published rate. November 20, 1907, motion to quash filed. June 26, 1908, motion to quash denied. Case pending.

125. *United States v. Southern Pacific Company* (District Court, Northern California).—October 11, 1907, indictment returned under the interstate-commerce law (1 count) charging the shipping of one parcel of matting from Kobe, Japan, to final destination in the United States at less than published rate. November 20, 1907, motion to quash filed. June 26, 1908, motion to quash denied. Pending.

126. *United States v. Southern Pacific Company* (District Court, Northern California).—October 11, 1907, indictment returned under the interstate-commerce law (1 count) charging the shipping of one parcel of matting from San Francisco to final destination at less than published rate. November 20, 1907, motion to quash filed. June 26, 1908, motion to quash denied. Case pending.

127. *United States v. Stearns Salt and Lumber Company* (District Court, Western Michigan).—December 17, 1907, indictment returned (20 counts) charging a violation of the Elkins Act in accepting and receiving rebates. March 25, 1908, plea of guilty, and defendant sentenced to pay a fine of \$20,000. Paid.

128. *United States v. A. Patriarche and Stearns Salt and Lumber Company* (District Court, Western Michigan).—December 17, 1907, indictment returned (111 counts) charging a violation of the Hepburn Act; the former for offering, granting, and giving rebates, the latter for accepting and receiving rebates. March 25, 1908, indictment quashed on ground that two defendants could not be joined in one indictment for different offenses.

129. *United States v. Harry Gore and Max Rabinovitz* (District Court, Northern West Virginia).—January 21, 1908, indictment returned under the interstate-commerce law for false billing. June 9, 1908, plea of guilty and each sentenced to pay fine of \$50; total, \$100. Fine paid.

130. *United States v. L. M. Neiburg* (District Court, Vermont).—February 29, 1908, indictment returned under the interstate-commerce law (75 counts) for false billing. May 19, 1908, plea of guilty and sentenced to pay a fine of \$250, which was paid.

131. *United States v. Max Agel and Simon Levin* (District Court, Vermont).—February 29, 1908, indictment returned under the interstate-commerce law (18 counts)

for false billing. May 26, 1908, plea of guilty. June 26, 1908, each defendant sentenced to pay a fine of \$25, total \$50, which was paid.

132. *United States v. Chapman and Dewey Lumber Company* (District Court, Eastern Missouri).—March 3, 1908, indictment returned (13 counts) charging a violation of the interstate commerce law as amended by the Elkins Act in accepting and receiving rebates. March 30, 1908, plea of guilty and fine of \$13,000 imposed. Paid.

133. *United States v. St. Louis and San Francisco Railroad Company* (District Court, Eastern Missouri).—March 3, 1908, indictment returned (13 counts) charging a violation of the interstate commerce law as amended by the Elkins Act in offering, granting, and giving rebates. March 10, 1908, plea of guilty; sentenced to pay fine of \$13,000. Paid.

134. *United States v. Tom Williams* (District Court, Northern Alabama).—March 7, 1908, information filed charging a violation of the Hepburn Act with reference to misuse of free pass. March 7, 1908, plea of guilty; fined \$100. Paid.

135. *United States v. T. H. Bunch* (District Court, Eastern Arkansas).—April 14, 1908, indictment returned (58 counts) charging a violation of the Elkins and Hepburn acts in accepting and receiving rebates. Case pending.

136. *United States v. St. Louis, Iron Mountain and Southern Railway Company, Missouri Pacific Railway Company, and Wilbur C. Stith* (District Court, Eastern Arkansas).—April 14, 1908, indictment returned (58 counts) charging a violation of the Elkins and Hepburn acts in offering, granting, and giving rebates. Case pending.

137. *United States v. L. J. Clark* (District Court, South Carolina).—April 21, 1908, information filed (2 counts) charging a violation of the Hepburn Act with reference to misuse of free pass. Plea of guilty and sentenced to pay fine of \$100. Paid.

138. *United States v. Missouri, Kansas and Texas Railway Company* (District Court, Western Missouri).—May 5, 1908, indictment returned (19 counts) under the Hepburn Act charging departure from published tariff in shipment of grain. May 26, 1908, plea of not guilty. Case pending.

139. *United States v. Nick Nistas, Samuel C. Clark, and Louis Agnes* (District Court, Western Missouri).—May 9, 1908, indictment returned charging a conspiracy to procure transportation from the Missouri Pacific Railway Company in interstate commerce for sundry persons not entitled thereto. Case pending.

140. *United States v. Nick Nistas* (District Court, Western Missouri).—May 9, 1908, indictment returned charging a violation of the Hepburn Act with reference to misuse of free pass. May 12, 1908, plea of not guilty. Case pending.

141. *United States v. Illinois Central Railroad Company* (Circuit Court, Eastern Louisiana).—May 16, 1908, indictment returned under the interstate commerce law as amended by the Hepburn Act for granting and giving rebates. Case pending.

142. *United States v. Yazoo and Mississippi Valley Railroad Company* (Circuit Court, Eastern Louisiana).—May 18, 1908, indictment returned charging a violation of the interstate commerce law as amended by the Hepburn Act in granting and giving rebates. Case pending.

143. *United States v. Southern Pacific Company* (District Court, Southern California).—June 1, 1908, indictment returned under the interstate commerce law for granting and giving rebates. Case pending.

144. *United States v. Southern Pacific Company* (District Court, Southern California).—June 1, 1908, indictment returned under the interstate commerce law for granting and giving rebates. Pending.

145. *United States v. Southern Pacific Company* (District Court, Southern California).—June 1, 1908, indictment returned under the interstate commerce law for granting and giving rebates. Case pending.

146. *United States v. Chesapeake and Ohio Railway Company* (Circuit Court, Eastern Virginia).—June 9, 1908, indictment returned (9 counts) charging a violation of the Elkins and Hepburn acts in granting and giving rebates. Case pending.

147. *United States v. William R. Johnston* (Circuit Court, Eastern Virginia).—June 9, 1908, indictment returned (9 counts) charging a violation of the Elkins and Hepburn acts in accepting and receiving rebates. Case pending.

148. *United States v. Alexander P. Gilbert* (Circuit Court, Eastern Virginia).—June 9, 1908, indictment returned (9 counts) charging a violation of the Hepburn Act in granting and giving rebates. Case pending.

149. *United States v. Chesapeake and Ohio Railway Company* (Circuit Court, Eastern Virginia).—June 12, 1908, indictment returned (4 counts) charging a violation of the Elkins and Hepburn acts in granting and giving rebates. Case pending.

150. *United States v. Warner Moore and Thomas L. Moore, partners trading as Warner Moore and Company* (Circuit Court, Eastern Virginia).—June 12, 1908, indictment returned (3 counts) under the interstate commerce law for false billing. Case pending.

151. *United States v. California Pine Box and Lumber Company* (District Court, Northern California).—June 26, 1908, indictment returned (1 count) charging a violation of the Elkins Act in accepting and receiving rebates. Case pending.

152. *United States v. Southern Pacific Company* (District Court, Northern California).—June 26, 1908, indictment returned (19 counts) charging a violation of the Elkins Act in granting and giving rebates. Case pending.

153. *United States v. Southern Pacific Company* (District Court, Northern California).—June 30, 1908, indictment returned (1 count) charging a violation of the Elkins Act in granting and giving rebates. Case pending.

154. *United States v. Southern Pacific Company* (District Court, Northern California).—June 30, 1908, indictment returned (1 count) charging a violation of the Elkins Act in granting and giving rebates. Case pending.

155. *United States v. Penn Fruit Company* (District Court, Southern California).—July 10, 1908, indictment returned charging a violation of the Elkins Act in accepting and receiving rebates. Case pending.

156. *United States v. Illinois Glass Company and Illinois Terminal Railroad Company* (District Court, Southern Illinois).—September 12, 1908, indictment returned charging a violation of the Hepburn Act in accepting and receiving rebates. Case pending.

157. *United States v. Illinois Terminal Railroad Company* (District Court, Southern Illinois), September 12, 1908, indictment returned, charging failure to file schedules in violation of the interstate commerce act of June 29, 1906. Case pending.

SUMMARY OF CASES UNDER INTERSTATE COMMERCE LAWS.

President Cleveland's First Administration, 1885-1889.

1 indictment for giving rebates:
Nol-prossed.

