

UNITED STATES v. BOOTH FISHERIES COMPANY.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
NORTHERN DIVISION.

Equity No. 146-E.

UNITED STATES OF AMERICA, PLAINTIFF,

VS.

BOOTH FISHERIES COMPANY, a corporation organized under the laws of the state of Delaware, BOOTH FISHERIES COMPANY, a corporation organized under the laws of the state of Washington, the CHLOPECK FISH COMPANY, INC., a corporation organized under the laws of the state of Washington, INTERNATIONAL FISHERIES COMPANY, a corporation organized under the laws of the state of Washington, SAN JUAN FISHING & PACKING COMPANY, a corporation organized under the laws of the state of Washington, OCCIDENTAL FISH COMPANY, a corporation organized under the laws of the state of Washington, W. T. CHUTTER, WILLIAM CALVERT, JR. H. O. ROBERTS, The Christian names of each of said persons being to the plaintiff unknown, DEFENDANTS.

DECREE.

This cause came on regularly to be heard, the petitioner and the above named defendants, and each of them appearing by counsel, and all parties hereto by their respective counsel having consented to the entry of this decree, and the court being now fully advised, does find that Booth Fisheries Company, a corporation, (Delaware), Booth Fisheries Company, a corporation, (Washington), The Chlopeck Fish Company, Inc., a corporation, International Fisheries Company, a corporation, San Juan Fishing and Packing Company, a corporation, Occidental Fish Company, a corporation, W. T. Chutter, William Calvert, Junior, H. O. Roberts are parties to combinations in restraint of trade and commerce among the several states and with foreign nations and have attempted to monopolize and now are monopolizing a part of such trade

and commerce in the production, importation, purchase, distribution and sale of halibut, between the territory of Alaska, British Columbia and the state of Washington and other states and territories of the United States, contrary to the Act of Congress of July 2, 1890; and the court being further fully advised does find that—

(a) The defendant San Juan Fishing and Packing Company is a corporation organized under the laws of the state of Washington, having its principal place of business in Seattle, Washington, and that the defendants William Calvert, Junior, and H. O. Roberts are officers and employees of said corporation.

(b) The defendant Booth Fisheries Company of Delaware is a corporation organized under the laws of the state of Delaware; the defendants Booth Fisheries Company of Washington, International Fisheries Company of Washington and Chlopeck Fish Company of Washington are each and all corporations organized under the laws of the state of Washington; the said Booth Fisheries Company of Washington, Chlopeck Fish Company and the International Fisheries Company are subsidiary companies of and all of their capital stock owned by the said Booth Fisheries Company of Delaware; and that said W. T. Chutter is an officer and employee of Booth Fisheries Company of Delaware and of the Chlopeck Fish Company; the defendant Occidental Fish Company is a corporation organized under the laws of the state of Washington and its capital stock is owned by and in the interest of Booth Fisheries Company of Delaware and San Juan Fishing and Packing Company in equal parts; the said Occidental Fish Company has not been actively engaged in business of any kind since the month of August, 1912.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the San Juan Fishing and Packing Company, its officers, agents, servants and employees, and the "Booth Companies" as herein referred to and now severally described as the Booth Fisheries Company of Delaware, with the subsidiary companies Booth Fisheries Company of Wash-

ington, the International Fisheries Company, the Chlopeck Fish Company and the Occidental Fish Company, their officers, agents, servants and employees, and W. T. Chutter, William Calvert, Junior, H. C. Roberts be and each of them are, permanently enjoined against entering into or continuing any agreement, combination or conspiracy in restraint of trade between the several states or with foreign countries in the purchase, sale or distribution of halibut, and against monopolizing or attempting to monopolize the trade in fresh halibut between the several states or with foreign countries, like those herein declared to be unlawful, and to that end the said defendants, and each of them, and their officers, agents, servants and employees are permanently enjoined from doing any of the things or acts hereinafter set forth;

First: That the San Juan Fishing and Packing Company, its officers, agents, servants and employees, together with William Calvert, Junior, and H. O. Roberts, and each of them, are permanently enjoined against entering into any oral or written agreement or understanding by or with the Booth Fisheries Company of Delaware, Booth Fisheries Company of Washington, International Fisheries Company of Washington, and Chlopeck Fish Company of Washington and W. T. Chutter, or either or any of them, for the purpose or with the effect of fixing and determining the price or prices to be bid and offered in the purchase of halibut at and for the markets of Seattle and Tacoma and other markets of the United States.

