WEIGHTS AND MEASURES: Legality of Jewell Ridge Coal Corporation of Virginia selling coal in Indiana as "Pocahontas coal."

March 29, 1933.

Hon. Martin L. Lang,
Commissioner of Weights and Measures,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of March 27, 1933, in which you request my opinion as to the legality of the Jewell Ridge Coal Corporation of Tazewell, Virginia, selling coal in Indiana as "Pocahontas coal." I gather from your letter that although you are satisfied from the showing made by the company, that they are in fact mining and selling "Pocahontas coal," you hesitate to authorize the advertising and sale of the same as such in view of the decision of the United States District Court rendered by Judge Baltzell in the case of the American Coal Company et al., No. 1218 in Equity.

In my opinion, the decision in that case did not involve the rights of the Jewell Ridge Coal Corporation, inasmuch as it was not a party to that proceeding and could not be bound by the judgment in that case. It is my opinion, therefore, that if you are satisfied as an administrative officer of state, that the Jewell Ridge Coal Corporation should be entitled to advertise and sell its product as "Pocahontas coal," you may so authorize its sale without in any way violating the provisions of the decree of the District Court of the United States above referred to.

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EMBALMERS, STATE BOARD OF: Whether it is legal for person having applied for a license to remove from his residence to another residence within the state.

March 30, 1933.

J. U. Maynard, Secretary-Treasurer,
Indiana State Board of Embalmers
and Funeral Directors,
Winchester, Indiana.

Dear Sir:

I have before me your request for an official opinion as follows: