

**UNITED STATES OF AMERICA vs. MAINE CO-
OPERATIVE SARDINE COMPANY, ET AL.**
**IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE DISTRICT OF MAINE.**
In Equity No. 905.

UNITED STATES OF AMERICA, PETITIONER

VS.

MAINE CO-OPERATIVE SARDINE COMPANY ET AL.,
DEFENDANTS.

DECREE.

The United States of America having filed its petition herein on the 4th day of October, 1927, and the defendants herein having duly appeared by Herbert E. Locke, their solicitor:

Comes now the United States of America, by Frederick R. Dyer, its attorney for the District of Maine, and by John G. Sargent, Attorney General, William J. Donovan, Assistant to the Attorney General, and by Mary G. Connor, Special Assistant to the Attorney General, and come also the defendants named herein by their solicitor as aforesaid;

And it appearing to the Court by admission of the parties consenting to this decree that the petition states a cause of action; that the Court has jurisdiction of the subject matters alleged in the petition, and that the Court is empowered to prevent and restrain violations of the hereinafter-mentioned statute; and the petitioner having moved the Court for an injunction and for other relief against the defendants as hereinafter decreed;

And the Court having duly considered the statements of counsel for the respective parties, and the defendants named herein, through their solicitor, on May 16th, 1927, having consented to the entry of this decree;

Now, therefore, it is ordered, adjudged, and decreed as follows:

1. That the defendants, Maine Co-Operative Sardine Company, Addison Packing Company, Bayshore Sardine Company, Blanchard Manufacturing & Canning Company, Brawn-Willard Company, E. W. Brown Company, Hinkley-Stevens Company, Frontier Canning Company, E. A. Holmes Packing Company, M. C. Holmes Canning Company, Johnson's Bay Canning Company, MacNichol Packing Company, R. J. Peacock Canning Company,

Portland Products Company, Seacoast Canning Company, Stockton Canning Company, Union Sardine Company, North Lubec Manufacturing & Canning Company, I. M. Bangs, George A. Brawn, Ambrose L. Blanchard, David H. Blanchard, Andrew Clark, L. M. Hinkley, Angus Holmes, Ernest R. Holmes, John R. Holmes, Loring E. Holmes, M. P. Lawrence, A. H. Mayo, William R. MacDonald, D. C. MacNichol, W. H. MacNichol, George McCurdy, J. J. McCurdy, Roger W. Nichols, Alvin C. Ramsdell, Robert J. Peacock, Carlton M. Pike, Chester L. Pike, Charles H. Stewart, J. E. Wass, did, as alleged in the petition herein, in violation of the provisions of sections 1 and 2, respectively, of the Act of Congress approved July 2, 1890, entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies," enter into an agreement, combination, and conspiracy with one another to restrain trade and commerce among the several States, and to control, regulate, and monopolize said trade and commerce in the production of so-called "standards" sardines, and in the distribution, sale, and shipment thereof throughout the United States, and that in pursuance of said combination and conspiracy in restraint of trade and to monopolize said trade and commerce as aforesaid, said defendants caused to be organized under the laws of the State of Maine a corporation, to wit, Maine Co-Operative Sardine Company, and that each of said defendants by a contract created the said Maine Co-Operative Sardine Company its exclusive selling agent for any and all standard sardines packed by each of said defendants, respectively, and performed other acts in restraint of interstate trade and commerce in standard sardines as described in the petition herein;

2. That the said combination is hereby adjudged and decreed to be unlawful and in violation of the Act of Congress of July 2, 1890, as aforesaid; and that the said defendants and each and all of them, and all and each of their respective directors, officers, agents, servants, and employees, and all persons acting under or through them or in their behalf, be, and they are hereby, perpetually enjoined, restrained, and prohibited from doing

any act in pursuance of or for the purpose of carrying out the said combination, conspiracy, and agreement in restraint of trade and commerce as aforesaid, and from monopolizing said trade and commerce as aforesaid;

3. That the defendant, Maine Co-Operative Sardine Company, its officers, agents, servants, and employees, be, and they hereby are, enjoined from acting as the sales agent of said defendants and from selling or fixing the price at which sardines of the various defendant packers shall be sold, and all contracts, agreements, and understandings by which the Maine Co-Operative Sardine Company was and is acting as the general sales agent of the defendants and each and every of them be, and hereby are, declared unlawful and canceled, annulled, and set aside, and they and each of them hereby are enjoined and restrained from making, executing, or carrying out any such contract, agreement, or understanding in the future.

4. That the defendant, Maine Co-Operative Sardine Company, within 30 days after the entry of this decree, shall dissolve, forfeit all its corporate privileges, and surrender its charter to the State of Maine.

5. That the defendants, and each of them, and all and each of their respective directors, officers, agents, servants, and employees, and all persons acting under or through them or in their behalf, be, and they and each of them are hereby, enjoined, restrained, and prohibited from entering into, taking part in, or performing any contract, combination, or conspiracy the purpose or effect of which will be as to trade and commerce in sardines packed by the defendants, between and among the several States and the District of Columbia, a restraint of trade or a monopolization of or an attempt to monopolize trade, in violation of the provisions of the Act of Congress approved July 2, 1890, entitled "An Act to Protect Trade and Commerce against Unlawful Restraints and Monopolies," and the acts supplemental to and amendatory thereof, either by agreeing or contracting together or with one another, expressly or impliedly, directly or in-

directly, with respect to the production, sale, shipment, and disposition of sardines packed, sold, and distributed by the defendants, or any of them, or by contracting and agreeing together or with one another, expressly or impliedly, directly or indirectly, as to the prices at which said sardines shall be sold, as to persons or corporations to whom they shall be sold, as to the territory into which any of said sardines shall be shipped, sold, or otherwise disposed of, as to freight rates which shall govern shipment of said sardines, as to the amount or quantity of said sardines or any grade thereof which shall be packed, sold, or distributed by the defendants, or by any of them, or by agreeing or contracting together or with one another with a view to the imposition of any burden or condition upon the production, sale, or disposition of said sardines packed by the defendants, or any of them.

6. That any of the parties to this decree may make application to the Court at any time for such further orders and directions as may be necessary or proper in relation to the carrying out of the provisions of this decree, and for the enforcement of strict compliance therewith and the punishment of evasions thereof; and jurisdiction of this cause is retained for the purpose of giving full effect to this decree, and for the purpose of making such other and further orders, decrees, amendments, or modifications, or taking such other action, if any, as may be necessary or appropriate to the carrying out and enforcement of said decree.

7. That the United States shall recover its costs.

JOHN A. PETERS,
United States District Judge.

October 4, 1927.