
IN THE
District Court of the United States
OF AMERICA

FOR THE SOUTHERN DISTRICT OF NEW YORK.

UNITED STATES OF AMERICA

vs.

THE TRENTON POTTERIES CO., et al.

INDICTMENT.

(Filed August 8, 1922.)

WILLIAM HAYWARD,
United States Attorney.

IN THE
District Court of the United States
OF AMERICA

FOR THE SOUTHERN DISTRICT OF NEW YORK.

UNITED STATES OF AMERICA
VS.
THE TRENTON POTTERIES COM- PANY, et al.

Southern District of New York, ss.:

First Count.

The Grand Jurors for the United States of America empanelled and sworn in the District Court of the United States for the Southern District of New York, at the July term of said court, in the year 1922, and inquiring for said district, upon their oath present that before and during the period of three years next preceding the finding and presentation of this indictment, sanitary pottery, extensively used in the construction of apartment houses, hotels, dwellings, office buildings, manufacturing plants, and structures of similar character, has been manufactured in large quantities by certain corporations, a list of which, showing their corporate names, the States of their incorporation, so far as they are known to the Grand Jurors, and the location of their several plants, is as follows:

Name	State of Incorporation	Location of Factory
Abingdon Sanitary Mfg. Co.	Illinois	Abingdon, Ill.
Acme Sanitary Pottery Co.	New Jersey	Trenton, N. J.
B. O. T. Mfg. Co.	New Jersey	Trenton, N. J.
Bowers Pottery Co.	West Virginia	Mannington, W. Va.
Camden Pottery Co.	New Jersey	Camden, N. J.
Chicago Pottery Co.	Illinois	Chicago, Ill.
Cochran-Drugan & Co.	New Jersey	Trenton, N. J.
Eljer Co.	West Virginia	Cameron, W. Va.
		Ford City, Pa.
Kalamazoo Sanitary Mfg. Co.	Michigan	Kalamazoo, Mich.
Kokomo Sanitary Pottery Co.	Indiana	Kokomo, Ind.
Keystone Pottery Co.	New Jersey	Trenton, N. J.
Lambertville Pottery Co.	New Jersey	Lambertville, N. J.
John Maddock & Sons Co.	New Jersey	Trenton, N. J.
Thomas Maddock's Sons Co.	New Jersey	Trenton, N. J.
National-Helfrich Potteries Co.	Indiana	Evansville, Ind.
Pacific Sanitary Mfg. Co.	California	Richmond, Cal.
Resolute Pottery Co.	New Jersey	Trenton, N. J.
Sanitary Earthenware Specialty Co.	New Jersey	Trenton, N. J.
Standard Sanitary Mfg. Co.	New Jersey	Kokomo, Ind. Tiffin, Ohio
The Trenton Potteries Co.	New Jersey	Trenton, N. J.
Universal Sanitary Mfg. Co.	Pennsylvania	New Castle, Pa.
Wheeling Sanitary Mfg. Co.	West Virginia	Wheeling, W. Va.
Horton Pottery Co.	Ohio	Chillicothe, O.

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present that the above named corporations throughout said period of time, have manufactured and sold upwards of eighty-five per cent. of all the sanitary pottery manufactured in the United States; that said corporations throughout said period of time have sold a large part of the sanitary pottery manufactured by them respectively, to jobbers in States other than the States in which said sanitary pottery was manufactured; that certain of said corporations have sold large quantities of such sanitary pottery to jobbers in said Southern District of New York, and for the purpose of consummating such sales have continuously during said period shipped large quantities of sanitary pottery to jobbers over common carrier routes, to, into, and through said Southern District of New York; that said jobbers to whom said sanitary pottery has been sold and shipped to, into, and through said Southern District of New York by said corporations are so numerous that it is impracticable to set forth their names in this indictment; that said corporations throughout said period of time, in so selling and shipping the sanitary pottery manufactured by them as aforesaid, to such jobbers in States other than those in which the said sanitary pottery was manufactured, have carried on trade and commerce among the several States of the United States, within the meaning of the Act of Congress, approved July 2, 1890, entitled, "An Act to protect trade and commerce against unlawful restraints and monopolies".

