

UNITED STATES v. OSCAR KERN.

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE SOUTHERN DISTRICT OF NEW YORK.

In Equity No. 20-403.

UNITED STATES OF AMERICA, PETITIONER,

VS.

OSCAR KERN, MORRIS SILNUTZER, GEORGE FIELDS, ALBERT
WHARTENBY, GEORGE C. ROSS and LOUIS P. MORSEBACH.
DEFENDANTS.

FINAL DECREE.

This cause came on to be heard at this term, and upon consideration thereof, and upon motion of the petitioner, by Francis G. Caffey, United States Attorney for the Southern District of New York, its attorney, and Henry A. Guiler, Special Assistant to the Attorney General and Ryland W. Joyce, Special Assistant to the United States Attorney, of Counsel, for relief in accordance with the prayer of the petition, and all the defendants having appeared therein by their signatures attached to the last page of said decree and having thereby consented thereto in open court:

Now, therefore, it is ORDERED, ADJUDGED AND DECREED as follows, viz.:

I. That the combination and conspiracy in restraint of trade and commerce and to monopolize the same, and the restraint and monopoly attained thereby, described in the petition, be and hereby are declared illegal and in violation of the Act of Congress, Approved July 2, 1890, entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies," and Acts amendatory thereof and supplemental or additional thereto.

II. That said defendants and all the members of the said association, mentioned in the petition, and their officers, agents, servants and employees, and all persons acting under, through, by, or in behalf of them or either of them, or claiming so to act, be and hereby are per-

petually enjoined, restrained and prohibited, directly or indirectly, from engaging in or carrying into effect said combination and conspiracy, and from engaging in or entering into any like combination or conspiracy, the effect of which would be to restrain or monopolize said interstate trade and commerce in music rolls among the several states of the United States, or in the District of Columbia, and from carrying out or continuing in effect the agreements described in the petition, or making any express or implied agreements or arrangements together or with one another, like these hereby adjudged illegal or enjoined, or using any other means or methods, the effect of which would be to prevent the free and unrestrained flow of said interstate trade or commerce in said music rolls, or, to monopolize the same.

III. That said defendants and all the members of the said association, their officers, agents, servants, employees, and all persons acting under, through, by, or in behalf of them, or claiming so to act, be and hereby are ordered and directed to dissolve and forever discontinue said Retail Music Roll Dealers Association of Philadelphia, and be and hereby are perpetually enjoined, restrained and prohibited, directly or indirectly, from engaging in, forming and entering into any like association or from making any express or implied agreement of association or arrangement similar to or like said agreement or arrangement.

IV. That said defendants and all the members of the said association, and each of them, their officers, agents, servants, employees and all persons acting under, through, by, or in behalf of them, or any of them, or claiming so to act, be and hereby are perpetually enjoined, restrained and prohibited, directly or indirectly, from

(a) Agreeing to, fixing, establishing or maintaining among themselves the prices to be charged for said music rolls.

(b) Agreeing to, fixing, establishing or maintaining among themselves minimum prices to be charged for said music rolls.

(c) Agreeing to sell the said music rolls at the prices fixed, suggested or indicated by the manufacturers of said music rolls.

(d) Agreeing to, fixing, establishing or maintaining among themselves the terms, discounts, conditions or policies, which should obtain with respect to the sale or disposal of said music rolls.

(e) Agreeing among themselves to charge purchasers of said music rolls uniform prices, or doing any act which will or may be calculated to result in uniform prices.

(f) Agreeing in any manner whatsoever among themselves, or with others, to advance prices for said music rolls, or advising or communicating with one another, or with others, as to proposed advances in prices, or in any way circulating among themselves information concerning or relating to said proposed advances.

(g) Aiding, abetting or assisting, individually or collectively, others to do all or any of the matters or things herein set forth.

PECK,

United States District Judge.

Dated, New York, March 8th, 1921.