

had this Bill of Particulars not been demanded and ordered.

OPENING ADDRESS.

By Mr. Akerman.

May it please the Court, and you, Gentlemen of the Jury, we have been collected, and you have been impaneled to try the case of the United States against the American Naval Stores Company and other defendants named in the indictment. The Grand Jury has brought in an indictment in three counts against these defendants. One of these Counts has been stricken from the indictment, by order of the Court, while it still appears in the indictment, you gentlemen, will not have to consider that indictment at all.

In the beginning, gentlemen, I want to call your attention to the fact that this case is rather an important and a little out of the ordinary of those which Jurors are called upon to try. It involves upon the one hand the liberty, perhaps, and certainly the pocketbooks, of a number of defendants, who are engaged in a rather large business. On the other hand, it involves as we see it, the supremacy of the National law against the unlawful combinations of capital.

Now, perhaps you gentlemen will best understand these things by my reading the indictment to you and then by my making certain explanations to you. I hope you gentlemen will be patient with us all through the trial of this case. We shall be as fast as we know how.

(Counsel reads the First Count of the Indictment to the Jury.)

Gentlemen, that is the First Count in the Indictment. It is an indictment under section one of the Sherman Anti-Trust Law, which prohibits any unlawful con-

spiracies to restrain trade and commerce, or any part of the commerce among the several States and with foreign nations.

The Second Count of the Indictment is drawn under Section two, which is almost identical with the First Count, with the exception that instead of charging them with a combination or conspiracy to restrain trade and commerce, as is the case in the First Count, it charges them with a conspiracy to monopolize trade and commerce, which means that they undertook to gain at least a large control over that particular article of commerce. In other words to deprive competitors from engaging in that business.

Now, gentlemen, we expect to show to you that the turpentine and rosin industry, or rather the naval stores, as you might call it, is rather a small industry, compared with other large industries in the United States and other countries. It is at present spread over the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and perhaps a small amount of the production in some other states. This trade and commerce of this industry might be explained as being carried on in this way: First, there are producers, as you might call them, otherwise known as the men in the woods, the man who goes out either on his own land or on leased land if he contracts with another man; to acquire control of turpentine boxes. The contents of these boxes are taken out and carried to the still. This man is what might be known as the producer or the operator or the man out in the woods. Then there is another man known as the factor. The factors are located in one of the larger cities. He is the man or the company who

furnishes supplies and material to these operators in cases where they have no capital of their own, and in return for that the operator not only pays him an interest, that is, money, but ships his spirits of turpentine and naval stores to the factor; and the factor, in the open market, as the agent of the operator, sells the supplies to a class of people who may be known as the distributors or exporters, who buy these things from the factors, ship them to such places where there may be a demand for that commodity, and there sells them to the last class of people who do any of that business at all, that is the consumer, that is, the varnish maker, soap maker, the maker of paints, manufacturers of printers' ink, and divers other businesses which consume those products. Now, we expect to show you that a short while prior to the date alleged in this indictment and some months prior to that, three of the largest distributors or exporters in the business were a corporation known as the S. P. Shetter Company, The Patterson-Downing Company and Company of Belgian and French name that I don't undertake to pronounce; that these three companies, at that time, largely dominated this part of the business known as the distributor or the exporter—that these three companies were consolidated, or that is to speak be more strictly the company known as the American Naval Stores Company, a corporation. The American Naval Stores Company, a corporation existing under the laws of West Virginia, was organized, took over all of the business of these three large companies, who at that time controlled the vast majority of this particular part of the naval stores business; they started out at

that time controlling a vast part of this business. But, we expect to show you that they were not satisfied with that, but they then proceeded by different means which I will explain to you presently, to crush out every vestige of competition remaining in the business, by means the most arbitrary and high-handed; and we shall expect you to find from all the facts and circumstances that that has been done for the sole and only purpose of taking over a complete and absolute control of this business. Now, we won't undertake to show you by direct and positive testimony of witnesses who overheard them, that the different officers of this Company named in the indictment sat down together and deliberately agreed together to carry out this unlawful means; but we will expect to show you by facts and circumstances, by acts and by word of mouth, from the defendants themselves, what was particularly the object of all these practices which might be said to be reprehensible.

I will call your attention right now—we expect to show you that the National Transportation and Terminal Company, a warehouse Company, absolutely dominated, owned and controlled by the American Naval Stores Company, which own storage yards at a great many places and that the American Naval Stores Company, and its officers named in this indictment by the means which will be explained to you shortly, compelled these factors to store the naval stores and turpentine on the yard dominated and controlled by the American Naval Stores Company for the purpose of giving the American Naval Stores Company the unfair and improper advantage over the people engaged in that

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Chas. Blum & Co., Jacksonville, Fla.

BARREL STAVES.

East Coast Lumber Co., Watertown, Florida.

BOXES AND CRATES.

Cummer Lumber Co., Jacksonville, Fla.

CLOTHING.

Standard Clothing Co., Jacksonville, Fla.

COPPER SMITHS.

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COOPERAGE.

Atlantic Cooperage Co., Jacksonville, Fla.

DRUGS.

Wm. D. Jones, Jacksonville, Fla.

ENGINES.

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FOUNDRIES.

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Standard Clothing Co., Jacksonville, Fla.

HOOP IRON.

J. D. Weed & Co., Savannah, Ga.

IRON WORKS.

Schofield's Sons Co., J. S., Macon, Ga.

JEWELERS.

R. J. Riles Co., Jacksonville, Fla.

Hess & Slager, Jacksonville, Fla.

LUMBER.

East Coast Lumber Co., Watertown, Florida.

LIQUORS.

Blum & Co., Chas., Jacksonville, Fla.

MEDICINES.

Spencer Medicine Co., Chattanooga, Tenn.

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METAL WORKERS.

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Baker, M. A., Brunswick, Ga., and Pensacola, Fla.

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Schofield's Sons Co., J. S., Macon, Ga.

Weed & Co., J. D., Savannah, Ga.

Lombard Iron Works & Supply Co., Augusta, Ga.

NAVAL STORES.

Peninsular Naval Stores Co., Jacksonville and Tampa, Fla.

Barnes & Jessup Co., Jacksonville, Fla.

Consolidated Naval Stores Co., Jacksonville, Fla.

West-Flynn-Harris Co., Jacksonville, Fla.

Williams Co., J. P., Savannah, Ga.

Southern States Naval Stores Co., Savannah, Ga.

PHOSPHATE MACHINERY.

Lombard Iron Works & Supply Co., Augusta, Ga.

PUMPS.

Schofield's Sons Co., J. S., Macon, Ga.

RAILROADS.

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TURPENTINE TOOLS.

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