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UNITED STATES v. NATIONAL ASS'N OF MASTER  
PLUMBERS.

IN THE DISTRICT COURT OF THE UNITED STATES FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA.

UNITED STATES OF AMERICA, PETITIONER,

VS.

NATIONAL ASSOCIATION OF MASTER PLUMBERS OF THE  
UNITED STATES ET AL., DEFENDANTS.

Equity No. 151.

#### FINAL DECREE.

The United States of America, having filed its petition herein on the 19th day of May, 1917, and all the defendants having duly appeared by Clark McKercher, Esquire, and George H. Calvert, Esquire, their solicitors of record, and answered, and the cause being now at issue on the petition and answers:

Now comes the United States of America, by Edwin Lowry Humes, its attorney for the Western District of Pennsylvania, and Lincoln R. Clark, Special Assistant to the Attorney General of the United States, and come also all the defendants herein by their solicitors, as aforesaid; and it appearing to the court that the allegations of the petition state a cause of action against the defendants under the provisions of the Act of July 2, 1890, known as the Anti-Trust Act, and that it has jurisdiction of the subject matter alleged in the petition; and the petitioner having moved the court for an injunction against the defendants as hereinafter decreed; and the court having duly considered the pleadings and 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 all the defendants, through their solicitors, now and here consenting to the rendition and entering of the following decree:

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

I. That the term "plumbing goods" as used in this decree embraces all fixtures for use in connection with plumbing work and intended to be connected with (to) water and sewer systems, and includes, among others, such articles as iron, lead and brass pipes and fittings, bath tubs, lavatories, water-closets, faucets, and other accessories; and that a master plumber, as the term is herein used, is one who undertakes the work of contracting for, superintending or directing the installation of plumbing goods.

II. That in the year 1903 divers persons who were

then engaged as retail dealers in and installers of plumbing goods, and who were located and doing business in various States of the United States, organized and caused to be organized the defendant National Association of Master Plumbers of the United States, hereafter referred to as the National Association, for the purposes, among others, of becoming members thereof and of thereby mutually recognizing each other as master plumbers; of causing the National Association so organized to adopt certain by-laws and prescribe certain standards of eligibility for membership under which membership in the National Association should be confined exclusively to persons, firms and corporations recognized and classified by the National Association as master plumbers and to affiliated and subordinate associations of recognized master plumbers; of causing all members of the National Association to look upon master plumbers satisfactory to the National Association as the sole legitimate retail dealers in and installers of plumbing goods, of causing them to be so regarded and dealt with by all other persons, and particularly of preventing, by cooperation among themselves and by joint and united effort, all manufacturers of and wholesale dealers in plumbing goods from selling, shipping or distributing plumbing goods in interstate commerce to any one not recognized and classified by the National Association as a master plumber.

III. That the defendant National Association, for the purpose, among others, of preventing manufacturers of and wholesale dealers in plumbing goods from selling, shipping or distributing plumbing goods directly to consumers or to any one else, whether dealer or installer, not recognized and classified by the National Association as a master plumber, adopted certain by-laws and prescribed certain standards, by virtue of which the members of the National Association were to confine their purchases of plumbing goods solely to those manufacturers and wholesale dealers who should sell, ship and distribute plumbing goods exclusively to persons, firms

and corporations recognized and classified by the National Association as master plumbers, thereby hindering and preventing manufacturers and wholesale dealers from selling, shipping or distributing plumbing goods directly to consumers, or to retail dealers or installers not recognized and classified by the National Association as master plumbers.

IV. That thereafter and prior to the time of the filing of the petition herein all of the other defendants, both associations and individuals, became members of the National Association either directly or through one or another of the defendant State and local associations, all of which are affiliated with and members of the National Association, and thereby became parties to the combination and conspiracy now adjudged illegal by this decree.

