

UNITED STATES OF AMERICA vs. HAT FRAME
ASSOCIATION, INC., ET AL.

DISTRICT COURT OF THE UNITED STATES, SOUTHERN
DISTRICT OF NEW YORK.

In Equity No. 40-300.

UNITED STATES OF AMERICA, PETITIONER,

VS.

NATIONAL HAT FRAME ASSOCIATION, INC., HAT FRAME
MANUFACTURERS PROTECTIVE ASSOCIATION, HENRY
STONE, JOSEPH HELFER, MORRIS SCHULMAN, MOE
BRENNER, SAMUEL OSTTROW and HYMAN GOLDSTEIN,
individually and as representatives of all the members
of the Association above named, Defendants.

FINAL DECREE.

This cause came on to be heard at this term, and upon consideration thereof, and upon motion of the petitioner by Emory R. Buckner, United States Attorney for the Southern District of New York, and Alexander B. Royce, and Israel B. Oseas, Special Assistants to the United States Attorney, of counsel, for relief in accordance with the prayer of the petition, and no testimony or evidence having been taken, and the defendants herein having appeared by their solicitor, Bernard H. Sandler, Esq., and it appearing to the satisfaction of the Court that it has jurisdiction of the subject matter alleged in the petition, and that the allegation of the petition state a cause of action against the defendants under the Act of July 2, 1890, and that the petitioner is entitled to the relief hereinafter granted, and the named defendants, and said solicitor on behalf of all the defendants, appearing in person and consenting in open court to the rendition and entry of this decree, NOW THEREFORE it is

ORDERED, ADJUDGED AND DECREED, as follows:

(1) That the combination and conspiracy in restraint of interstate trade and commerce described in the petition herein, be and they hereby are declared illegal and in violation of the Act of Congress approved July 2, 1890, and acts amendatory thereof and supplemental or additional thereto.

(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 or in aid of or in conjunction with them or any of them or claiming so to act be and they hereby are perpetually enjoined, restrained and prohibited from directly or indirectly engaging in or carrying into effect the said combination and conspiracy and from engaging in or entering into any like combination or conspiracy the effect of which would be to restrain the interstate trade or commerce in hat frames, buckram, rice net, hat blocks, hat dies or any other products used in the manufacture or distribution of hat frames among the several states of the United States;

and from directly or indirectly carrying out or continuing in effect any by-laws, agreements, acts or practices and from making any express or implied agreements, arrangements or understandings with one another or with others like those in the petition alleged and hereby declared to be illegal, or using any other similar means and methods the effect of which would be to prevent the free unrestrained flow of said commerce in such articles.

(3) That the defendants and all others acting in aid of or in conjunction with them or claiming so to act, and their officers, agents, servants, employees and members be perpetually enjoined, restrained and prohibited, collectively and individually, directly or indirectly from

(a) Agreeing with each other or with others to fix, or fixing, prices, terms or conditions on which hat frames are to be sold.

(b) Promulgating, publishing or adopting pursuant to agreements or understandings, express or implied, uniform costs arrived at pursuant to inquiries instituted by the defendant National Hat Frame Association, Inc., or the defendant Hat Frame Manufacturers Protective Association or otherwise, as a basis for or factor in determining uniform selling prices.

(c) Endeavoring by any means whatever to induce members or non-members of either of said Associations to observe any such factors in arriving at their several selling prices or terms.

(d) Agreeing among themselves or with each other or with others, directly or indirectly, to threaten or attempt to cause, or threatening to cause, attempting to cause or causing manufacturers of supplies to refuse to sell to hat frame manufacturers who are not members of the defendant National Hat Frame Association, Inc., or the defendant Hat Frame Manufacturers Protective Association or of any similar association, or who being members of either of said defendant Associations or of any similar Association, do not abide by any of its by-laws, rules, understandings, agreements, policies or prac-

tices whether or not of the character hereinabove declared to be illegal.

(e) Agreeing among themselves, or with each other, or with others directly or indirectly to threaten to discriminate against, or directly or indirectly threatening to discriminate against, or directly or indirectly discriminating against any person, partnership, association or corporation doing business (because of such doing business) with hat frame manufacturers who are not members of National Hat Frame Association, Inc., or of Hat Frame Manufacturers Protective Association, or of any similar association, or with hat frame manufacturers who, being members of either of said Associations or of any similar association do not abide by its by-laws, rules, understandings, agreements, policies or practices whether or not of the character of those hereinabove declared to be illegal.

(f) Interfering by violence or threat of violence, or threat of inducing breach of contract, or inducing breach of contract with any person, partnership, association or corporation, in the manufacture, sale or transportation of hat frames, supplies, or machinery used in the manufacture of hat frames, for the purpose of causing such persons, partnership, association or corporation, or any person or persons connected or associated with any of them, to do or refrain from doing anything forbidden by this decree; or for the purpose of carrying out any purpose hereinabove declared to be illegal.

(4) The Secretary of the defendant, National Hat Frame Association, shall, within ten days from the entry of this decree, send by registered mail, receipt requested, a copy of the petition and decree herein together with a statement that such action on his part is pursuant to this decree, to every person, firm or corporation who now is, or at any time has been a member of the National Hat Frame Association, Inc., or of the Hat Frame Manufacturers Protective Association, and shall also similarly send copies thereof to every person, firm or corporation engaged in manufacturing buckram or similar products

and/or hat blocks or dies, and in selling such products to members of the Association. He shall within twenty days after the entry of this decree file under oath a list approved by the United States Attorney, together with receipts, of all persons, firms or corporations to whom such copies have been sent.

(5) This decree shall take effect as to the defendants hereinabove named forthwith, and shall take effect as to all other defendants or persons, when they severally receive copies thereof, or when notice thereof has come to their attention.

(6) Jurisdiction of this cause is retained for the purpose of giving full effect to this decree, and of making such other and further orders and decrees, or taking such other action, if any, as may be necessary or appropriate.

IT IS FURTHER ORDERED that the defendants pay all costs of this action to be taxed.

Dated, March 22, 1927.

JNO. C. KNOX,
United States District Judge.