

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

UNITED STATES OF AMERICA, PETITIONER,

VS.

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

In Equity No. 152.

ORDER MODIFYING FINAL DECREE.

On the petition of defendant, Southern Hardware Job-
bers' Association, dated April 30, 1933, and filed herein

May 3, 1934, and on the final decree in this cause entered August 12, 1926, and the Petitioner having consented to the entry of this order and no objection being made on behalf of any party hereto,

It is hereby ORDERED, ADJUDGED and DECREED as follows:

I

The final decree made and entered herein on August 12, 1926, is hereby modified so as to incorporate therein the following additional provisions:

Nothing contained in this decree shall be deemed or construed to prevent any defendant, its successors, members, officers, agents, servants, employees, or persons acting under, through, by or on behalf of it, from doing any act authorized, permitted or required by the code of Fair Competition for the Wholesaling or Distributing Trade, approved by the President on January 12, 1934, pursuant to the Act of Congress of June 16, 1933, known as the National Industrial Recovery Act, or by any Supplemental Code of Fair Competition for the Wholesale Hardware Trade (a division of the Wholesaling or Distributing Trade), which may hereafter be approved by the President, or on his behalf, under said Act, or by any code of fair competition so approved, or which may hereafter be so approved, for any trade or industry the products of which are purchased and sold by any defendant named in this decree and the provisions of which code authorize, permit or require any defendant to take any action with respect thereto in connection with the purchase of the products of any such trade or industry for resale, and also by any modification of, or addition or amendment to any code hereinbefore mentioned or referred to, which may hereafter be approved, during such time and to the extent to which the same shall remain in effect;

PROVIDED, however, that no such code of fair competition which may hereafter be so approved, nor any modification of or addition or amendment to an approved code of fair competition, which modification, addition

or amendment may hereafter be so approved, shall be effective for the purpose of this decree until ten (10) days after there shall have been filed herein and served upon the United States Attorney for this District and upon the Attorney General of the United States an authenticated copy of any such code of fair competition which may hereafter be so approved, and of any modification of, or addition or amendment to an approved code which may hereafter be so approved, nor then if the United States shall have filed herein and given to the defendant, Southern Hardware Jobbers' Association, or to its solicitor or counsel, a notice of objection thereto; without prejudice to the right of any defendant to make such motions herein for modification of this decree or otherwise, as it may be advised.

II

The United States may at any time apply to the Court to revoke any modification of this decree made under the proceeding paragraph, on the ground that operations under, or purporting to be under any approved Code of Fair Competition hereinbefore mentioned or referred to, or under or purporting to be under any modification of, or addition or amendment thereto which may hereafter be approved, the approval of which code, modification, addition or amendment has resulted in the modification of this decree, are promoting monopolies, or are eliminating, oppressing or discriminating against small enterprises, or are permitting monopolies or monopolistic practices.

III

Except as provided in this order, said Final Decree of August 12, 1926, shall remain in full force and effect.

Dated May 3, 1934.

(Signed) LUTHER B. WAY,
United States District Judge.

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ORDER OF CORRECTION.

It being made to appear that the petition heretofore filed in this cause on May 3, 1934, was inadvertently and erroneously dated April 30, 1933, instead of April 30, 1934, and that the order modifying the final decree heretofore filed on May 3, 1934, inadvertently and erroneously referred to the petition as filed April 30, 1933, the petitioner having consented to the entry of this order and no objection being made on behalf of any party hereto

It is hereby ordered, adjudged and decreed that the date of the petition be changed to read April 30, 1934, and that the reference in the order modifying the final decree be corrected to show that the petition was filed on April 30, 1934, and that such corrections shall be effective as of May 3, 1934, the date when said order was allowed and entered.

LUTHER B. WAY,
United States District Judge.