

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
EASTERN DISTRICT OF VIRGINIA.

In Equity No. 152.

UNITED STATES OF AMERICA, PETITIONER,

VS.

SOUTHERN HARDWARE JOBBERS' ASSOCIATION, ET AL.,  
DEFENDANTS.

ORDER MODIFYING FINAL DECREE.

The motion of the defendants for modification of the Final Decree made and entered herein on the 12th day of August, 1926, having come on to be heard this day, after due notice thereof to the Attorney General,

And Nelson B. Caskill, Esq., counsel for the defendants, appearing in behalf of said motion, and George P. Alt, Esq., Special Assistant to the Attorney General, appearing on behalf of the United States, and counsel having consented in open Court to the entry of this order,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS  
FOLLOWS:

1. Nothing contained in the Final Decree herein shall be construed to enjoin, prohibit or prevent, during the time for which the Code of Fair Competition for the Iron and Steel Industry, approved by the President August 19, 1933, under the National Industrial Recovery Act of June 16, 1933, and Section 4, of Schedule E attached to and forming part of said Code, shall be in effect, any defendant, acting individually and not in combination or agreement with any other defendant, person or corporation, including two or more members

of said Code, from entering into an agreement in writing with any manufacturer who is a member of the industry, pursuant to Section 4, of Schedule E thereof, providing as follows:

"Before any member of the Code shall allow any such deduction to any jobber or sell for resale to any purchaser who shall not be a jobber to such member, such member shall secure from such jobber or such other purchaser an agreement substantially in a form theretofore approved by the Board of Directors and filed with the Secretary whereby such jobber or other purchaser shall agree with such member (a) that such jobber or other purchaser will not, without the approval of the Board of Directors, sell such product to any third party at a price which at the time of the sale thereof shall be less than the price at which such member might at that time sell such product to such third party, and (b) that, if such jobber or such other purchaser shall violate any such agreement, he shall pay to the Treasurer as an individual and not as treasurer of the Institute, in trust, as and for liquidated damages the sum of \$10. per ton of any product sold by such jobber or such other purchaser in violation thereof."

2. Except as provided in this order, the Final Decree herein shall remain in full force and effect.

November 24, 1933.

(Sgd.) LUTHER B. WAY,  
*United States District Judge.*