

**UNITED STATES v. CALIFORNIA RETAIL
HARDWARE AND IMPLEMENT ASSOCIATION
ET AL., DEFENDANTS.**

IN THE DISTRICT COURT OF THE UNITED STATES OF
AMERICA FOR THE NORTHERN DISTRICT OF CALIFORNIA,
SOUTHERN DISTRICT.

In Equity No. 1835.

UNITED STATES OF AMERICA, PLAINTIFF

VS.

CALIFORNIA RETAIL HARDWARE AND IMPLEMENT ASSOCIA-
tion, A. D. Ketterlin, Frank Smith, Walter A. Mariana,
M. M. Brown, Le Roy Smith, W. B. Allen, Fred T.
Duhring, John P. Maxwell, I. Cushman Walker, Berry

M. Adams, Frank R. Barcroft, Frank Bremer, O. T. Clow, Harry Crowe, W. S. Eldred, E. R. Gifford, Wilber W. Green, E. Hobbie, Robert J. Johnson, Charles Melander, George L. Messick, Harry Nichols, J. W. Pearson, John D. Turner, Albert Thompson, and Robert J. Wisnom, defendants.

DECREE.

The United States of America having filed its petition herein on the 4th day of February, 1927, and the defendants, California Retail Hardware and Implement Association, A. D. Ketterlin, Frank Smith, Walter A. Mariana, M. M. Brown, Le Roy Smith, W. B. Allen, Fred T. Duhring, John P. Maxwell, I. Cushman Walker, Berry M. Adams, Frank R. Barcroft, Frank Bremer, O. T. Clow, Harry Crowe, W. S. Eldred, E. R. Gifford, Wilber W. Green, E. Hobbie, Robert J. Johnson, Charles Melander, George L. Messick, Harry Nichols, J. W. Pearson, John D. Turner, Albert Thompson, and Robert J. Wisnom, having duly appeared by I. I. Brown, Esq., and Bert Schlesinger, Esq., their attorneys;

Comes now the United States of America, by George W. Hatfield, its attorney for the Northern District of California, C. Stanley Thompson and R. P. Stewart, Special Assistants to the Attorney General, and come also the defendants named herein, by their attorneys as aforesaid;

And it appearing to the court that the petition herein states a cause of action and that the court has jurisdiction of the subject matters alleged in the petition; and the United States of America having moved the court for an injunction and for other relief against the defendants as hereinafter decreed; and the court having duly considered the statements of counsel for the respective parties and all and singular the allegations of the petition herein, and being fully advised in the premises, finds for the plaintiff and against the defendants; and all of the defendants through their said attorneys now and here consenting to the rendition of the following decree:

Now, therefore, it is ordered, adjudged, and decreed as follows:

1. That the combination in restraint of interstate trade and commerce, and the acts, agreements, and understandings among the defendants in restraint of interstate trade and commerce, complained of in the petition herein, are in violation of the Act of Congress of 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.

2. That the defendants, their officers, agents, servants, and/or employees be and they are hereby perpetually enjoined and prohibited—

(a) From compiling, adopting, publishing, circulating, and/or distributing to and among the persons, firms, and corporations, members of the defendant California Retail Hardware and Implement Association, printed lists, and/or letters or pamphlets containing lists, known as "endorsed" lists, described in the petition herein, or any other similar list or lists of manufacturers, jobbers, and/or wholesale dealers engaged in interstate commerce in hardware, agricultural implements, and other like commodities, for the purpose or with the effect of informing the members of said defendant association of the name or names of each and every such manufacturer, jobber, or wholesale dealer who or which has sold the commodities described in the petition herein, directly to the consumer or consumers thereof, and who or which has failed and refused to confine his or its said sales and shipments of said commodities to retail dealers therein, in the Northern District of California,

(b) And from issuing, circulating, and/or distributing the said "endorsed" list or any similar list or lists for the purpose of preventing and dissuading the members of the said defendant association from purchasing any of said commodities from any manufacturer, jobber, or wholesale dealer engaged in interstate commerce not named in said "endorsed" list,

(c) And from issuing, circulating, and/or distributing said "endorsed" list or any similar list or lists for the purpose of influencing and preventing manufacturers, jobbers, and wholesale dealers engaged in interstate commerce in the commodities described in the petition herein, or their agents, from making sales of the said commodities, in the Northern District of California, directly to the consumer or consumers thereof.

3. From combining, agreeing, or contracting together, or with one another, or with others, orally or in writing, expressly or impliedly, directly or indirectly, to withhold their patronage from any manufacturer, jobber, or wholesale dealer engaged in interstate commerce in the commodities in said petition described by reason of, or on account of such manufacturer, jobber, or wholesale dealer having sold directly to the consumer or consumers of said commodities, within the Northern District of California.

4. The jurisdiction of this cause is hereby retained for the purpose of giving full effect to this decree, and for the purpose of making such other and further orders, decrees, amendments, or modifications, or taking such other action, if any, as may be necessary or appropriate to the carrying out and enforcement of said decree; and for the purpose of enabling any of the parties to this decree to make application to the court at any time for such further orders and directions as may be necessary or proper in relation to the execution of the provisions of this decree, and for the enforcement of strict compliance therewith.

A. F. ST. SURE,
United States District Judge.

May 12th, 1927.