

In Equity No. 751.

UNITED STATES OF AMERICA, PLAINTIFF,

VS.

AMERICAN COLUMN AND LUMBER COMPANY, AND  
OTHERS, DEFENDANTS.

FINAL DECREE.

This cause having come on to be heard on March 8, 9 and 10, 1920, upon the application of the plaintiff for a preliminary injunction as prayed in the bill of complaint and the plaintiff having exhibited its sworn bill of complaint, affidavits and exhibits in support thereof, and the defendants having filed and read their sworn answer, affidavits and exhibits in opposition, and the court having ordered a preliminary injunction to issue as prayed; and the parties having now come again and stipulated that the proceedings heretofore had on the application for a preliminary injunction may be treated as having the effect in all respects of a final hearing, and that a final decree may be entered thereon; and the court having considered the evidence and the arguments of counsel and being fully advised, it is ordered, adjudged and decreed:

First: That an injunction issue out of and under the seal of this Court perpetually commanding the defendants

herein, namely: (Here follow the names.) both individually and in their respective capacities as officers, agents, or members of the so-called "Open Competition Plan" of the American Hardwood Manufacturers' Association or otherwise, and all persons combining, conspiring, agreeing or arranging with them, and all other persons whomsoever:

(a) Not to make any further oral agreements at the next regular monthly meetings of the members of the so-called "Open Competition Plan" of the American Hardwood Manufacturers' Association, at Cincinnati, Ohio, on the second Tuesday of the month; at New Orleans, La., on the second Thursday of the month; at Memphis, in this District, on the second Friday of the month; and at Little Rock, Ark., on the third Thursday of the month; or at any other time or place, to eliminate such competition as may still persist amongst the said defendants;

(b) Not to take any further steps whatsoever in compiling, printing or distributing through the said F. R. Gadd, "Manager of Statistics," or otherwise, at Memphis, in this District, or elsewhere, the next issues of the monthly "Stock Reports," monthly "Production Reports" and weekly "Sales Reports" of the said so-called "Open Competition Plan," or any other issues of any such or similar reports;

(c) Not to discuss prices which have been charged, or are to be charged by the defendants, or by any other persons, for hardwood lumber, at any of the coming association meetings of the defendants;

(d) Not to exchange, through the said F. R. Gadd, "Manager of Statistics," or otherwise, written predictions to the effect that high prices for hardwood lumber will continue to be maintained and enhanced;

(e) Not to distribute through the said F. R. Gadd, "Manager of Statistics," or otherwise, any further written or printed statements, explanations, or arguments, inciting the defendants to maintain and enhance their prices for hardwood lumber;

(f) To forthwith take appropriate action, as members

and officers of the above-described association and so-called "Open Competition Plan," to abandon, and to effectively announce the abandonment of all efforts whatsoever, by or through such association, having the purpose or tendency to maintain or enhance the price of hardwood lumber; and

(g) Not to do any further act or thing whatsoever having the purpose or tendency to continue in effect or to further the conspiracy described in the Bill of Complaint to maintain and to enhance the prices of hardwood lumber.

Second: That the Bill of Complaint be and the same is hereby dismissed as to defendants, West Virginia Timber Company, Bon Air Coal & Iron Company, Dierks Lumber & Coal Company, J. W. James, J. C. Eakle, and E. L. Kooster, without costs as to them and without prejudice to any of the parties.

Third: That the plaintiffs recover of the defendants its reasonable costs herein to be taxed by the Clerk and that execution issue therefor.

JNO. E. MCCALL,

*United States District Judge.*

Entered April 21, 1920.