

UNITED STATES v. GENERAL PAPER CO.

IN THE CIRCUIT COURT OF THE UNITED STATES FOR
THE DISTRICT OF MINNESOTA. THIRD DIVISION.

Civil No. 813.

UNITED STATES OF AMERICA, COMPLAINANT,

VS.

GENERAL PAPER COMPANY ET AL., DEFENDANTS.

This cause this day coming to be heard before the United States Circuit Court for the District of Minnesota, Third Division, upon motion of the complainant for an injunction in accordance with the prayer of the bill of complaint heretofore filed herein, and the defendants, General Paper Company, The Itasca Paper Company, Hennepin Paper Company, Wolf River Paper and Fiber Company, Atlas Paper Company, Kimberly and Clark Company, Riverside Fiber and Paper Company, Wausau Paper Mills Company, Centralia Pulp and Water Power Company, Combined Locks Paper Company, Dells Paper and Pulp Company, Grand Rapids Pulp and Paper Com-

pany, Menasha Paper Company, The C. W. Howard Company, The Nekoosa Paper Company, The Falls Manufacturing Company, Flambeau Paper Company, The John Edwards Manufacturing Company, The Wisconsin River Paper and Pulp Company, Tomahawk Pulp and Paper Company, Northwest Paper Company, Consolidated Water Power and Paper Company, The Petoskey Fibre Paper Company, Rhinelander Paper Company, appearing by their solicitors, and the court being duly advised in the premises, it is ORDERED, ADJUDGED AND DECREED as follows:

1. That the defendants, The Itasca Paper Company, Hennepin Paper Company, Wolf River Paper and Fiber Company, Atlas Paper Company, Kimberly and Clark Company, Riverside Fiber and Paper Company, Wausau Paper Mills Company, Centralia Pulp and Water-Power Company, Combined Locks Paper Company, Dells Paper and Pulp Company, Grand Rapids Pulp and Paper Company, Menasha Paper Company, The C. W. Howard Company, The Nekoosa Paper Company, The Falls Manufacturing Company, Flambeau Paper Company, The John Edwards Manufacturing Company, The Wisconsin River Paper and Pulp Company, Tomahawk Pulp and Paper Company, Northwest Paper Company, Consolidated Water Power and Paper Company, The Petoskey Fibre Paper Company, and the Rhinelander Paper Company, did, as alleged in the bill of complaint, in violation of the provisions of Sections 1 and 2 respectively, of the Act of Congress approved July 2, 1890, entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," enter into an agreement, combination and conspiracy with one another to restrain the trade and commerce among the several states, and to control, regulate and monopolize said trade and commerce in the manufacture of news print, manilla, fibre, and other papers, and in the distribution, sale and shipment thereof, among the several states, as is more particularly alleged in the bill of complaint, and that in pursuance of said combination and conspiracy in restraint of trade and to

monopolize said trade and commerce, as aforesaid, the said defendants caused to be organized under the laws of the state of Wisconsin a corporation, to wit: The General Paper Company, defendant, with a capital stock of \$100,000, divided into 1000 shares of \$100 each, which were, pursuant to said common understanding, distributed among the defendants upon a basis of the estimated relative productions of such kinds and grades of paper made by the respective defendants, and that the said stock was owned by said defendants respectively, and that each of said defendants by a contract created the said General Paper Company its exclusive selling agent for any and all box lining, hanging, novel, print and manilla paper manufactured by each of said defendants respectively, and conferred upon the said General Paper Company absolute power to control and restrict the output of each of them, and to fix the price at which all paper manufactured by said defendants should be sold throughout the states of Illinois, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Montana, Utah, Colorado, Kansas, Nebraska, and other states and to determine to whom, and the terms and conditions upon which said paper should be sold, into what states and places it should be shipped, and what publishers and other customers the mill of each of the said defendants should supply. That the said General Paper Company was and is controlled and governed by a board of directors, upon which board each of the defendants other than the General Paper Company was and is represented by one of its principal officers, and that the number of said board has been from time to time increased as new manufacturing corporations have entered into contracts with the General Paper Company making it their exclusive selling agent as aforesaid, so as to permit representation thereon by said new corporation. That the said combination is hereby adjudged and decreed to be unlawful and in derogation of the common rights of the people of the United States and in violation of the Act of Congress of July 2nd, 1890, as aforesaid; and that the said defendants and each and all

