

BERT J. GROSVENOR, SYLVANUS F. BECHTEL, WALTER G. ZAHRT, AND LELAND F. JOHNSON, DEFENDANTS.

FINAL DECREE.

This cause coming on to be heard on the 10th day of June in the year 1915, before Honorable Albert B. Anderson, United States judge for the district of Indiana; and the petitioner, the United States of America, appearing by its United States attorney; and the several defendants appearing by W. J. Vesey and E. G. Hoffman, their solicitors, who now file a duly certified copy of a resolution of the board of directors of the defendants, S. F. Bowser & Co., in the words and figures following, to wit: MEETING OF THE BOARD OF DIRECTORS OF S. F. BOWSER & CO. (INC.).

Meeting held at the office of the company, June 9, 1915. Present, S. F. Bowser, A. A. Bowser, H. M. Bowser, A. Z. Polhamus, S. B. Bechtel, C. A. Dunkelberg, H. J. Grosvenor, W. G. Zahrt, A. S. Bowser.

S. F. Bowser presided as president and A. B. Bowser acted as secretary of the meeting.

Mr. Polhamus offered the following resolution and moved its passage:

"Whereas, there is about to be filed in the District Court of the United States, for the District of Indiana, an action by the United States of America against this company and others appearing for an injunction against this company restraining it from doing or performing the things mentioned in a draft of a decree submitted to this board by W. J. Vesey, attorney, and,

Whereas, it is desired to avoid litigation and the expense thereof incident to the trial of an action in said cause even though the allegations of the bill filed therein shall be untrue. Now, therefore, be it

Resolved, by this Board of Directors, That E. G. Hoffman and W. J. Vesey, attorneys, are hereby authorized to appear for this company in said District Court and to file for this company such answer or pleading as to them may seem best, and to consent to such decree in said action as may be approved by C. A. Dunkelberg, the treasurer of this company."

UNITED STATES v. F. S. BOWSER & CO.

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE DISTRICT OF INDIANA.

In Equity No. 117.

UNITED STATES OF AMERICA, PETITIONER,

VS.

S. F. BOWSER & CO. (INC.), SYLVANUS F. BOWSER, ALLEN
A. BOWSER, HARRY M. BOWSER, CHARLES A. DUNKEL-
BERG, ALBERT S. BOWSER, ALBERT Z. POLHAMUS, HER-

Which resolution, being duly seconded by S. B. Bechtel, was duly put and voted for and carried unanimously. There being no further business before the board, the meeting adjourned.

I, A. S. Bowser, hereby certify that I am secretary of S. F. Bowser & Co. (Inc.), and that the foregoing is a true and complete copy of the minutes of the meeting of said board of directors held at this company's offices on the 9th day of June, 1915.

A. S. BOWSER. [SEAL.]

and said other defendants by their solicitors as aforesaid also file their written consent to this decree, in words and figures following, to wit:

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE DISTRICT OF INDIANA.

In Equity No. 117.

UNITED STATES OF AMERICA, PETITIONER,

VS.

S. F. BOWSER & COMPANY (INC.), SYLVANUS F. BOWSER, ALLEN A. BOWSER, HARRY M. BOWSER, CHARLES A. DUNKELBERG, ALBERT S. BOWSER, ALBERT Z. POLHAMUS, HERBERT J. GROSVENOR, SYLVANUS B. BECHTEL, WALTER G. ZAHRT AND LELAND F. JOHNSON.

To E. G. Hoffman and W. J. Vesey, Attorneys.

We, the undersigned, each hereby authorize you, or either of you to appear for us as our attorneys in the above entitled action and consent to the entry of such decree therein as may be consented to by A. C. Dunkelberg.

SYLVANUS F. BOWSER,
ALLEN A. BOWSER,
HARRY M. BOWSER,
CHARLES A. DUNKELBERG,
ALBERT S. BOWSER,
ALBERT Z. POLHAMUS,
HERBERT J. GROSVENOR,

SYLVANUS J. BECHTEL,
WALTER G. ZAHRT,
LELAND F. JOHNSON,
By C. A. DUNKELBERG.

which written consent is now approved by the defendant, Charles A. Dunkelberg, in open court, and all of said defendants by their solicitors as aforesaid, in accordance with the terms and conditions of said resolution and consent, now waive the issuance and service of process herein, and it appearing to the court that it has jurisdiction of the subject matter alleged in the petition, and the petitioner through its counsel having moved the court for an injunction against the defendants in accordance with the prayer of the petition, and the court having heard and duly considered the statements of counsel for the respective parties, and it appearing to the satisfaction of the court that the petitioner is entitled to the relief hereinafter granted and adjudged, and the several defendants, through their solicitors, now and here consenting to the entry of this final decree:

It is, therefore, on motion of the petitioner, ordered, adjudged, and decreed as follows:

FIRST. That the defendants, S. F. Bowser & Co. (Incorporated), Sylvanus F. Bowser, Allen A. Bowser, Harry M. Bowser, Charles A. Dunkelberg, Albert S. Bowser, Herbert J. Grosvenor, Albert Z. Polhamus, Sylvanus F. Bechtel, Walter G. Zahrt, and Leland F. Johnson, have been and are engaged in a combination to restrain and in an attempt to monopolize interstate trade and commerce in pumps, tanks, and outfits for the storage and handling of gasoline and other inflammable liquids, in violation of sections 1 and 2 of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies" (26 Stat., 209), by means hereinafter enjoined.

SECOND. That the defendants, and each of them, and their officers, agents, and employees, and all persons authorized to act or acting for or in behalf of any of the defendants, be and they are hereby, jointly and severally enjoined as follows:

(a) From making or causing to be made to customers or prospective customers of competitors, false representations concerning the standing, financial or otherwise, or the business methods of such competitors, with the purpose or intent to injure such competitors in their business; and from making any false representations concerning the quality of pumps, tanks, or outfits manufactured by competitors, or the ability of such pumps, tanks, or outfits to meet the requirements of the National Board of Fire Underwriters.

(b) From bringing or threatening to bring suit against competitors, their customers or prospective customers, upon the claim known to be false or not believed in good faith to be well founded, that the products of such competitors are an infringement of the patent rights of defendants.

(c) From hiring, bribing, or employing architects, fire marshals, insurance representatives, or municipal officers or employees, to use their influence in promoting the sale of defendants' products, or in preventing the sale of the products of competitors.

(d) From procuring detectives, agents, or representatives to enter into or take employment in the factories, buildings, shops, or offices of competitors, without their consent, for the purpose of obtaining information concerning their business.

(e) From inducing or hiring draymen, railroad employees, or other persons, to obtain from shipments made by competitors, or from other sources, the names and addresses of their customers; except that the traveling salesmen of defendants, in making reports of prospective customers upon whom they have called, or employees engaged to make canvasses for the purpose of ascertaining the names and addresses of prospective customers, may report the name of the pump, tank, outfit owned by such prospective customer, if the purpose in so doing is not to injure in any manner the business of a competitor.

(f) From securing or attempting to secure, or bring about in any manner, the cancellation of orders taken or

sales made by competitors, or interfering in any way with contracts entered into by competitors with purchasers of their pumps, tanks, or outfits.

(g) From promising or agreeing to indemnify customers or prospective customers of competitors against losses from litigation or otherwise, on condition that they cancel their contracts with such competitors.

(h) From reducing the prices of pumps, tanks, or outfits below the cost of production, or giving them away, in order to prevent sales by competitors; or discriminating in prices between different persons or localities with the purpose or intent thereby to destroy or injure the business of a competitor.

(i) From inducing or hiring salesmen, agents, or other employees of competitors to leave their employment and enter into the employment of defendants; but nothing in this section shall prevent defendants from hiring salesmen, agents, or other employees of competitors who shall have left, without any inducement from defendants, their employment and shall have applied to defendants for situations.

(j) From committing or causing to be committed any other similar acts of unfair competition the purpose or effect of which shall be to injure or destroy the business of any competitor, to substantially lessen competition in or otherwise restrain interstate trade or commerce in pumps, tanks, or outfits, or tend to create a monopoly therein in favor of defendants.

THIRD. That jurisdiction of this cause be and is hereby retained for the purpose of enforcing this decree, or for the purpose of enabling the parties to apply to the court for modification hereof if it be thereafter shown to the satisfaction of the court that by reason of changed conditions or changes in the statute law of the United States, the provisions hereof have become inadequate, inappropriate, or unnecessary to maintain competitive conditions in interstate trade or commerce in pumps, tanks, or outfits, or have become unduly oppressive to the defendants and are no longer necessary to secure or main-

tain competitive conditions in such interstate and foreign trade.

FOURTH. That the United States recover from defendants its costs herein expended, the same to be taxed by the clerk of this court, and have execution therefor.

A. B. ANDERSON, *Judge*.