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Marion Plo

vs.

Chas. F. P. Wks

Declaration

Filed Oct. 18 - 1898,
Granford J. Johnson
J. S. S.

**PRITCHARD & SIZER,
ATTORNEYS-AT-LAW,
ROOMS 314, 315 & 316 TEMPLE COURT,
CHATTANOOGA, TENN.**

MAG GOWAN & COOKE, PRINTERS, CHATTANOOGA

In the Circuit Court of the United States for the Southern Division of the Eastern District of Tennessee.

MANION & COMPANY,)
v.) DECLARATION.
CHATTANOOGA FOUNDRY & PIPE WORKS.)

The plaintiffs, Manion & Co., a firm located and doing business at New Orleans, Louisiana, composed of Martin Manion and John F. Manion, both residents and citizens of the State of Louisiana, sue the defendant Chattanooga Foundry & Pipe Works, a corporation organized under the laws of the State of Tennessee, located and doing business at Chattanooga, Tennessee, and a citizen of the State of Tennessee,

For \$20,000. as damages for that heretofore, to-wit, on the 1st day of January, 1895, the plaintiffs were and for a long time prior thereto had been, and since continuously have been, and still are, located at New Orleans, Louisiana, and engaged in the business of contracting for and furnishing and laying gas, steam, water and sewer pipes; and, on the day and year aforesaid, and for a long time prior thereto, the defendant was, and since continuously has been and still is engaged at Chattanooga, Tennessee, in manufacturing and selling cast iron pipe, and fittings and specials connected therewith, to be used and generally used in the several States of the Union for drainage and sewerage and for conducting gas and water; and on the day and year aforesaid, at Chattanooga, Tennessee, the defendant made and entered into an unlawful contract, combination, trust and conspiracy, under the name and style of Associated Pipe Works, with certain other firms and corporations engaged in the like business of manufacturing and selling iron pipe, etc., to-wit, the Addyston Pipe & Steel Company, a corporation doing business at Cincinnati, Ohio; Dennis Long & Co., a firm or corporation doing business at Louisville, Kentucky; Howard-Harrison Iron Co., a corporation doing business at Bessemer, Alabama; Anniston Pipe & Foundry Co., a corporation doing business at Anniston, Alabama, and South Pittsburg Pipe Works, a corporation doing business at South Pittsburg, Tennessee, whereby they, the defendant and

the other members of said unlawful combination, trust and conspiracy, attempted to monopolize and did monopolize a large and material part of the trade and commerce between the several States in iron pipe, etc., afore said, and particularly monopolized the trade and commerce in iron pipe, etc., between the several States and the State of Louisiana, and the City of New Orleans, where the plaintiffs were located and doing business as aforesaid; whereby competition among the manufacturers and sellers of said iron pipe, fittings and specials connected therewith, should be and was destroyed, and purchasers of such iron pipe should be and were compelled to pay exorbitant and unreasonable prices therefor; and as a part of said unlawful combination, trust and conspiracy, it was secretly and fraudulently agreed among its members that all purchasers and customers in certain of the States of the Union, including the State of Louisiana, should be required to pay, and they were made to pay, a bonus of from \$3. to \$9. upon every ton of iron pipe, fittings and specials, sold, such bonus representing a secret, fraudulent and unlawful profit, arbitrarily imposed by said unlawful trust, in excess of the price at which said iron pipe would have been sold but for the existence of said unlawful trust, combination and conspiracy; and the plaintiffs say that during the year 1895, and while said illegal trust, combination and conspiracy was in force, they purchased from the defendant 4792369 pounds of cast iron pipe, fittings and specials, ^{for shipment from S. C. to N. C., Va. and delivery in the latter state} on which the plaintiffs were required to pay and did pay to the defendant bonuses and unlawful and fraudulent profits as aforesaid, aggregating the sum of \$6000., by reason of said unlawful trust, combination and conspiracy, and ^{were} ~~was~~ by reason of the unlawful conduct of the defendant in and about said unlawful trust, combination and conspiracy, put to great delay, inconvenience and expense, and were caused to sustain great loss and damage in their business and property, to-wit, the additional sum of \$1500., and so were injured and damaged in their business and property by reason of the unlawful conduct of the defendant as aforesaid to the sum of \$7500., actual damages; and the plaintiffs say that the conduct of the defendant in the premises is forbidden and declared to be unlawful by the Act of Congress entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", passed July 2, 1890, (26 Stats. 209; Rev. Stats. U.S. Supp. Vol.1, pp.762-763), and that the injury and damage sustained by them in their business and property as

aforesaid were produced and caused by such unlawful conduct of the defendant, and that by virtue of the provisions of said Act the plaintiffs are entitled to recover three-fold the damages by them sustained as aforesaid, and the costs of this suit, including a reasonable attorney's fee; wherefore the plaintiffs sue for \$20,000. damages, and demand a jury to try this case.

*Ritchard & Sizer,
atty for Marion & Co.*