

IN THE DISTRICT COURT OF THE UNITED STATES IN
AND FOR THE SOUTHERN DISTRICT OF OHIO.

In Equity No. 201.

UNITED STATES OF AMERICA, PLAINTIFF,

VS.

TILE MANUFACTURERS CREDIT ASSOCIATION, ET AL.,
DEFENDANTS.

SUPPLEMENTAL DECREE.

Heretofore, on November 26, 1923, a final decree was
entered in this cause.

Now come

American Encaustic Tiling Co. (Ltd.)

Mosaic Tile Co.

United States Encaustic Tile Works

National Tile Co.

Alhambra Tile Co.

Cambridge Tile Manufacturing Co.

Wheeling Tile Co.

Beaver Falls Art Tile Co.

Grueby Tile and Faience Co.

Matawan Tile Co.

Old Bridge Enameled Brick & Tile Co.

Perth Amboy Tile Works

C. Pardee Works

corporate defendants, and

F. W. Walker

F. W. Walker, Jr.

R. E. Jordan

Charles M. Cooper

William F. Landers

Louis F. Jones

U. S. v. TILE MANUFACTURERS CREDIT ASSO.

John P. Sheegy

William S. Berger

Samuel O. Laughlin

James S. Youngson

B. K. Eskesen

August Staudt

Ario Pardee

Charles F. Eilert

F. W. Thresher

individual defendants, by their solicitor of record, John
Hemphill, Esquire, and pray for a modification of the
aforesaid decree, (1) because, according to decisions of
the Supreme Court of the United States, made subsequent
to the consent and entry of the aforesaid decree, namely,
on June 1, 1925, in the cases of *Maple Flooring Manufac-
turers Association v. United States* 268 U. S. 563, and
*Cement Manufacturers Protective Association v. United
States*, 268 U. S. 588, the gathering and distribution of
facts relative to sales, freight rates, credit, etc., do not
cause and do not constitute a restraint of trade in viola-
tion of the Act of July 2, 1890; and (2) because insofar
as the aforesaid decree may be understood to prohibit the
gathering and distribution of such facts, such prohibitions
have become inappropriate and unnecessary; and the
court having considered the statements of counsel for the
parties; and the United States of America, by its attorney,
now and here consenting to the rendition and entry of
the following decree because it deems the aforesaid decree
not to enjoin the doing of the acts and things hereinafter
described:

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

That nothing contained in the aforesaid decree prohibits
the defendants from associating themselves, by means of
a corporation, unincorporated association or otherwise,
for the purpose of making, receiving or compiling, dis-
seminating and publishing facts, statistics and like infor-
mation as to the production, shipments and freight rates,
existing stocks, and the past prices of tiles, including

credit information as to purchasers thereof; provided that each of the defendants shall act with regard to production, shipments and freight rates, prices of tiles and credit information with entire independence, that is to say, free from any agreement with or criticism from his associates; provided also that the prohibition with regard to so-called freight equalization contained in subdivision (h) of paragraph 5 of the aforesaid decree shall remain effective.

That nothing contained in the aforesaid decree shall be construed to prohibit the defendants from adopting and using a common trademark, or from doing any acts to accomplish any objects or purposes not described and prohibited in specific terms in said decree; and the words "and none other" in paragraph 4 of the said decree be and they are hereby rescinded and stricken from said decree.

That the words "upon specific requests" contained in subdivision (g) of paragraph 4 of said decree be and they are hereby rescinded and stricken from said decree.

(s) BENSON W. HOUGH
U. S. District Judge.

Entered April 23, 1928.