

U. S. v. AMERICAN COATED PAPER COMPANY, INC.

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

In Equity No. 21-33.

UNITED STATES OF AMERICA, PETITIONER,

VS.

AMERICAN COATED PAPER COMPANY, INC., NATIONAL
COATED PAPER CORPORATION, PAWTUCKET GLAZED
PAPER COMPANY, and DAVID G. GARRABRANT, co-partner
in the firm of BULKLEY, DUNTON and COMPANY, and
EDWARD G. LLOYD, 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 parties having appeared therein, and having 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 each of them, 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 perpetually 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 white glazed paper, 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 those 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 white glazed paper, or to monopolize the same.

III. That the said defendants, AMERICAN COATED PAPER COMPANY, INC., PAWTUCKET GLAZED PAPER COMPANY, and NATIONAL COATED PAPER CORPORATION, and their 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 hereby are perpetually enjoined, restrained and prohibited from directly or indirectly agreeing to employ or use, or employing or using the said BULKLEY, DUNTON & COMPANY or any other person, firm or corporation as their sole, exclusive and common agent for the sale of said white glazed paper or other products.

IV. That the said defendants, BULKLEY, DUNTON & COMPANY, its officers, agents, servants and employees and all persons acting under, through, by, or in behalf of it or claiming so to act, be and hereby are perpetually enjoined, restrained and prohibited, directly or indirectly, from agreeing to act or acting as the sole, exclusive and common agent of the defendants, AMERICAN COATED PAPER COMPANY, INC., PAWTUCKET GLAZED PAPER COMPANY or NATIONAL COATED PAPER CORPORATION, or as such agents for any two or more persons, firms or corporations for the sale of said white glazed paper or other products.

V. That the said defendants 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 white glazed paper.

(b) 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 white glazed paper.

(c) Agreeing among themselves, in any manner whatsoever, to charge purchasers of said white glazed paper, uniform prices, or doing any act which will or may be calculated to result in uniform prices.

(d) Agreeing, in any manner whatsoever, to advance prices for their products to purchasers thereof, or advising or communicating with one another as to proposed advances in prices, or in any way circulating, among themselves, information concerning or relating to such proposed advances.

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

JOHN C. KNOX,
United States District Judge.

Dated, New York, March 14th, 1921.