V. That the National Association and its constituent member associations, both State and local, particularly—  
Master Plumbers Association of Connecticut, Inc.,  
Master Plumbers Association of the State of Georgia,  
Illinois Master Plumbers Association,  
The Indiana State Association of Master Plumbers.  
Iowa Master Plumbers Association,  
Kansas Master Plumbers Association,  
The Montana Master Plumbers Association,  
New York State Association of Master Plumbers,  
Associated Master Plumbers of Texas.  
Wisconsin Master Plumbers Association,  
Alabama Master Plumbers Association,  
The Association of Master Plumbers of the State of Arkansas,  
State Association of Master Plumbers of California,  
Colorado Master Plumbers Association,  
Master Plumbers Association of Wilmington, Delaware,  
Master Plumbers Association of Washington, District of Columbia,  
Florida State Association of Master Plumbers,  
State Association of Master Plumbers of Kentucky,

The State Association of Master Plumbers of the State of Maine,

The Association of Master Plumbers of the State of Maryland,

The Massachusetts Association of Master Plumbers,

The Michigan State Association of Master Plumbers,

The Minnesota Master Plumbers Association,

Missouri State Association of Master Plumbers,

Nebraska Master Plumbers Association,

Master Plumbers Association of Manchester, New Hampshire,

The New Jersey Association of Master Plumbers,

The North Carolina Association of Master Plumbers,

Ohio State Association of Master Plumbers,

Oregon Master Plumbers Association,

The Pennsylvania State Association of Master Plumbers,

Rhode Island Master Plumbers Association,

South Carolina State Association of Master Plumbers,

Tennessee Association of Master Plumbers,

Association of Master Plumbers of Utah,

Master Plumbers Association of Roanoke, Virginia,

Association of Master Plumbers of the State of Washington, and

Master Plumbers Association of the State of West Virginia, comprising all the defendant associations, voluntary and corporate; and also all the individual defendants, namely,

David H. Roberts, individually and as president, director and member of National Association,

L. McNamara, individually and as vice president, director and member of National Association,

Eb. Ellen, individually and as secretary, director and member of National Association,

William McCoach, individually and as treasurer, director and member of National Association;

James S. Cassedy,

A. Selden Walker,

John Trainor,

E. D. Hornbrook,

and to hinder and prevent all persons, firms and corporations engaged or desirous of engaging in the plumbing industry as master plumbers or installers of plumbing goods, and proper to be known and dealt with as such, but who are not members of defendant National Association or any of its member associations, from purchasing plumbing goods in interstate or foreign commerce or in the District of Columbia.

(c) To hinder and prevent all persons, firms and corporations engaged or desirous of engaging in the business of a retail dealer in plumbing goods, but who are not members of the National Association or any of its member associations, and who are not recognized or classified by the National Association as master plumbers, from purchasing plumbing goods in interstate or foreign commerce or in the District of Columbia from manufacturers or wholesale dealers or from anyone else; that is to say, to prevent all retail dealers not members of the National Association or any of its member associations from purchasing plumbing goods for the retail trade.

(d) To hinder and prevent all persons, firms and corporations engaged or desirous of engaging in the plumbing industry as retail dealers, and proper to be known and dealt with as such whether or not they be also engaged as master plumbers or installers of plumbing goods, but who are not members of the National Association or any of its member associations, from being recognized and dealt with as legitimate retail dealers in, or purchasers and sellers of plumbing goods, by defendant National Association and its members, or by manufacturers, wholesale dealers or others engaged in any branch of the plumbing industry, or by consumers.

(e) To restrict the demand and curtail the field of plumbing goods produced or held for sale by manufacturers and wholesale dealers to purchases made by those retail dealers only who are recognized by the National Association as master plumbers and who are purchasing such goods to be thereafter resold and installed by themselves as master plumbers.

(f) To hinder, prevent and dissuade manufacturers

and wholesale dealers engaged, or desiring to engage, in selling, shipping or distributing plumbing goods in interstate commerce or in the District of Columbia from selling, shipping or distributing such goods directly to consumers or to retail dealers or others not recognized or classified as master plumbers by defendant National Association; that is to say, to hinder, prevent and dissuade manufacturers and wholesale dealers from selling, shipping or distributing plumbing goods to any one not a member of the National Association or any of its member associations.

(g) To hinder and prevent consumers from purchasing plumbing goods in interstate or foreign commerce or in the District of Columbia directly from the manufacturer or wholesale dealer or from any one else save retail dealers who are recognized and classified as master plumbers by defendant National Association; that is to say, from any one save members of the National Association or any of its member associations.

