

B99.24

Gift of Richard Rantala

Cal Brosius and John Noon, co-partners doing business under the firm name of Brosius & Noon, plaintiffs, vs. Carstens Packing Company, a corporation. Summons, and Complaint. December 14, 1916 - March 15, 1917.

A legal case between the Alaska Matanuska Coal Company vs. various complainants at various times, running from December 8, 1921 -- January 21, 1929, and correspondence through March 16, 1936

INVOLVED IN THE LAWSUIT

Adams, Wesley
Agostino, Bruno
Bedell, E. L.
Bizzarri, Paciffico (various spellings)
Colobuffalo, Frank
Colonello, Adam
DeJohn, Henry
McDonald, A. H.
Premier Coal Mining Company
Ray, L. V.
Reno, Joseph
Ruath, Frank
Tarwater, E. R.

HIGHLIGHTS

Inventories of the mine
A list of invoices of outstanding debts
A list of employees owed money
Correspondence with the Secretary of the Interior
Contracts between Alaska Premier Coal Corporation to Alaska Matanuska Coal Company
(Assignment: Coal Leasing Units 1, 20, and 2. Matanuska Coal Fields)
Bill of Sale from Alaska Premier Coal Corporation, to Alaska Matanuska Coal Company, a
corporation. (7-25-33)
Certification of Resolution of Board of Directors Authorizing execution of a contract with
Alaska Matanuska Coal Co.(7-25-35)
Text of the Alaska Coal Lands Act of October 20, 1914.
Unpaid wages (5-5-29)

LEGAL STAFF (AND OTHERS) NAMED

Cuddy, W. N., Esq. Clerk of Court (Valdez? Anchorage?) 1928
Hill, E. Coke, District Judge
Howard, Hon. Bartley (Juneau)
Mumford, George F. (Notary Public)
Ritchie, E. E. (District Judge)
Sprey, William, Commissioner, U.S. Dept of the Interior, General Land Office,
Washington, D.C.
Stevens, Morton E., attorney for DeJohn et al
Thompson, Arthur G., attorney for Bruno Agostino, Anchorage,
Truitt, Jas. S? I?
Waller, J. L.

1930 -- U. S. CIRCUIT COURT OF APPEALS

ORIGINAL INDEX

NO DATE AND OTHER UNKNOWNNS

--Notes

--Brief of Bruno Agostino, one of the defendants, in answer to Henry DeJohn et al, other
defendants & to the receiver

BEFORE 1925

--Letter from the Commissioner, Department of the Interior, General Land Office, to Register
and Receiver, Anchorage. (9-23-23)

--Protest against approval and issuance of lease to land embraced in coal leasing unit No. 04794
and coal leasing unit No. 05236, Anchorage serial. (10-31-23)

--Answer of Henry DeJohn, Adam Colonello, by his Guardian Joseph Reno, Frank
Colobuffalo and S. L. Ruath, copartners trading under the firm name of Premier Coal
Mining Company

1925 FOLDER

--Motion for new trial (after May, 1925)

--Motion for order directing receiver to deliver tools, equipment and machinery (6-13-25)

--Complaint bringing in additional parting defendant (6-13-25)

--Objections of Bruno Agostino, defendant, to plaintiff's proposed change in court reporters
transcript of testimony (6-13-25)

--Motion for judgment on the pleadings (no date)

1926 FOLDER

--Letter from the Commissioner, Department of the Interior, General Land Office, to Register,
Anchorage. Directing publication of offering of certain land for coal lease. (5-1-26)

--Protest on part of judgment and other creditors against Assignment Lease 05236 and
approval thereof and to Consolidation Unit No 1 with leasing block No 20. (6-30-26)

--Final Summary all attached reports and connecting them with former receivership (6-25-26)

1927 FOLDER

- Telegram from Finny, First Assistant Secretary to Bartley Howard (2-19-27)
- Complaint (3-21-27)
- Order allowing plaintiff to sue receiver (3-21-27)
- Brief in support of demurrer to complaint (4-15-27)
- Demurrer (4-15-27)
- Answer (5-24-27)