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present that said corporations, throughout said period of time, respectively have had divers officers, managers, and agents, who

have been actively engaged in the management, direction, and control of their affairs and business and of their said trade and commerce, and that a list of the names of such officers, managers, and agents, so far as they are known to said Grand Jurors, showing with which of said corporations they have continuously during said period been respectively connected, and the character of their several offices, is as follows:

- James E. Slater, President and Manager of the said Abingdon Sanitary Manufacturing Company.
- James A. Dorety, Jr., Secretary of said Acme Sanitary Pottery Company.
- Bert O. Tilden, President of said B. O. T. Manufacturing Company.
- John W. Bowers, President of said Bowers Pottery Company.
- T. Munroe Dobbins, President and Treasurer of said Camden Pottery Company.
- Theodore H. Harker, Secretary and Treasurer of said Chicago Pottery Company.
- Walter F. Drugan, Vice-President of said Cochran-Drugan & Company.
- Raymond E. Crane, Vice-President of said Eljer Company.
- Edward V. Brigham, Vice-President and General Manager of said Kalamazoo Manufacturing Co.
- G. E. Rhodes, General Manager of said Kokomo Sanitary Pottery Company.
- Harry J. Lyons, President and Treasurer of said Keystone Pottery Company.
- Philip J. Faherty, Treasurer of said Lambertville Pottery Company.

- William B. Maddock, Secretary of said John Maddock & Sons Company.
- Archibald M. Maddock, President of said Thomas Maddock's Sons Company.
- Harry F. Weaver, Secretary and General Manager of said National-Helfrich Potteries Company.
- Newton W. Stern, President of said Pacific Sanitary Manufacturing Company.
- John F. Smith, Treasurer of said Resolute Pottery Company.
- Arthur Plantier, Sr., President and General Manager of said Sanitary Earthenware Specialty Co.
- George C. Kalbfleisch, Factory Manager of said Standard Sanitary Manufacturing Company.
- Sigmund B. Kling, Factory Manager of said Standard Sanitary Manufacturing Company.
- Willard C. Chamberlin, Sales Manager of said Standard Sanitary Manufacturing Company.
- Elzey S. Aitkin, General Manager of said The Trenton Potteries Company.
- J. E. Wright, President and General Manager of said Wheeling Sanitary Manufacturing Company.
- Chris Horton, President and Treasurer of said Horton Pottery Company.

The above named corporations as well as the above named individuals are made defendants to this indictment.

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present that continuously throughout said period of time, all of the above named defendants, both corporate and individual, each of them well knowing all of the premises aforesaid, unlawfully have engaged with each other

in a combination and conspiracy in restraint of said interstate trade and commerce in sanitary pottery so carried on by said defendants; that is to say, in a combination and conspiracy now here described, which has unlawfully restrained said interstate trade and commerce in the manner herein-after set forth:

That throughout said period of time the said defendants in pursuance of a common plan, agreement, and understanding among them so to do, and in order effectively to carry out the aims, objects, and purposes of the aforesaid combination and conspiracy, by common and concerted action did arbitrarily fix, establish, maintain, and exact uniform, arbitrary, and non-competitive prices for the sale, shipment, and delivery of said sanitary pottery in and among the several States, as well as from the several States, to, into, and through the Southern District of New York, and further did refrain from engaging in competition with each other as to the prices at which the said sanitary pottery should be sold, and the said defendants did, further, by common and concerted action, and pursuant to agreement as aforesaid, secure and exact the uniform, arbitrary, and non-competitive prices so fixed by them from time to time during said period, in the sale, shipment, distribution, and delivery of said sanitary pottery in and among the several States, as well as from the several States, to, into, and through the Southern District of New York.

That heretofore and within the period of three years next preceding the finding of this indictment, the above described combination and conspiracy among the said defendants was by said defendants extended, renewed, and carried out within the Southern District of New York in that in pursu-

ance of said combination and conspiracy the said defendants did maintain within the said Southern District of New York selling agencies whereby they sought, solicited, obtained, and accepted orders within the Southern District of New York for the purchase of sanitary pottery from divers jobbers; in that, in pursuance of said combination and conspiracy, in the solicitation of said orders, the said defendants quoted, maintained, and exacted, within the Southern District of New York, the said arbitrary, uniform, and non-competitive prices, fixed and maintained by agreement as aforesaid; in that, in pursuance of said combination and conspiracy said defendants from time to time entered into contracts within the Southern District of New York for the purchase and sale of sanitary pottery at the prices fixed by the defendants pursuant to agreement as aforesaid; in that, in pursuance of said combination and conspiracy, said defendants, within the Southern District of New York, caused sanitary pottery to be delivered within said district and received payment therefor within the Southern District of New York by checks, bills of exchange, drafts and the like from divers persons, firms, and corporations; in that, in pursuance of said combination and conspiracy, the said defendants distributed price lists and circulated information, within the Southern District of New York, as to the production and supply of said sanitary pottery to divers persons, firms, and corporations; in that, in pursuance of said combination and conspiracy, said defendants did attend and participate in certain meetings of jobbers and dealers in sanitary pottery held within the said Southern District of New York; in that, in pursuance of said combination and conspiracy said defendants did from time to time, deliver and store various quanti-

ties of sanitary pottery within warehouses and other places of storage located within the said Southern District of New York; in that, in pursuance of said combination and conspiracy, the defendants within the Southern District of New York sold and delivered the said sanitary pottery to purchasers thereof within the said district at the arbitrary, uniform, and non-competitive prices fixed by agreement among the defendants as aforesaid.

