

Commodity Futures Trading Commission
CEA CASES

NAME: SECRETARY OF AGRICULTURE V. CARGILL, INC., CARGILL GRAIN COMPANY OF ILLINOIS, JOHN H. MACMILLAN, JR., E. J. GRIMES, JULIUS HANDEL, AND PHILIP C. SAYLES

DOCKET NUMBER: 11

DATE: MARCH 6, 1940

DOCUMENT TYPE: ORDER

UNITED STATES OF AMERICA

BEFORE THE SECRETARY OF AGRICULTURE

C. E. A. DOCKET NO. 11

Secretary of Agriculture, Complainant, v. Cargill, Inc., Cargill Grain Company of Illinois, John H. MacMillan, Jr., E. J. Grimes, Julius Handel, and Philip C. Sayles, Respondents.

Order.

The complaint in the proceeding, dated December 22, 1938, was served upon the respondents, answers were filed by the respondents, a referee was appointed, and, at the hearings before the referee for the taking of testimony and the submission of evidence, testimony was taken and evidence offered in support of the complaint.

The respondents, by stipulation under date of February 29, 1940, have amended their answers to admit the following facts:

1. That at all times during the period covered by the complaint in the above entitled cause, John H. MacMillan, Jr. was president of Cargill, Inc., and of Cargill Grain Company of Illinois and was responsible for and directed the trading activities of each of said respondent corporations.

2. That the transactions in Chicago grain futures set forth in said complaint were executed by or through Cargill Grain Company of Illinois in substantially the amounts stated therein.

3. That during the period covered by said complaint the activities and actions of individual respondents E. J. Grimes, Julius Hendel and Philip C. Sayles, as officers or employees of Cargill, Inc., or of Cargill Grain Company of Illinois, were on instructions from and under the direction of John H. MacMillan, Jr.

The respondents, by waiver and Consent to Entry of Order, under date of February 29, 1940, have waived further hearing in this cause, consented to the entry of this order under authority of Section 6 of the Commodity Exchange Act, waived any requirement that a referee's report be made or served upon them, waived any requirement that formal findings of fact be made, and waived any right to appeal from this order.

IT IS HEREBY ORDERED that all contract markets, until further notice by the Secretary of Agriculture, shall refuse all trading privileges thereon to John H. MacMillan, Jr., and to Cargill Grain Company of Illinois, and to each of them.

IT IS FURTHER ORDERED that the complaint herein be, and the same hereby is, dismissed with prejudice to the commencement of any new action for the causes stated in said complaint as to respondents E. J. Grimes, Julius Hendel, Philip C. Sayles, and the corporate respondent, Cargill, Inc.

IT IS FURTHER ORDERED that a copy hereof be sent by registered mail to each respondent and a copy to each contract market.

(SEAL)

IN WITNESS WHEREOF, the Secretary of Agriculture has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington on the 6th day of March, 1940.

/s/ H. A. Wallace

Secretary of Agriculture

LOAD-DATE: June 11, 2008