1928 FOLDER

- Correspondence from W. N. Cuddy, Clerk of the District Court, Valdez to A.G. Thompson, Anchorage; L. V. Ray, Seward; Morten E. Stevens, Fairbanks; M. M. Thompson, Premier Mine, Moose Creek (2-16-28)
- Order directing bringing in additional defendants (2-16-28)
- Brief of Defendant E. R. Tarwater, receiver, on his demurrer to plaintiff's complaint bringing in additional defendants. (after Feb, 1928)
- Correspondence from Attorney for Alaska Matanuska Coal Company to W. N. Cuddy, Clerk of Court (3-5-28)
- Correspondence from Attorney for Alaska Matanuska Coal Company to A. G. Thompson, Esq, Attorney for Bruno Agostino, Anchorage; Morton H. Stevens, Esq., Attorney for DeJohn et alii, Fairbanks; M. M. Thompson, Esq, Attorney for certain defendants, Moose Creek, E. R. Tarwater, Receiver, Anchorage (3/5/28)
- Answer of Bruno Agostino, one of the additional defendants to answer of Henry DeJohn herein. (6-16-28)
- Separate demurrer of E. R. Tarwater, receiver, one of the additional defendants. (6-13-28)
- Reply to affirmative defense of defendants Henry DeJohn and others trading as Premier Coal Mining Company (12-4-28)
- Demurrer of plaintiff to affirmative defense contained in answer of Henry De John and others trading under the firm name of Premier Coal Mining Company (6-20-28)
- Letter to M. M. Thompson, Moose Creek. Unsigned (6-23-28)
- Letter to Hon. Morton E. Stevens, Attorney, Fairbanks. Unsigned (6-23-28)
- Demurrer of plaintiff to affirmative defense of defendant, Agostino (6-23-28)
- Brief of Bruno Agostino on hearing plaintiffs demurrer to defendant Agostino's affirmative defense 7-9-28
- Motion to strike reply of plaintiff to answer of Bruno Agostino (Dec. 1928)
- Answer of Bruno Agostino one of the additional defendants to complaint of plaintiff (12-3-28)
- Memo on Defendant's demurrer to complaint. (12-3-28)
- Reply of additional defendants Henry DeJohn and S. L. Ruath, individually and on behalf of the partnership firm Henry DeJohn: Adam Colonello: Frank Colobuffalo: and S. L. Ruath, co-partners trading under the firm name and style of Premier Coal Mining Company, to answer of Bruno Agostino, additional defendant. (12-11-28)
- Demurrer to plaintiff's reply to separate answer of E. R. Tarwater, receiver (12-12-28)

1928 FOLDER, CONTINUED

- Reply of additional defendants, Frank Colobuffalo and Adam Colonello (by Joe Reno, his guardian) individually and on behalf of the partnership firm of Henry DeJohn, Adam Colonello, Frank Colobuffalo and S. L. Ruath, co-partners trading under the firm name and style of Premier Coal Mining Company to answer of Bruno Agostino, additional defendant. (12-14-28)
- Notice of hearing (12-15-28)

