

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.

Upon consideration of the petition of the defendant Southern Hardware Jobbers' Association dated November 30, 1937, and this day filed, praying for a modification of the final decree entered herein August 12, 1926,

and the arguments of counsel for said defendant and for petitioner, it is

ADJUDGED, ORDERED AND DECREED as follows:

The final decree made and entered herein on August 12, 1926, is hereby modified so as to incorporate therein the following additional provisions, pursuant to the amendment to Section 1 of "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, contained in Title VIII of the Act of Congress entitled "An Act to provide additional revenue for the District of Columbia, and for other purposes", approved August 17, 1937:

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 entering into contracts or agreements prescribing minimum prices for the resale of a commodity which bears, or the label or container of which bears, the trade mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others when contracts or agreements of that description are lawful as applied to intrastate transactions, under any statute, law or public policy now or hereafter in effect in any State, Territory, or the District of Columbia in which such resale is to be made, or to which the commodity is to be transported for resale.

PROVIDED, however, that the foregoing paragraph shall not be deemed to modify any provision of said final decree relating to any contract or agreement providing for the establishment or maintenance of minimum resale prices on hardware between manufacturers, or between producers, or between wholesalers, or between brokers, or between factors, or between jobbers, or between retail dealers, or between persons, firms or corporations in competition with each other.

The modification by this order of said final decree shall be and remain in effect only during such time and to the

extent to which the amendment to Section 1 of "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, contained in Title VIII of the Act entitled "An Act to provide additional revenue for the District of Columbia, and for other purposes", shall remain in effect.

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

(Sgd.) ROBT. N. POLLARD,
United States District Judge.

December 29, 1937.