(h) To eliminate all competition for trade in the purchase and sale of plumbing goods in interstate and foreign commerce and in the District of Columbia, except competition between manufacturers selling to wholesale dealers, and between manufacturers and wholesale dealers selling to persons, firms and corporations recognized and classified as master plumbers by the National Association.

VII. That among the means and methods adopted and used by the defendants for the purpose of carrying the combination and conspiracy into effect, and accomplishing the objects thereof, which means and methods are hereby adjudged to be in violation of the Anti-Trust Act of July 2, 1890, were the following:

(a) The defendant associations and their directors, officers, committees and members have from time to time held meetings, conventions and conferences for the purpose and with the effect of bringing about concert of action and uniformity of practice among the defendants in the accomplishment of the objects hereinbefore adjudged illegal.

(b) The defendant associations, through their directors, officers, committees, members and agents, have from time to time ascertained the names of manufacturers and wholesale dealers who were selling, shipping or distributing plumbing goods directly to consumers or to retail dealers or others not recognized and classified by the National Association as master plumbers, and have from time to time protested to the manufacturers and wholesale dealers whose names were thus ascertained, and have circulated the names of such offending manufacturers and wholesale dealers amongst the members of defendant associations and endeavored by means of boycotting and by actual or threatened withdrawal of patronage or custom to induce such manufacturers and wholesale dealers to discontinue sales directly to consumers or to retail dealers or others not recognized and classified by the National Association as master plumbers; and the members of the defendant associations have been concertedly conducting their business strictly upon a plan involving the purchase by them of plumbing goods only from manufacturers and wholesale dealers who agree or have agreed, or whose avowed policy it is, to sell exclusively to members of defendant associations and to refrain from selling plumbing goods to consumers, retail dealers or others who are not members of any of said associations.

(c) The defendant associations, their directors, officers, committees, and members, cooperating among themselves, have from time to time compiled and published lists of manufacturers and wholesale dealers recognized by the defendants as conducting their several businesses in accord with the dictates and objects of the defendants, and especially have from time to time printed and published lists of such manufacturers and wholesale dealers in the form of a pamphlet commonly known as the "Brown Book"; and have caused such lists to be distributed and circulated among the several members of the defendant associations with the purpose and effect of notifying them severally and collectively to confine their custom and patronage to the manufacturers and

wholesale dealers whose names appeared therein, and to refrain from purchasing plumbing goods from all other persons, firms, or corporations.

(d) The defendant associations, their directors, officers, committees, and members, cooperating among themselves, have from time to time compiled and published lists of persons, firms and corporations recognized and classified by the National Association as master plumbers, and especially have from time to time printed and published lists of such persons, firms and corporations in the form of a book commonly known as the "Red Book," and have caused such lists to be distributed and circulated among the members of the several defendant associations with the purpose and effect of causing them concertedly to hinder and prevent all other persons, firms and corporations than those appearing in such lists as recognized master plumbers from purchasing or obtaining plumbing goods from the manufacturers and wholesale dealers therein, and from selling or distributing plumbing goods to consumers; and have likewise caused such lists to be distributed and circulated among manufacturers of and wholesale dealers in plumbing goods with the purpose and effect of notifying them to sell plumbing goods only to the persons, firms and corporations whose names appeared in such lists as master plumbers recognized as such by the National Association.

(e) The defendant associations, their directors, officers and members have established and maintained a system of espionage over the business of manufacturers and wholesale dealers and over the business of non-member retail dealers, master plumbers and others, and have systematically gathered and disseminated among themselves information touching acts of such manufacturers and wholesale dealers, and of such non-member retail dealers, master plumbers and others, which were not in accord with the above described unlawful objects of the combination and conspiracy, particularly information touching sales of plumbing goods by manufacturers and wholesale dealers to consumers and non-member retail dealers, master plumbers and others, and touching pur-

chases and installations of plumbing goods by consumers and non-member retail dealers, master plumbers and others; and the members of said associations, by agreement among themselves and with the purpose and effect, among others, of hindering and preventing consumers from purchasing or obtaining plumbing goods from anyone but the members of the defendant associations, have concertedly refused to sell any plumbing goods which they do not severally and separately install, and concertedly refused to install any plumbing goods which they do not severally and separately sell.