1929 (JANUARY - JUNE) FOLDER

- Reply of additional defendants Henry DeJohn, S. L. Ruath, Adam Colonello, by his guardian Joe Reno, and Frank Colobuffalo, co-partners, trading under the firm name of Premier Coal Mining Company to the further and affirmative defense of Bruno Agostino to the "Answer of defendant Henry DeJohn." (1-29-29)
- Findings of fact and conclusions of law (after Jan, 1929)
- Opinion (2 versions) (3-11-29)
- Opinion (3-17-29)
- Judgment (3-18-29)
- Findings and Conclusions (3-23-29)
- Receiver's report (3-25-29)
- Exceptions of findings of fact and conclusions of law and the rulings of the court at time of trial (4-19-29)
- Motion for new trial (4-18-29)
- Motion for extending time for filing exceptions to findings of fact conclusions of law and judgment (4-9-29)
- Receiver's report (5-4-29)
- Defendant Bruno Agostino's assignment of errors (after 5-4-29) (Includes Inventory Premier Coal Mine, May 9, 1929)
- Defendant Bruno Agostino's assignment of errors
- Notion of presentation to court of bill of exceptions of Deft. Bruno Agostino and motion for settlement and allowance (6-22-29)
- Presentation to the court a statement of the case of additional defendants, DeJohn, et al, embracing: a narrative statement of the evidence-bill of exceptions-opinion-findings of facts-conclusions of law-judgment exceptions to findings-conclusions and judgment-motion for new trial and M.O. denying motion for new trial and exceptions allowed and motion for settlement and allowance. (6-22-29?)
- Praecipe (6-22-29)
- Praecipe for transcript of record (June, 1929)
- Petition of Henry DeJohn, S..L. Ruath, Frank Colobuffalo, and Adam Colonello, co-partners, trading under the firm name of Premier Coal Mining Company", additional defendants , for appeal to the US Circuit Court of Appeals in and for the Ninth Judicial Circuit (6-22-29?)
- Citation (6/22/29?)
- Certificate of clerk of district court to transcript of record. 6-22-29?)

1929 (JANUARY - JUNE) FOLDER, CONTINUED

- Stipulation re printing transcript of record (5-4-29)
- Notice of filing bond (6-18-29)
- Assignment of error (-- 1929?)
- Summons (3-15-17)
- Notice of filing bond (6-25-29)
- Petition for appeal (June, 1929)
- Order allowing appeal (June, 1929)

1929 (JULY-DECEMBER) FOLDER

- Order authorizing guardian to join in the execution of an appeal bond (7/6-29)
- Bond of appeal (7-13-29)
- Objections to receiver's report (7-15-29)
- Affidavit of L. V. Ray in support of motion to correct transcript (7-17-29)
- Amended praecipe for transcript of record (7-31-29)
- Objections of plaintiff to proposed narrative statement of testimony, proceedings, bill of exceptions of additional defendants, as appellants (after 8-3-29)
- Motion for order permitting the filing of an amended praecipe (8/29)
- Order permitting defendants to file amended praecipe (8-29-29)
- Order granting extension of time for filing transcript and docketing same in appellate court (10-15-29)
- Motion (10-15-29)
- Motion for order extending time for docketing appeal (10-15-29)
- Scratch paper/notes
- Testimony and bill of exception of additional defendants: Henry DeJohn, S.L. Ruath, Frank Colobuffalo and Adam Colonello, trading under the firm name of "Premier Coal Mining Company". (79 pages) 1929

BOUND TOGETHER

- Plaintiff's Exhibit B -- Department of the Interior -- Mining Lease of Coal Lands in Alaska under the Act of October 20, 1914
- Proceedings at the trial, narrative statement of the testimony and exceptions to the ruling of the court (1-21-1929)

IN THE ORIGINAL FILE LABELED ALASKA MATANUSKA COAL CO.

- Correspondence with the U.S. Secretary of the Interior (from Bartley Howard, President, Alaska Matanuska Coal Company). Return letter from Harold L. Ickes, Secretary of the Interior
- Report of Receiver (10-12-25) Includes pages of disbursements
- Objection to the hearing of application for discharge or receiver (date?)
- Notice (9-1-25)
- Something, between Wesley Adams and Pacifico Bizarri vs Henry DeJohn, Adam Colonello, Frank Colobuffalo, and S. L. Ruath, co-partners trading under the firm name and style of Premier Coal Mining Co., plus Bruno Agostino, intervenor; and E. L. Bedell, Receiver (10-4-25)

IN THE ORIGINAL FILE LABELED ALASKA MATANUSKA COAL CO., (CONT'D.)

