

UNITED STATES OF AMERICA, PETITIONER,

VS.

GOODWIN-GALLAGHER SAND & GRAVEL CORPORATION, MANHATTAN SAND COMPANY, INC., LENOX SAND & GRAVEL COMPANY, INC., COLONIAL SAND & STONE COMPANY, INC., SAND & GRAVEL DEALERS' BOARD OF TRADE, INC., JOHN J. GALLAGHER, PETER C. GALLAGHER, FRANK F. GALLAGHER, JOSEPH GALLAGHER, WILLIAM J. MAHONEY, RICHARD A. SCANLON, FRANK ROWSEY, EUGENE P. CLARK, LAWRENCE RUKEYSER, THOMAS LANIGAN AND MARTIN LANIGAN, DEFENDANTS.

FINAL DECREE.

This cause having come on to be heard at this term before Hon. Learned Hand, Judge, and the petitioner having appeared by Hon. A. Mitchell Palmer, Attorney General of the United States by its District Attorney Francis G. Caffey, by Special Assistant District Attorneys Joseph Kaufmann and Henry A. Guiler, and by Special Assistant Attorney Generals William Rand and Isidor J. Kresel, and the defendants having appeared by their several attorneys, Edgar T. Brackett, William J. Martin and Alfred D. Lind, having personally and in open court consented to the entry of this decree, Now

Upon reading and filing the petition herein, upon the consent of the several defendants, and upon motion of the petitioner for relief in accordance with the prayer of the petition,

It is ORDERED, ADJUDGED AND DECREED as follows, viz:

1. That the conspiracy in restraint of trade and commerce in Cow-Bay, or building sand, and to monopolize the same, and the restraint and monopoly attained thereby, described in the petition herein 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.

**U. S. v. GOODWIN-GALLAGHER SAND & GRAVEL.**

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

In Equity No. 20-267.

2. That the 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 conspiracy, and from engaging in or entering into any like conspiracy, the effect of which would be to restrain or monopolize said interstate trade or commerce in sand, among the several states of the United States, or in the District of Columbia, and from carrying out or continuing in effect the price or other agreements described herein, 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 sand, or, to monopolize the same.

3. That the SAND & GRAVEL DEALERS' BOARD OF TRADE, INC., described in the petition herein, be and hereby is ordered to be dissolved.

4. That the 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 or establishing in any manner whatsoever, among themselves, the prices to be charged for said sand, or maintaining the said prices after they are so agreed to, fixed or established.

(b) Maintaining, or continuing to maintain, individually or collectively, in any manner whatsoever, the prices already agreed upon or adopted.

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

(d) Agreeing among themselves, or with others, to advance prices for said sand to purchasers thereof, or

advising or communicating with each other as to proposed advances in prices, or in any way circulating among themselves information concerning or relating to such advances.

(e) Agreeing among themselves to establish or adopt the terms, conditions or policies which should obtain with respect to the sale or disposal of said sand.

(f) Agreeing among themselves to fix, establish or adopt the prices at which, or the terms, conditions or policies under which, said sand should be sold or resold by jobbers or dealers, or individually or collectively fixing, suggesting, or in any manner whatsoever indicating the prices at which, or the terms, conditions or policies under which said sand should be sold or resold by jobbers or dealers.

(g) Inducing, coercing, compelling or advising jobbers or dealers in said sand to maintain resale prices for said sand, agreed to, fixed or established by said defendants, or any of them, or to handle and sell only such of said sand as is or may be dug and produced, transported by and purchased from said GOODWIN-GALLAGHER SAND & GRAVEL CORPORATION.

(h) Discriminating, individually or collectively, against any purchaser, prospective or otherwise, of said sand, because of his refusal or failure to adopt, maintain or adhere to any prices, terms, conditions or policies fixed, suggested or indicated by them or any one of them, with reference to the sale or resale of such sand.

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

LEARNED HAND,  
*United States District Judge.*

Dated, New York, January 18, 1921.