VIII. That the defendants, and each of them, and their members, directors, officers, agents, servants and employees, and all persons acting under, through, by, or in behalf of them or any of them, or claiming so to act, be, and they are hereby, perpetually enjoined, restrained and prohibited from directly or indirectly engaging in or carrying into effect the combination and conspiracy hereby adjudged illegal; from entering into or engaging in any like combination or conspiracy the effect of which would be to restrain trade and commerce in plumbing goods among the several States or Territories of the United States or in the District of Columbia, or with foreign nations, and from making any express or implied agreement or arrangement together or one with another, or with others, or extending from the National Association downward to its constituent member associations or from any or all of the constituent member associations upward to the National Association, like that hereby adjudged illegal, the effect of which would be to prevent the free and unrestrained flow of interstate and foreign trade and commerce in plumbing goods from the manufacturer and wholesale dealer to the consumer, or from the manufacturer and wholesale dealer to the retail dealer, master plumber or installer, or from the retail dealer, master plumber or installer to the consumer.

IX. That the defendants, and each of them, and their members, directors, officers, agents, servants and employees, and all persons acting under, through, by, or in

behalf of them or any of them, or claiming so to act, be and they are hereby perpetually enjoined, restrained, and prohibited from pursuing any of the objects, or employing any of the means and methods, hereinbefore enumerated and adjudged illegal; and in particular from combining, conspiring, confederating or agreeing with each other or one with another, or with others, expressly or impliedly, directly, or indirectly, or doing any act or thing in pursuance or execution of any such combination, conspiracy, confederation, or agreement—

(a) To monopolize trade or commerce among the several States and Territories of the United States or with foreign nations or in the District of Columbia in the purchase of plumbing goods for the retail trade.

(b) To hinder or prevent any person, firm, or corporation engaged or desirous of engaging in the plumbing industry as a master plumber or installer of plumbing goods, but who is not a member of defendant National Association or any of its member associations, from purchasing plumbing goods in interstate or foreign commerce or in the District of Columbia.

(c) To hinder or prevent any person, firm, or corporation engaged or desiring to engage in the business of a retail dealer in plumbing goods, but who is not a member of the National Association or any of its member associations, or who is not recognized or classified by it as a master plumber, from purchasing plumbing goods in interstate or foreign commerce or in the District of Columbia from the manufacturers of or wholesale dealers in plumbing goods or from anyone else.

(d) To restrict the demand for or to curtail the field of plumbing goods produced or held for sale by manufacturers or wholesale dealers to purchases made by retail dealers who are recognized by the defendant associations as master plumbers, or who purchase plumbing goods to be thereafter resold and installed by themselves as master plumbers.

(e) To hinder, prevent or dissuade manufacturers or wholesale dealers engaged or desiring to engage in selling, or shipping or distributing plumbing goods in inter-

state or foreign commerce or in the District of Columbia from selling, shipping or distributing such goods directly to consumers or to retail dealers or to others not recognized or classified as master plumbers by defendant associations.

(f) To hinder or prevent consumers from purchasing plumbing goods in interstate or foreign commerce or in the District of Columbia directly from the manufacturer or wholesale dealer or from anyone else selling or desiring to sell plumbing goods to consumers.

(g) To eliminate competition for trade in the purchase and sale of plumbing goods in interstate or foreign commerce or in the District of Columbia.

(h) To boycott or threaten with loss of custom or patronage any manufacturer or wholesale dealer engaged or desiring to engage in selling, shipping or distributing plumbing goods in interstate or foreign commerce or in the District of Columbia, for having sold or being about to sell plumbing goods directly to consumers or to retail dealers or others who are not members of any defendant associations or recognized or classified by them as master plumbers.

(i) To intimidate or coerce manufacturers or wholesale dealers into selling plumbing goods only to such persons, firms or corporations as are classified or recognized by defendant associations as master plumbers or as legitimate purchasers of plumbing goods.