Second: That the Booth Fisheries Company of Delaware and its subsidiary companies hereinbefore named, their officers, agents, servants and employees, and W. T. Chutter, and each of them, are permanently enjoined against entering into any oral or written agreement, or understanding, by or with the San Juan Fishing and Packing Company, William Calvert, Junior, and H. O. Roberts, or either or any of them, for the purpose or with the effect of fixing and determining the price or prices to be bid or offered in the purchase of halibut at and for the markets

of Seattle and Tacoma and other markets of the United States.

Third: That the San Juan Fishing and Packing Company, its officers, agents, servants and employees, together with William Calvert, Junior, and H. O. Roberts, and each of them, be and they hereby are enjoined from in any manner, either written or oral, contracting, agreeing or arranging with the Booth Fisheries Company of Delaware, Booth Fisheries Company of Washington, International Fisheries Company of Washington, Chlopeck Fish Company of Washington, their officers, agents, servants and employees, together with W. T. Chutter, or either or any of them, for the purpose of fixing and determining the price to be asked or demanded in the sale of halibut in any market or city of the various cities of the United States in which the San Juan Fishing and Packing Company and either the Booth Fisheries Company of Delaware, Booth Fisheries Company of Washington, International Fisheries Company of Washington, or Chlopeck Fish Company of Washington sell, or offer for sale, or shall hereafter sell or offer for sale, fresh halibut, either on commission basis, or otherwise.

Fourth: That the Booth Fisheries Company of Delaware, Booth Fisheries Company of Washington, International Fisheries Company of Washington, Chlopeck Fish Company of Washington, their officers, agents, servants and employees, together with W. T. Chutter, and each of them be and they hereby are enjoined from in any manner, either written or oral, contracting, agreeing or arranging with the San Juan Fishing and Packing Company, its officers, agents, servants and employees, William Calvert, Junior, and H. O. Roberts, for the purpose of fixing and determining the price to be asked or demanded in the sale of halibut in any market or city of the several states of the United States.

Fifth: That the Booth Fisheries Company of Delaware, Booth Fisheries Company of Washington, International Fisheries Company of Washington, Chlopeck Fish Com-

pany of Washington, W. T. Chutter, and they each hereby are, permanently enjoined against the division and participation with the San Juan Fishing and Packing Company, or its officers, agents, servants and employees, of cargoes and boxes of fresh halibut purchased or delivered in the markets of Seattle and Tacoma, except as the same shall be done by and under the direction and authority of the Food Administrator of the United States or his subordinates.

Sixth: That the San Juan Fishing and Packing Company, William Calvert, Junior, and H. O. Roberts, be and they hereby are, permanently enjoined against the division and participation with Booth Fisheries Company of Delaware, Booth Fisheries Company of Washington, International Fisheries Company of Washington and Chlopeck Fish Company of Washington, their agents, officers, servants and employees, of cargoes and boxes of fresh halibut purchased or delivered in the markets of Seattle and Tacoma, except as the same shall be done by and under the direction and authority of the Food Administrator of the United States or his subordinates.

Seventh: That the Booth Fisheries Company of Delaware and its subsidiary companies hereinbefore named, together with their agents, officers, servants and employees, both as to direct control and ownership, and as to ownership by and through any other person or corporations, are, as to each of them permanently enjoined from joint operation or ownership with said San Juan Fishing and Packing Company of vessels, wharves, traps and other business facilities in the halibut trade.

Eighth: That the Booth Fisheries Company of Delaware and its subsidiary companies hereinabove named, are both as to direct control and ownership and as to ownership by and through any other person or corporation, permanently enjoined against all and any future control of purchase of stocks, bonds or other evidence of debt of the said San Juan Fishing and Packing Company, and the said San Juan Fishing and Packing Company is, both as

to direct control and ownership and as to ownership by and through any other person or corporation, permanently enjoined against any and all future control or purchases of stocks, bonds or other evidences of debt of the said Booth Fisheries Company of Delaware or any of its said subsidiary companies hereinbefore named.