President Harrison's Administration, 1889-1893.

13 indictments for charging less than tariff rates:
2 convictions as to one defendant; nol-prossed as to others. In one case defendant fined \$3,000; in the other defendant fined \$1 and costs.
7 nol-prossed.
1 acquittal.
2 quashed.
1 dismissed.
1 indictment for prejudice in transporting goods:
Quashed.
4 indictments for failure to post tariffs:
2 nol-prossed.
2 quashed.
2 indictments for false weighing:
2 convictions—defendant in one case fined \$100 on each count; in the other two defendants each fined \$2,000 and sentenced to prison for 18 months; both pardoned.
1 indictment for selling tickets at less than tariff rates:
Acquitted.
2 indictments for false billing:
1 conviction; defendant fined \$100.
1 nol-prossed.
10 indictments for inducing and conspiring to discriminate:
6 nol-prossed.
2 acquitted.
2 quashed.
2 indictments for giving rebates:
1 nol-prossed as to one defendant; other defendant acquitted.
1 nol-prossed.
Total: 35 indictments; 5 convictions, 18 nol-prossed, 7 quashed, 1 dismissed, 4 acquitted.

- 10 petitions to enforce orders of Commission:
 7 dismissed.
 1 case discontinued.
 1 pending.
 1 granted.
- 2 proceedings to compel witness to testify before grand jury:
 Dismissed.

President Cleveland's Second Administration, 1893-1897.

- 1 indictment for discrimination in sale of tickets:
 Dismissed.
- 4 indictments for charging less than tariff rates:
 1 conviction as to one and nol-prossed as to other defendant.
 3 convictions; 1 case defendant fined \$1,000; 1 case two defendants each fined \$4,000; 1 case two defendants each fined \$50; 1 case defendant fined costs.
- 5 indictments for giving rebates:
 3 nol-prossed.
 1 acquitted as to one, nol-prossed as to other defendants.
 1 conviction; defendant fined \$500.
- 3 indictments for inducing to discriminate:
 All quashed.
- 4 indictments for false billing:
 1 defendant convicted and other acquitted; convicted party fined \$350.
 3 nol-prossed.
- 2 indictments for issuing free passes:
 Both quashed.
 Total: 19 indictments; 6 convictions, 1 dismissed, 8 nol-prossed, 3 quashed, 1 acquitted.
- 17 petitions to enforce orders of Commission:
 11 dismissed.
 3 discontinued.
 1 modified order of Commission complied with and case dismissed.
 1 order complied with and case discontinued.
 1 pending.
- 1 original petition to restrain defendants from making discriminatory rates.
 Dismissed.
- 1 prosecution for contempt to compel witness to testify.
 Defendant convicted, application for habeas corpus denied.
- 64 petitions for mandamus to compel filing of annual reports:
 2 dismissed.
 1 granted.
 61 discontinued because carriers agreed to comply.

President McKinley's Administration, 1897-1901 (September 14).

- 12 indictments for giving rebates, against same parties:
 Not prosecuted.
- 2 indictments for departure from published rates:
 In both cases 1 defendant convicted, quashed as to other; in both cases defendant fined \$350.
- 3 indictments for false billing:
 1 nol-prossed.
 1 conviction; defendant fined \$1,000.
 1 acquittal.
- 1 indictment for conspiracy:
 Nol-prossed.
- 1 indictment for obstructing administration of act:
 Conviction, defendant fined \$500.
- 3 indictments for false weighing:
 1 conviction as to one defendant, fined \$1,000; nol-prossed as to others.
 2 nol-prossed.
- Total: 22 indictments; 5 convictions, 1 acquittal, 4 nol-prossed, 12 not prosecuted.
- 5 petitions to enforce orders of Commission.
 3 dismissed.
 1 discontinued.
 1 granted.
- 1 petition to declare pooling combination illegal:
 Granted.

Total under President Roosevelt's Administration.

