



# **Federal Anti-Trust Decisions (Volume 2); Adjudicated Cases and Opinions of Attorneys General Arising Under, or Involving, the Federal Antitrust Laws a**

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Statement of the Case. 900 CITY OF ATLANTA v. CHATTANOOGA FOUNDRY & PIPE CO.0

MANION ET AL. v. SAME. (Circuit Court. E. D. Tennessee, S. D. May 5, 1900.) 101 Fed., 900.

Monopolies--Action For Damages Under Anti-trust Act--LimitaTion.--An action under Anti-Trust Act (Act July 2, 1890; 26 Stat. 209) § 7, providing that "any person who shall be injured In his business en-property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States. and shall recover three fold the damages by him sustained," is not an action for a penalty or forfeiture, within Rev. St. § 1047, prescribing a limitation of five years for a "suit or prosecution for any penalty or forfeiture, pecuniary or otherwise, accruing under the laws of the United States," but one for the enforcement of a civil remedy for a private injury, compensatory in its purpose and effect, the recovery permitted in excess of damages actually sustained being in the nature of exemplary damages, which does not change the nature of the action, and such action is governed as to limitation by the statutes of the state in which it is brought.'1 Same--Tennessee Statute.--An action brought under such section. In which the right of recovery is based on an alleged exorbitant charge made by defendant to plaintiffs for manufactured articles purchased, by reason of a combination or trust entered into by defendant with others for the purpose of monopolizing trade in violation of the act, is for an injury to personal property, and comes within Shannon's Code Tenn. S 4470, which prescribes a limitation of three years for " actions for injuries to personal or real property," being, in effect, the same as an action...



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