of them, and all and each of their respective directors, officers, agents, servants and employees, and all persons acting under or through them or in their behalf, or claiming so to act, be, and they and each of them are hereby perpetually enjoined, restrained and prohibited from doing any act in pursuance of or for the purpose of carrying out the said combination, conspiracy and agreement in restraint of trade and commerce, as aforesaid, and from monopolizing said trade and commerce as aforesaid.

2. That the defendant, the General Paper Company, its officers, agents, servants and employees be, and hereby are enjoined from acting as the sales agent of said defendants and from selling or fixing the price at which news print, manilla, fibre, and other papers, of the various defendant corporations shall be sold into what states it shall be shipped and sold, and all contracts, agreements and understandings by which the General Paper Company was and is acting as the general sales agent of the defendants and each and every of them be, and hereby are declared unlawful and cancelled, annulled, and set aside, and they and each of them are hereby enjoined and restrained from making executing or carrying out any such contract, agreement or understanding in the future.

3. That each and every of the defendants, their officers, agents, servants and employees be and hereby are jointly and severally restrained and enjoined from continuing the agreements made between each of the said defendants and the said General Paper Company, and all agreements heretofore made whereby the General Paper Company was and is constituted the sales agent of any and all news print, manilla, fibre, and other papers, and all contracts and agreements and understandings by which the said General Paper Company was and is so constituted the selling agent of the said defendants, are hereby declared to be unlawful and are hereby cancelled and annulled, and they and each of them are hereby enjoined and restrained from making, executing or carrying out any such contract, agreement or understanding in the future, and from

authorizing the said General Paper Company to sell, fix the price of, and terms of sale of the products of, or to control or regulate the output of, each of the defendants' mills and manufactories, or to dictate and determine the persons, corporations or newspapers to which it shall be sold, or the states into which the same shall be shipped and sold.

4. That the defendants and each of them, and all and each of their respective directors, officers, agents, servants and employees, and all persons acting under or through them or any of them, or in their behalf, or claiming so to act, be, and they and each of them are hereby enjoined, restrained and prohibited from entering into, taking part in, or performing any contract, combination or conspiracy, the purpose or effect of which will be, as to trade and commerce in news print, manilla, fibre and other papers manufactured by the defendants, between and among the several states and territories and the District of Columbia, a restraint of trade, or a monopolization of, or an attempt to monopolize trade, in violation of the provisions of the Act of Congress approved July 2, 1890, entitled "An Act to Protect Trade and Commerce against unlawful Restraints and Monopolies," and the acts amendatory thereof, either by agreeing or contracting together or with one another, expressly or impliedly, directly or indirectly, with respect to the manufacture, price, sale, shipment, and disposition of news print, manilla, fibre, and other papers manufactured, sold and distributed by the said defendants or any of them, or by contracting and agreeing together or with one another expressly or impliedly, directly or indirectly, as to the prices at which the said paper or any part or grade thereof shall be sold, as to the persons or corporations to whom it shall be sold, as to the territory in which any of such paper shall be shipped, sold, or otherwise disposed of, or as to the amount or quantity of such paper or any grade thereof which shall be manufactured, sold or distributed by the defendants or by any of them, or by agreeing or contracting together or with one another with a view to the imposition of any

burden or condition upon the manufacture, sale or disposition of such paper manufactured by the defendants or any of them.

5. It is further ordered, adjudged and decreed that a writ of Injunction issue out of this court, enjoining the said defendants, their directors, officers, agents, servants and employees, as hereinabove directed and stated.

6. It is further ordered, adjudged and decreed that the plaintiff have and recover of the defendants its costs and disbursements, to be fixed and allowed by the Clerk pursuant to the rules of equity.

WALTER H. SANDBORN,
U. S. Circuit Judge.

Filed June 16th, 1906.