- 13 petitions to enjoin departure from published rates:
 8 dismissed.
 3 injunctions granted.
 2 pending.
- 11 petitions to enforce order of Commission:
 1 defendant complied and petition dismissed.
 4 dismissed.
 2 injunctions granted.
 1 discontinued.
 3 pending.
- 4 petitions to compel filing of annual reports:
 1 dismissed.
 3 discontinued.
- 2 proceedings to compel defendants to give testimony before Commission:
 Granted.
- 1 petition to test law with reference to issuance of franks by express companies:
 Injunction granted.
- 15 indictments for charging less than established rates:
 3 nol-prossed.
 12 pending.
- 4 indictments for pooling:
 1 dismissed.
 3 nol-prossed.
- 57 indictments for receiving rebates:
 20 convictions; fines imposed aggregating \$314,675.
 1 nol-prossed.
 1 acquittal.
 1 dismissed.
 1 quashed.
 2 demurrers sustained.
 31 pending.
- 68 indictments for granting rebates:
 18 convictions; fines imposed aggregating \$743,000.
 2 dismissed.
 7 nol-prossed.
 1 demurrer sustained.
 40 pending.
- 6 indictments for conspiring to obtain rebates:
 4 convictions; 1 case, 2 defendants fined \$1,025 each; 1 case, defendants fined in the aggregate \$25,000; 1 case, 1 defendant fined \$7,000, the other \$4,000; 1 case, 2 defendants fined \$1,000 each; total fines imposed, \$40,050.
 1 nol-prossed.
 1 acquittal.
- 1 indictment for conspiring to grant rebates:
 Demurrer filed and sustained.
- 2 indictments for failure to file schedules:
 Conviction; fined \$15,000.
 1 pending.
- 1 indictment for discrimination in distribution of cars:
 Demurrer filed and sustained.
- 1 indictment charging conspiracy to violate interstate commerce laws:
 Dismissed.
- 4 indictments for false billing:
 3 convictions; fines imposed aggregating \$400.
 1 pending.
- 3 indictments for misuse of free pass:
 2 convictions; fines imposed aggregating \$200.
 1 pending.
- 1 indictment for departure from published tariff:
 1 pending.
- 1 indictment for conspiring to procure transportation:
 1 pending.
- Total: 157 indictments; 48 convictions, 2 acquittals, 9 nol-prossed, 5 demurrers sustained, 4 dismissed, 1 quashed, 88 pending.
 Total amount of fines imposed, \$1,113,325.

President Roosevelt's Administration, September 14, 1901, to ———, prior to Elkins Act,
February 19, 1903.

3 indictments for charging less than established rates:

3 nol-prossed.

4 indictments for pooling:

1 dismissed.

3 nol-prossed.

Total: 7 indictments; 6 nol-prossed, 1 dismissed.

8 petitions to enjoin departure from published rates:

8 dismissed.

10 petitions to enforce orders of Commission:

1 defendant complied and petition dismissed.

3 petitions dismissed.

2 injunctions granted.

1 discontinued.

3 pending.

3 petitions to compel filing of annual reports:

1 dismissed.

2 discontinued.

Subsequent to Elkins Act (Civil).

5 petitions to enjoin departure from published tariff:

3 injunctions granted.

2 pending.

2 proceedings to compel defendants to give testimony before Commission:

Granted.

1 petition to compel filing of annual reports:

Discontinued.

1 petition to enforce order of Commission:

Dismissed.

1 petition to test law with reference to issuance of franks by express companies:

Injunction granted.

1 proceeding to compel defendants to adhere to their tariff:

Pending.

Subsequent to Elkins Act (Criminal).

57 indictments for receiving rebates:

20 convictions; fines imposed aggregating \$314,675.

1 nol-prossed.

1 acquittal.

1 dismissed.

1 quashed.

2 demurrers sustained.

31 pending.

68 indictments for granting rebates:

18 convictions; fines imposed aggregating \$743,000.

2 dismissed.

7 nol-prossed.

1 demurrer sustained.

40 pending.

6 indictments for conspiring to obtain rebates:

4 convictions; one case, two defendants fined \$1,025 each; one case, defendants fined in the aggregate \$25,000; one case, one defendant fined \$7,000, the other \$4,000; one case, two defendants fined \$1,000 each; total fines imposed, \$40,050.

1 nol-prossed.

1 acquittal.

1 indictment for conspiring to grant rebates:

Demurrer filed and sustained.

2 indictments for failure to file schedules:

Conviction; fined \$15,000.

1 pending.

12 indictments for charging less than filed rate:

12 pending.

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