And so the Grand Jurors aforesaid, upon their oath aforesaid, do say that said corporate and individual defendants throughout said period of time, at the places and in the manner aforesaid, have engaged in a combination and conspiracy in restraint of trade and commerce among the several States; against the peace and dignity of the United States and contrary to the statutes of the same in such case made and provided.

Second Count.

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present that continuously throughout the period of three years next preceding the finding and presentation of this indictment, the corporate defendants, under the management, direction, and control of the individual defendants, all as fully named and described in the first count of this indictment, together with said individual defendants, unlawfully have engaged with each other in a combination and conspiracy in restraint of said interstate trade and commerce in sanitary pottery carried on by said defendants, as described in the first count of this indictment; that is to say, in a combination and conspiracy now here described which has unlawfully restrained said interstate trade and commerce, in the manner

hereinafter set forth: That throughout said period of time, all of the said defendants, in pursuance of a common plan, agreement, and understanding among them so to do, and in order effectively to carry out the aims, objects, and purposes of the aforesaid combination and conspiracy, have by common and concerted action, within the Southern District of New York and elsewhere, limited and confined their sales of sanitary pottery to a special group selected by said defendants by agreement and known and denominated by them as "legitimate jobbers".

That certain of said so-called "legitimate jobbers" carried on business within the Southern District of New York and maintained within said district, offices and other places of business for the receipt, storage, sale, and distribution of sanitary pottery; that certain persons, firms, and corporations, such as builders, owners, architects, general contractors, plumbing contractors, and plumbers, other than the said so-called "legitimate jobbers" selected by the defendants by agreement as aforesaid, maintained offices and other places of business within the Southern District of New York and were desirous of purchasing and attempted to purchase sanitary pottery directly from the defendants.

That heretofore and within the period of three years next preceding the finding of this indictment, the above described combinations and conspiracy was by said defendants extended, renewed, and carried out, within the Southern District of New York, in that in pursuance of said combination and conspiracy the said defendants did, within the Southern District of New York, refuse to take orders within the said district, and did, within the

Southern District of New York, refuse to make contracts within the said district, for the sale, shipment, and delivery of sanitary pottery to, into, and through the Southern District of New York or elsewhere to builders, owners, architects, general contractors, plumbing contractors, plumbers, and other purchasers, located and doing business within the Southern District of New York, except to such so-called "legitimate jobbers"; in that said defendants, in pursuance of said combination and conspiracy, did by common and concerted action, within the Southern District of New York, compel the said purchasers and others located and doing business within the said district, who were not so-called "legitimate jobbers", to make their purchases of sanitary pottery manufactured by the defendants from or through the members of the specially selected group aforesaid, that is to say, from so-called "legitimate jobbers"; in that, in pursuance of said combination and conspiracy, the said defendants, within the Southern District of New York, refused to make shipments of sanitary pottery manufactured by them to any purchaser within the said district not a so-called "legitimate jobber" unless said product was purchased by said purchaser from or through a so-called "legitimate jobber"; in that the said defendants, in pursuance of said combination and conspiracy, compelled within the Southern District of New York, the payment by such purchasers of sanitary pottery of additional sums and increased prices to the so-called "legitimate jobbers" in order to enable said purchasers, doing business within the Southern District of New York to secure and receive shipments and delivery of sanitary pottery within the said district; in that the said defendants, in pur-

suance of said combination and conspiracy, sought, solicited, and obtained, within the Southern District of New York, from the Secretary of the Eastern Supply Association, whose headquarters were and are within the said district, information as to whether certain persons, firms, or corporations were considered "legitimate jobbers".

And so the Grand Jurors aforesaid, upon their oath aforesaid, do say that said corporate and individual defendants, throughout the period of time, at the place and in the manner and form aforesaid, unlawfully have engaged in a combination and conspiracy in restraint of trade and commerce among the several states; against the peace and dignity of the United States and contrary to the form of the statute of the same in such case made and provided.

WM. HAYWARD,
United States Attorney.