

y Pierce and Clay Arthur Pierce in complete independence Standard Oil Company of Indiana and of all other whatsoever as required by the order of the Court in the done.

Standard Oil Company of Indiana and the Waters-Pierce are competitors in the business of selling the products as was held in the case above mentioned, and that if Standard Oil Company of Indiana, through the relators and the majority of stock of the said Standard Oil Company could gain control of the affairs of the Waters-Pierce as is proposed by the relators in this proceeding, the charter of the Waters-Pierce Oil Company will be thereby forfeited to the said Henry Clay Pierce and the minority shareholders-Pierce Oil Company associated with him will suffer a serious loss through the forfeiture of the charter of the Waters-Pierce Oil Company, as well as in the management of that company, for that those whom the relators foresaid herein have a greater interest in promulgating the Standard Oil Company of Indiana than that of the Waters-Pierce Oil Company.

They further say that on the 29th day of March, 1905, the State of Indiana upon the information of the Attorney-General, in the Supreme Court of the State a proceeding in *quo warranto* against the Standard Oil Company of Indiana, the Waters-Pierce Oil Company and the Republic Oil Company from doing business in the State of Missouri and to forfeit the charter of the Waters-Pierce Oil Company because they were then and had therebefore engaged in a combination in restraint of trade in the State of Missouri.

In the proceeding was had in said case as that on the 9th day of April, 1905, a judgment of ouster was entered in said cause against the Standard Oil Company of Indiana and the Republic Oil Company, a non-resident corporation, and a judgment conditionally granting the charter of the Waters-Pierce Oil Company, a domestic corporation, as alleged in the alternative writ herein.

On the said judgment and decree the Standard Oil Company of Indiana and said Republic Oil Company appealed to the Supreme Court of the United States of America, and pending said appeal a writ of certiorari was granted said appellant, but that no appeal was taken by the Waters-Pierce Oil Company, which, as aforesaid, obeyed to said decree and obeyed the same, and pending

