

64 State of Illinois, }
County of Cook. } ss.

I, WALTER E. BEEBE, being first duly sworn, on oath state that I am the attorney of The Sanitary District of Chicago; that I have read the foregoing Answer and Counterclaim and that the statements therein contained are, within my personal knowledge and true, save as stated on information and belief, and as to those matters I believe them to be true.

WALTER E. BEEBE.

Subscribed and sworn to before me this 19th day of July, 1929.

(Seal) EDITH KRIEGER,
Notary Public.
My commission expires April 2nd, 1933.

Filed Aug. 31,
1929.

65 And on, to wit, the 31st day of August, 1929, came the Plaintiffs by their attorneys and filed in the Clerk's office of said Court a certain Motion to Dismiss in words and figures following, to wit:

66 MOTION TO DISMISS AND REPLY OF EDGAR C. GUTHARD, ACTIVATED SLUDGE, LIMITED, AND ACTIVATED SLUDGE, INC., FILED AUGUST 31, 1929.

Now come the plaintiffs, Edgar C. Guthard, Activated Sludge, Limited, and Activated Sludge, Inc., and referring to the counterclaim of the defendant's answer herein, say:

(1) Plaintiffs allege that the answer of the defendant does not contain any counterclaim cognizable herein and plaintiffs therefore move to strike out paragraphs 1 to 6, inclusive, of the said counterclaim. Without waiving the right to move for an order striking out said paragraphs and dismissing the said counterclaim, plaintiffs allege as follows:

(2) Plaintiffs admit the incorporation of the defendant, The Sanitary District of Chicago, but referring to the other allegations of paragraph 1 of the counterclaim, plaintiffs state that they are without knowledge and therefore leave the defendant to its proof.

(3) Referring to paragraphs 2, 3 and 4 of the defendant's counterclaim, plaintiffs aver that they are without knowledge

or information as to the matters therein alleged and plaintiffs therefore leave the defendant to its proof.

(4) Referring to paragraphs 5 and 6 of the defendant's counterclaim, plaintiffs deny the allegations thereof.

(5) Plaintiffs deny that defendant is entitled to any of the relief sought and prayed for in the defendant's 67 counterclaim and pray that the same may be dismissed with costs to the plaintiffs and with such other and further relief as it may be entitled to.

EDGAR C. GUTHARD,
ACTIVATED SLUDGE, LIMITED,
ACTIVATED SLUDGE, INC.,
By WILLIAMS, BRADBURY, Mc-
CALEB & HINKLE,
Solicitors and Counsel for Plaintiffs.

LYNN A. WILLIAMS,
C. C. BRADBURY,
Of Counsel.

68 And on, to wit, the 17th day of May, 1932 came the Defendant by its attorneys and filed in the Clerk's office of said Court a certain Amendment to Answer in words and figures following, to wit:

Filed May
1932.

69 UNITED STATES DISTRICT COURT.
* * (Caption—4280) * *

AMENDMENT TO DEFENDANT'S ANSWER TO ORIGINAL BILL IN THE NATURE OF A SUPPLEMENTAL BILL OF COMPLAINT FILED JULY 26, 1929.

Comes now defendant in the above entitled case, pursuant to order of court, and amends its answer herein in the following particulars, to-wit:

By making the following formal corrections in the publications set up under Paragraph VII thereof as follows:

Page 12, in the catalog entitled "Purification of Manufacturers Waste Water" insert an apostrophe after Manufacturers.

Page 12, in the pamphlet entitled "Purification of Effluent Water from Dye Works etc." change "Water" to Waters and change "Dye Works" to Dyeworks.

Page 13, in the catalog entitled "Purification of Trade Waste Water," change "Trade" to "Manufacturers'".

Page 13, in a printed report of Armour & Company, insert a comma after "Activated Sludge", and cancel the comma after "experiments".

Page 13, in the issues of the "Proceedings of the American Society for Municipal Improvements", change "for" to of.

70 Page 14, in the issues of the Engineering News, the issue dated "August 6, 1915" should read August 5, 1915; the issue dated April 6, 1916, the page numbers should read 671-672; the issue dated April 27, 1916, change pages "798-800" to read 798-801; and the issue of February 8, 1917, cancel "p. 249".

Page 15, in the issue of the "Municipal Journal" of March 8, 1917, change "p. 333" to pp. 333-335.

Page 15, in the issues of Illinois State Water Survey Bulletins, No. 13, 1915, change "pp. 348-357" to pp. 348-358; and No. 14, 1916, change "pp. 75-113" to pp. 75-93.

Page 15, in the issue of the "Journal of Industrial and Engineering Chemistry" for July 1916, change "pp. 643-644, 647-651" to pp. 645-652.

Page 16a, the "November 29, 1917" issue of the "Engineering Record" should be cancelled, and placed with the issues of the "Engineering News Record" appearing on this page.

Page 16a, in the issue of the "Journal of the Institute of Sanitary Engineers", change "Institute" to Institution.

Page 16b, in the last issue of the "Surveyor and Municipal and County Engineer" appearing on this page, dated April 9, 1920, change "380" to 308.

Page 17, in the printed work entitled "Sewage Treatment and Disposal for Cities, Towns, etc." change the page numbers from "152-153" to 152-157.

Page 17, in the issues of the "Surveyor and Municipal and County Engineer," the issue of August 22, 1913, change "p. 287" to p. 287-288; the issue dated "December 14, 1915" should be changed to December 24, 1915.

WALLACE R. LANE,
Of Counsel for Defendant.

172 (NARRATIVE STATEMENT OF EVIDENCE).
Filed Jun 12 1936.

From Opening Statement of Mr. Williams.

Statement of
Evidence filed
June 12, 1936.

Mr. Lane: I do not want by my silence to seem to acquiesce in all these statements. I may be charged somewhat in not opposing the statements. I cannot agree with them. I do not know whether there was a question or not about that.

173 The Court: I understand that Mr. Williams is merely making his statement of certain conceptions that he has. I understand that he expects sometime in the future to ask whether or not you can assent to what he says.

Mr. Lane: I just wanted to be sure that was understood. Mr. Williams: I think I have intimated and perhaps more strongly indicated that in what I have said up to the present time I have endeavored to avoid matters which should be controversial and to complete my statement of matters which I admit, or concede are matters which I think must ultimately be conceded, and I hope may be conceded during the early stages of this trial.

I have, I think only one further matter of that character, and that is to say that this activated sludge system has, since its inception gone into use in more than fifty cities in England under licenses under the British patents.

Mr. Lane: There is no evidence here to show that thus far, your Honor.

Mr. Williams: No, of course not.

Mr. Lane: No evidence of that kind in this case.

The Court: I beg your pardon.

Mr. Lane: No evidence of that kind in this case yet.

174 The Court: I suppose he is stating what he expects to prove. I don't know.

Mr. Lane: If that is understood, that is quite all right. It was not stated in that way.

Mr. Williams: I mean to state it that way, if I did not.

And that it has gone into use in Canada, India, South Africa, Norway, France, Germany, Holland, Denmark, Finland and Spain.

The Court: I did not know they ever purified anything in India.

Mr. Williams: Well, they do purify sewage, all under