

UNITED STATES

v.

JELICO MOUNTAIN COAL & COKE CO.

UNITED STATES DISTRICT COURT IN AND FOR THE  
MIDDLE DISTRICT OF TENNESSEE

At a regular term of the Circuit Court of the United States for the Middle District of Tennessee, begun and holden at Nashville, in said district, upon the third Monday of April, 1891, present and presiding the Hon. D. M. Key, judge of the district court, the following, among other, proceedings were had, to wit:

Upon the 17th day of June, 1891, during said term, a decree was rendered as follows, to wit:

THE UNITED STATES

VS.

JELICO MOUNTAIN COAL & COKE CO.

Civil No. 2820. Circuit Court.

Came the United States and the defendants by counsel: Whereupon this cause came on to be heard before the honorable the judges of the United States Circuit Court for the Middle District of Tennessee, sitting in equity, His Honor D. M. Key presiding, owing to the incompetency of the Honorable Howell E. Jackson, judge, etc., on this the 17th day of June, 1891, as well as upon a

former day of the term, upon the petition heretofore filed on behalf of the United States by John Ruhm, Esq., United States attorney, under direction of the Attorney General, on the answers, the proof, the exhibits, the former proceedings, and upon argument of counsel; whereupon it appeared from the proof that the following defendants, to wit:

The Central Coal & Iron Company, a corporation chartered and organized under the laws of Kentucky and having its principal office at Louisville, in the district of Kentucky, and operating coal mines at Central City, Kentucky;

The Memphis Coal & Mining Company, a Tennessee corporation, having its principal office in Memphis, Shelby County, in the Western District of Tennessee, and operating coal mines in Kentucky;

The Empire Coal & Mining Company, a Kentucky corporation, operating mines at Empire, Kentucky, and having an office in Nashville, Tennessee, and at Empire, Kentucky;

The St. Bernard Coal Company, a Kentucky corporation, having its office at Earlington, Kentucky, and operating mines at Earlington, Kentucky;

The Cooperative Coal Mining & Manufacturing Company, a Kentucky corporation, having its office at Earlington, Kentucky, and operating mines at Earlington, Kentucky;

The Mud River Coal, Coke & Iron Company, a Kentucky corporation, having offices at Nashville, Tennessee, and Earlington, Kentucky, and operating coal mines at Empire, Kentucky;

The Providence Coal Company, a Kentucky corporation, operating coal mines at Providence, in Kentucky, and having its office at Providence, Kentucky;

The Hecla Coal & Mining Company, a Kentucky corporation, having its office at Earlington, Kentucky, and operating mines at Earlington, Kentucky;

The Cumberland Valley Colliery Company, a corporation operating mines at Pineville, in Kentucky, and having its office at Louisville, Kentucky;

The Southern Jellico Coal Company, a Tennessee corporation, having its office and operating mines at Campbell County, Tennessee;

The Green River Coal Company, a Kentucky corporation, operating mines at Drakesboro, Kentucky, and having its principal office at Drakesboro, Kentucky; and

W. H. Howe, E. W. Hill, J. M. Love, and A. M. Carroll, partners trading as Love & Carroll; J. B. Love and E. S. Randle, partners trading as Love & Randle; J. D. Sharp and J. S. Phillips, partners trading as Sharp & Phillips; Jesse M. Overton, J. E. Allison, and E. E. Duncan, partners trading as Overton, Duncan & Co.; James Wyatt and P. G. Breen, partners as Wyatt & Breen; L. T. Stull, John D. Anderson, and J. E. Sessner, partners as John D. Anderson & Co.; J. Dodson, trading as J. Dodson & Co.; J. H. Hales; J. N. Conquest; J. H. Hales and E. W. Hill, partners as Hales & Hill; all residing and doing business at Nashville, Tenn.; Thomas R. Finney and William P. Finney, partners doing business under the firm name of Finney Bros.; and W. H. Allen, C. P. Allen, and A. D. Allen, partners doing business under the firm name of Allen Bros.; all doing business at Nashville, Tennessee;

Are engaged, respectively, in carrying on the business of mining coal in Kentucky and selling and dealing in coal in Nashville under an agreement entered into by and between them, by the terms of which they have organized the Nashville Coal Exchange; a copy of said articles of agreement has been filed as an exhibit to the petition and has been properly proved and made part of the record; and the court was of opinion and so ordered, adjudged, and decreed, that the said defendants by their operations under the articles of agreement aforesaid, have been and were at the time of the filing of the petition in this cause, guilty of a violation of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

It is therefore ordered, adjudged, and decreed by the court that the said defendants, jointly and severally, and they are hereby perpetually enjoined and restrained as

prayed in the petition from violating the provisions of said act of Congress of the United States in the manner and in effect and in any of the particulars in which they are charged in the petition. And they are hereby enjoined and restrained from further carrying on the coal trade under the terms, stipulations, and conditions of said articles of agreement, by which articles they did organize the Nashville Coal Exchange and under which they had been prior to, and were at the time of the filing of the petition, carrying on their trade; and that they be enjoined from further meeting to transact business under the provisions of said articles of agreement; and that they be, jointly and severally, peremptorily enjoined from carrying out the objects of and acting under the terms and condition of said articles of agreement governing the "Nashville Coal Exchange."

It is further ordered by the court that the defendants pay two-thirds of the costs of the cause for which let fieri facias issue as at law.

The court files a written opinion, which is ordered to be made part of the record of the cause.

The defendants, the Tennessee Coal & Iron Company, the Standard Coal & Coke Company, the Jellico Mountain Coal & Coke Company, the Woolridge Jellico Coal Company, the Cumberland Valley Colliery Company, J. H. Kendrick, Bradfield & Houston Coal Company, and Frank Ferris, have answered that they are not members of the coal exchange and the proof does not establish that they are. As to them the cause will be dismissed.

Whereupon, the United States Attorney asks the court to modify the decree so as to charge the defendants with all the costs, except those occasioned by making those of the defendants parties, as to whom the petition was dismissed, but the court was satisfied with the disposition of the costs as herein made and it is ordered accordingly.

I, H. M. Doak, clerk of the District Court of the United States for the Middle District of Tennessee, hereby certify that the foregoing is a true, perfect and complete copy of the final decree in the above-styled cause, as it is of record in the minutes of the Circuit Court, minute

book "U," page 495 et seq. In witness whereof I have hereunto signed my name and affixed the seal of the court, at office in Nashville, Tennessee, this 18th day of January, 1912.

H. M. DOAK, *Clerk.*