Ninth: That the Booth Fisheries Company of Delaware and its said subsidiary companies are, from and after sixty days from the date hereof, permanently enjoined against common possession or ownership in any property of any kind whatsoever with the said San Juan Fishing and Packing Company, and the said San Juan Fishing and Packing Company is, from and after sixty days from date hereof, permanently enjoined against common possession or ownership in any property of any kind whatsoever with said Booth Fisheries Company of Delaware or with any of its said subsidiary companies.

Tenth: That the Booth Fisheries Company of Delaware and its subsidiary companies and the San Juan Fishing and Packing Company, W. T. Chutter and William Calvert, Junior, their agents, servants, officers and employees, be, and each of them are hereby permanently enjoined against any and all future secret purchases of competing plants or agencies for the purchase or sale of halibut in the various states of the United States except upon these conditions, to wit:

(a) That no agency or plant shall be purchased or retained by the said Booth Fisheries Company and its subsidiary companies jointly with the San Juan Fishing and Packing Company.

(b) That the purchase of any agency by either of the said Booth Fisheries Company of Delaware and its subsidiary companies or by the San Juan Fishing and Packing Company, shall be immediately disclosed by prompt public avowal in business circles of the fact of such purchase and the immediate public assertion of such ownership.

(c) That the United States District Attorney in and for

the district in which agency is located shall be immediately notified of the fact of such purchase; provided, that nothing in this paragraph shall be construed to authorize or render legal any acquisition of competing plants or properties, whether made upon the conditions herein stated or otherwise, and this decree shall not be pleaded in any future criminal or civil action in justification for any act otherwise illegal.

Eleventh: That the Booth Fisheries Company of Delaware, its officers, agents, servants and employees and W. T. Chutter are, from and after sixty days from the date hereof, permanently enjoined from operating or otherwise controlling the corporate action of the International Fisheries Company and Chlopeck Fish Company, except upon the following terms and conditions:

The name of "Booth Fisheries Company" shall, within sixty days from the date hereof be perpetually and conspicuously posted upon the plants of the International Fisheries Company and Chlopeck Fish Company, and within said period of time imprinted upon all stationery used by the companies now controlled or as hereinafter controlled or acquired by the Booth Fisheries Company of Delaware, or any of its subsidiary companies, their officers, agents, servants and employees.

Twelfth: That the Booth Fisheries Company of Delaware, its said subsidiary companies, their officers, agents and employees, on the one part, and San Juan Fishing and Packing Company, its officers, agents and employees, on the other part, be and are hereby permanently enjoined from combining or conspiring together to control or attempt to control the action of common carriers on questions of policy and rate making in which shippers of halibut are commonly interested by withdrawing or threatening to withdraw business from any such common carrier or otherwise attempting by threats or intimidation to influence the action of such common carriers.

Thirteenth: That the Booth Fisheries Company of Delaware and its subsidiary companies, officers, agents,

and employees, and the San Juan Fishing and Packing Company, its officers, agents and employees, are permanently enjoined from operating or carrying on any business in the halibut trade through or in the name of the Occidental Fish Company so long as the capital stock of said Occidental Fish Company is jointly owned or controlled by said companies, their agents, officers or employees.

Fourteenth: That the Booth Fisheries Company of Delaware and each of its said subsidiary companies, and the San Juan Fishing and Packing Company, their officers, agents and employees, and each of them, are hereby perpetually enjoined against the operation and control of the business of individuals, persons or corporations engaged in the halibut trade, either heretofore purchased or hereafter acquired, except upon the condition that the company so purchasing or acquiring such business shall conspicuously post and maintain upon the premises where said business is conducted the name of the company owning and operating the same and imprint its name as such owner or operator upon all stationery used in such business.

Fifteenth: That this decree may, upon the motion of any party hereto and upon due notice, be modified at any time in any respect for good cause shown as to the court may seem just and proper.

Done in open court this 13th day of March, 1918.

JEREMIAH NETERER,
United States District Judge.