

UNITED STATES v. STANDARD SANITARY MFG. CO.
IN THE CIRCUIT COURT OF THE UNITED STATES FOR
THE DISTRICT OF MARYLAND.

Equity G-17.

Before GOFF and PRITCHARD, Circuit Judges, and ROSE,
District Judge.

THE UNITED STATES OF AMERICA, PETITIONER,
vs.

STANDARD SANITARY MANUFACTURING COMPANY, A. WEISKITTEL & COMPANY, THE BARNES MANUFACTURING COMPANY, THE CAHILL IRON WORKS, COLWELL LEAD COMPANY, THE DAY-WARD COMPANY, THE HUMPHREYS MANUFACTURING COMPANY, KERNER MANUFACTURING COMPANY, THE J. L. MOTT IRON WORKS, MCVAY & WALKER, THE MCCRUM-HOWELL COMPANY, THE NATIONAL SANITARY MANUFACTURING COMPANY, UNION SANITARY MANUFACTURING COMPANY, UNITED STATES SANITARY MANUFACTURING COMPANY, L. WOLFF MANUFACTURING COMPANY, WHEELING ENAMELED IRON COMPANY, THEODORE AHRENS, FRANCIS J. TORRANCE, E. L. DAWES, W. A. MYLER, ANTON WEISKITTEL, JOHN D. HEISE, C. H. VOEGELE, T. R. BARNES, F. H. CALDWELL, J. J. MAHONEY, JESSE T. DURYEA, BERT O. TILDEN, W. C. WINFIELD, A. G. WARD, S. N. FORD, REID CARPENTER, J. A. FRAUENHEIM, JORDON L. MOTT, MAX GOEBEL, THOMAS WALKER, ALEXANDER C. WALKER, LLOYD G. MCCRUM, HOWARD T. GATES, FRANK G. BORDEN, D. W. DAVIS, L. C. HUESMAN, E. V. BRIGHAM, CHARLES ARROTT, A. H. CLINE, JR., HERMAN HOELSCHER, J. E. WRIGHT, GEORGE W. FRANZHEIM, EDWIN L. WAYMAN, DEFENDANTS.

DECREE.

This cause came on to be heard at this term, and was argued by counsel; and thereupon, upon consideration thereof, it is by the court, Judges Pritchard and Rose concurring, and Judge Goff dissenting, ordered, adjudged, and decreed:—

First. That each of the defendants, Bert O. Tilden and George W. Franzheim, in his official character as secretary of his respective corporation, defendant herein, attested the contracts hereinafter mentioned, executed by such respective corporation, and had no other connection there-

with, and that the original petition of the United States herein be and hereby is dismissed as to the defendants, Bert O. Tilden and George W. Franzheim, with costs to each of them to be taxed.

Second. That the defendants (other than those against whom the petition is dismissed, and Ludwig Wolff, who died before the final hearing), in the manner set forth in the petition, have entered into and are engaging in a combination in restraint of trade and commerce among the several States in sanitary enameled ironware and have attempted and are attempting to monopolize said trade and commerce in said ware, in violation of the act of Congress approved July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies."

Third. That upon the evidence the defendant Colwell Lead Company is engaged in interstate commerce within the meaning of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

Fourth. That the so-called manufacturers' license agreements and the jobbers' license agreements, and the price lists made part of said agreements, all described in the petition herein, have been and are the means adopted and used by the defendants in order to carry into effect the objects and purposes of said unlawful combination in restraint of said interstate trade and commerce in violation of said act of Congress, and that the said agreements and price lists are therefore hereby declared illegal and the defendants and all and each of them and their officers, agents, servants, and employees are enjoined and prohibited from doing anything in furtherance of said manufacturers' license agreements and jobbers' license agreements, and from enforcing in any manner said agreements or any of the terms thereof, and from adopting or enforcing said price lists in interstate commerce in sanitary enameled ironware.

Fifth. That the defendants, their officers, agents, servants, and employees, are enjoined and prohibited from

continuing their attempt to monopolize interstate commerce in said ware by means of the unlawful combination hereinbefore described, and more particularly by means of said manufacturers' license agreements and jobbers' license agreements, and said price lists, or by any other means similar thereto.

Sixth. That the said defendants, their officers, directors, agents, servants, and employees, are enjoined and prohibited from resuming, engaging in, continuing, or carrying into further effect the combination adjudged illegal hereby, and from engaging in or entering into any like combination or attempt to monopolize, the effect of which will be to restrain commerce in sanitary enameled ironware among the several States of the United States, or in the Territories of the United States, by making any express or implied agreement or arrangement together, or one with another, like that adjudged illegal herein, relative to the control or management of the business of the said defendants in sanitary enameled ironware, the effect of which will be to prevent each and any of them from carrying on interstate trade and commerce in sanitary enameled ironware in competition with the others.

Seventh. That this decree shall not be construed to prevent whoever may be the owner or owners of the Arrott patent and other dredger patents relating to the manufacture of sanitary enameled ironware, from granting lawful licenses to any of the defendants or others to use such patents, or to prevent the defendants or others from taking lawful licenses to use any of such patents.

Eighth. It appearing to the court that on the twentieth day of January, 1911, the defendants, Cahill Iron Works, Frank H. Caldwell and John J. Mahoney, by leave of the court, filed their substituted and amended answer in the cause, showing that theretofore, to wit, on the 17th day of December, 1910, they withdrew from said combination and ceased thereafter to engage in any of the practices complained of in the petition, and submitting to a decree such as is herein decreed, it is further adjudged and decreed that the petitioner recover of said defendants

one-sixteenth of its lawful costs which accrued in the cause up to the closing of the case of the petitioner on December 22nd, 1910, and that the petitioner recover of the other defendants, except said Bert O. Tilden and George W. Franzheim, and Ludwig Wolff, the remainder of its lawful costs in this cause.

November 25th, 1911.

J. C. PRITCHARD,
U. S. Circuit Judge.
JOHN C. ROSE,
District Judge.