

Notice of Objection filed by it with the Court in this cause on July 13, 1934, pursuant to the provisions of the order entered herein May 3, 1934, modifying the decree entered in this case August 12, 1926, objecting to "Amendment No. 1," approved by the President May 30, 1934, to the Code of Fair Competition for the Iron and Steel Industry, approved August 19, 1933, which Notice of Withdrawal states that Petitioner does not object to any defendant's entering into, with manufacturers who are members of the said Code of Fair Competition approved for the Iron and Steel Industry, contracts concerning the prices at which products of the industry may be sold by jobbers, in the form of the agreement annexed thereto and marked Exhibit "A", in the form of the special contracts prepared by counsel for said Board of Directors, submitted to the Department of Justice, and annexed thereto as Exhibits "B", "C" and "D", respectively, or in the form of the contracts annexed to said Notice of Withdrawal as Exhibits "E" and "F", and expressly reserves Petitioner's right at any time to apply to the Court to revoke any modification of the decree herein, on the ground that operations under, or purporting to be under, any contract entered into by a defendant and relating to the resale prices of any products of the iron and steel industry are promoting monopolies, or are eliminating, oppressing or discriminating against small enterprises, or are permitting monopolies or monopolistic practices; it is, on the motion of the United States Attorney

ORDERED, ADJUDGED and DECREED that said Notice of Objection filed by the Petitioner on July 13, 1934, be, and the same is hereby, withdrawn, and that any defendant may enter into, with manufacturers who are members of the Code of Fair Competition approved for the Iron and Steel Industry under the National Industrial Recovery Act, contracts concerning the prices at which products of the industry may be sold by jobbers, in the form of the agreements marked Exhibits "A", "B", "C", "D", "E", and "F" attached to said Notice of Withdrawal; but that the right of Petitioner at any

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.

On the Notice of Petitioner, the United States of
America, filed on November 21, 1934, withdrawing its

time to apply to the Court to revoke any modification of the decree herein on the ground that operations under, or purporting to be under, any such contract entered into by any defendant are promoting monopolies, or are eliminating, oppressing or discriminating against small enterprises, or are permitting monopolies or monopolistic practices is hereby reserved.

On motion of the United States Attorney, it is hereby further

ORDERED, ADJUDGED and DECREED that 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 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 the Supplemental Code of Fair Competition for the Wholesale Hardware Trade (a division of the Wholesaling or Distributing Trade), approved July 30, 1934, under said Act, or by any code of fair competition approved, or which may hereafter be 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 and shall be in accordance with the National Industrial Recovery Act.

The United States may at any time apply to the Court to revoke any modification of this decree made under the preceding 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,

It is hereby further

ORDERED, ADJUDGED AND DECREED that this order shall supersede the orders previously entered by this Court on November 24, 1933, and May 3, 1934, modifying the decree herein, and that, except as provided in this order, said final decree of August 12, 1926, shall remain in full force and effect.

Dated November 22nd, 1934.

LUTHER B. WAY,
United States District Judge.