(j) To do or to refrain from doing any thing, the purpose or effect of which would be to prevent or hinder by intimidation, coercion, or withdrawal or threatened withdrawal of patronage or custom, any person, firm or corporation from buying or selling plumbing goods in interstate or foreign commerce or in the District of Columbia, wheresoever, whensoever, from or to whomsoever or at whatsoever price may be agreed upon between the seller and the purchaser.

(k) To communicate, directly or indirectly, with any manufacturer, wholesale or retail dealer or other person, firm or corporation, for the purpose of inducing such

manufacturer, wholesale or retail dealer or other person, firm or corporation not to sell plumbing goods to any person, firm or corporation not recognized or classified by the defendants as a legitimate purchaser of plumbing goods.

(l) To communicate, directly or indirectly, with any dealer or master plumber for the purpose of inducing such dealer or master plumber not to purchase plumbing goods, or not to favor with his patronage or custom, any manufacturer of or dealer in plumbing goods because of the practice of such manufacturer or dealer in selling or not selling plumbing goods to any certain class of customers.

X. That the defendants, and each of them, and their members, directors, officers, agents, servants and employees, and all persons acting under, through, by, or in behalf of them or any of them, or claiming so to act, be and they are hereby perpetually enjoined, restrained and prohibited from publishing or distributing or causing to be published or distributed, or aiding or assisting in the publication or distribution of—

(a) The names of any manufacturers or wholesale dealers, or any list or lists of manufacturers or wholesale dealers, who agree or have agreed, expressly or impliedly, directly or indirectly, or whose avowed policy it is, to confine sales of plumbing goods to persons, firms or corporations recognized or classified by the defendants as master plumbers or as legitimate purchasers of plumbing goods, or listed as such in the hereinbefore described "Red Book," or in any book, pamphlet, list or device of like character; or the names of any manufacturers or wholesale dealers, or any list or lists of manufacturers or wholesale dealers, who agree or have agreed, expressly or impliedly, directly or indirectly, or whose avowed policy it is not to sell plumbing goods to consumers or to persons, firms or corporations not included in said Red Book or other list of like character.

(b) The names of any manufacturers of or wholesale dealers in plumbing goods, or any list or lists of such manufacturers or wholesale dealers, who have been or

are selling, shipping or distributing plumbing goods to any person, firm or corporation not classified or recognized by defendants as a master plumber or legitimate purchaser of plumbing goods, or to any person, firm or corporation not listed in said "Red Book" or any book, pamphlet or list of like character, or similar device, as master plumbers, or the names or any list thereof, of any manufacturers or wholesale dealers from whom any such person, firm or corporation has been, or is supposed to be, receiving plumbing goods.

(c) The names of any persons, firms or corporations, or any list or lists thereof, who agree or have agreed, expressly or impliedly, directly or indirectly, to purchase plumbing goods from or to favor with their patronage or custom only those manufacturers and wholesalers who agree or have agreed, expressly or impliedly, directly or indirectly, or whose avowed policy it is, not to sell, ship or distribute plumbing goods directly to consumers or to persons, firms or corporations not approved by the defendants.

(d) The names of any persons, firms or corporations, or any list or lists thereof, engaged or desirous of engaging in the plumbing business as master plumbers or as retail dealers in plumbing goods who are not satisfactory to the defendants or recognized or classified by them as legitimate purchasers of plumbing goods from wholesale dealers or manufacturers.

XI. That defendant National Association of Master Plumbers of the United States, its officers and members, and defendant State and local associations, and all their officers and members, are not restrained from maintaining said organizations for social or legitimate trade purposes, not inconsistent with this decree and not in violation of law; nor are they restrained from publishing and distributing lists of the members of their associations in furtherance of the legitimate purposes thereof, provided that in so doing the effect shall not be to accomplish any of the objects condemned by this decree.

XII. It is further ordered, adjudged and decreed that the petitioner have and recover of the defendants judg-

ment for the costs in this behalf expended, for which let an execution issue.

Dated at Pittsburgh, Pennsylvania, this 19th day of May, 1917.

*Per Curiam.*