

THE UNITED STATES OF AMERICA, PETITIONER,
VS.

THE EASTERN STATES RETAIL LUMBER DEALERS'
ASSOCIATION AND OTHERS, DEFENDANTS.

FINAL DECREE.

This cause coming on to be heard before E. Henry Lacombe, Alfred C. Coxe, Henry G. Ward, and Walter C. Noyes, Circuit Judges, comes the United States of America, by Henry A. Wise, United States attorney for the Southern District of New York, and Clark McKercher, special assistant to the Attorney General, and come also the defendants by their solicitors, Atwater & Cruikshank, and Taylor, Jackson & Brophy, and the said cause being heard on the pleadings and proof, and petitioner having moved the court for an injunction in accordance with the prayer of the bill,

It is ordered, adjudged, and decreed as follows:

1. That the defendants:

(a) The Eastern States Retail Lumber Dealers' Association, a corporation of the State of New York, and its officers, directors, members, and delegates, as follows: President and director, Richard S. White; vice president and director, William C. McBride; secretary and treasurer, Louis A. Mansfield; and directors, William B. Gaines, William T. Galliher, Charles H. Tibbetts, John Perrine, Jesse D. Crary, James S. Davis, George A. Smock, J. F. Glasby, James M. Reilly, A. Schumaker, W. H. Judd, Clarence H. Carpenter, G. Waldo Parrott, William P. Vaughn, H. W. Sears, C. P. Chase, E. N. Baggs, Charles P. Maule, Fischer Dalrymple, E. M. Yerks, Tracy Cowan, Lee L. Herrell, Henry P. Duker, and George H. Poehlmann;

The New York Lumber Trade Association, a corporation of the State of New York, and its officers and trustees, as follows: Russel J. Perrine, president, John F. Steeves, first vice president; Frederick W. Starr, second vice president; Charles F. Fischer, treasurer; and Jesse D. Crary aforesaid, secretary; and the trustees, David M. Resse-

UNITED STATES v. EASTERN STATES RETAIL
LUMBER DEALERS' ASS'N.

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

guie, John L. Cutler, William P. Youngs, Guy Loomis, William S. Wandel, Hammond Talbot, Guilan Ross, Richard S. White aforesaid, Rowland McClave, Louis Bossert, James H. Pittinger, John Eagen, William H. Simonson, Abner P. Biglow, Albro J. Newton, Christopher W. Wilson, Elbert M. Wiley, Peter A. Smith, John J. Cooney, Edwin D. MacMurray, George C. Lavery, William F. Clarke, John C. Creveling, William S. Van Clief, Allan H. Church, Treadwell D. Carpenter, Patrick Moore, James Sherlock Davis, and Thomas J. Crombie;

George A. Smock, aforesaid, individually and as president; A. K. Bennett, individually and as vice president; J. F. Glasby, aforesaid, individually and as treasurer; and James M. Reilly, aforesaid, individually and as secretary of a voluntary association known as the New Jersey Lumberman's Protective Association; and the following, individually and as directors in, and as representatives of, all the members of said last-named association: I. W. Searing, Charles W. Ennis, A. B. Ayers, H. V. Meeks, W. W. Smalley, M. F. Ellis, S. S. Thompson, S. Fred Bailey, A. K. Bennett, W. D. Gulick, W. E. Tuttle, jr., I. Newton Rudgers, Isaac E. Hutton, Warren Somers, James Crowell, H. P. Dillistin, R. W. Kennedy, R. H. Booth, M. J. Kimball, G. W. Dickensheet, Irving A. Collis, P. J. Devlin;

The Building Material Men's Association of Westchester County, a corporation of the State of New York, and its officers and directors, as follows, E. M. Yerks, aforesaid, president; John F. Dinkle, vice president; Robert Haviland, treasurer; Tracy Cowan, aforesaid, secretary; F. M. Dain, J. A. Mahlstedt, Alonzo Guest, C. P. Young, E. N. Leete, Charles H. Tibbetts, aforesaid, directors;

William C. McBride, aforesaid, individually and as president; Fischer Dalrymple, aforesaid, individually and as vice president; and Charles P. Maule, aforesaid, individually and as secretary and treasurer of a voluntary association known as the Retail Lumberman's Association of Philadelphia; and the following persons individu-

ally and as directors and as representatives of the members of said last-named association: Herbert P. Robinson, Benjamin Stocker, S. A. Yorks, Amos Y. Leshner, Herbert E. Weitzel, Frank L. Luckenbach, Charles H. Wisler, John E. Lloyd, Charles M. Strickler, James A. Richardson, Charles M. Chestnut, I. N. Troth;