- Separate Answer of E. R. Tarwater, Receiver, one of the additional defendants (11-3-28)
- Reply to separate answer of E. R. Tarwater, receiver (11-3-28)
- Inventory, Premier Coal Mine
- Contract between Alaska Premier Coal Corporation to Alaska Matanuska Coal Company (Assignment: Coal Leasing Units 1, 20, and 2. Matanuska Coal Fields)
- Bill of Sale from Alaska Premier Coal Corporation, to Alaska Matanuska Coal Company, a corporation. (7-25-33)
- Petition in Intervention (6-13-25)
- Answer of Defendants to Petition of Intervention (7-15-25)
- Contract (10-31-23)
- Motion of Bruno Agostino to strike plaintiffs reply (12-13-28)
- Judgment (6-12-25)
- Order allowing plaintiff to sue receiver (3-21-27)
- Motion for Leave to file exceptions to receiver's report and motion for discharge of receiver. (3-1-27)
- Correspondence between B. D. Stewart, Supervising Mining Engineer, and Bartley Howard, (two letters dated 6-29-27; 6-30-27)
- A. H. McDonald and the supervising mining engineer 6-29-27
- Receipt 7-1-27
- Motion to close receivership and discharge receiver (8-11-30)
- Notice of hearing (6-18-27)
- Affidavit of A. H. McDonald, Receiver (4-8-27)
- Motion to close receivership and discharge receiver (6-27-27)
- Notice of application to have set for hearing defendants' motion to close receivership and discharge receiver 6-27-27)
- Notice of application to have set for hearing defendants' motion to close receivership and discharge receiver (6-27-27)
- Receipt and payment by the Alaska Matanuska Coal Company (5-16-27)
- Correspondence from E. Coke Hill, District Judge to L. V. Ray (3/30/27)
- Motion for leave to file motion to vacate order (4-7-27)
- Order (4-7-27)
- Notice of hearing motion to vacate order (4-7-27)
- Order to close receiver's accounts (3-23-27)
- Order modifying order to close receiver's accounts (3-29-27)
- Motion to vacate order (4-7-27)
- Order for deposit of money (3-24-27)
- Motion for leave to file exceptions to receiver's report and motion for discharge of receiver (3-1-27)
- Order (3-17-27)
- Exceptions to report of receiver of March 1, 1927 and motion for discharge of receiver (date?)
- Motion for leave to file exceptions to receiver's report and motion for discharge of receiver (3-1-27)
- Motion for order discharging receiver and satisfying judgment ((3-16-27)
- Correspondence to Hon. Bartley Howard, Juneau from (3-20-27)

IN THE ORIGINAL FILE LABELED ALASKA MATANUSKA COAL CO., (CONT'D.)

- Premier Coal Mining Company. A. H. McDonald Receiver. Resources and Liabilities as taken from trial balance and deferred statement record. (3-1-27)
- Order (3/17/27)
- Telegram from Bartley to L. V. Ray (3-16-27)
- Telegram from Bartley Howard to L. V. Ray (3-14-27)
- Motion for leave to file exceptions to receiver's report and motion for discharge of receiver (3-1-27)
- Order to close receiver's accounts (3-23-27)
- Motion for leave to file exceptions to receiver's report and motion for discharge of receiver (3-1-27)
- Motion for leave to file exceptions to receiver's report and motion for discharge of receiver (3-1-27)
- Letter to Alaska Matanuska Coal Co., Coal Center Alaska, addressed "Dear Friends". Unsigned. Possible key line, "If Judge Hill won't recognize the lease it is a cinch the men who have been living off the fat of the land with top wages from the receiver, won't give a damn for the lease either."

CORRESPONDENCE 1933-1936 FOLDER

- Correspondence between Ben D. Stewart, Jr. (Curry) and Bartley Howard/A.H. McDonald, Alaska Matanuska Coal Company (8-14-33, 8-22-33)
- Bartley Howard, Alaska Matanuska Coal Company to the Honorable Secretary of the Interior (2-20-34)
- Commissioner, U.S. Department of the Interior to Bartley Howard (7-16-35)
- Application for extension of time (May, 1935)
- Bartley Howard, President, Alaska Matanuska Coal Company to George Lingo, Register, U.S. Land Office, Anchorage. Includes Application for inclusion of additional lands in coal prospecting permit. (3-16-36)

Collection arranged and described 12/99