

and time of receiving salt from the members; and each member was prohibited from selling any salt during the continuance of the association, except by retail at the factory, and at prices fixed by the company. It was held that such agreement was in restraint of trade and void, as against public policy.\*

Five coal corporations of Pennsylvania entered into an agreement in New York to divide two coal regions, of which they had the control, to appoint a committee to take charge of their interests, which was to decide all questions and appoint a general agent at Watkins, N.Y., the coal mined to be delivered through him, each corporation to deliver its proportion at its own cost in the different markets at such time and to such persons as the committee might direct; the committee to adjust the prices, rates of freight, etc.; enter into agreements with anthracite companies; the five companies might sell their coal themselves only to the extent of their proportion, and at prices adjusted by the committee; the agent to suspend shipments by either beyond their proportion; frequent detailed reports to be made by companies, and settlements monthly by the committee; prices to be averaged and payments made to those in arrear by those in excess; neither to sell coal otherwise than as agreed upon, and the regulations of the committee to be carried out faithfully. A statute of New York makes it a misdemeanor "for persons to conspire to commit any acts injurious to trade or commerce." It was held that their agreement was in contravention of the statute, and also against public policy, and therefore illegal and void. The court said: "The effects produced on the public interests lead to the consideration of another feature of great weight in determining the illegality, to wit: the combination resorted to by these five companies. Singly, each might have suspended deliveries and sales of coal, to suit its own interests, and might have raised the price, even though this might have been detrimental to the public interest. There is a certain freedom which must be allowed to every one in the management of his own affairs. When competition is left free, individual error or folly will generally find a correction in the conduct of others; but here is a combination of all the companies operating in the Bloesburg and Barclay mining regions, and controlling their entire productions. They have combined together to govern the supply and the price of coal in all the markets from the Hudson to the Mississippi rivers, and from Pennsylvania to the lakes. This combination has a power in its confederated form which no individual action can confer. The interest must succumb to it for it has left no competition free to correct its baleful influence. When the supply of coal is suspended, the demand for it becomes importunate, and prices must rise; or, if the supply goes forward, the price fixed by the confederates must accompany it. The domestic hearth, the furnaces of the iron monster, and the fires of the manufacturer all feel the restraint; while many dependent hands are paralyzed, and hungry mouths are stinted. The influence of a lack of supply, or a rise in the price of an article of such prime necessity cannot be estimated. It permeates the entire mass of the community, and it leaves few of its members untouched

\*Cent. Ohio Salt Co. v. Guthrie, 35 Ohio St. 666.