The Lumber Dealers' Association of Connecticut, a corporation of the State of Connecticut, and its officers and directors, as follows: A. Schumaker, aforesaid, president; F. A. Lines, vice president; and Louis A. Mansfield, aforesaid, secretary and treasurer; directors, E. J. Lake, W. H. Goddard, Frank H. Sexton, Harry C. Turner, John O. Fox, Horace S. Hatch, Howard L. Platt, Louis A. Lampson, W. B. Beckley, H. W. Damon, A. R. Plumley, and F. H. Barnes;

The Massachusetts Retail Lumber Dealers' Association, a corporation of the State of Massachusetts, and its officers and directors, as follows: H. W. Sears, aforesaid, president; L. S. Williston, vice president; W. H. Sawyer, vice president; W. A. Fuller, vice president; M. L. Foster, treasurer; and E. N. Bagg, aforesaid, secretary; directors, C. K. Ferry, F. K. Southworth, Charles P. Chase, aforesaid, Edwin Bradley, Edward S. Decker, J. L. Temple, Frank Palmer, and William B. Gaines;

Lumber Dealers' Association of Rhode Island, a corporation of the State of Rhode Island, and its officers and directors as follows: Arthur S. Vaughn, aforesaid, president; Willard D. Lansing, vice president; G. Waldo Parrott, aforesaid, secretary and treasurer; directors, John F. Galena, George D. Lansing, Louis Roberts, Jeremiah F. O'Driscoll, Forest J. Perkins, aforesaid, Samuel C. Cottrell, Henry A. Grimwood, jr., Edward W. Duff, William T. Galliher, aforesaid, individually and as president; W. A. H. Church, individually and as vice president; George E. Walker, individually and as treasurer; Lee L. Herrell, individually and as secretary; and the following persons individually and as members and committeemen, and as representatives of the members of a voluntary association known as the Lumber Exchange of the District

of Columbia; Thomas W. Smith, John W. Tolson, Samuel Ross.

The Retail Lumbermen's Association of Baltimore, Md., a corporation of the State of Maryland, and its officers and directors as follows: Henry P. Duker, aforesaid, president; Harry J. Mathews, vice president; George H. Poehlmann, aforesaid secretary and treasurer; directors: John J. Duffy, Samuel H. Helfrich, A. Frank Gilbert, George Schumaker, Benjamin C. Bayne, John D. Vridin, John H. Geis, have been and now are in a combination or conspiracy to restrict and restrain competition; that the method adopted and now being used by said defendants to distribute such information is by the publication and distribution of the list known as the "Official Report," the form of which is as follows:

OFFICIAL REPORT.

(Name of the particular association circulating it.)

STATEMENT TO MEMBERS (with the date).

You are reminded that it is because you are members of our association and have an interest in common with your fellow members in the information contained in this statement that they communicate it to you; and that they communicate to you in strictest confidence and with the understanding that you are to receive it and treat it in the same way.

The following are reported as having solicited, quoted, or as having sold direct to the consumers:

(Here follows a list of the names and addresses of various wholesale dealers.)

Members upon learning of any instance of persons soliciting, quoting, or selling direct to consumers should at once report same, and in so doing should, if possible, supply the following information:

The number and initials of car.

The name of consumer to whom the car is consigned.

The initials or name of shipper.

The date of arrival of car.

The place of delivery.

The point of origin.

and that said combination and conspiracy is such as the act of Congress approved July 2, 1890 (26 Stat., 209), entitled "An act to protect trade and commerce against unlawful restraints and monopolies," denounces as illegal.

2. That said defendants and each of them, their officers, directors, agents, employees, and members, be, and they are hereby, enjoined, restrained, and prohibited from combining, conspiring, confederating, or agreeing together or with others jointly to distribute, and from jointly distributing, to any of the members of the aforesaid associations or any other person or persons any information showing soliciting, quotations, or sales and shipments of lumber and lumber products from manufacturers and wholesale dealers to consumers of or dealers in lumber, and from the preparing and distributing the said list known as the "Official Report," heretofore described, or by the use of any similar device. Without costs to either side.

E. HENRY LACOMBE.

ALFRED C. COXE.

H. G. WARD.

WALTER C. NOYES.

[March 1, 1913.]