

# MINUTES OF THE MEETINGS OF THE UNITED STATES TARIFF COMMISSION

LETTER FROM THE  
CHAIRMAN OF THE UNITED STATES TARIFF COMMISSION

TRANSMITTING

IN RESPONSE TO SENATE RESOLUTION 165, OF MARCH 9,  
1926, A CERTIFIED COPY OF THE MINUTES OF THE  
MEETINGS OF THE UNITED STATES TARIFF  
COMMISSION FROM SEPTEMBER 19,  
1922, TO JANUARY 26, 1926



MARCH 15 (calendar day, MARCH 16), 1926.—Referred to the  
Committee on Finance

**SENATE RESOLUTION 165**

SUBMITTED BY MR. SMOOT

IN THE SENATE OF THE UNITED STATES,  
*March 9, 1926.*

*Resolved*, That the United States Tariff Commission be, and is hereby, requested to submit to the Senate a certified copy of the minutes of the meetings of the commission from September 19, 1922, to January 26, 1926, inclusive, and that these minutes be printed as a public document.

Attest :

EDWIN P. THAYER, *Secretary.*

## LETTER OF TRANSMITTAL

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UNITED STATES TARIFF COMMISSION,  
*Washington, March 16, 1926.*

HON. CHARLES G. DAWES,  
*President of the Senate.*

SIR: I have the honor to transmit herewith a certified copy of the minutes of the meetings of the United States Tariff Commission from September 19, 1922, to January 26, 1926, inclusive, as requested in the Senate resolution (S. Res. 165 of March 9, 1926) as follows:

*Resolved*, That the United States Tariff Commission be, and is hereby, requested to submit to the Senate a certified copy of the minutes of the meetings of the commission from September 19, 1922, to January 26, 1926, inclusive, and that these minutes be printed as a public document.

Respectfully,

THOMAS O. MARVIN, *Chairman.*

UNITED STATES TARIFF COMMISSION,  
OFFICE OF THE SECRETARY,  
*Washington, March 16, 1926.*

I certify that the accompanying photostat sheets numbered consecutively from 236 to 1004, both inclusive, are a true, accurate, and complete copy of the minutes of the meetings of the United States Tariff Commission from September 19, 1922, to January 26, 1926, inclusive, as requested by the United States Senate in its resolution (S. Res. 165) of March 9, 1926.

[SEAL.]

JOHN F. BETHUNE, *Secretary.*

# MINUTES OF THE MEETINGS OF THE UNITED STATES TARIFF COMMISSION

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SEPTEMBER 19, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That the Secretary is authorized to have printed for the use of the commission the act which created the Tariff Commission and such amendments and additions thereto as are contained in the tariff act of 1922.

Voted: That the Dictionary of Tariff information be published in style similar to that of the New International Encyclopædia with two columns to the page.

Voted: That Mr. Karl Langenbeck and Mr. Frederick W. Koch are authorized to proceed to New York City and return upon business connected with investigation of the electrical porcelain industry.

The chairman named a committee on personnel consisting of Commissioners Lewis and Burgess and the secretary.

The chairman named a committee on procedure consisting of Commissioners Culbertson, Costigan, and Lewis.

Approved, September 22, 1922.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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SEPTEMBER 22, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The chairman designated Mr. Culbertson, as an additional member of the committee on personnel.

Approved, September 26, 1922.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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SEPTEMBER 26, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That the Secretary is authorized to submit to the Director of the Budget the annual estimates for the fiscal year ending June 30, 1924, in the sum of \$1,000,000.

Voted: That Mr. Costigan is authorized to proceed to Boston, Mass., on business in connection with additions to the staff of the commission.

Voted: That Mr. Franklin H. Smith be offered appointment as special expert with compensation at the rate of \$3,500 per annum.

Voted: That Mr. Carl S. Wells be invited to visit the offices of the commission in Washington for an interview in regard to his possible appointment as special expert on the staff of the commission.

Voted: That Mr. Oscar B. Ryder is authorized to proceed to New York City, Allentown, Pa., Easton, Pa., Paterson, N. J., and vicinity, and return in connection with investigations of the silk industry.

Approved, September 29, 1922.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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SEPTEMBER 29, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Thomas Walker Page, William Burgess.

Voted: That Mr. Burgess and Mr. Costigan or Mr. Culbertson are requested to interview Mr. George Lamb in New York in regard to his availability for service on the staff of the commission, particularly in connection with the independent office to be established at New York.

Voted: That the Secretary is authorized to negotiate with Dr. Joshua Bernhardt for his services as special expert on the staff of the commission at a salary not to exceed \$4,000 per annum.

Voted: That the salary of Dr. H. G. A. Brauer is increased from \$3,000 to \$3,500 per annum, to take effect from October 1, 1922, and he is assigned to have charge of work on commercial treaties.

Approved, October 3, 1922.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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OCTOBER 3, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan.

Voted: That Mr. Geo. P. Comer is designated as acting assistant chief examiner, effective October 1, 1922.

Voted: That Mr. Walter S. Lewis is assigned to work in connection with the wool schedule in the textile division.

Voted: That Mr. G. P. Watkins be invited to visit the offices of the commission for an interview as to his availability for appointment on the staff of the commission.

Approved, October 6, 1922.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 6, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess.

Voted: That Mr. Culbertson is authorized to attend the session of the American Mining Congress at Cleveland, Ohio, beginning October 9, 1922.

Voted: That Mr. Culbertson be authorized to visit colleges and universities and other promising points in Illinois, Missouri, Kansas, and such other places as may be found necessary in connection with the selection of additional members of the commission's staff.

Voted: That Mr. Geo. F. Lamb be invited to visit the offices of the commission for a conference in regard to the organization of the commission's office in New York City.

Voted: That Mrs. Burlingame be appointed as clerk at \$1,800 per annum by transfer from the Treasury Department.

Voted: That Mr. Thomas H. Chilton be offered appointment as special expert at \$2,160 per annum.

Voted: That Mr. Francis R. Claurini be appointed special expert at \$1,800 per annum.

Approved, October 9, 1922.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

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OCTOBER 9, 1922.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That the secretary be authorized to arrange to have Mr. Harry Waters, acting deputy collector of customs, to come to the office of the commission for an interview in regard to the organization of the New York office of the commission.

Approved, October 10, 1922.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

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OCTOBER 10, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That Miss Ruth E. K. Peterson be appointed a special expert with compensation at a rate not to exceed \$2,500 per annum.

Voted: That Dr. Joshua Bernhardt be appointed a special expert with compensation at the rate of \$4,500 per annum, effective October 16, 1922.

Voted: That Mr. Franklin Smith be offered appointment as a special expert with compensation at the rate of \$4,000 per annum.

Voted: That the chairman be authorized to employ a clerk with salary not to exceed \$3,000 per annum.

Approved, October 13, 1922.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

OCTOBER 13, 1922.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, Thomas Walker Page, William Burgess.

Voted: That Mr. R. C. Bowker be offered appointment as special expert on the staff of the commission with salary at the rate of \$3,000 per annum.

Voted: That payment is authorized of the sum of \$50 to Dr. G. F. Warren, of the New York State College of Agriculture, at Cornell University, for special services at the rate of \$50 per day.

Voted: That Mr. Karl Langenbeck is authorized to conduct investigations for not to exceed one week into the kaolin, mica, talc, and other allied industries in the vicinity of Asheville, N. C., where Mr. Langenbeck is now spending some time on leave.

Approved, October 17, 1922.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 17, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That the organization of the personnel and divisions of the commission as presented in the chart of organization submitted by the committee on procedure and as amended is adopted.

Mr. Marvin on this question voted in the negative.

Voted: That Mr. Oscar B. Ryder's salary is increased from \$3,000 to \$3,500 per annum effective October 16, 1922.

The chairman designated a committee, consisting of Commissioners Culbertson, Costigan, and Burgess, to report on methods to be adopted in relation to publicity in connection with the commission's activities.

Approved, October 20, 1922.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 20, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That Mr. Arthur H. McCarrel be invited to visit the offices of the commission in Washington for an interview in regard to his possible appointment as special expert on the staff of the commission.

Voted: That Mr. Andrew Coulthart be invited to visit the offices of the commission in Washington for an interview in regard to his possible appointment as special expert on the staff of the commission.

Voted: That the secretary is authorized to offer Mr. George Byers appointment as special expert on the staff of the commission with salary at a rate not to exceed \$2,500 per annum.

Voted: That the secretary is authorized to offer Mr. Lewis Radcliffe appointment as special expert on the staff of the commission with salary at a rate not to exceed \$2,500 per annum.



Voted: That the secretary is authorized to offer Mr. Warren C. Funk appointment as special expert on the staff of the commission with salary at a rate not to exceed \$3,000 per annum.

Voted: That Commissioner Burgess is authorized to visit Princeton University in connection with business related to the selection of additional members of the commissioner's staff.

Voted: That Commissioner Burgess is authorized to visit Newark, N. J., and New York City in connection with the establishment of the commission's offices at the port of New York.

Voted: That Commissioner Culbertson is authorized to visit New York City and New Haven, Conn., in connection with business related to the selection of additional members of the commission's staff.

Voted: That Mr. H. C. Fisher is authorized to visit New York City in connection with the investigation of commercial relations with Cuba.

Voted: That the reports of the commission on the beet-sugar and cane-sugar industries in the continental United States, in our non-contiguous territories, and in Cuba, be brought up to date, and that Doctor Bernhardt be instructed to prepare and submit for approval a plan of investigation.

Voted: That Mr. George P. Comer, in addition to his duties as chief of the accounting and statistical division, is designated assistant chief investigator, and that until the chief investigator is appointed he is authorized and instructed to act as chief investigator with all the powers and duties of that position including the chairmanship of the advisory board.

Voted: That Mr. Charles E. McNabb is designated as the representative of the legal division on the advisory board.

Voted: That the commission adopts the following rules of procedure under the provision of sections 315, 316, and 317 of Title III of the tariff act approved September 21, 1922:

#### EXECUTIVE ORDER

It is ordered, that all requests, applications, or petitions for action or relief under the provisions of sections 315, 316, and 317 of Title III of the tariff act approved September 21, 1922, shall be filed with or referred to the United States Tariff Commission for consideration and for such investigation as shall be in accordance with law and the public interest, under rules and regulations to be prescribed by such commission.

WARREN G. HARDING.

THE WHITE HOUSE, October 7, 1922.

#### APPLICATION FOR INVESTIGATION

Applications for an investigation under section 315, 316, or 317 of Title III of the tariff act approved September 21, 1922, may be made by any person, partnership, corporation, or association.

An application is not required to be in any special form but it must be in writing and signed by or on behalf of the applicant and in the case of an application under section 316 it must be under oath. Every application must state the name, legal residence, business address, occupation, and business connection of the applicant, and contain a short and simple statement of the relief sought and the ground therefor.

No investigation shall be ordered by the commission unless such application or preliminary investigation discloses to the satisfaction of the commission that there are good and sufficient reasons therefor under the law.

If the information contained in the application is deemed by the commission to be insufficient, the commission may permit the applicant to amend the same or to submit evidence orally or in writing.

## PRELIMINARY FINDING UNDER SECTION 316

In the case of applications for an investigation under section 316 the commission shall consider the application and the evidence submitted therewith with a view to determining whether the entry of any goods shall be forbidden pending further investigation in accordance with subdivision (f) of section 316.

## INVESTIGATIONS UNDER SECTIONS 315 AND 316

An investigation may be ordered by the commission under section 315 or 316, either upon the initiative of the commission or upon application.

The commission will not be confined to the issues presented in an application but may broaden, limit, or modify the issues to be determined.

The commission shall issue a notice of the nature and scope of any investigation which it may institute under section 315 or 316, and such notice shall be published in Treasury Decisions, and in the weekly edition of Commerce Reports, by one insertion in each thereof.

## APPEARANCES

Any person, partnership, corporation, or association, showing to the satisfaction of the commission an interest in the subject matter of an investigation ordered by the commission, may enter appearance in such investigation in person or by a representative.

## HEARINGS UNDER SECTIONS 315 AND 316

Parties who have entered appearance in investigations under sections 315 and 316 shall be notified of the time and place of public hearings by registering and mailing a copy of the notice thereof addressed to each of such parties at the place of business thereof, and at such time and place, except on final hearing, such parties shall be afforded opportunity to offer such relevant testimony, both oral and written, as the commission may deem necessary for a full presentation of the facts involved in such investigation.

Hearings shall be public unless the commission orders otherwise.

Evidence, written or oral, submitted in hearings shall upon order of the commission be subject to verification from the books, papers, and records of parties in interest. Such further investigation may be had as the commission shall order.

## INVESTIGATIONS AND HEARINGS UNDER SECTION 317

If in any investigation under section 317 it becomes necessary in the judgment of the commission to order a hearing a notice shall be given and hearings shall be had, as provided with respect to hearings under sections 315 and 316.

## WITNESSES AND SUBPOENAS

Witnesses unless otherwise ordered by the commission shall be examined orally.

The attendance of witnesses and the production of documentary evidence may be required from any place in the United States at any designated place of hearing.

Any member of the commission may sign subpoenas, and members and agents of the commission, when authorized by the commission, may administer oaths and affirmations, examine witnesses, take testimony, and receive evidence.

The commission may order testimony to be taken by deposition in any proceeding or investigation at any stage of any such proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition or under his direction and shall then be subscribed by the deponent. Any person, firm, copartnership, corporation, or association may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission.

## WITNESS FEES AND MILEAGE

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same, except employees of the commission, shall severally be entitled to the same fees and mileage as are paid for like service in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witness appears.

## THE COMMISSIONER OR INVESTIGATOR IN CHARGE OF INVESTIGATIONS

The commissioner or investigator in charge of any investigation shall review all the evidence, oral and written, and all other information gathered in such investigation by the commission, and shall summarize the same and prepare for the commission in writing a report.

Parties who have entered appearances shall, prior to the filing of briefs, have opportunity to examine the report of the commissioner or investigator in charge of the investigation and also the record, except such portions as relate to trade secrets and processes.

## BRIEFS

Briefs may be filed at the conclusion of the testimony in each investigation. The commissioner or investigator in charge of the investigation shall fix a time within which briefs shall be filed and notice thereof shall be given by registered mail to all parties of record.

Briefs shall be printed in such form and manner as the commission shall direct.

## FINAL HEARINGS AND FINDINGS

Final hearings shall be before the commission. Parties who have previously entered appearances may file briefs and upon permission being granted by the commission present oral arguments. The findings of the commission and of the members thereof shall be in writing and shall be transmitted, together with the record, certified by the secretary under the seal of the commission, to the President for his action under the law.

## APPEALS UNDER SECTION 316

Appeals on matters of law under section 316 shall be governed by the rules relating to appeals to be taken to the United States Court of Customs Appeals from decisions of the United States Board of General Appraisers.

Voted: That all applications for action or relief under section 315 of Title III of the tariff act approved September 21, 1922, shall be referred to the chief investigator under regulations adopted by the commission.

Voted: That upon receipt of applications for investigation the secretary shall acknowledge receipt and note the date thereof upon a calendar of applications numbered in the order of their reception, and immediately thereafter refer such applications to the chief investigator, and advise the members of the commission of such reference. Information concerning applications for action or relief under sections 315, 316, or 317 shall be given publicity only when ordered by the commission. Within 24 hours the chief investigator shall refer such application to a chief of division having technical knowledge of the subject matter thereof, and within one week thereafter such chief of division shall make a brief report in writing on such application. The chief investigator thereupon and within 24 hours shall present such application with the report thereon to the advisory board composed of himself, the chief economist, the chief

of the division affected, and a representative of the legal division, which shall thereupon and within one week in writing advise:

1. Rejection of the application.
2. Further proceedings.
3. Request for a more detailed statement by the applicant, or
4. A preliminary conference hearing.

The chairman or a designated member of the commission may, in his discretion, extend the time limits above provided, for a definite time, by order in writing in any particular case. No application shall be dismissed nor shall any investigation be had without the order of the commission.

Approved, October 17, 1922.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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OCTOBER 25, 1922.

Present: William S. Culbertson, David J. Lewis, Edward P. Costigan, Thomas Walker Page.

Voted: That Mr. G. M. Youngman be offered appointment as special expert, with salary at a rate not to exceed \$3,250 per annum.

Voted: That Mr. Marion G. Donk be offered appointment as special expert, with salary at a rate not to exceed \$3,500.

Voted: That Mr. R. C. Bowker be offered appointment as special expert, with compensation at the rate he may be receiving as an employee of the Government at the time of such appointment, but not to exceed \$3,250 per annum.

Approved, October 27, 1922.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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OCTOBER 27, 1922.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That Mr. Charles J. Cleary be invited to visit the offices of the commission for an interview in regard to his availability for appointment as special expert on the staff of the commission.

Voted: That Mr. Burgess is authorized to have Prof. W. S. Meyers, of Princeton University, visit the offices of the commission at the expense of the commission for a conference in regard to the work of the commission.

Voted: That the secretary is authorized to negotiate with Mr. Frank W. McSparren for his services as special expert on the staff of the commission, with compensation at a rate not to exceed \$3,000 per annum.

Voted: That Mr. Andrew Coulthart be offered appointment as special expert on the staff of the commission, with compensation at the rate of \$2,500 per annum.

Voted: Mr. F. M. Leonard be offered appointment as special expert on the staff of the commission, with compensation not to exceed \$3,600 per annum.

Voted: That Mr. Percy Bidwell be offered appointment on the staff of the commission, with compensation not to exceed \$3,780 per annum.

Approved, October 31, 1922.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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OCTOBER 31, 1922.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan.  
No resolutions.

Approved, November 3, 1922.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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NOVEMBER 3, 1922.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That Mr. John W. Connelly, jr., be appointed as special expert with compensation at the rate of \$1,200 per annum.

Voted: That Mr. Warren N. Watson is authorized to travel to New York City and return to participate in a conference with representatives of the customs service in regard to the standardization of dyes.

Voted: That Mr. Warren N. Watson is authorized to visit the offices of the E. I. du Pont Co., at Wilmington, Del., in connection with the investigation of the standardization of dyes.

Voted: That Commissioner William Burgess be requested to take up with the Treasury Department negotiations with a view to having transferred to the commission the records of the investigation conducted in the latter part of the year 1921 by the Treasury Department under the direction of Mr. James B. Reynolds.

Voted: That the secretary is authorized and directed to visit universities and colleges in Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, and Minnesota on official business in connection with the increase of the staff of the commission.

Approved, November 9, 1922.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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NOVEMBER 9, 1922.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That Mr. Marvin and Mr. Burgess prepare for consideration by the commission a plan for forming a mailing list of notices of investigations ordered.

Voted: That Mr. Arthur H. McCarrell be offered appointment as special expert on the staff of the commission with compensation at the rate of \$3,250 per annum.

Voted: That Mr. F. H. Shelledy be appointed as special expert on the staff of the commission with compensation at a rate not to exceed that now received by him as an employee of the Government.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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NOVEMBER 14, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That Mr. Oscar B. Ryder is authorized to visit New York City; Paterson, N. J.; and Londi, N. J., in connection with investigation of the silk industry.

Voted: That Mr. W. S. Lewis is authorized to visit New York City and vicinity; Raritan, N. J.; and Boston, Mass., to investigate imports and domestic manufacture of wool tops and wool yarns.

Voted: That Mr. H. Cochran Fisher be authorized to go to Philadelphia to collect information in connection with Cuban trade relations.

Voted: That Mr. W. J. Spencer be offered temporary appointment as special expert on the staff of the commission with compensation at a rate not to exceed \$2,160 per annum.

Voted: That the Secretary is authorized to subscribe for advance sheets of the Supreme Court decisions.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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NOVEMBER 17, 1922.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That Dr. W. F. Notz be requested to come to the offices of the Tariff Commission for an interview concerning appointment on the staff.

Voted: That Dr. Chester W. Wright be requested to come to the offices of the Tariff Commission for an interview concerning appointment on the staff.

Voted: That Prof. Edgar S. Furniss be requested to come to Washington for an interview concerning appointment on the staff.

Voted: That Mr. C. W. Bahr be offered appointment as special expert on staff of the commission, at \$2,100 per annum.

Voted: That Mr. James L. Cravens be offered position as clerk on staff of the commission, at \$1,200 per annum.

Voted: That Commissioner Burgess is authorized to visit New York City at such times and to perform such travel as may be necessary in connection with the procurement of space and the establishment of a branch office of the commission at the port of New York.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

NOVEMBER 21, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That Miss Marjorie L. Franklin be offered employment as special expert on staff of the commission, at \$2,260 per annum, effective February 1, 1923.

Voted: That Mr. Edwin Schoenrich be offered appointment as special expert on the staff of the commission, at \$2,160 per annum.

Voted: That Mr. Carlton C. Rice be offered appointment as special expert, at \$2,000 per annum. To work in library and do translating.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

NOVEMBER 24, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That Mr. John L. Bray, of Boston, be invited to visit the office of the commission in connection with a possible appointment on the staff as special expert in nonferrous metals.

Voted: That Mr. E. K. Judd be invited to visit the office of the commission in connection with a possible appointment on the staff as a special expert in nonferrous metals.

Voted: That Mrs. Rose Friedman is temporarily assigned as stenographer and clerk in the office of the chief investigator.

Voted: That Mr. Ralph A. Wells is assigned to the leather schedule.

Voted: That the special list of books for the library submitted by the chairman this day is approved for purchase.

Voted: That Doctor Jones be advised that it is desired that he continue in the employment of the commission on the existing terms.

Voted: That Commissioner Costigan is authorized to visit such places in the Central and Western States as he may find to be advisable in connection with the increase of the staff of the commission.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

NOVEMBER 28, 1922.

Voted: That the chairman is authorized to go to New York to address the National Council of American Importers and Traders.

Voted: That the secretary is authorized to excuse the employees at 1 o'clock on November 29, being the day before Thanksgiving.

Voted: That the appointment of Mr. Donald W. Clayton as clerk to Commissioner David J. Lewis, with compensation at the rate of \$1,800 per annum, is approved.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 1, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan.

Voted: That the advisory board is directed to report on the advisability of a formal proceeding upon the initiative of the commission on gas mantles and related essentials and upon plantains.

Voted: That the advisory board shall furnish the members of the commission with stenciled copies of its reports in advance of the presentation of its reports to the commission.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 5, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That Mr. Paul Hermes be offered appointment as special expert on the staff of the commission, with compensation at a rate not to exceed \$3,000 per annum.

Voted: That Mr. John L. Bray be offered appointment as special expert on the staff of the commission, with compensation at a rate not to exceed \$3,600 per annum.

Voted: That Commissioner Costigan is authorized to visit Cincinnati, Ohio, and South Bend, Ind., in connection with business related to the enlargement of the commission's staff.

Voted: That Mr. D. S. Alexander is authorized to visit New York, New Jersey, Massachusetts, and New Hampshire in connection with the investigation of Schedule J.

Voted: That Miss Ruth E. K. Peterson is authorized to visit Philadelphia, New York, Paterson, N. J., and Marcus Hook, Pa., on business connected with investigation of the artificial silk industry.

Voted: That Mr. Percy W. Bidwell is authorized to visit New York City to attend a meeting of the American Game Protection and Propagation Association on December 11 and 12, 1922.

Voted: That Mr. Gustav Fricke and Mr. Frank W. McSparren are authorized to proceed to New York City to obtain statistics of imports and invoice prices of certain chemical commodities.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 8, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That Mr. C. R. De Long is authorized to visit New York City on December 13 and 14, 1922, in connection with official business related to the chemical schedule.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*



DECEMBER 12, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That Mr. Kemper Simpson be offered appointment as special expert on the staff of the commission, with compensation at a rate not to exceed \$3,500 per annum.

Voted: That Mr. George Middleton be requested to visit the office of the commission for an interview in regard to his availability for service on the staff of the commission.

Voted: That Mr. Louis B. Zapoléon and Mr. C. K. Lewis are authorized to go to New York City on business connected with investigations in relation to tobacco, lemons, and other agricultural products.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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DECEMBER 15, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That Mr. Warren N. Watson is authorized to attend in New York City on December 19 a conference with representatives of the Treasury Department in regard to the standardization of dyes.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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DECEMBER 19, 1922.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess.

Voted: That the heads of division prepare, for the confidential use of the commission, a list of dutiable articles which are not produced in the United States.

Voted: That Commissioner Lewis is authorized to arrange with Mr. Eliot Jones to visit the offices of the Tariff Commission in relation to his availability for appointment to the staff of the commission.

Voted: That Mr. Paul M. Tyler is authorized to visit New York and Philadelphia on business connected with the metal schedule.

Voted: That Commissioner Culbertson is authorized to attend in New York City, on January 8, 1923, the annual session of the National Automobile Chamber of Commerce.

Voted: That Mr. Frederick L. Koch is assigned to take charge temporarily of the office of the commission at the port of New York.

Voted: That Mr. George Middleton is appointed special expert on the staff of the commission, with compensation at the rate of \$3,500 per annum, effective not later than February 1, 1923.

UNITED STATES TARIFF COMMISSION

Voted: That the secretary of the commission is directed to go to New York City and return in connection with the establishment of the New York office.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JANUARY 2, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That Commissioner Lewis is authorized to go to New York City and return for the purpose of investigating imports into the United States of articles such as are not produced in this country.

Voted: That Mr. Frederick L. Koch is authorized to proceed to New York City to assist Commissioner Lewis.

Voted: That Mr. C. T. Clayton be offered appointment as special expert, with compensation at a rate not to exceed \$20 per day, the total amount to be paid hereunder not to exceed \$100.

Voted: That Mr. Walter S. Lewis is authorized to visit mills and other places in Indiana, Michigan, and Illinois, in connection with an investigation of the use of wool in the manufacture of felt boots and similar heavy fulled felts.

Voted: That the advisory board is instructed to prepare immediately plans of investigation, with the estimated cost thereof, upon the following, looking toward the institution of formal investigations with reference to these items under section 315 of Title III of the tariff act of 1922 not later than March 15, 1923:

Paragraphs Nos. 1 and 40. Citric acid and citrate of lime.

Paragraph No. 1. Oxalic acid.

Paragraph No. 12. Barium peroxide.

Paragraph No. 16. Calcium carbide.

Paragraph No. 19. Casein.

Paragraph No. 83. Sodium nitrite.

Paragraph No. 213. Graphite.

Paragraph No. 301. Pig iron.

Paragraph No. 339. Aluminum ware (specify).

Paragraph No. 222. Mirror plate.

Paragraphs Nos. 354-358. Cutlery (specify).

Paragraph No. 362. Fine files.

Paragraph No. 503. Sugar.

Paragraph No. 701. Feeder cattle.

Paragraph No. 700. Cottonseed.

Paragraph No. 1430. Mosquito bars.

Knit hosiery, knit gloves and knit underwear.

Raw wool, including carpet wool.

Tops, yarn, and wool cloths (specify).

That the estimated cost of investigation shall be calculated on the basis of such minimum cost as appears reasonably sufficient to produce the information on comparative costs of production contemplated by the provisions of section 315.

That no publicity shall be given to this program until ordered by the commission.

Voted: that a preliminary report be prepared for the commission by Mr. Langenbeck with a view to determining the advisability of

formal proceedings under section 315, Title III of the tariff act of 1922 on porcelain ware (par. 212) and unglazed tile (par. 202).

Approved.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JANUARY 5, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That Mr. Benj. B. Wallace is authorized to visit New York City in connection with the investigation of commercial relations with Cuba.

Voted: That Commissioner Marvin is authorized to attend in New York City a meeting of the American Lace Manufacturers Association on January 9, 1923.

Voted: That Mr. Fritz Ahlfeld be invited to visit the offices of the Tariff Commission for an interview in regard to his possible employment on the staff of the commission.

Voted: That Mr. Gladden B. Baker be appointed special expert on the staff of the commission with compensation at the rate of \$2,500 per annum.

Voted: That Mr. Kemper Simpson is assigned to work with the advisory board in the formulation of plans for cost investigations.

Voted: That the commission approves the preparation of a questionnaire to be sent out when ordered by the commission to American exporters asking for information on discriminations under section 317 of Title III of the tariff act of 1922; and that preliminary thereto Mr. Wallace of the commission's staff, consult with exporters and export associations concerning methods of obtaining desired information.

Voted: That employees of the commission are hereby assigned in accordance with the appended list:

Chemical section: Experts—C. R. De Long, W. N. Watson, Dexter North, F. W. McSparren, M. G. Donk. Clerks—Mrs. B. M. Robertson, Mrs. G. T. Wilkins, Mrs. Burlingame.

Pottery and glass section: Expert—Karl Langenbeck. Clerks—Mary J. Richey, Gladys Williams.

Metals section: Experts—Paul Tyler, Harold S. DeMeritt, H. J. Bierman, F. M. Leonard, John L. Bray, Paul Hermes, W. J. Spencer. Clerk—Ada Fay McKnight.

Wood and paper section: Expert—Franklin H. Smith. Clerk—Jos. M. P. Donohoe.

Sugar section: Expert—Joshua Bernhart. Clerk—Sophie J. Bergner.

Agricultural section: Experts—Louis B. Zapoleon, Percy W. Bidwell, Louis G. Connor, O. K. Lewis, L. Radcliffe, F. H. Shelledy. Clerk—Sarah Garland.

Textile section: Experts—W. A. Graham Clark, Oscar B. Ryder, A. H. McCarrell, W. S. Lewis, G. M. Youngman, Andrew Coulthart, D. W. Alexander, Ruth E. K. Peterson. Clerks—Blanche C. Howlett, Cora R. Hutchison.

Sundries section: Experts—Chas. F. Yauch, R. E. Allen.

Leather section: Expert—Ralph A. Wells. Clerk—Ora May Bullock.

Preferential tariffs section: Experts—B. B. Wallace, H. G. A. Brauer, Arthur Connors, H. C. Fisher (temporarily), Geo. Byers, O. Bahr, E. Schoenrich. Clerks—Violet Foster, Grace Roper.

Accounting section: Experts—Geo. P. Comer, E. M. Whitcomb, F. R. Clairini. Clerk—Mrs. R. Friedman.

Statistical and calculating section: Expert—Stella Stewart. Clerks—Arthur Woody, Bonnie L. Hockensmith.

Legal section: Expert—Charles E. McNabb. Clerk—J. B. Colburn.

New York office: Expert—Fred L. Koch. Clerk—Gustav Frike.

Transportation section: Expert—George Parater.

Work abroad: Experts—John J. Eruster, Gilbert Hirsch.

Office of chief economist: Experts—John S. Hodgson, Carl C. Rice, C. D. Blachly, and Martha Williams (designated as "Editor").

Approved.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JANUARY 12, 1923.

Present: Thomas O. Marvin, David J. Lewis, and William Burgess.

Voted: That Dr. Miller Reese Hutchison be requested to come to the offices of the commission for an interview in regard to the situation in the calcium arsenate industry.

Voted: That Mr. Raymond Dereume be offered appointment as special expert on the staff of the commission with compensation at the rate of \$3,500 per annum.

Voted: That the New York office shall be opened with the following organization of employees: 1 chief of office; 2 clerks for general research work; 1 clerk for general office work; 1 stenographer and typist; and 1 messenger.

Voted: That the employees of the commission listed below are hereby assigned to duty in the New York office with official station in New York: Mr. Frederick L. Koch, Mr. Gustav Frike, Mrs. Beatrice C. Woodford, and Mrs. Rose G. Friedman.

Voted: That the compensation of Mr. Frederick L. Koch is fixed at the rate of \$3,500 per annum effective January 16, 1923.

Voted: That Mr. H. J. Bierman is authorized to visit Philadelphia, Norristown, Pa.; New York City, N. Y.; and Jersey City and Paterson, N. J., on business connected with the investigation of clock escapements, print rollers, jute spindles and flyers, and aluminum manufactures.

Approved.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JANUARY 16, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, and William Burgess.

Voted: That Mr. Joshua Bernhardt is authorized to go to New York City for the purpose of conferring with interested parties in regard to the form of schedule to be used to investigate the costs of production of sugar in Cuba.

Voted: That Mr. Herbert Feis be invited to come to the offices of the commission for an interview in regard to his availability for service on the staff of the commission, with the understanding that if appointed he shall pay the expenses of the trip.

Voted: That Mr. John B. Bennett be invited to come to the offices of the commission for an interview in regard to his availability for service on the staff of the commission, with the understanding that if appointed he shall pay the expenses of the trip.

Voted: That Dean John Roscoe Turner and Mr. A. L. Faubel, of Washington Square College, New York City, be invited to visit the offices of the commission for conference, and that Dean Turner be paid by the commission \$25 per day for his services in this connection.

Voted: That Mr. H. L. Lourie be invited to come to the offices of the commission at its expense for an interview in regard to his availability for service on the staff of the commission.

Voted: That Mr. Walter S. Lewis is authorized to go to Philadelphia, Pa., in connection with the investigation of imports of carpet wool used in the manufacture of felt boots.

Voted: That a committee consisting of Commissioners Culbertson and Burgess and the secretary is appointed to confer with Public Buildings Commission in regard to additional office space.

Voted: That Commissioner William Burgess is authorized to represent the commission at a meeting of the Manufacturers' Association of Lancaster, Pa., on January 23, 1923.

Approved:

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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JANUARY 19, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess.

Voted: That Mr. John Nash McCullaugh, secretary of National Association of Hosiery and Underwear Manufacturers, be invited to come to the offices of the Tariff Commission for a conference in regard to the knitting industry, and that the necessary expenses of his trip be paid from the funds of the commission.

Voted: That the secretary is authorized to request the transfer to this office of Mr. Franklin C. Getzendanner at his present salary in the General Accounting Office.

Voted: That Mr. Franklin H. Smith is authorized to visit New York City, N. Y.; Philadelphia, Pa., and vicinity, and Kane, Pa., in connection with the investigation of the lumber industry.

Voted: That Mr. G. M. Youngman is authorized to visit New York City in connection with the investigation of worsteds and woolens.

Voted: That Mr. Walter S. Lewis is authorized to visit New York City in connection with the investigation of worsteds and woolens.

Voted: That Mr. A. H. McCarrell is authorized to visit New York City and places in Rhode Island, Massachusetts, Connecticut, and Pennsylvania in connection with investigation of cotton small wares.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 6, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis.

Voted: That Mr. John B. Bennett be appointed special expert on the staff of the Tariff Commission, with compensation at \$2,260 per annum, to be effective not later than March 1, 1923.

Voted: That Mr. Matthew A. Crosby be appointed special expert on the staff of the Tariff Commission for a period of six months, with compensation at the same rate he is now receiving in the Department of Agriculture.

Voted: That Mr. Louis G. Connor is authorized to go to Wheeling, W. Va., and return to attend the meeting there on February 28, 1923, of the Tri-State Wool Growers Association.

Voted: That Commissioner Culbertson is authorized to proceed to Wooster, Ohio, to deliver an address at Wooster University on February 22.

Voted: That the secretary is authorized to request the transfer of Herbert C. Walker, messenger, from the War Department to the office of the Tariff Commission.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 14, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan.

Voted: That Mr. Ralph Whitehouse be invited to come to the offices of the commission for an interview with regard to his availability for service on the commission's staff and that the actual necessary expenses of his trip shall be paid by the commission.

Voted: That Mr. J. A. Bergen be invited to come to the offices of the commission for an interview with regard to his availability for service on the commission's staff and that the actual necessary expenses of his trip shall be paid by the commission.

Voted: That Mr. Joseph S. Laird be invited to come to the offices of the commission for an interview with regard to his availability for service on the commission's staff and that the actual necessary expenses of his trip shall be paid by the commission.

Voted: That Mr. Jos. M. Albertson be invited to come to the offices of the commission for an interview with regard to his availability for service on the commission's staff and that the actual necessary expenses of his trip shall be paid by the commission.

Voted: That investigations under section 315 of Title III of the tariff act of 1922 are to be ordered separately for the products listed below and that the plans of the advisory board as amended by the commission be adopted:

- |                             |                                  |
|-----------------------------|----------------------------------|
| 1. Calcium carbide.         | 9. Cutlery.                      |
| 2. Citric acid.             | 10. Swiss files.                 |
| 3. Barium peroxide.         | 11. Sugar.                       |
| 4. Casein.                  | 12. Wool.                        |
| 5. Sodium nitrite.          | 13. Feeder cattle.               |
| 6. Oxalic acid.             | 14. Cottonseed.                  |
| 7. Iron and steel products. | 15. Hosiery and gloves.          |
| 8. Aluminum ware.           | 16. Wool manufacturing industry. |

Voted further: That price studies shall be undertaken for each of the above-mentioned products in accordance with the plans outlined by the advisory board as amended by the commission;

Voted further: That conferences shall be arranged with representatives of other departments of the Government with a view to obtaining their cooperation and assistance in carrying out the above-mentioned investigations;

Voted further: That import statistics and invoice prices relating to the above-mentioned products shall be compiled by the New York office of the commission with the necessary expert assistance from the Washington office; and

Voted further: That the public notices required by the commission's rules of procedure be prepared and schedules shall be drafted but no announcement or publication of these orders shall be made until further ordered by the commission.

Voted: That the advisory board is instructed to prepare, at the earliest practicable date, plans of investigation with the estimated cost thereof upon earthenware and chinaware (pars. 211 and 212), and lemons, looking toward the institution of formal investigations with reference to these items under section 315 of Title III of the tariff act of 1922.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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FEBRUARY 15, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan.

Voted: That Mr. Frank Talbot be appointed a special expert on the staff of the commission with salary at the rate of \$2,500 per annum.

Voted: That Mr. C. H. Penning be appointed as special expert on the staff of the commission with salary at the rate of \$2,500 per annum.

Voted: That Mr. R. H. Cragg be invited to come to the offices of the commission for an interview with regard to his availability for service on the commission's staff and that the actual necessary expenses of his trip be paid by the commission.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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FEBRUARY 21, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan.

Voted: That Mr. John A. Bergen be appointed a special expert on the staff of the commission with salary at the rate of \$3,000 per annum.

Voted: That Mr. Ralph M. Whitehouse be appointed a special expert on the staff of the commission with salary at the rate of \$1,800 per annum.

Voted: That the secretary is directed to communicate with Mr. Fritz Ahlfeld with a view to securing his services temporarily as

special expert with salary at the rate of \$3,500 per annum in connection with investigation of the knit-goods industry.

Voted: That the secretary is authorized to secure additional employees for the operation of multigraphs, mimeographs, addressographs, and other related processes.

Voted: That the secretary is authorized to employ such stenographers and typists and messengers as may be needed in the work of the commission.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 23, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That the secretary is authorized to negotiate for the services of Mr. Arthur M. Burt as special expert on the staff of the Tariff Commission with compensation at a rate not to exceed \$3,000 per annum.

Voted: That the secretary is authorized to negotiate with Mr. Arthur F. Ferguson for his services for a period of approximately six months as special expert on the staff of the Tariff Commission with compensation at the rate of \$3,000 per annum.

Voted: That Mr. Joseph M. Albertson be appointed special expert on the staff of the Tariff Commission with compensation at the rate of \$3,000 per annum.

Voted: That Mr. Frederick L. Koch be directed to travel from New York City to Washington, D. C., and return on official business for the commission.

Voted: That Dean John R. Turner and Dr. Anton DeHaas, of New York City, be invited to come to the office of the commission in Washington for conference in regard to the organization of certain branches of the commission's work; and that the actual and necessary expenses incurred by them in connection with this visit be paid by the commission.

Voted: That Mr. C. R. DeLong is authorized to attend the annual meeting of the American Drug Manufacturers Association in New York City during the week beginning April 16, 1923.

Voted: That the Secretary is authorized to negotiate with the persons whose names are listed below for their services as special experts on the staff of the Tariff Commission with compensation at rates not to exceed those indicated opposite their names, respectively:

Lloyd K. Garrison.....	\$3, 000	A. Sidney Knowles.....	\$1, 800
John Marshall Gaines.....	3, 000	Laurance G. Newman.....	1, 800
D. C. Moynihan.....	3, 000	Herman K. Kopp.....	1, 800
John N. Torvestad.....	2, 200	Myron G. Grigg.....	1, 800
John A. Nye.....	2, 000	C. B. Sparger.....	1, 800
Jean T. Dinger.....	2, 000	Milton Vogel.....	1, 800
H. A. Handrick.....	2, 000	Lester D. Johnson.....	1, 800
Louis S. Ballif.....	1, 800	Rose S. Guinn.....	1, 800
John Rabenau.....	1, 800	Roy R. Merrill.....	1, 600
Karl E. Thies.....	1, 800	Ray S. McKnight.....	1, 600
Samuel H. Nerlove.....	1, 800	Frank E. Paterson.....	1, 600
John D. DeShay.....	1, 800	J. Raymond Gerberich.....	1, 600
Fred B. D'Armour.....	1, 800		



Voted: That the Secretary is authorized to negotiate with the persons whose names are listed below for their employment on the staff of the Tariff Commission under civil-service regulations with compensation at rates not to exceed those indicated opposite their names:

Mr. Robert B. Stadler-----	\$1, 600	Mrs. Ruth H. Langley-----	\$1, 200
Mr. Louis Goldstein-----	1, 600	Miss Myrtle M. Opdyke-----	1, 200
Mrs. Theda M. Hainsworth---	1, 400	Mr. Earl W. Bailey-----	1, 200
Miss Helen M. Niece-----	1, 400	Mr. W. F. Busam-----	1, 200
Mr. Win. P. Massing-----	1, 400	Miss Rita Bode-----	1, 200
Mrs. Mary P. Fairfield-----	1, 400	Mr. Marian Bowker-----	1, 200
Mr. Neal J. Halpin-----	1, 820	Miss Ruth A. Campbell-----	1, 200
Mrs. Emma W. Anderson-----	1, 200	Mrs. Buyde A. U. Felts-----	1, 200
Mrs. Eva T. Krows-----	1, 200		

Approved.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 26, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan.

Voted: That Messrs. W. A. Graham Clark, Walter S. Lewis, and G. M. Youngman are authorized to travel to Passaic, N. J., and return, for the purpose of conferring with Mr. Julius Forstmann at his office in connection with the preparation of plans for an investigation of the costs of production in the wool manufacturing industries in this country and in foreign countries.

Voted: That Mr. R. H. Cragg be appointed special expert on the staff of the Tariff Commission with compensation at the rate of \$3,000 per annum.

Voted: That the census of dyes and other synthetic organic chemicals for the year 1922 shall include a detailed statement of imports of dyes during that year.

Voted: That the employment of a chemical special expert to assist in the preparation of a statement of dye imports during the year 1922 is authorized at a salary not to exceed \$1,800 per annum, and to continue only during the preparation of such statement.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 27, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan.

Voted: That Commissioner Marvin is authorized to travel to such places as may be necessary to arrange for obtaining cost of production figures from mills manufacturing similar products, both in this country and in foreign countries.

Voted: That the chairman is authorized to negotiate with Mr. Alan Goldsmith for his services as director of the work of the commission in Europe.

Voted: That Mr. Thomas D. L. Menchion is authorized to travel to New York City to confer with importers of hosiery and chamoisette gloves.

Voted: That Mr. A. Moody Burt is authorized to travel to New York City to confer with importers of hosiery and chamoisette gloves.

Voted: That Mr. Andrew Coulthart is authorized to travel to New York City and points in New Jersey and Pennsylvania to obtain information concerning imports of cotton cloth.

Voted: That Mr. George Middleton is authorized to travel to New York City and points in New York, New Jersey, Rhode Island, and Pennsylvania to familiarize himself with conditions in the lace industry.

Approved.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MARCH 2, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That investigations under section 315, Title III, of the tariff act of 1922 of the products and groups of products listed below are hereby ordered by the United States Tariff Commission, and in conducting the aforesaid investigations the commission may employ all powers conferred upon it by law; and that separate orders shall be entered forthwith in the minutes and shall be issued and published in and for each investigation, in accordance with the rules of procedure of the commission:

- Citric acid (par. 1).
- Oxalic acid (par. 1).
- Barbital (par. 5).
- Barium dioxide (par. 12).
- Calcium carbide (par. 16).
- Casein (par. 19).
- Refined cresol (par. 27).
- Cresylic acid (par. 27).
- Synthetic phenolic resin (par. 28).
- Sodium nitrite (par. 83).
- White earthen tableware (par. 211).
- China and porcelain ware (par. 212).
- Iron and steel products embracing pig iron, wrought iron, steel ingots, cogged ingots, slabs, billets, sheet bars, structural shapes, rails, merchant bars, wire rods, sheets and plates, skelp, and plain wire.
- Aluminum ware (par. 339).
- Pocket knives (par. 354).
- Table cutlery (par. 355).
- Scissors and shears (par. 357).
- Razors (par. 358).
- Swiss pattern files (par. 362).
- Sugar (par. 501).
- Feeder cattle (par. 701).
- Lemons (par. 743).
- Cottonseed (par. 760).
- Warp-knit fabrics for chamoisette gloves (par. 914).
- Chamoisette gloves (par. 915).
- Cotton hosiery (par. 916).
- Unmanufactured wool (pars. 1101-1102).

Tops (par. 1106).

Yarns (par. 1107).

Worsted and woolens weighing not more than 4 ounces per square yard (par. 1108). About 100 sample fabrics to be selected.

Worsted and woolens weighing more than 4 ounces per square yard (par. 1109). About 100 sample fabrics to be selected.

Pile fabrics (par. 1110). About 100 sample fabrics to be selected.

Blankets and similar articles (par. 1111). About 100 sample fabrics to be selected.

On this motion the vote of the commissioners was as follows: In the affirmative—Commissioners Culbertson, Lewis, Costigan. In the negative—Commissioners Marvin, Burgess.

Approved.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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MARCH 6, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That Commissioners Lewis and Costigan are requested to go to New York and interview Dean John R. Turner, of Washington Square College, in connection with the availability of Dr. Anton De Haas as director in Europe of the work of the commission there.

Voted: That Mr. A. L. Faubel be offered appointment as special expert on the staff of the commission with compensation at the rate of \$4,500 per annum.

Voted: That no further action be taken under the resolution of the commission on March 2, 1923, until after conference on that subject between the President and the members of the commission.

Approved.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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MARCH 9, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

Voted: That Dr. John R. Turner be appointed special expert and chief economist of the Tariff Commission with salary at the rate of \$7,500 per annum.

Voted: That Mr. W. D. McKissick is appointed special expert on staff of the Tariff Commission with salary at the rate of \$2,400 per annum.

Voted: That Mr. Dexter North is authorized to travel to New York City and Philadelphia, Pa., and return, for the purpose of procuring information concerning galalith, industrial alcohol, and sundry other chemicals.

Voted: That Mr. F. K. Vieth be requested to come to the offices of the Tariff Commission for an interview in regard to his availability for service on the staff of the commission, and that the actual and necessary expenses of his trip be paid by the commission.

Voted: That in pursuance of the following communication received from the Public Buildings Commission through its chairman—

(Attention Mr. J. F. Bethune, secretary.)

The UNITED STATES TARIFF COMMISSION,  
*Old Land Office Building, Washington, D. C.*

GENTLEMEN: The space on the third floor of the Old Land Office Building to be vacated by the State and Other Departments Division of the General Accounting Office is hereby assigned to the United States Tariff Commission, with the understanding that your commission is to arrange for the rental of the Old Civil Service Building, which is to be used by other activities of the Government.

Yours sincerely,

REED SMOOT, *Chairman.*

the secretary of the Tariff Commission is authorized to execute with the owner of the building and premises occupying lots numbered 1 and 813 in square 406, and located at the northwest corner of Eighth and E Streets NW, in Washington, D. C., a lease on behalf of the commission for said building and premises for the period from March 10, 1923, to June 30, 1924, at an annual rental of \$25,000, with provision for optional renewal of said lease annually for five years from July 1, 1924, at an annual rental of \$30,000; and that the secretary is authorized to pay the expense incident to the removal of the State and Other Departments Division of the General Accounting Office from the building now occupied by that division to the Lemon Building at 1729 New York Avenue NW.

Voted: That the secretary is authorized to procure such furniture, equipment, supplies, and other furnishings as may be needed in connection with the work of the commission.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 13, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That a committee consisting of Commissioners Lewis and Burgess is appointed on the preparation of schedules for use in the ascertainment of costs of production in investigations conducted by the Tariff Commission.

Voted: That Commissioner Glassie be added to the committee on rules of procedure of the Tariff Commission.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 14, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

No resolutions.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 16, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That pursuant to applications therefor, the United States Tariff Commission hereby orders investigations under the provisions of section 315, Title III of the tariff act of 1922, with respect to the articles listed below; and that separate orders shall be entered in the minutes and shall be issued and published forthwith in and for each such investigation in accordance with the rules of procedure of the commission:

Oxalic acid (par. 1).  
Diethylbarbituric acid and derivatives thereof (par. 5).  
Barium dioxide (par. 12).  
Casein (par. 19).  
Logwood extract (par. 39).  
Potassium chlorate (par. 80).  
Sodium nitrate (par. 83).  
Mirror plates (par. 223).  
Pig iron (par. 301).  
Swiss pattern files (par. 362).  
Paint-brush handles (par. 410).  
Sugar (par. 501).  
Cotton warp-knit fabric (par. 914).  
Cotton gloves made of warp-knit fabric (pars. 915 and 1430).  
Cotton hosiery for infants (par. 918).  
Wall pockets (par. 1313).  
Artificial or ornamental fruits, vegetables, grains, leaves, flowers, and stems or parts thereof (par. 1419).

The votes of the commissioners on this resolution were as follows:

For the adoption of the resolution: Messrs. Marvin, Lewis, Costigan, Burgess.

Against the adoption of the resolution: Mr. Glassie.

Mr. Culbertson was not present during the discussion and vote on this resolution.

Commissioner Costigan voted in favor of the general order, but voted against including mirror plates and infants' hosiery in such investigations. In thus voting on mirror plates and infants' hosiery, Commissioner Costigan stated that he did so solely because:

(1) The commission has not ordered at the same time investigations, respectively, on polished plate glass and cotton hosiery.

(2) The commission, by omitting polished plate glass and cotton hosiery, has failed to include, for the purposes of section 315, articles which are considered by the commission's experts intimately related, both as articles and with respect to the rates thereon, to the articles to be investigated.

(3) Any changes in rates of duty, which the investigations ordered may show to be required by law, may involve and equitably require simultaneous changes in the respective rates of duty on such other intimately related articles; yet the President will be unable to proclaim such simultaneously required changes because such related articles have not been enumerated in such investigations.

(4) It is in the public interest that investigations conducted under section 315 of the tariff act of 1922 be sufficiently comprehensive to permit the simultaneous adjustment by the President of independent rates of duty.

Mr. Costigan made the following additional statement in regard to his vote:

In voting for the motion and included list of articles, with the exception of mirror plates and cotton hosiery for infants, I am doing so because of the assurance conveyed to the commission by its chairman that the President, in advance of the conference with him, is willing to have affirmative action taken by the commission on applications filed with the commission.

Mr. Glassie made the following statement in regard to his vote:

I vote against this resolution not because I think the investigations should not be made, but because I do not fully understand what is the scope of the President's request or suggestion that broad questions of policy be not decided upon until after conference with him, and I am unable to form an opinion as to whether or not the selection of these articles from the whole number of applications pending before the commission would in his judgment involve broad questions of policy.

Mr. Glassie moved that the President be advised that the commission has agreed that full investigations looking to changes in rate or classification be instituted in respect of the 17 articles listed in the foregoing motion and selected from those contained in 140 applications submitted to the commission, but that the commission is not in complete accord as to the precise scope of his suggestion with respect to broad questions of policy or their relation to the selection made, and therefore awaits a communication from him before making public announcement.

The votes of the commissioners on this motion were as follows:

For the adoption of the motion: Mr. Glassie.

Against the adoption of the motion: Messrs. Marvin, Lewis, Costigan, Burgess.

Mr. Glassie moved that no investigation under the provisions of section 315, Title III, of the tariff act of 1922, be initiated with respect to the articles tentatively agreed upon in the resolution of this date until the commission shall have had an opportunity to consult with the President with respect to his informal request concerning broad questions of policy.

The votes of the commissioners on this motion were as follows:

For the adoption of the motion: Mr. Glassie.

Against the adoption of the motion: Messrs. Marvin, Lewis, Costigan, Burgess.

Voted: That Commissioners Lewis, Burgess, and Glassie are appointed a committee on the preparation of formal orders for institution of investigations under the provisions of section 315, Title III, of the tariff act of 1922, and upon the preparation of an announcement to the public of the institution of such investigations.

Voted: That Commissioners Marvin and Costigan, and the Secretary are appointed a committee on reclassification of employees of the commission, and adjustment of salaries of employees.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 17, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That Mr. A. Manuel Fox be invited to come to the offices of the commission for a conference in regard to his availability for service with the commission, and that the actual and necessary expenses of his trip be paid by the commission.

Voted: That Mr. Walter S. Lewis is authorized to travel to New York City and Boston, Mass., and return, for the purpose of obtaining samples of worsted and woolen fabrics.

Voted: That the secretary is authorized to purchase samples not to exceed 1¼ linear yards each, of approximately 100 typical worsted and woolen fabrics, to be selected in connection with investigations by the commission.

Voted: That the following telegram be sent to the President:

WASHINGTON, March 17, 1923.

The PRESIDENT,

*The Royal Ponctana, Palm Beach, Florida.*

The Tariff Commission has had no direct reply to its telegram to yours of March 7. To-day the commission unofficially and indirectly learned through Mr. Welliver that he had received a telegram signed by Mr. Christian reading as follows: "Tariff Commission will take no action until the President's return." This message raises doubts in the mind of some commissioners. We do not understand that your request applies to orders issued by the commission based on applications. The commission, under the flexible section of the present law, and under your Executive order of October 7, 1922, has authorized 17 investigations based on applications. Press notices of these investigations are to be issued Tuesday, March 20, for publication Thursday, March 22, unless the commission otherwise orders. The commission wishes to show you all deference. Unless the commission hears from you by wire by Monday next, the commission's orders for investigations on applications will be published in accordance with our rules. May we suggest the importance of a telegraphed reply.

UNITED STATES TARIFF COMMISSION.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 20, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That stenographers assigned to individual commissioners shall be paid the same basic salary as that received by them respectively at the time of such assignment, except as the same may be changed by order of the commission upon the recommendation of the commissioner in respect of the stenographer assigned to him, but in no case to exceed the rate of \$2,000 per annum; and upon the termination of any such assignment the basic salary of the stenographer whose assignment is thus terminated shall revert to that received at the time such assignment was made, unless specifically ordered otherwise by the commission.

The votes of the commission on this resolution were as follows:

For the adoption of the resolution: Messrs. Marvin, Culbertson, Burgess, Glassie.

Against the adoption of the resolution: Messrs. Lewis, Costigan.

Voted: That Mr. Herbert Feis, Mr. Jacob Viner, Mr. Louis Rufener, and Mr. Charles W. Mixter be invited to come to the office of the commission for conferences with respect to their availability for employment by the commission, and that Dr. John R. Turner be invited to be present at these conferences, and that the actual and necessary expenses of each of them be paid by the commission. *Provided*, That if Doctor Turner is not able to attend the conference in Washington, Mr. Feis, Mr. Viner, Mr. Rufener, and Mr. Mixter shall be requested to confer with him in New York City, the actual and necessary expenses incident thereto to be paid by the commission.

Voted: That the basic salaries of the following employees of the commission are hereby increased, to date from and including March 16, 1923, as indicated opposite their respective names, because of a change of their duties, responsibilities, and character of work:

Mr. W. A. Graham Clark, from \$5,000 to \$5,500.  
 Mr. Charles E. McNabb, from \$4,500 to \$5,000.  
 Mr. George P. Comer, from \$4,500 to \$5,000.  
 Mr. Benjamin B. Wallace, from \$4,000 to \$4,500.  
 Mr. Karl Langenbeck, from \$3,500 to \$4,000.  
 Mr. Warren N. Watson, from \$3,500 to \$3,780.  
 Mr. Charles F. Yauch, from \$3,250 to \$3,780.  
 Mr. Oscar B. Ryder, from \$3,250 to \$3,500.  
 Mr. Walter S. Lewis, from \$3,000 to \$3,500.  
 Mr. Louis G. Connor, from \$3,000 to \$3,500.  
 Mr. Harold S. DeMeritt, from \$3,000 to \$3,300.  
 Mr. Clarence D. Blachly, from \$3,000 to \$3,240.  
 Mr. Dexter North, from \$2,500 to \$3,000.  
 Mr. Eben M. Whitcomb, from \$2,500 to \$3,000.  
 Mr. Carlton K. Lewis, from \$2,500 to \$3,000.  
 Mr. Arthur Connors, from \$2,500 to \$3,000.  
 Mr. H. Cochran Fisher, from \$2,500 to \$2,820.  
 Miss Stella Stewart, from \$2,400 to \$2,500.  
 Mr. Ralph A. Wells, from \$2,400 to \$2,500.  
 Mr. Gustav Fricke, from \$2,100 to \$2,400.  
 Miss Martha W. Williams, from \$2,180 to \$2,340.  
 Mr. J. M. P. Donohoe, from \$2,100 to \$2,220.  
 Mr. Robert E. Allen, from \$2,100 to \$2,220.  
 Mr. Joseph B. Colburn, from \$2,000 to \$2,160.  
 Miss Agnes M. O'Neill, from \$1,800 to \$2,000.  
 Miss Ruth M. Ridgway, from \$1,800 to \$2,000.  
 Miss Esther L. Jones, from \$1,800 to \$2,000.  
 Miss Adell R. Thode, from \$1,600 to \$1,800.  
 Miss Gladys Williams, from \$1,700 to \$1,800.  
 Mrs. Georgia T. Wilkins, from \$1,740 to \$1,800.  
 Mrs. Bertha M. Robertson, from \$1,740 to \$1,800.  
 Miss Nellie B. Brown, from \$1,600 to \$1,800.  
 Miss Ora M. Bullock, from \$1,600 to \$1,800.  
 Miss Violet Bacon Foster, from \$1,600 to \$1,740.  
 Miss Mary J. Richey, from \$1,500 to \$1,600.  
 Miss Ada F. McKnight, from \$1,500 to \$1,600.  
 Mrs. Sophie J. Bergner, from \$1,500 to \$1,600.  
 Miss Cora R. Hutchison, from \$1,500 to \$1,600.  
 Miss Grace H. Roper, from \$1,400 to \$1,500.  
 Miss Edith Oliver, from \$1,200 to \$1,440.  
 Miss Edna V. Naughton, from \$1,200 to \$1,320.  
 Miss Frances M. Murphy, from \$1,200 to \$1,320.  
 Miss Laura Klock, from \$1,000 to \$1,200.  
 Miss Florence M. Priest, from \$1,000 to \$1,200.

The chairman laid before the commission the following telegram, dated March 18, 1923, from the secretary of the President:



MARCH 18, 1923.

The President's understanding is that the commission will proceed with its investigations for which application has been made, and procedure directed by Executive order. Only suspension of general program of tariff investigation is to await conference with him.

GEORGE B. CHRISTIAN, Jr., *Secretary*.

Approved.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MARCH 22, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That after an order for an investigation under the provisions of section 315 of Title III of the tariff act of 1922, has been published in accordance with the rules of the commission, information may be made public as to the nature of any application received for such investigation and as to the name of the applicant.

The votes of the commissioners on this motion were as follows:

For the adoption of the motion: Messrs. Marvin, Lewis, Costigan, Burgess, and Glassie.

Against the adoption of the motion: Mr. Culbertson.

Voted: That Mr. Louis Navias be appointed special expert on the staff of the commission, with salary at the rate of \$3,000 per annum.

Voted: That the secretary is authorized to negotiate for services of Mr. Thomas Nelson as special expert on the staff of the commission, with compensation at a rate not to exceed \$250 per month for the period of the summer college vacation.

Voted: That Mr. F. K. Veith be appointed special expert on the staff of the commission for a period of six months, with salary at the rate of \$3,000 per annum.

Voted: That Mr. George A. Billings be appointed special expert on the staff of the commission, with salary at the rate of \$3,300 per annum.

Voted: That Messrs. C. R. De Long and M. G. Donk are authorized to travel to New York City and return, to obtain information preliminary to further investigations in the chemical industry to be conducted in foreign countries.

Voted: That Messrs. F. W. McSparren and R. H. Cragg are authorized to travel to New York City and return, in connection with investigation of production of casein.

Voted: That Mr. Dexter North and an accountant of the commission's staff are authorized to travel to Philadelphia, Pa., and return in connection with investigation of the production of casein.

Voted: That Messrs. Thos. D. L. Menchion and Eben M. Whitcomb are authorized to travel to Philadelphia, Pa., and return in connection with investigation of the production of cotton hosiery for infants.

Voted: That Messrs. A. M. Burt, F. R. Claurini, and J. N. Torvestead are authorized to travel to Philadelphia, Pa., and return in

connection with investigation of the production of cotton hosiery for infants.

Voted: That the secretary is authorized to purchase for the use of the commission a complete set of the Decisions of the Interstate Commerce Commission and to procure copies of subsequent decisions as issued.

Voted: That the form of schedule submitted by the committee on schedules for ascertaining costs of production of casein is approved tentatively for the purpose of a preliminary test in actual use.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 23, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, David J. Lewis, William Burgess, Henry H. Glassie.

Voted: That the rules of procedure of the commission adopted on October 20, 1922, be, and the same are hereby, amended by adding thereto the following rule (to be numbered later); and that the secretary shall make public this action of the commission:

RULE No. —

SECTION 1. Whenever an investigation for the purposes of section 315 of the tariff act of 1922 shall be ordered by the Tariff Commission the order therefor shall be in substantially the following form:

INVESTIGATION NO. — BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

(Subject)

The United States Tariff Commission on this — day of —, —, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to the articles described in paragraph — of Title I of said tariff act, namely:

(Subject) wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of the order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Sec. 2. Public notice of every such investigation shall be given by posting for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, a copy of said order certified by the secretary of the commission, and by publishing under the caption "Public notice" a copy of said order so certified once each week for two successive weeks in Treasury Decisions, published in Washington, D. C., by the Department of the Treasury, and in Commerce Reports, published in Washington, D. C., by the Bureau of Foreign and Domestic Commerce of the Department of Commerce; and the commission by special order in any investigation may direct additional publication in one or more newspapers of general circulation.

Voted: That Mr. Walter S. Lewis and Mr. G. M. Youngman are authorized to travel to New York City and such places in that vicinity as may be necessary for the purpose of procuring samples of typical worsted and woolen fabrics and cloth particulars thereof.

Voted: That Mr. Franklin H. Smith, Mr. H. Cochran Fisher, and Mr. J. M. P. Donohoe are authorized to travel to Gravenhurst and Toronto, Canada; Kane, Pa.; and Buffalo, N. Y., and return, in connection with investigations of paint-brush handles and wall pockets.

Voted: That in connection with their trip to Philadelphia, Pa., relative to cotton hosiery for infants, Mr. Thomas D. L. Menchion and Mr. Eben M. Whitcomb are authorized to travel to Jersey City, N. J., and New York City to obtain information relevant to the investigation of cotton gloves made of warp knit fabric.

Approved, March 27, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MARCH 27, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 1 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

OXALIC ACID

The United States Tariff Commission of this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 1 of Title I of said tariff act, namely:

Oxalic acid being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

## MINUTES OF UNITED STATES TARIFF COMMISSION

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

**Voted:** That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 2 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

### DIETHYL BARBITURIC ACID AND DERIVATIVES THEREOF

The United States Tariff Commission on this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 5 of Title I of said tariff act, namely:

Diethyl barbituric acid and derivatives thereof, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

**Voted:** That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 3 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

### BARIUM DIOXIDE

The United States Tariff Commission on this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922, and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 12 of Title I of said tariff act, namely:

Barium dioxide being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public

notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 4 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

CASEIN

The United States Tariff Commission on this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in cost of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 19 of Title I of said tariff act, namely:

Casein being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 5 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

LOGWOOD EXTRACT

The United States Tariff Commission on this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 39 of Title I of said tariff act, namely:

Logwood extract being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said

investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 6 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

POTASSIUM CHLORATE

The United States Tariff Commission on this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 80 of Title I of said tariff act, namely:

Potassium chlorate being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 7 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

SODIUM NITRITE

The United States Tariff Commission on this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 83 of Title I of said tariff act, namely:

Sodium nitrite being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 8 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

MIRROR PLATES

The United States Tariff Commission on this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 223 of Title I of said tariff act, namely:

Mirror plates being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 9 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

PIG IRON

The United States Tariff Commission on this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of,

and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 301 of Title I of said tariff act, namely:

Pig iron being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 10 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

SWISS PATTERN FILES

The United States Tariff Commission on this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 302 of Title I of said tariff act, namely:

Swiss pattern files being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 11 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

PAINT-BRUSH HANDLES

The United States Tariff Commission, on this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission,



hereby orders an investigation of the difference in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 410 of Title I of said tariff act, namely:

Paint-brush handles being wholly or in part the growth or product of the United States and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation, to be held at the office of the commission, in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office, in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 12 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

SUGAR

The United States Tariff Commission, on this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315, Title III of the tariff act of 1922, and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of and of all other facts and conditions enumerated in said section with respect to the articles described in paragraph 501 of Title I of said tariff act, namely:

Sugar being wholly or in part the growth or product of the United States and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office, in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 13 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

COTTON WARP-KNIT FABRIC

The United States Tariff Commission on this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission,

hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 914 of Title I of said tariff act, namely:

Cotton warp-knit fabric, being wholly or in part the growth or product of the United States and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 14 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

COTTON GLOVES MADE OF WARP-KNIT FABRIC

The United States Tariff Commission on this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraphs 915 and 1430 of Title I of said tariff act, namely:

Cotton gloves made of warp-knit fabric, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

## INVESTIGATION No. 15 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

## COTTON HOSIERY FOR INFANTS

The United States Tariff Commission on this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 916 of Title I of said tariff act, namely:

Cotton hosiery for infants being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

## INVESTIGATION No. 16 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

## WALL POCKETS

The United States Tariff Commission on this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 1313 of Title I of said tariff act, namely:

Wall pockets being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the com-

mission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 17 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922.

ARTIFICIAL OR ORNAMENTAL FRUITS, VEGETABLES, GRAINS, LEAVES, FLOWERS, AND STEMS OR PARTS THEREOF

The United States Tariff Commission on this 27th day of March, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 1419 of Title I of said tariff act, namely:

Artificial or ornamental fruits, vegetables, grains, leaves, flowers, and stems or parts thereof, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the chairman and secretary are authorized to confer with the Architect of the Capitol in regard to the arrangement of the space designated for the hearing room of the commission.

Voted: That as soon as practicable after the close of each session of the commission, the secretary will draw up a minute of the proceedings and furnish each commissioner with a copy thereof. All such minutes shall be read for correction and approval at the next ensuing stated session of the commission and when approved shall be duly entered in a book to be kept for that purpose, and shall be signed by the presiding officer and attested by the secretary.

Voted: That after formal order of investigation under the provisions of sections 315, 316, or 317 of Title III of the tariff act has been ordered of any subject by the commission, access to applications received by the commission for the institution of such investigation shall be open to inspection at the offices of the commission by interested parties.

On this motion Mr. Culbertson voted in the negative.

Voted: That Mr. Paul Hermes and an accountant of the commission's staff are authorized to travel to Philadelphia, Pa., Elizabeth and Newark, N. J., New York City, and Providence, R. I., and return to obtain information in connection with the investiga-

tion of Swiss-pattern files, and also to obtain in New York City information in connection with the cutlery industry.

Voted: That Mr. Ralph Whitehouse is authorized to travel to Baltimore, Md., and return to obtain information in connection with the sugar investigation.

Approved.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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MARCH 30, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on March 27, 1923, were read and approved.

Voted: That resolution adopted on March 27, 1923, as follows:

That after formal order of investigation under the provisions of sections 315, 316, or 317, of Title III of the tariff act of 1922 has been ordered of any subject by the commission, access to applications received by the commission for the institution of such investigation shall be open to inspection at the office of the commission by interested parties.

be reconsidered and that further action thereunder be deferred until the opinion of the legal division on the subject has been received.

Voted: That the secretary is authorized to request the transfer of Mr. J. N. Steed, through civil-service channels, from the War Department to the secretary's office of the Tariff Commission as clerk, with salary at the rate now received by him.

Voted: That appointment is authorized of Mr. Mervyn Braun as special expert on the staff of the commission, with salary at a rate not to exceed \$1,800 per annum.

Voted: That Mr. Philip G. Wright be employed, with compensation at the rate of \$4,000 per annum while employed, to review the report now in course of preparation by the commission on the relationship between the tariff and the prices on sugar.

Voted: That Commissioner Burgess is authorized to travel to New York City and return, via Trenton, N. J., on business connected with the office of the commission at the port of New York.

Approved.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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MARCH 31, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

Voted: That Mr. Charles W. Mixer be offered appointment as special expert on the staff of the Tariff Commission, with compensation at the rate of \$5,000 per annum.

Voted: That Mr. Herbert Feis be offered appointment as special expert on the staff of the Tariff Commission, with compensation at the rate of \$4,500 per annum.

Voted: That Mr. A. Manuel Fox be offered appointment as special expert on the staff of the Tariff Commission, with compensation at the rate of \$4,500 per annum.

Voted: That Mr. Louis A. Rufener be offered appointment as special expert on the staff of the Tariff Commission, with compensation at the rate of \$4,000 per annum.

Voted: That Mr. John R. Turner be employed as special expert for special service in connection with the pending investigation of the sugar industry, with compensation at the rate of \$25 per day while actually employed, and that his transportation expenses incurred in connection therewith be paid by the Tariff Commission.

Voted: That Dr. Thomas Walker Page be employed as special expert for special service in connection with the pending investigation of the sugar industry, with compensation at the rate of \$25 per day while actually employed, and that his transportation expenses incurred in connection therewith be paid by the Tariff Commission.

Voted: That Mr. Langenbeck is authorized to go to New York to obtain information in connection with importations of china and glassware.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

APRIL 3, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

Minutes of the meetings of the commission held on March 30 and 31, 1923, were read and approved.

Voted: That Mr. Thos. D. L. Menchion and Mr. A. Moody Burt are authorized to travel to Philadelphia, Pa., and return, to attend the Annual Knitting Arts Exposition and to obtain information in connection with the investigation of the knitting industry.

Voted: That Mr. Eben M. Whitcomb, Mr. Ralph Whitehouse, and Mr. H. Cochran Fisher are authorized to travel to New York City and return in connection with the pending investigation of the sugar industry; and that Mr. Whitcomb is authorized, in addition, to travel to Newark, N. J., and vicinity to assist Mr. Paul Hermes in the investigation of the Swiss pattern files industry.

Voted: That Mr. D. C. Moynihan is authorized to report for duty in New York City and then to travel from New York City to Washington, D. C.

Voted: That Mr. F. W. McSparren and Mr. Edwin Schoenrich are authorized to travel to Buenos Aires and such other points in Argentina and Uruguay as may be necessary and return to obtain information in connection with the pending investigation of the casein industry.

Voted: That Mr. C. R. DeLong, Mr. M. G. Donk, and Mr. Eben M. Whitcomb, from the commission's staff, are authorized to travel to such places in Great Britain and Continental Europe and return as may be necessary in connection with investigation of industries

embraced in Schedule 1 of the tariff act as ordered by the Tariff Commission on March 27, 1923, and related subjects.

Voted: That Mr. C. F. Yauch and Mr. John A. Bergen are authorized to travel to New York City and return to obtain information in connection with the investigation of the production of artificial flowers and similar articles.

Approved, April 6, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

APRIL 6, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, David J. Lewis, Henry H. Glassie.

The minutes of the meeting of the commission held on April 3, 1923, were read and approved.

Voted: That the rules of procedure of the commission adopted October 20, 1922, be, and the same are hereby, amended by adding thereto the following rule (to be numbered later):

RULE No. —

Schedules of costs of production submitted by producers upon request of the Tariff Commission in connection with investigations which may be conducted hereafter by the commission, shall be verified in the following form to wit:

AFFIDAVIT

STATE OF —

County of —, ss.

I hereby swear/affirm that I am — of the above named (company or firm) and as such have knowledge of the subject matter of the foregoing schedule, and that the statements made in said schedule are made in good faith, and are true to the best of my knowledge and belief.

-----  
(Signature of affiant)

-----  
(Address)

Sworn to and subscribed before me this — day of —

[SEAL.]

-----  
(Signature of officer administering oath)

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(Title)

Voted: That Mr. G. B. Roorbach be employed, with compensation at a rate to be fixed hereafter, in connection with the organization of an investigation and analysis of the imports of the United States

Voted: That the secretary is authorized to arrange for the transfer subject to civil service, of Miss Lucille T. Jones from the Treasury Department to the Tariff Commission as clerk with compensation at the rate she is now receiving.

Voted: That the secretary is authorized to arrange for the transfer, subject to civil service, of Miss Elizabeth Crockett from the Navy Department to the Tariff Commission as clerk with compensation at the rate she is now receiving.

Approved, April 10, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

APRIL 10, 1923.

Present: Messrs. Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission on April 6, 1923, were read and approved.

Voted: That the salaries of Mr. F. W. McSparren and Mr. Edwin Schoenrich, respectively, are increased temporarily to \$3,460 and \$3,120 per annum during the time of their absence from the United States in connection with their official trip to South America in the investigation of the cost of production of casein. This increase is to be effective from the date of their departure by steamship until the date of their disembarkation upon return to the United States.

Voted: That the secretary is authorized to arrange with the Bureau of Standards for the transfer of Mr. Earl C. Laughlin from his position as associate physicist at that bureau to the position of special expert on the staff of the Tariff Commission with compensation at the rate he is now receiving.

Voted: That Mr. Eben M. Whitcomb is authorized to travel to Boston, Mass., and return via New York City, on business in connection with the investigation of the sugar industry.

Voted: That Mr. F. M. Leonard and Mr. J. D. DeShay are authorized to travel to Philadelphia, Pa., and vicinity, and return, for the purpose of testing the suitability of the cost of production schedules prepared for use in the investigation of the pig-iron industry.

Voted: That Mr. A. Moody Burt and Mr. D. C. Moynihan are authorized to travel to selected cotton mills in the Southern States and return to obtain information in connection with the investigation of cost of production of cotton hosiery for infants.

Voted: That Mr. Thos. D. L. Menchion, Mr. Francis Clairini, and Mr. L. G. Newman are authorized to travel to Boston, Mass., and to selected mills in New England and in other localities, and return, to obtain information in connection with the investigation of cost of production of cotton hosiery for infants.

Voted: That the Secretary is authorized to arrange to have made by Mr. Emilio Amoros, of the Pan American Union, a translation in Spanish of sections 315, 316, and 317 of the tariff act of 1922 at such compensation as may be agreed upon.

Approved, April 17, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

APRIL 21, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess, Henry H. Glassie, Edward P. Costigan.

Voted: That Mr. John A. Bergen is authorized to travel to New York City and return for the purpose of obtaining information in connection with the investigation (No. 17) of the cost of production of artificial flowers and related articles.



Voted: That Mr. M. G. Donk and Mr. Chester H. Penning are authorized to travel to New York City and Niagara Falls, N. Y., to obtain information as to the domestic costs of production of oxalic acid, potassium chlorate, and barium peroxide.

Voted: That Mr. John C. Banks, of Ridgewood, N. J., be requested to come to the office of the commission for an interview with respect to his availability for service on the staff of the commission and that the actual and necessary expenses incident to his trip be paid by the commission.

Voted: That Mr. Walter S. Lewis is authorized to travel to New York City and return to obtain information in regard to certain phases of the trade in worsted and woolen cloths.

Voted: That Mr. Franklin H. Smith and Mr. J. M. P. Donohoe are authorized to travel to Baltimore, Md.; Lancaster, Pa.; New York City; Providence and Pawtucket, R. I.; Keene and New Durham, N. H.; and Brattleboro, Vt., and return in connection with investigation (No. 11) of the cost of production of paint-brush handles.

Voted: That the following statement is unanimously agreed to and shall be transmitted to the President with reference to the conference held by the members of the United States Tariff Commission with the President at the White House on Friday, April 20, 1923:

#### THE PRESIDENT'S CONFERENCE WITH THE TARIFF COMMISSION

At a conference Friday afternoon at the White House, President Harding considered with the Tariff Commission a program to put into effective operation the flexible provisions of the tariff act of September 21, 1922. The President laid stress upon the usefulness of this statute to the public, the producer and the consumer, and indicated a strong desire to see it fully applied.

Petitions and applications for increase or reduction in rates are to be considered by the commission in accordance with the Executive order of October 7 to determine whether formal investigations are warranted. If the nature of the subject so requires, the commission will exercise the power to limit the inquiry or broaden it to include related subjects.

In cases where no petition has been filed, whenever a preliminary inquiry or survey discloses sufficient grounds, under the law, the commission, after conference with the President, will order such formal investigations under section 315 as the facts may warrant and the public interest require.

Each formal investigation, however instituted, will begin with an order giving public notice to all interested parties.

In connection with his vote on the foregoing resolution Commissioner Costigan made the following explanatory statement:

I concur in the vote to issue the foregoing commission statement, with the distinct understanding that neither such statement nor such vote shall be construed either to express or imply any view that section 315 gives the President any right or power to halt or control any investigation conducted in accordance with such section by the Tariff Commission at any stage of such investigation, except with respect to the proclamation which may be issued by the President under that section.

I desire to add that in the Tariff Commission's conference on April 20, 1923, I recollect nothing said by the President which indicates either that he has the intention or that he claims the legal authority to interfere or do other than confer and advise with the commission with reference to reasons of public policy which may bear upon the wisdom of inaugurating particular commission investigations. Conferences of this character with the President, so far as he may desire them, impress me as proper and likely to be helpful, but it is my conviction that external or arbitrary control is inadmissible in proceedings of a judicial nature such as are intended under section 315.

Mr. Culbertson stated that he concurred in the substance of the statement made by Mr. Costigan.

Approved, May 22, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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APRIL 23, 1923.

Present: David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the secretary is authorized to issue the following statement supplemental to the statement authorized to be issued on April 21, 1923:

For a period of two months past the press has given unwarranted emphasis to reported difference of opinion in the Tariff Commission with respect to the commission's powers and method of procedure. The statement issued April 21, 1923, from the White House was complete and final and received the unanimous approval of the commission. The commission considers that statement a definite expression of the conclusions reached at the conference of the commission with the President, and as not constituting either a victory or a defeat for divergent views previously held. The commission is not, as has been frequently suggested, and has not been divided into groups, but each commissioner has acted throughout the commission's deliberations independently and on his own responsibility.

Approved, May 22, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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APRIL 24, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, David J. Lewis, William Burgess, Henry H. Glassie.

Voted: That Mr. Ludwig Kellner, of West New York, N. J., be invited to come to the offices of the commission for an interview in regard to his availability for service on the staff of the commission and that the actual and necessary expenses incident to his trip be paid by the commission.

Voted: That the secretary is authorized to take the necessary steps for the transfer of Mr. Benjamin Weissbrod from the position of multigraph operator to the position of clerk in the statistical and accounting division of the commission's office.

Voted: That the secretary is authorized to have printed in the usual pamphlet form 1,000 copies of the report submitted by the Tariff Commission to the President on "The Relation of the Tariff on Sugar to the Rise in Price of February-April, 1923."

Voted: That the salaries of Mr. C. R. DeLong, Mr. M. G. Donk, and Mr. Eben M. Whitcomb, respectively, are increased temporarily to \$5,940, \$4,940, \$4,440 per annum during the time of their absence from the United States in connection with their official trip to Europe in the investigation of the cost of production of certain chemical products. This increase is to be effective in each case from the date of departure by steamship until the date of disembarkation upon return to the United States.

Voted: That Mr. Eben M. Whitcomb be designated as special disbursing agent for the Tariff Commission, without additional compensation, during his absence on official business in Europe beginning in May, 1923, with authority to expend as may be necessary not to exceed \$10,000, and that he shall give bond in the penal sum of \$5,000 with good and sufficient surety to be approved by the Secretary of the Treasury as provided by law.

Voted: That Mr. C. R. DeLong, Mr. M. G. Donk, and Mr. Eben M. Whitcomb are authorized to travel to Great Britain and continental Europe in connection with the investigation of cost of production of certain chemical products and to follow approximately the itinerary indicated below:

Leave New York City, May 3, 1923.

Arrive in England, May 11, 1923.

Leave England for Norway, June 1, 1923.

Leave Norway for Germany, June 15, 1923.

Leave Germany for Switzerland, July 4, 1923.

Leave Switzerland for Holland, July 11, 1923.

Leave Holland for the United States, July 18, 1923.

Mr. DeLong is also authorized to arrange for such clerical and other assistance in the field as may be necessary in connection with the work for which this travel is authorized.

Mr. DeLong is authorized in addition to leave Germany about July 1 and go to Paris, France, to obtain information concerning barium peroxide, and to leave Cherbourg about July 7 for the United States.

Voted: That Dr. Joshua Bernhardt, Mr. H. Cochran Fisher, and Mr. Ralph Whitehouse are authorized to travel to Cuba and return in connection with the investigation of the costs of production of sugar in that country.

Voted: That the salaries of Dr. Joshua Bernhardt, Mr. H. Cochran Fisher, and Mr. Ralph Whitehouse, respectively, are increased temporarily to \$5,220, \$3,540, and \$2,760 per annum during the time of their absence from the United States in connection with their official trip to Cuba in the investigation of the cost of production of sugar. This increase is to be effective in each case from the date of departure by steamship until the date of disembarkation upon return to the United States.

Approved, May 22, 1923.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

APRIL 27, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, and Henry H. Glassie.

Voted: That the reading of minutes be omitted at this meeting and that the memorandum of proposed minutes as presented by the secretary be postponed for consideration at a later meeting of the commission.

Approved: May 1, 1923.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

MAY 1, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, and William Burgess.

The minutes of the meeting of the commission held on April 27, 1923, were read and approved.

Voted: That the schedule submitted by the advisory board for obtaining comparative costs of production of artificial flowers and related subjects is approved.

Voted: That the schedule submitted by the advisory board for obtaining comparative costs of production of pig iron is approved.

Voted: That the secretary is authorized to accept, take custody of, and have brought to Washington the samples now in New York which were collected in connection with the investigation conducted in 1921 by the Treasury Department under the direction of Mr. James B. Reynolds.

Voted: That Commissioner Culbertson is authorized to travel to New York City and return by way of Philadelphia to attend the session of the United States Chamber of Commerce in New York City on May 10, and the session of the American Academy of Political and Social Science in Philadelphia on May 11.

Voted: That Mr. Kemper Simpson is authorized to travel to Great Britain and continental Europe and return for the purpose of assisting such agents of the commission as may be there engaged in the investigation of costs of production in various industries.

Voted: That the assistance of Attorney General shall be requested to obtain replies to the Tariff Commission's request made to those business establishments which have failed to report their production of dyes and other synthetic organic chemicals for the calendar year 1922.

Voted: That Mr. Warren N. Watson is designated to act as head of the chemical division during the absence of Mr. C. R. De Long.

Voted: That the rules of the commission adopted on April 6, 1923, in regard to oaths of verification upon schedules of costs of production, shall be interpreted to mean that in cases where cost of production schedules are filled in by employees of the Tariff Commission no attestation by an official of the producing establishment will be required.

Voted: That Mr. Arthur Connors be transferred temporarily to the sugar division of the commission's staff in connection with the pending investigation of the differences of the cost of production of sugar in the United States and in competing foreign countries.

Voted: That the employment of skilled accountants experienced in the auditing of the accounts of sugar plantations and mills is authorized for the purposes of the investigation of the cost of production of sugar in Cuba as follows: Not to exceed four senior accountants with compensation at the rate of \$27.50 per day, and not to exceed eight junior accountants with compensation at the rate of not more than \$20 per day; all such accountants to be employed for not to exceed 60 working days of 8 hours each, and to be allowed in addition to their respective rates of pay actual necessary traveling expenses in Cuba outside the city of Habana and \$4 per diem in lieu of subsistence in Cuba outside of the city of Habana. It is understood that these accountants shall be employed in Cuba and shall

not receive or be allowed any other amounts than those herein specifically stated.

Voted: That preliminary inquiries shall be continued or instituted as the case may be, respectively, with respect to the items listed below and that reports upon such preliminary inquiries shall be submitted to the commission through the advisory board not later than May 20, 1923. The purpose of these preliminary inquiries shall be to determine whether or not reasonable grounds exist for conducting investigations under the provisions of section 315 of the tariff act of 1922, with respect to these articles, viz:

Wall tile, glazed and unglazed; tableware, earthenware, household and hotel; chinaware, household and hotel; aluminum hollow ware; enamel ware; cutlery; lace.

Voted: That Miss Ruth E. K. Peterson is authorized to travel to New York City and return to procure information concerning imports of artificial silk and related commodities.

Voted: That Mr. Dexter North and Mr. L. A. Ballif are authorized to travel to Seattle, Wash., and appropriate places in California, and return, to obtain information in connection with the investigation of the cost of production of sodium nitrite and casein.

Voted: That Mr. George H. Parater is authorized to travel to New York City and return to attend the session of the Chamber of Commerce of the United States May 7 to 11, 1923, in connection with the study of "Transportation in all its phases in the United States" which will be considered at that meeting.

Approved, May 4, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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MAY 4, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The minutes of the meeting of the commission held on May 1, 1923, were read and approved.

Voted: That the action of the commission on May 1, 1923, authorizing the employment of skilled accountants in connection with the investigation of the cost of production of sugar in Cuba be, and hereby is, modified so that such accountants may be allowed \$4 per diem in lieu of subsistence while employed in the city of Habana.

Voted: That the secretary and the assistant chief investigator are authorized to negotiate for the services of men having practical accounting experience in the United States in the sugar-producing industry, for the purpose of having one or more such men added to the investigating force representing the Tariff Commission in the investigation of the cost of production of sugar in Cuba.

Voted: That Mr. Kemper Simpson and Mr. John A. Nye are authorized to travel to Cuba and return for the purpose of assisting in the pending investigation of the costs of production of sugar.

Voted: That the salaries of Mr. Kemper Simpson and Mr. John A. Nye are temporarily increased, respectively, to \$4,220 and \$2,960 per annum.

Voted: That Mr. Harry Ossman be invited to come to the offices of the Tariff Commission in Washington for an interview in regard to his availability for service with the Tariff Commission, and that the actual necessary expenses of his trip be paid by the Tariff Commission.

Voted: That the secretary is authorized to arrange for the transfer, subject to civil service, of Miss Marietta Salvant from the United States Shipping Board to the Tariff Commission as clerk, with basic salary at the rate of \$1,200 per annum plus increased compensation at the rate of \$240 per annum.

Voted: That the secretary is authorized to arrange for the transfer subject to civil service, of Miss Lilian T. Bowman from the Treasury Department to the Tariff Commission as clerk, with basic salary at the rate of \$1,200 per annum plus increased compensation at the rate of \$240 per annum.

Voted: That the secretary is authorized to arrange for the transfer, subject to civil service, of Mr. Charles E. Swihart from the Navy Department as clerk with basic salary at the rate of \$1,800 to the Tariff Commission as clerk with basic salary at the rate of \$1,600 per annum, plus increased compensation at the rate of \$240 per annum.

Voted: That the secretary is authorized to arrange for the transfer, subject to civil service, of Mr. Allen L. Reese from the office of the Superintendent of State, War, and Navy Departments Buildings to the United States Tariff Commission as clerk with compensation at the rate of \$1,400 per annum.

Voted: That the secretary is authorized to arrange for the employment, subject to civil service, of a messenger in the office of the Tariff Commission at the port of New York.

Voted: That the following order is hereby adopted by the United States Tariff Commission—

INVESTIGATION NO. 18 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

LINSEED OR FLAXSEED OIL

The United States Tariff Commission on this 4th day of May, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922, and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 54 of Title I of said tariff act, namely:

Linseed or flaxseed oil being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, That all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, That public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the com-

mission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 19 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

SYNTHETIC PHENOLIC RESIN

The United States Tariff Commission on this 4th day of May, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922, and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 28 of Title I of said tariff act, namely:

Synthetic phenolic resin being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, That all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, That public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 20, BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

SMOKERS' ARTICLES MADE FROM SYNTHETIC PHENOLIC RESIN

The United States Tariff Commission on this 4th day of May, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 1454 of Title I of said tariff act, namely:

Smokers' articles made from synthetic phenolic resin, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which

said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION No. 21 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

PHENOL

The United States Tariff Commission on this 4th day of May, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 27 of Title I of said tariff act, namely:

Phenol, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION No. 22 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

CRESYLIC ACID

The United States Tariff Commission on this 4th day of May, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 27 of Title I of said tariff act, namely:

Cresylic acid being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, pub-



lished by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION No. 23 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

BRIAR-WOOD PIPES

The United States Tariff Commission on this 4th day of May, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 1452 of Title I of said tariff act, namely:

Briar-wood pipes being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION No. 24 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

PRINT ROLLERS

The United States Tariff Commission on this 4th day of May, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 396 of Title I of said tariff act, namely:

Print rollers being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C.,

or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 25 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

TAXIMETERS

The United States Tariff Commission on this 4th day of May, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 308 of Title I of said tariff act, namely:

Taximeters being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Approved,

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MAY 5, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

Voted: That the secretary be instructed to prepare forthwith for entry in the minutes an order under the rule previously adopted for the investigation in accordance with section 315 of the tariff act of 1922, with respect to the cost of production of linseed oil, and to issue to the press a formal written statement that such investigation has been ordered by the commission.

Mr. Culbertson presented the following motion:

That the investigation of cotton hosiery for infants, ordered by the United States Tariff Commission on March 16, 1923, be broadened to include the related subjects: Cotton hosiery for children, women, and men; and the United States Tariff Commission hereby orders investigation in accordance with the provisions of section 315, Title III of the tariff act of 1922 with respect to said related subjects, and an order shall be entered in the minutes and shall be issued and published forthwith in and for said related subjects in accordance with the rules of procedure of the commission.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Culbertson and Costigan.

Against the adoption of the resolution: Messrs. Marvin, Lewis, and Glassie.

Voted: That the investigation of cotton hosiery for infants heretofore ordered is hereby extended to include infants' and children's hosiery of whatsoever textile material made, and an order in accordance herewith shall be prepared for submission to the commission.

Voted: That the textile division be instructed to prepare immediately a summary statement with respect to the advisability of including within the investigation of hosiery for infants and children in whole or in part adults' hosiery of whatsoever textile material made, said statement to be submitted to the President for his information and advice.

Mr. Glassie presented the following motion:

That the glassware division be requested to prepare at once a summary statement of the advisability of an investigation into the glass industry, including plate glass and cylinder glass, with a view to the submission of such statement to the President for his information and advice.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Marvin and Glassie.

Against the adoption of the resolution: Messrs. Culbertson, Lewis, and Costigan.

Voted: That the investigation of mirror plates ordered by the United States Tariff Commission on March 16, 1923, be broadened to include the related subjects: Cast polished plated glass as described in paragraph 222 of the tariff act of 1922; and the United States Tariff Commission hereby orders investigation under the provisions of section 315, Title III, of the tariff act of 1922 with respect to said related subject, and an order shall be entered in the minutes and shall be issued and published forthwith in and for said related subject in accordance with the rules of procedure of the commission.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Culbertson, Lewis, and Costigan.

Against the adoption of the resolution: Mr. Glassie.

Mr. Glassie made the following statement in regard to his vote upon the foregoing resolution with reference to the extension of the investigation of the cost of production of mirror plates:

In recording my vote against this resolution I desire to say that I vote against it for this reason, that the investigation, which is dependent upon application relating to mirror plate, is extended in one direction to cover the whole field

of plate glass, whereas it is not extended in the other direction to cover the more nearly related field of mirror glass not plate. If the former can be justly described as logically included with the application, the latter is so a fortiori.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION No. 26 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

CASE POLISHED PLATE GLASS

The United States Tariff Commission on this 5th day of May, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 222 of Title I of said tariff act, namely:

Cast polished plate glass, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the agricultural and textile divisions be instructed to prepare statements, together with all pertinent material bearing on such subjects, of reasons with respect to the advisability of investigating raw wool and manufactures of wool in accordance with the provisions of section 315 of the tariff act of 1922, said statements to be submitted to the commission not later than May 12, 1923, and to be made the special order of business at a meeting of the commission to be held on May 16, 1923.

Voted: That the chemical and agricultural divisions be instructed to prepare statements together with all pertinent material bearing on such subjects of reasons with respect to the advisability of investigating lemons, citrate of lime, and citric acid, in accordance with the provisions of section 315 of the tariff act of 1922, said statements to be submitted to the commission not later than May 12, 1923, and to be made the special order of business at a meeting of the commission to be held on May 16, 1923.

Voted: That Mr. Harold S. De Meritt is authorized to travel to Middletown, Conn., New York City, and Canandaigua, N. Y., Erie and Pittsburgh, Pa., Massillon and Wooster, Ohio, Manitowoc and Sheboygan, Wis., on business in connection with the preliminary investigation of aluminum and enameled hollow ware.

Voted: That Mr. C. R. Penning and Mr. Mervyn Braun are authorized to travel to Chicago, Ill., Bay City, Mich., and Willoughby and Cleveland, Ohio, and return, on business in connection with the

pending investigations of costs of production of barbituric acid, oxalic acid, potassium chlorate, barium peroxide, and sodium nitrite.

Voted: That Mr. Franklin H. Smith and Mr. J. M. P. Donohoe are authorized to travel to Baltimore, Md., and return, for the purpose of obtaining information in connection with pending investigation of costs of production of paint-brush handles.

Approved, May 15, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MAY 15, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on May 4 and 5, 1923, were read and approved.

Voted: That the schedule submitted for obtaining data from importers on articles comparable and competitive with articles of domestic production in connection with the investigation of the cost of production of artificial flowers is approved.

Mr. Culbertson presented the following motion:

That the investigation of pig iron ordered by the United States Tariff Commission on March 16, 1923, be broadened to include the following related subjects: Steel ingots, slabs, billets, sheet bars, structural shapes, rails, merchant bars, wire rods, sheets and plates, skelp, and plain wire; and that an order or orders in accordance herewith shall be prepared for submission to the commission.

The votes of the commission on this motion were as follows:

In favor of the adoption of the motion: Messrs. Culbertson and Costigan.

Against the adoption of the motion: Messrs. Lewis, Burgess, and Glassie.

Voted: That the metals division is instructed to prepare and submit to the commission, not later than June 15, 1923, a report on the advisability or inadvisability of investigating costs of production of basic iron and steel products in accordance with the provisions of section 315 of Title III of the tariff act of 1922.

Voted: That the employment of Mr. Samuel Schoenfeld as special expert on the staff of the commission, with salary at the rate of \$2,250 per annum, for temporary service in connection with the investigation of the cost of production of sugar in Cuba, is approved; that Mr. Schoenfeld is authorized to travel to Cuba and return in connection with the said investigation, and that his salary be temporarily increased to \$3,210 per annum.

Voted: That the rules of procedure of the commission adopted October 20, 1922, be, and the same are hereby, amended by adding thereto the following rule (to be numbered later):

Rule No. -----

PROOF OF NOTICE OF INVESTIGATION

SECTION 1. Proof of the publication in Treasury Decisions and Commerce Reports of public notices of an investigation ordered by the commission for the purposes of section 315 of the tariff act of 1922 shall be made in the case of Treasury Decisions by the affidavit of the chief or assistant chief of the

division of printing and stationery of the Department of the Treasury or other official having charge and management of such publication, and in the case of Commerce Reports by the chief of editorial division of the Bureau of Foreign and Domestic Commerce, Department of Commerce, or other official having charge and management of such publication; and in the case of additional publication in a newspaper of general circulation by affidavit of the manager or the publisher of such newspaper.

Sec. 2. An affidavit under the preceding section of this rule shall be in substantially the following form (e. g., for Treasury Decisions) with such changes as may be required to meet each particular case:

UNITED STATES TARIFF COMMISSION

AFFIDAVIT OF PUBLICATION

(Paste copy of notice)

Investigation No. ----- by the United States Tariff Commission for the purposes of section 315 of the tariff act of 1922.

Subject: -----

DISTRICT OF COLUMBIA, TO WIT:

Personally appeared before me a notary public in and for the said District, -----, who, being duly sworn according to law on oath, says he is the chief of the division of printing and stationery of the Treasury Department of the United States and as such subject to the direction of his superior officers in the Treasury Department, has immediate charge, control, and management of the publication of Treasury Decisions, a weekly periodical printed and published in the District aforesaid by the said Treasury Department; and that the notice, of which the annexed is a true copy, was published once a week for ----- successive weeks on the following days, viz: -----.

*Chief of the Division of Printing and Stationery.*

Sworn to and subscribed before me this ----- day of -----, 1923.

*Notary Public, District of Columbia.*

Voted: That Commissioner Lewis and some member of the staff to be designated by him are authorized to travel to Pittsburgh, Pa., and vicinity and return for the purpose of obtaining information in connection with the pending investigation of the plate-glass industry.

Voted: That Mr. F. K. Veith is authorized to travel to New York City and return to examine samples of china and pottery collected in connection with the Reynolds investigation, in order that he may obtain comparative data up to date for use in connection with the report to be made to the commission not later than May 20, 1923.

Voted: That Mr. George Middleton is authorized to travel to Philadelphia, Reading, and other points in Pennsylvania and return for the purpose of obtaining information in connection with the lace industry.

Voted: That Mr. D. C. Moynihan is authorized to travel to New York City and vicinity and return in connection with the pending investigation of the cost of production of cotton hosiery for infants and cotton gloves made of warp-knit fabric.

Voted: That Mr. Louis Goldstein is authorized to travel from New York City to Washington, D. C., and return for conference in regard to the preparation of information to be obtained from import entries of china and glassware articles.

Voted: That Mr. Robert E. Allen and Mr. Ralph A. Wells are authorized to travel to New York City and return on business in

connection with the pending investigation of cost of production of artificial flowers and related subjects.

Voted: That Mr. Charles F. Yauch is authorized to travel to New York City and return on business connected with the pending investigation of costs of production of artificial flowers and related subjects and of briar-wood pipes and smokers' articles made from synthetic phenolic resin.

Approved, May 18, 1923.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

MAY 16, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

No resolutions.

Approved.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

MAY 18, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the President be advised that the United States Tariff Commission is ready to submit to him the results of a preliminary inquiry or survey which, in the judgment of the commission, discloses grounds for an investigation in accordance with the provisions of section 315 of Title III of the tariff act of 1922, of the following articles with respect to which applications for investigation have not been filed with the commission, namely, hosiery for men and women, of whatsoever textile material made.

On this resolution the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Culbertson, Lewis, Costigan, and Glassie.

Against the adoption of the resolution: No votes.

Voted: That the advisory board be directed to prepare for submission to the President a statement embodying the results of a preliminary inquiry or survey of the hosiery industry.

Voted: That the secretary is authorized to negotiate for the services of Mr. Morton T. French as special expert on the staff of the commission for a temporary period of approximately six months, with salary at a rate not to exceed \$3,000 per annum.

Voted: That Mr. R. H. Cragg and Mr. R. R. Merrill are authorized to travel to West Chester and Pittsburgh, Pa.; Belle Mead, N. J.; New York City and Antwerp, N. Y.; and Boston, Mass., and return on official business in connection with the pending investigations of costs of production of casein and linseed oil.

Approved, May 22, 1923.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

MAY 22, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held April 21, 23, 24, and May 16 and 18 were read and approved.

Voted: That Mr. G. B. Roorbach be requested to come to the offices of the commission for a conference relative to the organization of the projected work of the commission in connection with the analysis of imports, that his actual necessary expenses incident to his trip to Washington and return shall be paid from funds available for the expenses of the commission, and that he be compensated for his services in this connection at the rate of \$25 per diem while in Washington.

Voted: That the secretary is authorized to negotiate with Mr. Frederick Achenbach for his services as chief investigator of the commission in Central Europe with salary at the rate of \$6,000 per annum.

Voted: That Mr. Kemper Simpson shall proceed to Europe as authorized by the commission on May 1, 1923, under such instruction as may be approved by the commission after the recommendation by the advisory board.

Approved, May 25, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MAY 23, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

No resolutions.

Approved.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MAY 24, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That stationery with the imprint of the United States Tariff Commission may be furnished for the use of the secretary, the chief economist, and the chief investigator, with their respective names and titles printed thereon.

Voted: That the President be advised that the United States Tariff Commission is ready to submit to him the results of a preliminary investigation or survey, which, in the judgement of the commission, discloses the advisability of an investigation in accordance with the provisions of section 315 of Title III of the tariff act of 1922, of the following articles with respect to which applications for investigation have not been filed with the commission: namely lemons, citrate of lime, and citric acid.

Voted: That the advisory board be instructed to put into form for submission to the President a survey, together with a summary thereof, relating to lemons, citrate of lime, and citric acid.



Voted: That in preparing statements and surveys for submission to the President and for other purposes the advisory board is instructed to follow as far as may be practicable the appended form, with such additions and modifications as may be desirable in a particular case. If data under any particular topic shall be wanting that fact shall be noted. When not impracticable the pertinent statistics shall be inserted at the appropriate place in the text.

OUTLINE OF REPORT TO THE COMMISSION AND TO THE PRESIDENT.

Date of report ———.

Commodity ———. Par. No. ———.  
 Rates of duty: 1922, ———; 1913, ———; 1909, ———.  
 Application, inquiry, complaint, or extension of application.  
 Uses of article, if not obvious.  
 Raw materials and sources thereof.  
 Summary of available information on:  
 Domestic production and consumption: (a) Significant history. (b) Number of producers and geographical distribution. (c) Statistics of production and consumption.  
 Imports: (a) Competitive. (b) Supplemental.  
 Exports.  
 Foreign production.  
 By-products and joint products.  
 Costs of production in files: (a) Domestic. (b) Foreign.  
 Prices: (a) Domestic. (b) Foreign (give reasons for periods selected).  
 (c) Landed cost (transportation, duties, etc., added to foreign price).  
 (d) Stabilization of prices.  
 Comparison of price with general commodity index and history of price changes.  
 Competitive conditions: (a) Comparative efficiency of domestic and foreign production. (b) Transportation. (c) Substitutes. (d) Price versus quality, etc.  
 Tariff problems.  
 Possible future developments. (Brief, beware of prophecy.)  
 Summary of hearings. (Brief.)

Voted: That Mr. G. M. Youngman is authorized to travel to New York City and return to obtain information, samples, and other data relative to comparable woolen and worsted clothes of domestic and foreign manufacture.

Approved, May 25, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MAY 25, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held May 22, 23, and 24, 1923, were read and approved.

Voted: That such members of the Tariff Commission as may be able to do so are authorized to travel to New York City and return in order to attend the annual meeting of the National Monetary Association on June 7, 1923.

Voted: That Commissioner Culbertson is authorized to travel to New York City and return, on administrative business in connection with the office of the Tariff Commission at the port of New York.

Voted: That the special reports required in accordance with the directions of the commission on May 5 and 15, 1923, from the textile division, the agricultural division, the chemical division, and the metals division, respectively, in regard to the institution and extension of investigations with respect to certain articles, be referred to the advisory board for consideration and report to the commission.

Voted: That the metals division is hereby authorized to confer with a representative of the Bureau of Mines with a view to the development of a tentative plan of the commission and said bureau for obtaining information concerning the mining and treatment of certain ores and minerals, it being understood that any such plan shall safeguard confidential data secured thereunder.

Voted: That the secretary is authorized to negotiate with Dr. Grinnell Jones for his services during the period of his summer vacation from Harvard University, with salary at the rate of \$5,000 per annum.

Voted: That Mr. Harry L. Lourie is authorized to travel to New York City and return for the purpose of obtaining information concerning the trade in tomato paste, spices, and olive oil and other commodities.

Approved, May 29, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MAY 29, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on May 25, 1923, were read and approved.

Voted: That the following special experts—Messrs. Faubel, Mixer, Bidwell, and Simpson—are hereby designated as economists: *Provided*, That Doctor Faubel, if agreeable to him and if approved by the chief economist, may have the title of assistant to the chief economist.

Voted: That the chief economist shall be ex officio chairman of the advisory board and that the chief investigator shall be ex officio vice chairman of the advisory board; and that the organization chart of the commission shall be modified accordingly.

Voted: That Mr. George P. Comer is hereby designated chief investigator on the staff of the commission, to date from June 1, 1923, with compensation at the rate of \$6,000 per annum.

Voted: That Mr. A. M. Burt, Mr. L. G. Newman, Mr. A. F. Ferguson, Mr. D. C. Moynihan, and Mr. J. N. Torvestad are authorized to travel to Philadelphia, Pa., and return to continue the work of obtaining mill costs in connection with the pending investigations relating to cotton hosiery for infants.

Approved June 6, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MAY 31, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That Dr. J. B. Magee, of the University of New York, be requested to come to the offices of the commission for a conference in regard to material for the Dictionary of Tariff Information; that his actual and necessary expenses incident to the trip be paid from funds available for expenses of the commission, and that he be paid from the same funds \$20 per day for his services in this connection.

Voted: That Commissioners Culbertson, Lewis, and Glassie are appointed a committee to consider the sufficiency of the data available at this time for submission to the President in regard to discriminations against commerce of the United States, under section 317 of the tariff act of 1922.

Voted: That Mr. J. M. P. Donohoe is authorized to travel to Baltimore, Md., and return for the purpose of securing additional information in regard to costs of production of paint-brush handles.

Voted: That Mr. C. H. Penning and Mr. Mervyn Braun are authorized to travel to Long Island City and New York City, N. Y.; Stamford, Conn.; Paterson and Camden, N. J.; Chester, Pa.; Baltimore, Md.; and Lynchburg, Va., and return, on official business in connection with the pending investigations of the cost of production of phenol, cresylic acid, barium peroxide, and logwood extract.

Voted: That the salary of Mr. Kemper Simpson is increased temporarily to \$4,940 per annum during the time of his absence from the United States in connection with his official trip to Europe. This increase is to be effective from the date of departure by steamship until the date of disembarkation upon return to the United States.

Approved, June 6, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JUNE 1, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That a committee of three members of the commission, to be appointed by the chairman, confer with Secretary Hughes and invite his recommendation of a list of lawyers, having in view the possible selection by the commission of one special counsel, qualified by legal, economic, and statistical experience and ability to represent the commission throughout the sugar investigation.

The votes of the commissioners on this resolution were as follows:

In favor of the adoption of the resolution: Messrs. Culbertson, Lewis, Costigan, Burgess.

Against the adoption of the resolution: Mr. Glassie.

Pursuant to this vote, the chairman appointed as members of the committee to confer with Secretary Hughes, Messrs. Lewis, Costigan, and Glassie.

Voted: That the salaries of Dr. Joshua Bernhardt, Mr. H. C. Fisher, Mr. Ralph M. Whitehouse, Mr. John A. Nye, and Mr.

Samuel Schoenfeld, respectively, are increased temporarily to \$5,940, \$4,260, \$3,480, \$3,680, and \$3,930 per annum during the time of their absence from the United States in connection with their official trip to Cuba in the investigation of the cost of production of sugar. This increase is to be effective in each case from the date of arrival in Cuba until the date of departure for return to the United States.

Voted: That the following form of organization of personnel for the work of analyzing imports and exports of the United States is hereby adopted:

PERMANENT FORCE

Economist in charge.  
 Assistant to the economist in charge, stationed in Washington.  
 Assistant to the economist in charge, stationed in New York.  
 Assistants stationed in Washington in the chemical, ceramics, metal, agricultural, and textile divisions.

TEMPORARY FORCE

Assistant to the economist in charge, for four months.  
 Six assistants during the summer months to represent commodity divisions, to assist in the field work in New York.

Voted: That the chief economist and the chief investigator be requested to submit to the commission recommendations for the selection of persons to be assigned to the work of analyzing imports and exports of the United States in accordance with the plan adopted by the commission.

Approved, June 8, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JUNE 6, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held May 29 and 31, 1923, were read and approved.

The reading of the minutes of the meeting of the commission held on June 1, 1923, was postponed.

Voted: That Commissioners Lewis, Costigan, and Burgess are appointed a committee to consider the question of readjustment of compensation of members of the staff who may be ordered from time to time to travel in foreign countries on official business.

Voted: That the committee on procedure is requested to prepare for incorporation in the rules of procedure of the commission a special form of order to be used in connection with the extension of investigations to cover additional subject matter.

Voted: That Mr. W. S. Lewis is designated to take charge of the field work in Europe in connection with such investigation of the hosiery industry as may be conducted there.

Voted: That Mr. W. S. Lewis is authorized to travel to such places in Great Britain and continental Europe and return as may

be necessary in connection with such investigation as may be conducted there of the hosiery industry.

Voted: That Prof. J. D. Magee, of the New York University, be employed with compensation at the rate of \$2.50 per hour to assist in the final preparation of material contained in the strictly economic articles for the Dictionary of Tariff Information.

Voted: That public hearings in the investigations heretofore ordered in respect of paint-brush handles and wall pockets be set, respectively, for July 17 and July 24, 1923, at the office of the United States Tariff Commission in the city of Washington; and that public notice of such hearings be given by posting notices for 30 days prior to the date fixed for such hearings, respectively, and by publishing notice thereof once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce. Voted further: That public notice in each of said cases be prepared and separately published forthwith.

Voted: That Mr. Thomas Nelson is authorized to travel to New York City and return for the purpose of revising and bringing up to date information in regard to cotton cloths.

Voted: That the secretary is authorized to negotiate with Mr. Joseph P. Gregory for his services as special expert on the staff of the Tariff Commission with compensation at a rate not to exceed \$2,000 per annum.

Voted: That the secretary is authorized to negotiate with Mr. C. A. Bryan for his services as special expert on the staff of the Tariff Commission with compensation at a rate not to exceed \$1,600 per annum.

Voted: That the secretary is authorized to negotiate with Mr. William I. Streett for his services as special expert on the staff of the Tariff Commission with compensation at a rate not to exceed \$1,600 per annum.

Voted: That the secretary is authorized to negotiate with Mr. John A. Egan for his services as special expert on the staff of the Tariff Commission with compensation at a rate not to exceed \$2,100 per annum.

Voted: That Mr. Harold S. De Meritt is authorized to travel to Sheboygan and Manitowoc, Wis., and return, including a stop at Canton, Ohio, to obtain information in connection with the aluminum and enamel ware manufacturing industries.

Voted: That the secretary is authorized to arrange for the transfer through civil service of Mrs. L. C. Eason from the Treasury Department to the Tariff Commission with salary at the rate she is now receiving, \$1,200 per annum.

Voted: That Mr. Paul Hermes is authorized to travel to such places in the States of New York, Connecticut, and New Jersey as may be necessary for the purpose of obtaining information in regard to the cutlery, taximeter, and print roller industries.

Voted: That Mr. H. J. Bierman is authorized to travel to New York City and return for the purpose of obtaining information concerning the manufacture of taximeters and print rollers.

Voted: That Mr. Myron G. Grigg is authorized to travel to Philadelphia, Pa., and return to assist in continuing the work of obtaining mill costs to be used in the pending investigation of the hosiery industry.

Approved, June 8, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JUNE 8, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on June 1 and 6, 1923, were read and approved.

Voted: That Dr. Joshua Bernhardt is authorized to travel to Hawaii and return, with stop-over at Denver, Colo., upon return trip, in connection with the investigation of costs of production of sugar.

Voted: That such accountants as may be available, not to exceed three in number, are authorized to travel to Hawaii and return to assist in the investigation of the cost of production of sugar.

Voted: That with a view to securing the utmost expedition consistent with a full and thorough investigation of the subject matter and in order that a public hearing may be held at the earliest practicable date, it is ordered that general administrative priority be given to the investigation of the cost of production of sugar.

Mr. Burgess moved that the following telegram, recommended by the chief of the sugar division and by the chief investigator, be sent:

Mr. WILLIAM G. TAGGART,

*Louisiana Sugar Experiment Station, New Orleans, La.:*

Can you come Washington our expense immediately for interview temporary employment sugar investigation.

TARIFF COMMISSION.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the resolution: Messrs. Culbertson, Lewis, Costigan.

Mr. Burgess moved that the following telegram, recommended by the chief of the sugar division and by the chief investigator, be sent:

Mr. IRVING H. MORSE,

*213 North Peter Street, New Orleans, La.:*

Can you come Washington our expense immediately regarding temporary employment sugar investigation.

TARIFF COMMISSION.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the resolution: Messrs. Culbertson, Lewis, Costigan.

Voted: That the following telegram, recommended by the chief of the sugar division and by the chief investigator, be sent:

Mr. GEORGE R. DAY,  
*University School of Commerce, Denver, Colo.:*

Can you come to Washington our expense immediately regarding employment sugar investigation. Wire arrival date.

TARIFF COMMISSION.

On this motion Mr. Costigan voted in the negative; Mr. Glassie did not vote.

Voted: That public notice of the hearing set for July 17, 1923, in the investigation heretofore ordered in respect of paint-brush handles be issued as follows:

INVESTIGATION No. 11 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

PAINT-BRUSH HANDLES

Notice is hereby given, pursuant to section 315 of the tariff act of 1922, that a public hearing in the foregoing investigation will be held at the office of the United States Tariff Commission in Washington, D. C., at 10 o'clock a. m. on the 17th day of July, 1923, at which all parties interested will be given an opportunity to be present, to produce evidence, and to be heard with regard to the differences in cost of production and of all other facts and conditions enumerated in section 315 of the tariff act of 1922 with respect to the following articles described in paragraph 410 of Title I of said tariff act, namely: Paint-brush handles, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

A copy of this notice shall be posted for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy thereof once a week for two successive weeks in Treasury Decisions and in Commerce Reports.

By the United States Tariff Commission.

-----, *Secretary.*

Voted further: That the seal of the commission be affixed to the original of said notice.

Voted: That public notice of the hearing set for July 24, 1923, in the investigation heretofore ordered in respect of wall pockets be issued as follows:

INVESTIGATION No. 16 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

WALL POCKETS

Notice is hereby given pursuant to section 315 of the tariff act of 1922, that a public hearing in the foregoing investigation will be held at the office of the United States Tariff Commission in Washington, D. C., at 10 o'clock a. m. on the 24th day of July, 1923, at which all parties interested will be given an opportunity to be present, to produce evidence, and to be heard with regard to the differences in cost of production and of all other facts and conditions enumerated in section 315 of the tariff act of 1922, with respect to the following articles described in paragraph 1313 of Title I of said tariff act, namely: Wall pockets, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

A copy of this notice shall be posted for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York; and by publishing a copy thereof once a week for two successive weeks in Treasury Decisions, and in Commerce Reports.

By the United States Tariff Commission:

-----, *Secretary.*

Voted further: That the seal of the commission be affixed to the original of said notice.

Approved, June 12, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JUNE 9, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That Mr. Gilbert R. Merrill be employed temporarily as special expert on the staff of the commission with salary at the rate of \$2,500 per annum.

Mr. Lewis moved that the secretary be authorized to negotiate with Mr. Fritz Ahlfeld for his services temporarily in connection with the investigation of the cost of production in Germany of hosiery, with compensation at a rate not to exceed \$4,500 per annum.

The votes of the commissioners on this motion were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Culbertson, and Lewis.

Against the adoption of the resolution: Messrs. Costigan, Burgess, and Glassie.

Mr. Glassie made the following statement in regard to his vote on the foregoing motion:

In voting against this motion I do so not because I have any belief or suspicion that Mr. Ahlfeld would not be a competent and honest servant of the commission. Notwithstanding the recommendation of the chief of the sugar division, Doctor Bernhardt, approved by the chief investigator, Mr. Comer, the commission by three negative votes refused on June 8 even to have brought to Washington for an interview Mr. Irving H. Morse, a sugar chemist of New Orleans, La., and Mr. William G. Taggart, the assistant head of the Louisiana Sugar Experiment Station, upon the ground stated by some of those voting in the negative that these men were not proper persons to be employed in the sugar investigation because of their supposed connection with the sugar industry, although there was no evidence before the commission that either of those men was now interested in that industry or employed by anyone so interested.

It is now proposed to employ Mr. Ahlfeld in the hosiery investigation, notwithstanding the obvious fact that he is the employee or servant of a company manufacturing hosiery machinery and also of a company manufacturing silk hosiery. I respectfully submit that if the action of the commission is to be governed by any rule or principle in this regard, the rule must be uniform and be uniformly applied.

Mr. Costigan made the following statement in regard to his vote on the foregoing motion:

I vote against the motion solely on the ground that the employment of Mr. Ahlfeld was not to be restricted as requested by me to the cotton division of the hosiery investigation.

Voted: That the advisory board be requested to submit to the commission in form to be transmitted to the President as many of the pending surveys on hosiery; lemons, citrate of lime, and citric acid; basic iron and steel products; tableware (pars. 211 and 212); and aluminum hollow ware, as can be duly prepared by exercising the utmost diligence prior to June 13, 1923.



Voted: That the secretary is authorized to negotiate with Mr. L. W. Moore for his services as an assistant to the secretary, with compensation at the rate he is now receiving in the Veterans' Bureau, \$3,000 per annum.

Voted: That the advisory board be requested to prepare a plan for the organization of the personnel to be employed in connection with the investigation of the cost of production of hosiery in Europe.

Voted: That Mr. Thomas D. L. Menchion is authorized to travel to New York City and return to obtain information concerning imports of cotton hosiery and gloves in connection with the pending investigations of the cost of production of those articles, respectively.

Voted: That Mr. A. Moody Burt is authorized to travel to Philadelphia, Pa., and return to continue work in connection with the pending investigation of the cost of production of hosiery.

Approved, June 12, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JUNE 12, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, and Henry H. Glassie.

The minutes of the meetings of the commission held June 8 and 9, 1923, were read and approved.

Voted: That a committee of three members, including the chairman, be appointed to prepare and submit a plan of methods to be adopted in relation to publicity concerning work of the commission.

Pursuant to this action, the chairman appointed Messrs. Lewis and Glassie as members of this committee.

Voted: That the secretary is authorized to negotiate with Mr. Thomas P. Hayden for his services as special expert on the staff of the Tariff Commission, with salary at the rate of \$2,500 per annum.

Voted: That Mr. Thomas D. L. Menchion and Mr. Gilbert R. Merrill, together with two accountants to be designated, are authorized to travel to Great Britain, continental Europe, and return, on business of the commission in connection with the investigation of the cost of production in Europe of hosiery.

Voted: That the secretary is authorized to negotiate with Mr. John J. Hannon for his services as special expert on the staff of the Tariff Commission, with salary at the rate of \$2,500 per annum.

Voted: That the secretary is authorized to have installed the dictograph system of intercommunicating telephones in the offices of the commission, based upon the use of instruments providing for 30 stations each.

Voted: That the secretary is authorized to arrange for the proper installation of a complete photostat equipment for the official use of the commission.

Voted: That Mr. H. J. Bierman, and an accountant to be designated, are authorized to travel as may be found to be necessary to points in Pennsylvania, New Jersey, New York, and Ohio, and return, on business of the commission in connection with the pending investigations of the cost of production, respectively, of taximeters and print rollers.

Voted: That Commissioners Costigan and Glassie are appointed a committee to consider and report to the commission upon the facts involved in the report by representatives of the commission to the effect that J. W. Landenberger & Co., of Philadelphia, Pa., manufacturers of hosiery, decline to furnish information required and requested on behalf of the Tariff Commission in connection with the pending investigation of the cost of production of hosiery under the provisions of section 315 of Title III of the tariff act of 1922, as ordered by the commission on March 27, 1923.

Approved, June 15, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JUNE 13, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the secretary is authorized to execute on behalf of the commission an agreement with Messrs. Pierson & Wilson, architects, of Washington, D. C., for the preparation of drawings, details, and specifications, and the necessary supervision for remodeling the commission's hearing room, with the understanding that the architects are to receive 8 per cent of the amounts actually paid for cost of work done in accordance with plans and specifications prepared by them, but not upon amounts paid to them, and with the further understanding that if the work is not done they shall receive not to exceed 4 per cent of the amount of the lowest bid received for doing the work. Said 4 per cent to be in full payment for their professional services and all other charges.

Voted: That the advisory board is requested to report upon the feasibility of investigating the farmers' cost of growing sugar beets.

Voted: That the report of the advisory board upon the petition of Smith & Wesson (application No. 194) for relief under the provisions of section 316 of the tariff act of 1922 be referred to the committee on procedure for consideration and report.

Voted: That the President be advised that the survey on lemons, citrate of lime, and citric acid discloses, in the judgment of the commission, the advisability of instituting investigation under section 315 of Title III of the tariff act of 1922.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan, and Glassie.

Against the adoption of the motion: Messrs. Marvin and Burgess.

Mr. Marvin stated in connection with his vote on this motion that he voted in the negative because of strong objection to the form of the motion. In his opinion it is not in accord with the agreement reached at the conference with the President, nor with the purpose and intent of section 315. He also stated that he favors sending surveys to the President for his consideration on dutiable articles the product of the United States whenever the facts and information are reasonably complete in order that the President may consider applying the powers and authority conferred upon him by section 315 of the tariff act of 1922.

Voted: That the secretary is authorized to transfer Mrs. B. C. Woodford, now assigned to duty in the New York office, to the offices of the commission in Washington, with official station in Washington.

Voted: That the secretary is authorized to transfer Miss Edna V. Naughton, now stationed in the offices of the commission in Washington, to the New York office of the commission, with official station in New York.

Approved, June 15, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JUNE 14, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the commission's memoranda to the President relating to discriminations now being practiced against the commerce of the United States by France, Finland, the Federated Malay States, and Nigeria be transmitted to the President in accordance with the provisions of section 317 of Title III of the tariff act of 1922.

Voted: That all matters and proceedings in reference to the reports submitted to the President on lemons, citrate of lime, and citric acid, and on hosiery, including the fact that the commission has acted thereon, shall be treated as confidential until otherwise ordered by the commission.

Voted: That the preliminary report or survey in respect of hosiery be transmitted to the President with a statement to the following effect:

Upon an application filed by the National Association of Hosiery and Underwear Manufacturers asking for investigation into the infants' cotton hosiery situation, with a view to the increase of the tariff duty on that commodity, the Tariff Commission on March 27, 1923, instituted a formal investigation under section 315 of the tariff act of 1922 into the differences in costs of production of cotton hosiery for infants.

The progress of that investigation disclosed that there were technical and administrative difficulties in conducting economically, efficiently, and with satisfactory results a cost investigation confined to infants' cotton hosiery. Thereupon the commission on May 5, 1923, voted to extend the investigation to include infants' and children's hosiery of whatsoever textile materials made, in the belief that the limits thus defined were coextensive with an existing classification in the industry. Upon further investigation this turned out not to be the case. The technical and administrative reasons against confining the investigation to infants' cotton hosiery (which are fully set forth in the accompanying memorandum) indicate that it is advisable to extend the investigation to include all hosiery of whatsoever textile material made, regardless of its being designed for any particular age or sex.

The question has been raised, however, whether an extension of an application for infants' cotton hosiery to include all hosiery does not call for consultation with the President under the statement of April 20, 1923 (a copy of which is annexed), as one involving, in the absence of an application, a general investigation into an entire industry to be instituted only after conference with the President.

While in the opinion of the commission the reasons set out in the accompanying memorandum disclose, under the circumstances stated above, the advisability of an investigation of the hosiery industry as a whole under section 315. It submits the question to the President for his consideration and advice.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan, Burgess, Glassie.

Against the adoption of the motion: Mr. Marvin.

In explaining his vote in the negative Mr. Marvin stated that he was in favor of submitting surveys to the President when the facts warranted such a course, and that his vote was not against submitting the hosiery survey to the President, but was against the form in which the motion was phrased. He stated that in his opinion the motion to submit the case to the President should be free from any semblance of prejudgment of the action to be taken, as the law confers upon the President, not the Tariff Commission, the power to act; and also because the agreement reached at the conference with the President contemplated a review by the President of the survey before action is taken.

Approved, June 15, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JUNE 15, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held June 12, 13, and 14, 1923, were read and approved.

Voted: That the secretary is authorized to negotiate with Mr. Stephen E. Smith for his services temporarily as special expert on the staff of the commission, with compensation at a rate not to exceed \$3,000 per annum.

Voted: That in view of the action of the commission of June 12, 1923, in creating a committee to prepare and submit a plan of methods to be adopted in relation to publicity concerning the work of the commission, the committee designated for like purposes on October 17, 1922, is relieved of further service and is accordingly discharged.

Voted: That Dr. Thomas Walker Page be requested to read critically the Tariff Information survey on woven fabrics of flax, hemp, or ramie, and that Doctor Page for his services in so doing be paid at the rate of \$20 per day.

Voted: That upon consideration of the complaint of Smith & Wesson (Inc.) an investigation into the violation of the provisions of section 316 of Title III of the tariff act of 1922, as alleged in said complaint, is hereby instituted;

Voted further: That notice shall be given to the manufacturers named in said complaint and to all other persons concerned as owners, importers, consignees, agents, or otherwise in the alleged violation of said section that they will be afforded an opportunity to answer the complaint on or before the 1st day of October, 1923, and to show cause why the provisions of the law shall not be applied to said alleged violations;

Voted further: That notice be given by publishing a copy of the order to be prepared to carry out this resolution by publish-

ing the same once each week for two successive weeks prior to October 1, 1923, in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, and that a copy of said order be mailed to the parties complained of in the complaint of Smith & Wesson (Inc.):

Voted further: That the Committee on Procedure of the Tariff Commission be requested to prepare an order to properly carry into effect the purpose of this action;

Voted further: That the communication prepared for submission to the President suggesting the exercising of the powers vested in him by subsection (f) of section 316 of Title III of the Tariff Act of 1922, authorizing a refusal of entry into the United States, be transmitted to him.

NOTE.—The order prepared in accordance with the foregoing vote of the commission is as follows:

UNITED STATES TARIFF COMMISSION,  
*Washington.*

In re: Investigation of alleged unfair methods of competition and unfair acts in the importation and sale of revolvers simulating revolvers of the manufacture of Smith & Wesson (Inc.).

Section 316, Docket No. 1.

Upon consideration of the complaint under oath filed on the 28th day of May, 1923, by Smith & Wesson (Inc.), it is this 15th day of June, 1923, ordered:

1. That an investigation pursuant to section 316 of the tariff act of 1922 be, and the same is hereby, instituted into the alleged unfair methods of competition and unfair acts in the importation and sale of revolvers simulating revolvers of the manufacture of the complainant, Smith & Wesson (Inc.), in violation of said section.

2. That notice be, and the same is hereby, given to the parties alleged in said complaint to be the manufacturers of the articles aforesaid, namely, Orbea Hermanos, Garate Antua y Cia., Beisteguis Hermanos, Guisasola, Trocaola Aranzabal y Cia., and Sociedad Alfa, all of Elbar, Spain, and all other persons, firms, and corporations concerned as owners, importers, consignees, agents, or otherwise in the alleged unfair methods of competition and unfair acts in the importation and sale of said articles, that they, and each of them, will be afforded an opportunity to answer said complaint on or before the 1st day of October, 1923, and show cause, if any they have, why the provisions of section 316 of the tariff act of 1922 shall not be applied in respect of said alleged unfair methods of competition and unfair acts in the importation and sale of the articles complained of.

3. That public notice of said investigation shall be given by publishing a copy of this order once a week for two successive weeks the latest of said publication to be made at least 30 days before said 1st day of October, 1923, in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.; also by posting a copy of this order for 60 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

4. That notice of said investigation shall also be given by mailing, registered, postage prepaid, a copy of this order certified by the secretary of the commission under its seal to each of the persons, firms, or corporations hereinbefore specifically named at their respective addresses as given in said complaint.

Approved, June 26, 1923.

Attest.

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

JUNE 20, 1923.

Present: William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, and Henry H. Glassie.

Mr. Lewis moved that the commission proceed to consider at once the question of the employment of Mr. George R. Day.

Mr. Glassie made the point of order that this motion was out of order inasmuch as this meeting was called for the sole purpose of considering such administrative business as might be presented by the secretary.

The Chair (Mr. Culbertson presiding) ruled that the appointment of an individual on the staff of the commission is administrative business, and that when the commission is once assembled it is in session for the consideration of any business that may be laid before it.

Mr. Glassie made the following statement:

My point of order is that this business is not in order for the reason that this meeting was directed by the chairman with the common consent of the commissioners upon my suggestion, for dealing with purely routine matters, and that the question of the appointment of a person to an office not yet decided upon in the plan of investigation is not a routine matter. I therefore appeal from the ruling of the Chair.

On the question of sustaining the ruling of the Chair the votes of the commissioners were as follows:

**In favor of sustaining the ruling of the Chair: Messrs. Culbertson, Lewis, and Costigan.**

**Against sustaining the ruling of the Chair: Messrs. Burgess and Glassie.**

The question then being upon Mr. Lewis's motion as submitted, the votes of the commissioners were as follows:

**In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.**

**Against the adoption of the motion: Messrs. Burgess and Glassie.**

Mr. Lewis moved that Mr. George R. Day be employed for approximately three months as special expert on the staff of the commission, with compensation at the rate of \$450 per month.

Mr. Glassie moved as a substitute for Mr. Lewis's motion—

That the plan of the sugar investigation submitted to the commission in writing by the chief of the sugar division and approved by the chief investigator be adopted by the commission.

The chair ruled that this motion was not in order as a substitute for the motion submitted by Mr. Lewis. On an appeal taken by Mr. Glassie from the ruling of the Chair the votes of the commissioners were as follows:

**In favor of sustaining the ruling: Messrs. Culbertson, Lewis, Costigan.**

**Against sustaining the ruling: Messrs. Burgess, Glassie.**

The question then being upon the motion of Mr. Lewis as submitted, the votes of the commissioners were as follows:

**In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.**

**Against the adoption of the motion: Messrs. Burgess and Glassie.**

In connection with this vote Mr. Glassie made the following statement:

In voting against this resolution I do not intimate anything personally derogatory to Mr. Day; but the suggestion of the employment of Mr. Day came from the head of the sugar division with the approval of the chief investigator with a similar recommendation from the same section chief and the same chief investigator that two men believed to be experts in the cane-sugar industry should be sent for with a view to being looked over with a view to their employment in the sugar investigation in accordance with the written plan submitted to the commission.

By vote of three to three the recommendation of the sugar chief and the chief investigator was turned down as to the two men in the cane-sugar industry, and no ground was assigned except by one commissioner, who stated a broad, sweeping generalization that in his judgment nobody in the State of Louisiana by reason of the prepossession of the people of that section was competent and trustworthy in a fact-finding investigation concerning sugar. At that time there was no evidence before the commission that Mr. Morse was in the employ of anybody connected with the sugar industry. There was evidence that he had been superintendent of factories in Cuba and was a practicing sugar chemist in New Orleans.

Now, it is proposed to employ Mr. Day, although the commission knows that for a number of years he was an accountant employed in the auditing of the books of the Great Western Sugar Refining Co. and that he got his professional start in life in the service of that company. There is upon the files of this commission a communication from the Mountain States Beet Growers' Association in which, referring to the record in the Sugar Trust case (*United States v. American Sugar Refining Co.*), this statement is made an example of the sugar trust's auditing methods as found in that record (vol. 4, p. 1984):

Here will be found a sworn copy of a letter describing confidentially how the profits of the Great Western Sugar Co. are hidden in that company's annual reports. The letter is by President Morey of the Great Western to President W. B. Thomas, of the American Sugar Refining Co., which owns the Great Western, or did at that time.

Voted: That Mr. A. Manual Fox is authorized to travel to Hawaii and return for the purpose of assisting in the investigation of the cost of production of sugar in that Territory.

Voted: That Mr. Arthur Connors is authorized to travel to Hawaii and return for the purpose of assisting in the investigation of the cost of production of sugar in that Territory.

Mr. Costigan moved that compensation of agents of the commission while on official business in Germany be increased at the rate of \$720 per annum while in that country.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Mr. Costigan.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Burgess, Glassie.

Voted: That the compensation of employees of the commission sent on official duty to Europe and to Hawaii, until otherwise directed by vote of the commission, shall be increased, respectively, at the rate of \$1,440 per annum during their service actually in Europe or in Hawaii.

On this motion Mr. Costigan voted in the negative, in so far as the authorization related to service in Germany.

Voted: That the secretary is authorized to have plans prepared for a ventilating system for the hearing room, with the understanding that the work of installation shall not exceed \$2,500.

Voted: That the secretary is authorized to arrange for the transfer through civil service of Mr. F. M. Miller from the Department of

Agriculture to the Tariff Commission, with salary at the rate he is now receiving.

Voted: That Mr. G. W. Hafner be requested to come to the offices of the tariff commission for an interview as to his availability for service with the commission, and that his actual and necessary expenses incident to the trip to Washington and return be paid from funds available for the expenses of the commission.

Voted: That Mr. Elmer Wood be requested to come to the offices of the Tariff Commission for an interview as to his availability for service with the commission, and that his actual and necessary expenses incident to the trip to Washington and return be paid from funds available for the expenses of the commission.

Voted: That Mr. Paul Hermes and an accountant, to be designated, are authorized to travel to Great Britain and continental Europe and return in connection with the pending investigations of the costs of production of Swiss pattern files, taximeters, and print rollers, respectively.

Voted: That the advisory board is requested to submit a report with recommendations as to work which may be performed by Mr. Paul Hermes while in Europe in addition to his work in connection with the investigations of the costs of production of Swiss pattern files, taximeters, and print rollers.

Voted: That Mr. Dexter North be designated to take charge temporarily of the work in the chemical division during the absence of Mr. De Long and Mr. Watson.

Mr. Glassie moved that the written plan for the sugar investigation submitted by the chief of the sugar division and approved by the chief investigator be adopted by the commission. Action was deferred until a later meeting.

Approved, June 26, 1925.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

JUNE 21, 1923.

Present: William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 15 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

COTTON HOSIERY

The United States Tariff Commission, on this 21st day of June, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922, and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders that the investigation ordered on March 27, 1923, and numbered 15, of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, infants' cotton hosiery, described in paragraph 916 of Title I of said tariff act, be, and hereby is, extended to include all cotton hosiery described in said paragraph, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.



Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the secretary is authorized to negotiate for the services of Mr. Fritz Ahlfeld temporarily as special expert on the staff of the commission in connection with the investigation of costs of production in the cotton hosiery industry, with compensation at the rate of \$4,500 per annum.

On this resolution Mr. Glassie voted in the negative and made the following statement:

I vote against the employment of Mr. Ahlfeld, who appears now to be employed by a silk-hosiery company, and also to be in the employ of a hosiery-machinery manufacturing company. The commission has committed itself to the proposition that the investigation of cotton hosiery logically involves an investigation of wool and silk hosiery. It seems to me that the selection of this man immediately identified with this industry is not in accordance with the equitable application of the principle or suggestion which has been invoked to prevent even an inspection of persons recommended for the sugar industry, because of an assumed connection, past or present, with the sugar industry.

Mr. Lewis made the following statement:

Commissioner Lewis on his part makes no statement, because he thinks statements thus made in the minutes are not in order; but he does dissent from the implications of the several statements made by Mr. Glassie on this subject.

Voted: That Doctor Bernhardt be requested to present in statement form a distinct outline of the propositions contained in the chart heretofore submitted by him of the proposed plan for the conduct of the investigation of costs of production of sugar under the resolution of the commission adopted March 27, 1923.

The commission resumed but did not conclude consideration of Mr. Glassie's motion submitted on June 20, 1923, for the adoption of the proposed plan of the sugar investigation.

Voted: That in the absence of the chairman the secretary shall send mail addressed to the chairman to the office of the chairman, whose secretary shall thereupon select such mail as she may deem to be personal, and the balance shall then be delivered to the acting chairman.

Voted: That the secretary is authorized to invite proposals for reporting in shorthand and furnishing transcripts of copies of the proceedings of the Tariff Commission at public hearings and at such other times as may be required.

Approved, June 26, 1923.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

JUNE 26, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held June 15, 20, and 21, 1923, were read and approved.

Voted: That the Secretary of the Treasury be advised that complaint has been filed with the Tariff Commission by the Smith & Wesson Co. (Inc.), alleging violation of the provisions of section 316 of the tariff act of 1922 in the importation and sale of revolvers manufactured at Iibar, Spain, by Orbea Hermanos, Garate Anitua y Cia, Beisteguis Hermanos, Guisasola, Trocaola Aranzabal y Cia, and Sociedad Alfa, designed to simulate the revolvers of complainants' manufacture; and that upon this complaint the commission has instituted an investigation into the subject; and that the Secretary of the Treasury be requested to keep the Tariff Commission informed with respect to all importations of revolvers answering the description above.

Voted: That a public hearing in the investigation heretofore ordered in respect of casein be set for August 13, 1923, at the office of the United States Tariff Commission in the city of Washington; and that public notice of such hearing be given by posting notice for 30 days prior to the date fixed for such hearing, and by publishing notice thereof once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce.

Voted further: That public notice in said case be prepared and published forthwith.

Mr. Culbertson gave notice that he would request action by the commission on the Canadian log case at the meeting on Friday, June 29, 1923.

Mr. Glassie gave notice that he would request action by the commission on the plan for the sugar investigation at the meeting on Friday, June 29, 1923.

Voted: That Mr. Thomas P. Hayden is authorized to travel to Philadelphia, Pa., Jersey City, N. J., New York City, N. Y., and points in the vicinity of those places to assist in the work incident to the investigation of the cost of production of cotton hosiery.

Voted: That Mr. J. M. Albertson and Mr. Joseph P. Gregory are authorized to travel to Pittsburgh, Pa., Toledo, Ohio, Detroit, Mich., and return, on business connected with the pending investigation of costs of production in the plate-glass industry.

Voted: That Mr. Stephen E. Smith and Mr. John A. Egan are authorized to travel to Philadelphia, Pa., Jersey City, N. J., New York City, and points in the vicinity of those places to assist in the work incident to the investigation of the cost of production of cotton hosiery.

Voted: That Mr. W. S. Lewis is authorized to travel to New York City and return to assist in the work incident to the investigation of the cost of production of cotton hosiery.

Approved, June 29, 1923.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

JUNE 27, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the secretary is authorized to arrange for the employment by military reinstatement through civil-service channels of Mr. Earlbert E. Barnes as clerk in the office of the Tariff Commission with salary at the rate of \$1,400 per annum.

Voted: That the secretary is authorized to negotiate with Mr. Edward I. Mullens for his services as special expert on the staff of the Tariff Commission with salary at a rate not to exceed \$1,800 per annum.

Voted: That the secretary is authorized to negotiate with Mr. Orval R. Davis for his services as special expert on the staff of the Tariff Commission with salary at a rate not to exceed \$1,800 per annum.

Mr. Costigan and Mr. Glassie entered the meeting during the consideration of the preceding vote.

Mr. Costigan did not vote on this motion.

Voted: That Mr. Glassie, Mr. Burgess, and the secretary are appointed a special committee to consider and report, with recommendations, at the earliest practicable date, on the bids received for repairing and remodeling the hearing room of the commission; and that this committee shall supervise on behalf of the commission the execution of any work that may be contracted for.

Voted: That Mr. C. H. Strand be requested to come to the offices of the commission for conference in regard to his availability for service with the commission and that the actual necessary expenses incident to his trip to Washington and return be paid from any funds available for the expenses of the commission.

Voted: That Commissioners Lewis and Glassie are appointed a committee to consider what action shall be taken upon the refusal by Mr. P. K. Wilson, 130 Fifth Avenue, New York City, and by Mr. J. K. Stiefel, 136 Fifth Avenue, New York City, to comply with requests of the commission through its authorized agents for information required in the investigation of the lace industry, under the general powers of the commission; and to consider also refusal of the Director of the Census to permit the commission to obtain from their files in the Census Office names and addresses of manufacturers of certain commodities.

Voted: That public notice of the hearing set for August 13, 1923, in the investigation heretofore ordered in respect to casein be issued as follows:

INVESTIGATION NO. 4 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

#### CASEIN

Notice is hereby given pursuant to section 315 of the tariff act of 1922, that a public hearing in the foregoing investigation will be held at the office of the United States Tariff Commission in Washington, D. C., at 10 o'clock a. m. on the 13th day of August, 1923, at which all parties interested will be given an opportunity to be present, to produce evidence, and to be heard with regard to the differences in cost of production and of all other facts and conditions

enumerated in section 315 of the tariff act of 1922 with respect to the following article described in paragraph 19 of Title I of said tariff act, namely:

Caseln, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

This notice shall be published for 30 days prior to said 13th day of August, 1923, by posting a copy thereof at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy thereof once each week for two successive weeks in Treasury Decisions and in Commerce Reports.

By the United States Tariff Commission.

-----, *Secretary.*

Voted further: That the seal of the commission be affixed to the original of said notice.

Approved, July 3, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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JUNE 29, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on June 26, 1923, were read and approved.

Voted: That the salary of Mr. D. W. Clayton, clerk to Commissioner Lewis, be increased from \$1,800 per annum to \$2,000 per annum, effective July 1, 1923, upon the recommendation of Commissioner Lewis.

Voted: That the report entitled "Broad-Silk Manufacture and the Tariff" be printed as a commission report in the Tariff Information Series.

Voted: That the secretary is authorized to accept on behalf of the Tariff Commission the proposal of the Schneider-Spliedt Co. as submitted June 26, 1923, for remodeling the hearing room of the Tariff Commission, and that the secretary is authorized to enter into a contract on behalf of the commission with the Schneider-Spliedt Co. in the sum of \$10,446.

Voted: That the secretary is authorized to accept on behalf of the commission the proposal of Woodward & Lothrop in the sum of \$1,350 for furnishing and hanging draperies as specified for the hearing room of the commission.

Voted: That the secretary is authorized to negotiate with Mr. W. J. Dedicott for his services on the staff of the Tariff Commission with compensation at a rate not to exceed \$1,800 per annum.

Voted: That Mr. Adolphe Rafter be requested to come to the offices of the commission for an interview with regard to his availability for service on the staff of the commission, and that the actual and necessary expenses incident to his trip be paid by the commission.

Voted: That Mr. George W. Drucker be requested to come to the offices of the commission for an interview with regard to his availability for service on the staff of the commission, and that the actual and necessary expenses incident to his trip be paid by the commission.

Voted: That Mr. Cornelius Harrigan be requested to come to the offices of the commission for an interview with regard to his availability for service on the staff of the commission, and that the actual

and necessary expenses incident to the trip be paid by the commission.

Voted: That Mr. Fred. N. Caldwell be requested to come to the offices of the commission for an interview with regard to this availability for service on the staff of the commission, and that the actual and necessary expenses incident to the trip be paid by the commission.

Voted: That Mr. F. M. Leonard, Mr. J. J. Hannon, and Mr. J. D. De Shay are authorized to travel to Roanoke, Va., Birmingham, Ala., and places in the vicinity of those two cities and return on official business in connection with the pending investigation of costs of production of pig iron.

Approved, July 3, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JULY 2, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the secretary is authorized to negotiate with Mr. Adolphe Rafter for his services temporarily as special expert on the staff of the commission, with salary at a rate not to exceed \$3,000 per annum.

Voted: That the secretary is authorized to negotiate with Mr. G. W. Hafner for his services temporarily as special expert on the staff of the commission, with compensation at a rate not to exceed \$15 per day while actually employed.

Voted: That an investigation under the provisions of section 315 of Title III of the tariff act of 1922 of the costs of production of and of all other facts and conditions enumerated in said section with respect to logs of fir, spruce, cedar, or western hemlock, as described in paragraph 401 of Title I of said tariff act, be, and the same is hereby ordered, and that notice thereof be published in the form prescribed by the rules of the commission.

Voted further: That in said investigation a preliminary hearing with respect to the power to investigate the duty imposed by said paragraph 401, with a view to changing by proclamation of the President the rate therein fixed, be set for the 3d day of August, 1923; and

Voted further: That notice of said preliminary hearing be incorporated in the public order instituting the said investigation.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Culbertson, Lewis, Costigan, Burgess, Glassie.

Against the adoption of the resolution: Mr. Marvin.

Mr. Marvin stated that he voted against this motion because, in his opinion, it contravenes proper coordination of the functions of separate departments of the Government, as the duty now imposed is effective because of a decision of the Treasury Department in accordance with the provisions of the law. He explained that in his judgment the duty on logs is a punitive duty and not a duty designed to regulate competitive conditions. In view of this fact he believed

that this point should be definitely determined by the commission before an investigation under section 315 should be ordered.

Voted: That a committee consisting of Messrs. Culbertson, Burgess, and Glassie be, and hereby is, appointed to prepare that portion of the order providing for the preliminary hearing set as aforesaid for the 3d day of August, 1923.

The form of the order as approved and issued is as follows:

INVESTIGATION No. 27 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

LOGS OF FIR, SPRUCE, CEDAR, OR WESTERN HEMLOCK

The United States Tariff Commission, on this 2d day of July, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of and of all other facts and conditions enumerated in said section with respect to the articles described in paragraph 401 of Title I of said tariff act, namely:

Logs of fir, spruce, cedar, or western hemlock being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered, that a preliminary public hearing be held at the office of the United States Tariff Commission, Washington, D. C., at 10 o'clock a. m. on the 3d day of August, 1923, with respect to the industrial effects of the duty imposed on logs of fir, spruce, cedar, or western hemlock by said paragraph 401, Title I, of the tariff act of 1922; the relation between the raw materials subject to said duty and the finished or partly finished products derived therefrom; any other advantages or disadvantages with respect to competition in said articles; and the question whether the rate of duty imposed by said paragraph 401 is subject to increase or decrease by proclamation of the President under section 315, Title III, of the tariff act of 1922.

Ordered further, that before the commission makes any finding in such investigation with respect to such differences in cost of production all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Approved, July 6, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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JULY 3, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, and Henry M. Glassie.

The minutes of the meetings of the commission of June 27 and 29, 1923, were read and approved.

Voted: That Mr. Marvin, Mr. Culbertson, and Mr. Glassie are appointed a committee to consider the subject of the administrative handling of official papers of the commission.

Mr. Glassie moved that the plan of investigation set forth in the diagram prepared by Doctor Bernhardt and recommended by him and Mr. Comer be adopted by the commission as its general plan for the conduct of the investigation into the differences in cost of production of sugar.

Mr. Costigan moved as a substitute that the commission proceed to consider in detail the plan of investigation submitted in statement form by Mr. Comer.

On the adoption of this substitute the votes of the commissioners were as follows:

In favor of the adoption of the substitute: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the substitute: Messrs. Marvin, Burgess, Glassie.

Mr. Glassie moved that the following words be added in the diagram under the names of Taggart and Morse:

Townsend or other equally qualified experts in the sugar industry, to be selected by the commission.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Mr. Lewis.

Mr. Culbertson and Mr. Costigan did not vote.

On the motion submitted by Mr. Glassie and thus amended the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Voted: That Mr. M. Jacobson be requested to come to the offices of the commission for a conference in regard to his availability for service with the commission in connection with the investigation of the cost of production of sugar.

Voted: That Mr. Ray S. McKnight is authorized to travel to Great Britain and continental Europe, and return, in connection with the pending investigation of the costs of production of Swiss pattern files, taximeters, and print rollers, respectively.

Voted: That Mr. Lewis Goldstein is authorized to travel to New York City, and return, in connection with the investigation of the glass industry.

Approved, July 6, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JULY 6, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on July 2 and 3, 1923, were read and approved.

Voted: That the annual salaries of the employees of the commission listed below be, and the same are, increased as indicated opposite their respective names, to take effect as of July 1, 1923:

Mr. John L. Bray from \$3,400 to \$3,780.  
 Mr. F. Morton Leonard from \$3,500 to \$3,780.  
 Mr. John B. Bennett from \$2,200 to \$2,500.  
 Mr. Percy W. Bidwell from \$3,780 to \$4,200.  
 Mr. Daniel W. Alexander from \$2,250 to \$3,000.  
 Mr. George Byers from \$2,500 to \$3,000.  
 Miss Stella Stewart from \$2,500 to \$3,000.

Voted: That Mr. Henry J. Bierman and Mr. Earlbert E. Barnes are authorized to travel to Hanover, York, Philadelphia, and Pittsburgh, Pa.; Trenton and New Brunswick, N. J.; New York City and vicinity, Hudson Falls, Buffalo, and Niagara Falls, N. Y.; Dayton, Ohio; Chicago and Joliet, Ill.; and return, on business in connection with the pending investigations of the cost of production of print rollers and taximeters.

Voted: That Mr. William J. Dedicott is authorized to travel to Philadelphia, Pa., and return, on business in connection with the pending investigation of the cost of production of cotton hosiery.

Voted: That Mr. Paul M. Tyler and Mr. Roy R. Merrill are authorized to travel to Philadelphia, Harrisburg, South Bethlehem, and Pittsburgh, Pa.; New York City and Buffalo, N. Y.; Cleveland and Youngstown, Ohio; and Chicago, Ill., and other places in the vicinity of those cities, and return, on business in connection with the pending investigation of the cost of production of pig iron.

Voted: That Mr. William I. Streett is authorized to travel to Birmingham, Ala., and other places in conjunction with Mr. F. M. Leonard, and return, on business in connection with the pending investigation of the cost of production of pig iron.

Voted: That the secretary is authorized to negotiate with Mr. Harry H. Newton for his services as special expert on the staff of the commission with salary at a rate not to exceed \$3,000 per annum.

Voted: That the secretary is authorized to negotiate with Mr. Arthur C. Gunther for his employment by the Tariff Commission through military reinstatement under civil-service regulations as clerk, with salary at a rate not to exceed \$1,600 per annum, subject temporarily to such restriction as may be imposed by law in connection with his last prior employment in the Government service.

Approved, July 10, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

July 10, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on July 6, 1923, were read and approved.

Voted: That a stated meeting of the commission shall be held at 10.30 o'clock a. m. on Thursday of each week for the consideration of administrative business to be brought to the attention of the commission by the secretary. For this purpose no other business



shall be transacted at said meeting except by special order of the commission.

Voted: That a committee consisting of the chairman, the secretary, and the chief investigator is appointed to consider and report to the commission in regard to any readjustment which may be proper of the salaries of employees of the commission.

Voted: That Dr. Frank Rutter and Dr. C. O. Townsend be employed as special experts on the staff of the commission in connection with the pending investigation of the cost of production of sugar, it being understood that the employment of either is to be contingent upon the availability of both; the salary of Doctor Rutter to be at the rate of \$450 per month and of Doctor Townsend to be at the rate he is now receiving from the Department of Agriculture.

In connection with this vote Mr. Glassie made the following statement:

I vote for the employment of Doctor Rutter and Doctor Townsend believing that they will be helpful in the work of the commission; but I do not by any means understand that it is suggested that Doctor Rutter is selected because he fulfills the requirements set out in the program submitted and recommended for the sugar investigation by the chief of the sugar section and the chief investigator.

Voted: That Mr. Frederick Achenbach, chief investigator in Central Europe for the commission, be and hereby is, authorized, under the direction of the secretary, to make the following expenditures from funds available for salaries and expenses of the Tariff Commission:

First: To secure office room at a rental not to exceed \$15 per month.

Second: To employ a clerk-stenographer at a rate of compensation not to exceed \$900 per year.

Third: To purchase desks, chairs, and other office equipment and stationery and other necessary office supplies at a total cost not to exceed \$200 during the fiscal year 1924.

Fourth: To subscribe for necessary trade papers and to purchase reference books essential to the commission's work for use in the Central European office of the commission in a total amount not to exceed \$150 during the fiscal year 1924.

Voted: That Mr. Frederick Achenbach, chief investigator in Central Europe for the commission, shall be allowed \$4 per diem in lieu of subsistence expenses when absent on official business for the Tariff Commission from the city of Berlin, Germany, his official station.

Approved, July 13, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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JULY 12, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess.

Voted: That Mr. C. H. Penning and Mr. Mervyn Braun are authorized to travel to New York City, Rensselaer, and Solvay, N. Y., and return, in connection with the pending investigations of

the cost of production, respectively, of barium peroxide, barbital and sodium nitrite.

Voted: That Mr. C. H. Penning and Mr. Mervyn Braun are authorized to travel to Spanish Town, Jamaica, Grand Riviere, Haiti, and Monte Cristi, San Domingo, and return, on business in connection with the pending investigation of the cost of production of logwood extract.

Voted: That upon consideration of proposals received from five firms of shorthand reporters for reporting and furnishing transcripts of hearings to be held by the Tariff Commission the proposal of Smith & Hulse, of Washington, D. C., the lowest bidder, be accepted, and that the secretary is authorized to enter into agreement with Smith & Hulse to that effect.

Voted: That Commissioner Lewis is authorized to travel to Niagara Falls, N. Y., and return, on business in connection with the pending investigation of the cost of production of magnesium.

Voted: That the secretary is authorized to travel to New York City and return on administrative business in connection with the commission's office at the port of New York.

Voted: That Commissioner Culbertson is authorized to travel to Schenectady, N. Y., and return, on administrative business of the commission in connection with investigations of the electrical industry.

Voted: That the secretary is authorized to arrange for the employment by transfer, through civil-service channels, of Mrs. G. R. Van Casteel at the rate of compensation received by her at the time of such transfer.

Voted: That the secretary is authorized to negotiate with Mr. W. O. Jones for his services as special expert accountant on the staff of the commission with compensation at a rate not to exceed \$2,000 per annum.

Voted: That the secretary is authorized to negotiate with Mr. Frank G. Read for his services as special expert accountant on the staff of the commission with compensation at a rate not to exceed \$2,500 per annum.

Voted: That the secretary is authorized to negotiate with Mr. G. L. Barry for his services as special expert accountant on the staff of the commission with compensation at a rate not to exceed \$1,600 per annum.

Approved, July 13, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JULY 13, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie. The minutes of the meetings of the commission held on July 10 and 12, 1923, were read and approved.

Voted: That Mr. C. H. Penning and Mr. Mervyn Braun be authorized to travel to Niagara Falls, N. Y., in connection with their trip authorized under date of July 12, 1923, in order that they may

obtain additional information from the Oldbury Chemical Co. at that point.

Voted: That Mr. George R. Day is authorized to travel to Denver, Colo., and return and to such additional points as may be necessary in Colorado, Utah, Idaho, California, Minnesota, Wisconsin, and Michigan, in connection with the pending investigation of the cost of production of sugar.

Voted: That Mr. Benjamin B. Wallace be granted leave without pay for such time as may be necessary in addition to annual leave with pay to enable him to attend the Williamstown Institute of Politics from July 26 to August 25, 1923, at Williamstown, Mass.

Approved, July 20, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JULY 17, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Commissioner Costigan moved that Chairman Marvin be designated as the commissioner in charge of the public hearing on paint-brush handles to be held at the principal office of the commission in the city of Washington, on July 17, 1923, and that he is hereby authorized to cause oaths and affirmations to be administered, witnesses to be examined, testimony to be taken, and evidence to be received at such hearing.

The votes of the commissioners on this motion were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Commissioner Costigan moved that in the public hearing on paint-brush handles the chairman is hereby instructed not to permit the commission's records or the results secured by the commission in the paint-brush handles investigation to be offered in evidence and to decline to allow special experts of the commission to testify concerning the information obtained by the commission in such investigation.

The votes of the commissioners on this motion were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Commissioner Glassie moved that before the testimony is closed in the hearing in connection with the investigation in regard to paint-brush handles a summary abstract of the results of the cost of production inquiry conducted in the course of the investigation, arranged, separated, and allocated in the manner indicated in the cost schedule used in the investigation, shall be furnished to the parties interested present at and participating in the hearing.

The votes of the commissioners on this motion were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

In connection with this vote Mr. Costigan made the following statement:

I vote against this motion on the ground that, if adopted, it would tend to hamper the commission in the performance of its duties under section 315 of Title III of the tariff act of 1922.

In connection with this vote Mr. Culbertson made the following statement:

In my judgment the time to submit such a summary is at the time the final record in the case is made up, but previous to final argument.

Approved, July 20, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JULY 19, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

A proposed schedule for obtaining mill costs of production of crude linseed oil was submitted by the committee on cost schedules for approval subject to modification after test in the field.

Mr. Glassie moved as a substitute:

Voted: That the chief investigator be instructed to put this schedule into shape for submission to the industry in the usual way, and when that is done to lay it before the advisory board and then report it to the commission for action.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Lewis.

Mr. Costigan was not present when this vote was taken.

Voted: That upon recommendation of the committee on repairing and remodeling the hearing room the detailed plans therefor be changed, in accordance with the terms of the contract, so as to provide for the erection of the rostrum on the south side of the room.

Mr. Costigan entered the meeting at this time.

Voted: That the services of Dr. Thomas Walker Page be engaged to confer with Doctor Mixer in regard to the import statistics of the commission, and that for his services in this connection he be paid at a rate not to exceed \$20 per day while actually employed.

Voted: That the services of Dr. Thomas Walker Page be engaged in connection with the preparation for publication of the report of the commission upon "Broad Silk Manufacture and the Tariff," and that for his services in this connection he be paid at a rate not to exceed \$20 per day while actually employed.

Voted: That the secretary is authorized to make such arrangements as may be practicable for reassignment of office space to provide accommodations for the sugar section.

Voted: That Mr. Burgess and Mr. Glassie are appointed a committee to consider what action shall be taken upon the communi-

cation of Sherman & Sons Co. in regard to duties imposed by the tariff act of 1922 upon roll covers and bolster covers.

Voted: That Commissioners Culbertson, Lewis, and Glassie are appointed a committee to consider the advisability and feasibility of dividing the agricultural section of the commission's staff into two or more separate sections.

Voted: That the salary of Mr. Louis B. Zapoleon is increased from \$3,500 to \$4,000 per annum, effective July 16, 1923.

Voted: That the salary of Dr. H. G. A. Brauer is increased from \$3,500 to \$3,780 per annum, effective July 16, 1923.

Voted: That a meeting of the commission shall be held on Monday, July 23, 1923, at 10.30 o'clock a. m., for the purpose of considering a revision of the rules of procedure of the commission.

Voted: That the secretary is authorized to make such arrangement as he may find to be desirable for the erection of partitions in the main staff room.

Mr. Culbertson gave notice that at the meeting on July 20, 1923, he would submit a motion to fix a date for the hearing in the sugar investigation.

Mr. Costigan gave notice that at the meeting on July 20, 1923, he would submit a motion to order a public hearing in the pending investigation of the cost of production of sodium nitrite.

Voted: That Mr. Harry H. Newton, Mr. Arthur C. Gunther, Mr. G. L. Barry, and Mr. C. A. Bryan are authorized to travel under the direction of Mr. George R. Day to such places as may be necessary in Colorado, Utah, Idaho, California, Minnesota, Wisconsin, and Michigan, and return, on business in connection with the pending investigation of the cost of production of sugar.

Voted: That Mr. Chas. F. Yauch is authorized to travel to New York City and return on business in connection with the pending investigation of the cost of production of smokers' articles.

Voted: That Commissioners Lewis and Glassie are appointed a committee to instruct the chief investigator to proceed with the preparation of a summary of the results of the investigation conducted by the commission of the cost of production of paint-brush handles, and to see that such report is completed before September 6, 1923, the date to which the hearing in that investigation has been adjourned.

Approved, July 20, 1923.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

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JULY 20, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on July 13, 17, and 19, 1923, were read and approved.

The commission proceeded to consider the draft of proposed regulations for the commission's procedure in respect of applications under those provisions of the tariff act of 1922 authorizing modification of the rates under certain conditions.

Upon a motion by Mr. Costigan, the following substitute was adopted for section 8:

8. The advisory board shall consist of the chief economist, the chief investigator, the chief of the legal section, and, in each case, the chief of the commodity section embracing the subject matter of the investigation, the economist who assisted in the preparation of the report, and such other economist as shall be selected by the advisory board, or, if the advisory board fails to make such selection, by the chief economist. The person or persons to be directed to write a report for the advisory board shall be determined by the board, having regard to the nature of the subject matter. Every such report, whether unanimous or otherwise, shall be signed by the members of the board concurring therein. Those not concurring shall make a written statement of their respective views. A copy of every such statement, upon which the names of the members concurring therein shall be noted, shall be made for each commissioner and the secretary.

Mr. Glassie moved that the caption of the proposed regulations be amended to read as follows:

The following regulations for the administrative conduct of the commission's business under applications filed for the purposes of section 315 of Title III of the tariff act of 1922 are hereby adopted.

Mr. Culbertson moved as an amendment to Mr. Glassie's amendment:

That the figures "316 and 317" be inserted after the figures "315," so as to make the regulations applicable to sections 315, 316, and 317 of the tariff act of 1922.

On Mr. Culbertson's amendment to the amendment the votes of the commissioners were as follows:

In favor of the adoption of the amendment: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the amendment: Messrs. Marvin, Burgess, Glassie.

The question then being upon Mr. Glassie's amendment as submitted, the votes of the commissioners were as follows:

In favor of the adoption of the amendment: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the amendment: Messrs. Culbertson, Lewis, Costigan.

Mr. Lewis moved that the draft of the regulations be recommitted for further consideration to the committee by which they had been reported.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan, and Burgess.

Against the adoption of the motion: Messrs. Marvin and Glassie.

Mr. Culbertson moved that a public hearing in the pending investigation of the cost of production of sugar be set for Monday, October 1, 1923, at the offices of the commission in Washington, D. C.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Mr. Costigan submitted the following proposed amendment to the rules of the procedure of the commission and stated that he would call it up for consideration at a later meeting:

Rule —. In commission meetings, whenever a motion is made the mover thereof shall be allowed five minutes to explain such motion and his reasons for supporting it, after which each of the other members of the commission successively shall be allowed not exceeding five minutes in which to express their views with respect to such motion. The same procedure shall be followed with respect to amendments to and substitutes for motions. In either case no commissioner shall speak more than once on the same question without leave of the commission, unless he be the mover of the pending motion, in which case he shall be permitted to speak in reply for not exceeding five minutes, but not until every other commissioner choosing to speak thereon shall have spoken.

Voted: That public notice of a hearing on September 10, 1923, in the investigation heretofore ordered in respect of sodium nitrate be issued, as follows:

INVESTIGATION NO. 7 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

SODIUM NITRITE

Notice is hereby given, pursuant to section 315 of the tariff act of 1922, that a public hearing in the foregoing investigation will be held at the office of the United States Tariff Commission in Washington, D. C., at 10 o'clock a. m. on the 10th day of September, 1923, at which all parties interested will be given an opportunity to be present, to produce evidence, and to be heard with regard to the differences in cost of production and of all other facts and conditions enumerated in section 315 of the tariff act of 1922 with respect to the following article described in paragraph 83 of Title I of said tariff act, namely:

"Sodium nitrite, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries."

This notice shall be published by posting a copy thereof for 30 days prior to said 10th day of September, 1923, at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy thereof prior to said date once each week for two successive weeks in Treasury Decisions and in Commerce Reports.

By the United States Tariff Commission this 20th day of July, 1923.

\_\_\_\_\_, Secretary.

Voted: That the following regulations are hereby adopted for the administrative handling of mail in the commission's offices:

1. The existing mails and files division is hereby continued.
2. All official incoming mail shall be sent to the mails and files division to be opened, recorded, and routed. Mail addressed to an individual with his title appended shall be delivered to the individual. If it is found to be official in character it shall be returned to the division of mails and files at once for proper record.
3. As soon as recorded, all incoming mail shall be sent to the chairman of the commission, except routine mail of such as the following classes, which shall be sent direct to the secretary, namely:
  - (a) Requests for reports, surveys, or other printed publications of the commission.
  - (b) Applications for employment and correspondence relating to personnel.
  - (c) Bills, vouchers, etc., or other papers submitted in connection with accounts and fiscal matters and the current purchase of equipment and supplies.
  - (d) Inquiries concerning routine business of the commission.
4. The receipt stamp upon incoming communications shall provide space for the insertion of the name or names of the person or persons to whom such communication is to be referred.

5. Every letter that can not be promptly answered shall be formally acknowledged within 24 hours after its receipt.

6. After submission to the chairman, all incoming official mail shall be returned to the mails and files division. The mails and files division shall refer each communication to the head of the appropriate division, who shall consider the same and cause an answer to be drafted.

7. The official carbon copy of every reply to a communication thus referred to the head of a division, if drafted by any person other than the head of the division, shall be initialed by such head before it is sent on for further action.

8. All commission letters addressed to the President, Senators, and Members of the House of Representatives, or involving some previously undecided question of policy, shall be signed by the chairman, or in his absence by the acting chairman.

9. All letters relating solely to matters of administration, such as finance, purchase of equipment and supplies, accounts, personnel, publications, etc., shall be signed by the secretary.

10. All letters relating to applications, surveys, or investigations, whether for purposes of sections 315, 316, or 317 of the tariff act of 1922 or relating to the preparation of general reports for the President or for Congress (except as provided in regulations Nos. 8, 9, and 12), shall be signed by the chief economist, or the chief investigator, or the chief of the legal division, or the chief of a regularly constituted commodity section, or any economist especially assigned to a particular subject matter. In no case, however, shall any such letter be mailed unless it is initialed or signed by the chiefs of all the divisions of the commission concerned and by the chief economist or the chief investigator.

11. Subject to rules 8, 10, and 14, letters relating to routine inquiries or the collection of information in investigations other than those under sections 315, 316, and 317 (for illustration, the dye census), shall be signed by the chief of the appropriate division. Before mailing every such letter shall be submitted to and initialed by the chief investigator.

12. Letters acknowledging the receipt of an application for an investigation under sections 315, 316, or 317, and all notices and correspondence with respect to any public hearing ordered by the commission under either of said sections, shall be signed by the secretary.

13. Letters relating to routine matters in the conduct of any investigations ordered for purposes of sections 315, 316, or 317 shall bear the initials or signatures of the chief investigator and the chiefs of all divisions or sections concerned, provided that the chief investigator may authorize a section chief or commodity or other expert operating in the field pursuant to the plan adopted by the commission to sign letters relating to routine matters in the conduct of such investigation, in which case a copy of every such letter shall be immediately forwarded to the chief investigator. In acting under this rule the provisions of rule 14 shall be kept in mind.

14. No letter initiating a policy or purporting to commit the commission to any new inquiry, or to a particular view of a controverted matter, or to express a decision of the commission, shall be mailed until such letter shall have been submitted to each member of



the commission and shall have received the written approval of a majority thereof. It shall be the duty of each officer having authority to sign or approve outgoing letters to scrutinize every letter submitted for his signature or approval with a view to the spirit and purpose of this regulation.

15. Letters requiring attention by more than one division must, in every case, be considered by the chief of each division concerned, and all carbons of the reply to any such letter shall be initialed by each of said chiefs. There shall be retained in the files of the commission at least one carbon copy of every letter sent out by or in behalf of the commission and every such official carbon shall be initialed in ink by the person, or persons, charged with the duty of drafting, signing, or approving such letter.

16. Correspondence must not be retained in any division dealing with the same, but must be returned to the mails and files division immediately after action has been taken thereon. If it is desired to postpone action, a suspension slip shall be attached by the person desiring the correspondence returned to him. It shall be the duty of the mails and files division to keep a record of such suspension requests and to return the papers for appropriate action at the proper time.

17. The mails and files division shall see that appropriate action is taken upon every letter received before the same is finally placed in the files. All outgoing mail, except in case of emergency, shall be sent to the mails and files division to be mailed.

18. The heads of the commission's European office, including the chief investigator for Central Europe, shall sign with their respective official designations all letters and other communications requisite for the conduct of the business of their respective offices; but a copy of every such letter or communication shall be promptly forwarded to the secretary of the commission. In case of doubt as to whether a letter or other communication may be construed, as committing the commission to a question of policy the chief of such foreign office shall request instructions from the commission.

19. In observing these regulations their inter-relationship and coordination will be borne in mind.

20. To further safeguard the official character of commission's correspondence, no employee shall use stationery bearing the letter-head or official imprint of the Tariff Commission in personal correspondence.

Approved, July 27, 1923.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

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JULY 23, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the secretary is authorized to submit through the Bureau of the Budget estimates in the amount of \$1,000,000 for salaries and expenses of the Tariff Commission for the fiscal year ending June 30, 1925.

Voted: That Mr. T. Chandler Reed be requested to come to the offices of the commission for the purpose of a conference in regard to his availability for service with the commission; and that the actual and necessary expenses incident to his trip to Washington and return be paid from funds available for the expenses of the commission.

Voted: That the secretary is authorized to negotiate with Mr. Anthony T. Geraci for his services as special expert accountant on the staff of the commission with salary at a rate not to exceed \$2,260 per annum.

Voted: That the secretary is authorized to negotiate with Mr. Thomas E. Kelley for his services as special expert accountant on the staff of the commission with salary at a rate not to exceed \$2,200 per annum.

Voted: That the secretary is authorized to negotiate with Mr. Eugene G. Wood for his services as special expert accountant on the staff of the commission with salary at a rate not to exceed \$1,800 per annum.

Voted: That the secretary is authorized to negotiate with Mr. Lester C. Riddle for his services as special expert accountant on the staff of the commission with salary at a rate not to exceed \$1,600 per annum.

Voted: That the secretary is authorized to negotiate with Mr. Howard F. Barker for his services as special expert accountant on the staff of the commission with salary at a rate not to exceed \$1,600 per annum.

Voted: That Dr. Frank R. Rutter be requested to prepare memorandum of production and production costs of sugar in the Philippine Islands, together with recommendations based thereon as to the advisability of including the Philippine Islands in the scope of the pending investigation of the cost of production of sugar.

Voted: That the secretary is authorized to arrange for the employment by military reinstatement of Mr. Paul J. Schwartz a clerk with salary at the rate of \$1,400 per annum.

Voted: That Mr. Frank W. McSparren and Mr. John N. Torvestad are authorized to travel to New York City and return for the purpose of testing in actual practice the schedules drafted for use in the pending investigation of the cost of production of linseed oil.

Commissioner Culbertson moved that an investigation be ordered under the provisions of section 315 of the tariff act of 1922 of the cost of production of coconut oil, soya-bean oil, peanut oil, and cottonseed oil.

The chairman ruled that this motion was out of order inasmuch as the report of the advisory board had not been presented formally to the commission.

Voted: That the following additional regulations are hereby adopted:

1. All applications and complaints under sections 315 and 316 shall be routed in the following manner:

First, to chairman of the commission; second, to the chief economist, who shall keep a record of the number, date of receipt, applicant's name and address, subject matter of the application, and relief or action requested; third, to the chief investigator, who shall keep a similar record of such application or complaint, and shall transmit the application or complaint, together with such com-

ment and directions as he may deem necessary, to the appropriate expert for a preliminary report.

2. The preliminary report of the chief of the division concerned with the subject matter shall be submitted to the chief investigator for examination and review. When, in his judgment, it embraces adequate data for determining whether or not an investigation shall be ordered, he shall transmit the same to the advisory board.

3. Whenever, in the judgment of the advisory board, it seems desirable that the expert concerned should have the assistance of an economist in the preparation of a preliminary report, the advisory board shall designate a member of the staff of economists for that purpose. Every such designation shall be promptly reported in writing to the commission and shall be operative unless and until disapproved by the commission.

4. Upon consideration of the preliminary report of the expert, transmitted through the chief investigator, the advisory board shall formulate and transmit to the commission a report indicating the views of its members of the subject matter of the application or complaint, or in the event of a difference of opinion, separate statements of the views, respectively, held by members of the board. Such report, whether unanimous or otherwise, shall be authenticated by the signatures of the members concurring therein. A copy shall be made for each commissioner and the secretary, on which the names of the concurring members shall be noted.

5. If, upon consideration of the report of the advisory board, the commission orders an investigation, its determination in that regard shall be communicated in writing to the chairman of the advisory board and to the chief investigator.

6. Whenever an investigation for the purposes of section 315 is ordered, a plan of investigation, including an estimate of the cost thereof, shall be drawn up by the chief investigator, in cooperation with the appropriate expert, and shall be submitted to the advisory board for its consideration and approval. Such plan shall specify, as far as practicable, the nature and extent of the services required of commodity, accounting, economic, and legal experts. In the case of section 316, such plan shall not be prepared until after the return day specified in the notice unless otherwise ordered by the commission.

7. Such plan, as soon as perfected by the advisory board, shall be presented to the commission for review and approval. The action of the commission in that regard shall be communicated in writing to the chairman of the advisory board; and the chief investigator shall be instructed in writing to proceed in accordance with the plan adopted and shall be charged with the duty of carrying it out.

8. The advisory board shall consist of the chief economist, the chief investigator, the chief of the legal section, and in each case the chief of the commodity section embracing the subject matter of the investigation, the economist who assisted in the preparation of the report, and such other economist as shall be selected by the advisory board, or, if the advisory board fails to make such selection, by the chief economist. The person or persons to be directed to write a report for the advisory board shall be determined by the board, having regard to the nature of the subject matter. Every such report, whether unanimous or otherwise, shall be authenticated by the signatures of the members concurring therein. Those not concurring shall make a written statement of their respective views. A copy of every such statement, upon which the names of the members concurring therein shall be noted, shall be made for each commissioner and the secretary.

9. All orders, instructions, and directions given by or on behalf of the commission to the advisory board, or any member thereof, shall be in writing and shall be authenticated by the signature of the chairman.

10. If any report, statement, memorandum, or document considered by the commission is recommended to the advisory board for redrafting or review, one copy, plainly marked "Official," shall be transmitted to the board, and for that purpose all corrections, suggestions, and marginal notes shall be made upon such official copy.

#### SECTION 317 OF THE TARIFF OF 1922

SECTION 1. All applicants under section 317 shall be routed in the following manner: First, to the chairman of the commission; second, to the chief of the division on foreign tariffs and treaties.

SEC. 2. In case of applications under section 317, the expert of the foreign tariff and treaty division shall report directly to the commission and the commission shall thereupon direct what further investigation, if any, is to be made, and shall assign to the said division such additional assistance from members of its staff as may be necessary.

Commissioner Culbertson, chairman of the committee on procedure, called up the draft of the rules submitted under date of July 10, 1923, by a majority of the committee. No action thereon was taken by the commission.

Approved, July 27, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JULY 26, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the secretary is authorized to arrange with the Department of Agriculture for the services, temporarily, of Mr. F. E. W. Tracy as special expert seedsman on the staff of the commission with compensation at the rate he is now receiving.

Voted: That Mr. W. O. Jones is authorized to travel, under the direction of Mr. George R. Day, to such places as may be necessary in Colorado, Utah, Idaho, California, Minnesota, Wisconsin, and Michigan, and return, on business in connection with the pending investigation of the cost of production of sugar.

Approved, July 27, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JULY 27, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on July 20, 23, and 26, 1923, were read and approved.

Mr. Costigan made the following statement:

Due to an emergency, I was compelled to absent myself from the conclusion of the hearing on wall pockets on the afternoon of July 24, 1923. It appears from the stenographer's minutes of the hearing (pp. 257-259), which reached me day before yesterday, that during the concluding discussion interested parties appearing before the commission indicated their willingness to have any facts communicated by them to the commission in confidence treated as open to the inspection of all other interested parties.

Notwithstanding any such consent to the use of information received by the commission in confidence, I feel bound to state in the records of the commission that I can not and do not give my approval as a commissioner to any such disclosure by the Tariff Commission or any of its representatives. The provisions of section 708 of the revenue act of 1916, in my opinion, do not permit the commission to open its confidential files to public inspection, regardless of what parties giving any such information to the commission may do of their own motion. The public policy declared by the statute, no less than the prohibitory mandate of the act, requires official adherence.

I therefore hereby request that my vote be recorded continuously in opposition to the public disclosure by the commission, even with the consent of the parties making the communication, of any information submitted to the commission in confidence.

The secretary laid before the commission a letter from the National Milk Producers' Federation requesting copies of all applications received by the commission for modifications of the tariff rates on importations of casein under the tariff act of 1922.

Whereas an order has been passed by the Tariff Commission instituting an investigation of the differences in costs of production of casein, and notice of a public hearing to be held August 13, 1923, has been issued and published; and

Whereas the National Milk Producers' Federation has requested to be supplied with a copy of the application or applications received by the commission in connection with said investigation;

Voted: That a copy of the application or applications so received, omitting therefrom any matter having or appearing to have the character of trade secrets or processes or individual costs of production of an applicant, shall be made under the direction of the secretary, and that copies of such copy omitting the matter above mentioned shall be available to interested parties upon request; and

Voted further: That this procedure shall be applied in respect of all applications in connection with which investigations have been ordered.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Lewis, Burgess, Glassie.

Against the adoption of the motion: Mr. Costigan.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 28 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

METALLIC MAGNESIUM

The United States Tariff Commission, on this 27th day of July, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of and of all other facts and conditions enumerated in said section with respect to the articles described in paragraph 375 of Title I of said tariff act, namely:

Metallie magnesium, metallie magnesium scrap, and magnesium alloys, powder, sheets, ribbons, tubing, wire, and all other articles, wares, or manufactures of magnesium not specially provided for in respect of the metallie magnesium content thereof, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further: That all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office, in Washington, D. C.

And ordered further: That public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission, in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the advisory board be directed to report to the commission before August 3, 1923, its recommendations upon all applications pending before it, in so far as the board may be able to make such report.

Voted: That Mr. A. Moody Burt is authorized to travel to Philadelphia, Reading, and other places in Pennsylvania, and Riverside, N. J., and return, on business in connection with the pending investigation of the cost of production of cotton hosiery.

Mr. Lewis moved that an investigation under the provisions of section 315 of Title III of the tariff act of 1922 be instituted of the differences in cost of production of coconut oil, soya-bean oil, peanut oil.

Approved, July 31, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JULY 31, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess.

The minutes of the meeting of the commission held on July 27, 1923, were read and approved.

Voted: That a telegram be sent to the President to convey to him and Mrs. Harding the sympathy of the Tariff Commission in the present serious illness of the President and the commission's earnest wishes for his speedy and complete recovery.

Voted: That the advisory board be instructed to consider and report promptly to the commission upon the pending plans for the conduct of the investigation of the cost of production of sugar.

Voted: That Mr. Earl C. Laughlin is authorized to travel to Philadelphia, Pa., New York City, and Waterbury, Conn., and return, for the purpose of obtaining information concerning the production of snap fasteners.

Voted: That the secretary is authorized to negotiate with Mr. Richard H. Mott for his services as special expert accountant on the staff of the commission with compensation at a rate not to exceed \$3,000 per annum.

Voted: That Mr. Howard F. Barker is authorized to travel to Philadelphia and Reading, and other places in Pennsylvania and Riverside, N. J., and return, on business in connection with the pending investigation of the cost of production of cotton hosiery.

Voted: That Mr. F. Morton Leonard and Mr. John J. Hannon are authorized to travel to such points in New York, Pennsylvania, Ohio, Indiana, Illinois, and Michigan, and return, as may be necessary on business in connection with the pending investigation of the cost of production of pig iron.

Voted: That further action in the case of the application under section 316 of the tariff act of 1922 of Smith & Wesson (Inc.), under the vote of the commission on June 15, 1923, and with reference to the order prepared in accordance therewith, be, and the same is hereby, suspended for special reasons of state policy until otherwise ordered by the commission.

Approved, August 2, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

AUGUST 2, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess.

The minutes of the meeting of the commission held on July 31, 1923, were read and approved.

Voted: That the advisory board be requested to submit plans for investigations in this country and abroad in regard to those subjects in the sundries schedule of the tariff act of 1922, which have been ordered investigated, and those subjects as to which the advisory board intends to recommend investigations under the provisions of section 315 of the tariff act of 1922.

Voted: That Doctor Snaveley, of the University of Virginia; Doctor Fetter, of Princeton University; Dr. Jacob Viner, of the University of Chicago; and Dr. Thomas W. Page, of the Institute of Economics, be requested to review, for constructive criticism, portions of the material prepared for the Dictionary of Tariff Information, and that for their services in this connection they be paid at the rate not to exceed \$20 per diem.

Voted: That the schedule prepared for obtaining costs in connection with the investigation of the costs of production of plate glass (Investigations Nos. 8 and 26) under the provisions of section 315 of the tariff act of 1922, is approved.

Voted: That an increase in salary of Mr. William G. Dedicott from \$1,400 to \$1,800, effective July 19, 1923, is approved.

Voted: That the secretary is authorized to negotiate with Mr. Marvin C. McNeill for his services with the commission as special expert accountant with salary at the rate of \$2,500 per annum.

Voted: That the secretary is authorized to negotiate with Mr. Benjamin Wall for his services with the commission as special expert accountant with salary at the rate of \$1,800 per annum.

Voted: That the secretary is authorized to negotiate with Mr. Kenneth L. Stone for his services with the commission as special expert accountant with salary at the rate of \$1,800 per annum.

Voted: That the secretary is authorized to negotiate with Mr. Richard B. Berryman for his services with the commission as special expert accountant with salary at the rate of \$1,600 per annum.

Approved, August 7, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

AUGUST 3, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m., pursuant to its order of July 2, 1923, in connection with the pending investigation under the provisions of section 315 of the tariff act of 1922, of the import duty on logs of fir, spruce, cedar, and western hemlock, under paragraph 401 of that act.

The hearing was without further proceedings immediately adjourned until 10 o'clock a. m., August 6, 1923, at the same place, as a mark of respect to the late President of the United States.

The commission thereupon went into executive session.

Voted: That a telegram to be signed by the members of the commission be sent to Mrs. Warren G. Harding expressing their deep sympathy with her in her bereavement, and their sense of loss through the death of the President.

Voted: That the offices of the Tariff Commission be closed for the remainder of this day out of respect for the late President of the United States.

Approved, August 7, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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AUGUST 6, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m., pursuant to the order of adjournment on August 3, 1923, for the purpose of continuing the hearing set for that date in connection with the investigation of the rate of duty imposed upon logs of fir, spruce, cedar, or western hemlock, by paragraph 401 of the tariff act of 1922.

After hearing argument by counsel representing, respectively, those who applied for the investigation and those who opposed it, the commission adjourned.

Approved August 7, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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AUGUST 7, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on August 2, 3, and 6, 1923, were read and approved.

Voted: That Mr. Marvin C. McNeill is authorized to travel to Denver, Colo., and such additional points as may be necessary in Colorado, Utah, Idaho, California, Minnesota, Wisconsin, and Michigan, and return, in connection with the pending investigation of the cost of production of sugar beets.

Mr. Glassie moved that the recommendations Nos. 1, 2, and 3 in the memorandum submitted by the chief economist and the chief investigator on August 4, 1923, in connection with the pending investigation of the cost of production of cane sugar in Louisiana, be approved, namely:

1. That an expert accountant from one of these firms be employed at the rate of \$50 per day for a period of about 10 days. The following services would be performed by him: (a) To assist Doctor Townsend and our accountants for one or two days in initiating the investigation; (b) to examine, at convenient intervals, cost schedules obtained in the field by our accountants. It is not recommended that this examination be deferred until all schedules are in, but that one or two days be spent with our accountants in going over the schedules as soon as a sufficient number may be obtained for this purpose. The periods of examination, not less than a day in each case, if possible, to be determined from time to time by Doctor Townsend and the special accountant.



Unless important reasons to the contrary are reported by Doctor Townsend, the accountant employed should be Mr. Le Gardeur. (See "3" below.)

2. Doctor Townsend and four or five accountants shall go to New Orleans as soon as the schedules may be mimeographed. We are submitting separate recommendations giving names and date of departure.

3. Upon arrival in New Orleans Doctor Townsend shall confer with representatives of the American Cane Growers' Association, and, if practicable, with the committee on accountants who drew up the schedule. This conference shall be for the purpose of talking over the plans of the investigation and also to determine whether, in Doctor Townsend's judgment, Mr. Le Gardeur is the proper man to be employed. After these conferences he should immediately wire his opinion in regard to the accountant and the one recommended shall be offered the position as adviser as outlined in "1" above. It is deemed unnecessary for this accountant to come to Washington unless Doctor Townsend so recommends.

That Doctor Townsend be instructed in accordance with recommendation No. 3 of said memorandum to advise the commission by letter, after such conferences as he may deem necessary, respecting his opinion in regard to the qualifications and availability of Mr. LeGardeur and the other accountants referred to in said memorandum.

That the compensation of whatever accountant may be employed shall exceed in no case that recommended in said memorandum.

Mr. Glassie made the following statement in regard to this motion:

I construe this motion to mean, if adopted, that the commission is not committed to the employment of any individual, but that it is committed to all of the features of the plan submitted by the chief economist and the chief investigator. If Doctor Townsend's report regarding any one of these accountants should be unfavorable or if the commission should have any other source of information which rendered such employment inadvisable, the commission would, of course, be free to select or appoint such person only as it believed to be proper for the purpose. The function to be performed, however, is, in my judgment, fixed by this motion, and the commission will be under a moral obligation to carry out the purpose of the plan by an appropriate selection.

Mr. Costigan made the point of order that the motion, coupled with the statement of Mr. Glassie, was unintelligible and ambiguous.

The chairman overruled the point of order.

Mr. Costigan moved as a substitute for Mr. Glassie's motion:

That, as part of the sugar investigation ordered by the commission, Dr. C. O. Townsend, Mr. R. H. Mott, Mr. A. T. Geraci, Mr. Eugene G. Wood, Mr. L. C. Riddle, and Mr. T. E. Kelly, be directed to proceed to Louisiana and to investigate on behalf of the commission the cost of production of sugar in Louisiana; and that Doctor Townsend be instructed if practicable to recommend to the commission as expeditiously as possible the names of one or more accountants connected with cost accounting firms at New Orleans, to assist the commission in such investigation, such accountant or accountants to be compensated at a rate not to exceed \$50 per day and be allowed actual necessary expenses when absent from New Orleans or other place of usual employment, all in accordance with the recommendations of the advisory board to the commission on August 6, 1923.

On this amendment the votes of the commissioners were as follows:

In favor of the adoption of the amendment: Messrs. Lewis, Costigan.

Against the adoption of the amendment: Messrs. Burgess, Glassie.

The question thereupon reverting to the motion submitted by Mr. Glassie as stated above, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Lewis, Costigan.

Voted: That Dr. C. O. Townsend is authorized to travel to such places in the State of Louisiana and return as may be found necessary on official business in connection with the pending investigation of the cost of production of cane sugar.

On this motion Mr. Costigan voted in the negative.

Voted: That Dr. C. O. Townsend is authorized to incur and pay expenses for stenographic and other clerical assistance in an amount not to exceed \$50 in the aggregate in connection with his work while engaged in the investigation of the cost of production of cane sugar in Louisiana as authorized August 7, 1923, and to include such expenditures of this character as he may make as a part of his traveling expenses.

Voted: That Dr. Louis Navias is authorized to travel to New York City and return for the purpose of conferring with officials at the United States customhouse there in regard to importations under paragraphs 225 to 228 of the tariff act of 1922.

Voted: That Mr. Benjamin Wall is authorized to travel to Philadelphia, Reading, and other places in Pennsylvania, and to Riverside, N. J., and return, on official business in connection with the pending investigation of the cost of production of cotton hosiery.

Voted: That Mr. Lester D. Johnson is authorized to travel to such places as may be necessary in the island of Porto Rico and return on official business in connection with the pending investigation of the cost of production of cane sugar.

Voted: That upon the completion of his present assignment in Jamaica, Santo Domingo, and Haiti, in connection with the pending investigation concerning logwood extract, Mr. Mervyn Braun is authorized to proceed to such places in Porto Rico as may be necessary to assist in the investigation of the cost of production of cane sugar in Porto Rico.

Voted: That the salaries of Messrs. John A. Nye, Lester D. Johnson, C. H. Penning, and Mervyn Braun be, and the same are hereby, increased, respectively, to \$3,680 \$3,480, \$4,180, and \$3,480 during the time that they are severally engaged on official business in Jamaica, Santo Domingo, Haiti, and Porto Rico.

Voted: That in accordance with the telegraphic request of the president of the California Central Creameries, the secretary is authorized to deliver to Mr. A. M. Loomis, secretary of the National Dairy Union, copies of costs of production of casein recently obtained by representatives of the Tariff Commission from plants of the California Central Creameries in California.

Voted: That the schedule prepared for obtaining mill costs in connection with the investigation of the cost of production of cane sugar is approved.

Voted: That no investigation pursuant to the application of Wilcox & Van Allen, of Buffalo, N. Y., for Noury & Van der Lande, of Holland, dated September 30, 1922, under the provisions of section

315 of Title III of the tariff act of 1922, with reference to benzol peroxide, be ordered at the present time.

Voted: That the secretary be directed to send a letter to Wilcox & Van Allen, of Buffalo, N. Y., for Noury & Van der Lande, of Holland, advising them that after careful consideration of their application for a decrease of the rate of duty on benzol peroxide the commission is of opinion that the institution of a formal investigation for the purpose of section 315 of Title III of the tariff act of 1922 is not warranted at the present time by the facts developed by the commission's inquiries, and, further, that the commission will be ready at any time in the future to give further consideration to this subject in the light of such additional information as the applicant may care to submit or that may be otherwise developed.

Voted: That upon consideration of the application of the Verona Chemical Co., of North Newark, N. J., dated March 19, 1923, and the Orbis Products Trading Co., of New York City, dated March 13, 1923, under the provisions of section 315 of Title III of the tariff act of 1922, with reference to thymol, the recommendation of the advisory board that an investigation be made under the general powers of the commission be approved, and that a draft of an order for an investigation of the subject of thymol under the general powers of the commission be prepared and submitted to the commission.

Voted: That no investigation pursuant to the application of Freedman-Salsbury Co., dated May 1, 1923, under the provisions of section 315, Title III of the tariff act of 1922, with reference to jewelers' saws, be ordered at the present time.

Voted: That the secretary be directed to send a letter to Freedman-Salsbury Co. advising them to the same effect as was directed in the case of benzol peroxide this day.

Voted: That no investigation pursuant to the applications of the goldbeaters' unions of the United States, dated May 31, 1923, and the United States Gold Leaf Manufacturing Association, dated May 26, 1923, under the provisions of section 315, of Title III of the tariff act of 1922, with reference to gold leaf, be ordered at the present time.

Voted: That the secretary be directed to send a letter to the goldbeaters' unions of the United States and the United States Gold Leaf Manufacturing Association advising them to the same effect as was directed in the case of benzol peroxide this day.

Voted: That an investigation under the general powers of the commission is hereby instituted of the cost of production of sugar beets: that the cooperation of the Department of Agriculture in such investigation be invited; and that the advisory board be directed to draft a plan for the conduct of the investigation, if practicable, in conjunction with the Department of Agriculture.

Voted: That as a mark of respect to the late President of the United States and pursuant to the proclamation of the President the offices of the Tariff Commission in Washington shall be closed and remain closed, and the business of the commission shall be suspended after 1 o'clock p. m. on August 7, 1923, and on August 8, 9, and 10, 1923, except as may be required by formal proceedings before the commission, and that the office of the commission at the port of

New York and the employees of the commission traveling on official business of the commission shall have called to their attention the proclamation by the President and shall suspend official business on August 10, 1923.

Approved August 14, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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AUGUST 10, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess.

The commission met pursuant to adjournment on July 24, 1923, at the offices of the commission at 10 o'clock a. m. August 10, 1923, and the following proceedings were had:

The CHAIRMAN. The adjourned public hearing in connection with the investigation of the cost of production of wall pockets is now open. An opportunity is offered for filing briefs and presenting oral arguments. Are there any persons present who desire to be heard?

The SECRETARY. There are on file in the offices of the commission letters from the parties in interest who have appeared in this investigation informing the commission that they do not desire further opportunity to be heard in oral argument. Counsel for two of the parties in interest appearing in opposition to the application which is the basis of the investigation requests, because of unavoidable delay, that he may be granted a few days' extension of time within which to file a brief.

The CHAIRMAN. There being no other response and the commission having been informed that all parties in interest who have appeared in the investigation have completed their testimony and a request having been made for a short extension of time for the filing of briefs, the time for filing briefs is extended to August 15, 1923, and the public hearing is now closed.

In accordance with the proclamation of the President setting this day aside as a day of national mourning for the death of the late President of the United States, Warren G. Harding, the commission thereupon as a further mark of respect adjourned.

Approved August 14, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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AUGUST 11, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That Commissioners Lewis and Glassie are appointed a committee to consider and report back a record of the results of the commission's proceedings up to this time in the investigation of the cost of production of paint-brush handles.

Mr. Burgess made the following motion:

That no investigation pursuant to the application of the Shawinigan Products Corporation, of New York City, dated January 11, 1923, under the provisions of section 315 of Title III of the tariff act of 1922, with reference to acetaldehyde, paracetaldehyde, cretonaldehyde, and butyraldehyde, be ordered at the present time.

Mr. Costigan moved as a substitute for Mr. Burgess's motion:

That an investigation pursuant to the provisions of section 315 of Title III of the tariff act of 1922, with respect to acetaldehyde and paracetaldehyde be ordered.

On this substitute the votes of the commissioners were as follows:

In favor of the adoption of the substitute: Messrs. Lewis, Costigan.

Against the adoption of the substitute: Messrs. Marvin, Burgess, Glassie.

The question thereupon reverting to Mr. Burgess's motion, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Lewis, Costigan.

Voted: That the secretary be directed to send a letter to Shawinigan Products Corporation, of New York City, advising them to the same effect as was directed in the case of benzol peroxide on August 7, 1923.

On this motion Mr. Costigan did not vote.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

In re investigation of alleged unfair methods of competition and unfair acts in the importation and sale of briarwood pipes. Section 316, Docket No. 2

Upon consideration of the complaint under oath filed on the 4th day of January, 1923, by John D. Burger as president of the Reiss-Premier Pipe Co., and of the supplement thereto filed on the 10th day of August, 1923, it is ordered:

1. That an investigation pursuant to section 316 of the tariff act of 1922 be, and the same is hereby, instituted into the alleged unfair methods of competition and unfair acts in the importation and sale of briarwood pipes at prices less than the cost of production of said pipes in the country of their origin, in alleged violation of said section.

2. That notice be, and the same is hereby, given to the parties alleged in said complaint to be the importers of the articles aforesaid, namely, Dasco Importing Co., A. Schulte, United Cigar Stores Co., H. S. Lederer, A. Oppenheimer & Co., Samuel Gordon, all of the city of New York, State of New York, and all other persons, firms, and corporations concerned as owners, importers, consignees, agents, or otherwise in the alleged unfair methods of competition and unfair acts in the importation and sale of said articles, that they, and each of them will be afforded an opportunity to answer said complaint on or before the 24th day of September, 1923, and show cause, if any they have, why the provisions of section 316 of the tariff act of 1922 should not be applied in respect of said alleged unfair methods of competition and unfair acts in the importation and sale of the articles complained of.

3. That public notice of said investigation shall be given by publishing a copy of this order once a week for two successive weeks, the latest of said publication to be made at least 20 days before said 24th day of September, 1923, in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.; also by posting a copy of this order 30 days prior to said 24th day of September, 1923, at

the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

4. That notice of said investigation shall also be given by mailing, registered, postage prepaid, a copy of this order certified by the secretary of the commission under its seal to each of the persons, firms, or corporations hereinafter specifically named at their respective addresses as given in said complaint.

Voted: That the advisory board's report upon the application of C. de P. Field, of New York City, dated October 24, 1922, for a change in the rate of duty upon ammonium chloride under the provisions of section 315 of Title III of the tariff act of 1922, be recommended to the advisory board with request that it be redrawn in accordance with the form heretofore adopted by the commission on May 24, 1923, for such reports and surveys.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION No. 29, BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

MAGNESITE AND MAGNESITE BRICK

The United States Tariff Commission on this 11th day of August, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the following articles described in paragraphs 204 and 201 of Title I of said tariff act, namely:

Crude magnesite, caustic calcined magnesite, dead burned and grain magnesite, not suitable for manufacture into oxychloride cements; and magnesite brick, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., at 10 o'clock a. m. on the 1st day of October, 1923.

And ordered further, that public notice of said investigation and of said public hearing shall be given by posting a copy of this order for 30 days prior to said 1st day of October, 1923, at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C., the latest of which publications shall be made not less than 30 days prior to the 1st day of October, 1923.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION No. 30, BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

RARE SUGARS

The United States Tariff Commission on this 11th day of August, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with

respect to, the following articles described in paragraph 504 of Title I of said tariff act, namely:

Adonite, arabinose, dulcife, galactose, inosite, inuline, levulose, mannite, d-talose, d-tagatose, ribose, melibiose, dextrose testing above 99.7 per centum mannose, melezitose, raffinose, rhamnose, salicin, sorbite, xylose, and other saccharides, except lactose or milk sugar and maltose or malt sugar; being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., at 10 o'clock a. m. on the 27th day of September, 1923.

And ordered further, that public notice of said investigation and of said public hearing shall be given by posting a copy of this order for 30 days prior to said 27th day of September, 1923, at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C., the latest of which publications shall be made not less than 20 days prior to the 27th day of September, 1923.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 31 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

AMINO ACIDS AND AMINO ACID SALTS NOT OF COAL-TAR ORIGIN

The United States Tariff Commission on this 11th day of August, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922, and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the following articles described in paragraphs 1 and 5 of Title I of said tariff act, namely:

Cysteine hydrochloride, cystine, glutamic acid, glutamic-acid hydrochloride, glycine (glycocoll), histidine dichloride, leucine, lysine picrate, tryptophan, tyrosine, and other amino acids and salts of amino acids not of coal-tar origin, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., at 10 o'clock a. m. on the 27th day of September, 1923.

And ordered further, that public notice of said investigation and of said public hearing shall be given by posting a copy of this order for 30 days prior to said 27th day of September, 1923, at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C., the latest of which publications shall be made not less than 20 days prior to the 27th day of September, 1923.

Approved, August 14, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

AUGUST 13, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m., pursuant to its published order adopted on June 27, 1923, setting this date for a public hearing in the investigation (No. 4) of the differences in costs of production of, and of all other facts in relation to, casein, under the provisions of section 315, Title III, of the tariff act of 1922.

After receiving evidence submitted by parties interested, the hearing was adjourned until 10 o'clock a. m. August 14, 1923.

Approved, August 14, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

AUGUST 14, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m., pursuant to order of adjournment passed August 13, 1923, and continued the hearing in the investigation (No. 4) of the differences in cost of production of, and of all other facts in relation to, casein, under the provisions of section 315, Title III, of the tariff act of 1922.

After receiving evidence submitted by parties interested the commission announced that briefs might be filed by parties of record desiring to do so, and that the hearing would be adjourned until 10 o'clock a. m. September 25, 1923, at the office of the commission, for the purpose of receiving argument.

Approved, September 14, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

AUGUST 14, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on August 7, 10, and 11, 1923, were read and approved.

Voted: That the United States Tariff Commission hereby orders under its general powers an investigation of the competitive conditions affecting the production, importation, and distribution of thymol.

Voted: That the time is not now opportune for an investigation of the cost of production of pig iron in Europe.

Voted: That the secretary is authorized to arrange, if convenient and agreeable to the Department of Agriculture, for an extension of the employment of Mr. M. A. Crosby by the Tariff Commission for purposes of the pending investigation of the cost of production of sugar beets.

Voted: That the secretary, chief economist, and the head of the agricultural section of the commission's staff, are authorized to ar-



range for the services of two or more experts from the staff of the Department of Agriculture, including Messrs. S. B. Nuckols and Byron Hunter, not to exceed \$3,500 in connection with pending investigation of the cost of production of sugar beets.

Voted: That the secretary, chief economist, and the head of the agricultural section of the commission's staff, are authorized to engage, if practicable, the services of Mr. William J. Kurtz, Mr. Paul A. Eke, and Mr. M. F. Wharton, in connection with the pending investigation of the cost of production of sugar beets, their basic salaries respectively to be at rates not in excess of \$2,500 per annum.

Voted: That the secretary, chief economist, and the head of the agricultural section of the commission's staff, are authorized to negotiate for the services of Prof. A. Keyser, or Prof. L. A. Moorehouse, of the Colorado State College of Agriculture, at Fort Collins, Colo., as special expert in connection with the pending investigation of the cost of production of sugar beets with compensation at a rate not to exceed \$4,500 per annum for a period not to exceed three months.

Voted: That Messrs. Louis B. Zapoleon, P. W. Bidwell, Warren C. Funk, F. H. Shelledy, G. A. Billings, J. B. Bennett, C. K. Lewis, and M. A. Crosby, now members of the commission's staff, and such other persons as may be engaged especially in connection with the pending investigation of the cost of sugar beets, are authorized to travel to such points in the United States and return as may be necessary and included in the approved plan for said investigation.

Voted: That Messrs. M. A. Albertson, J. B. Gregory, and J. D. DeShay are authorized to travel to such places and return as may be necessary in connection with the pending investigation of the cost of production of mirror plates and plate glass.

Voted: That upon recommendation from the secretary, chief investigator, and the chief of the commodity section involved, the chairman or acting chairman of the commission is authorized during the absence of members of the commission for the months of August and September, 1923, to approve travel orders for employees of the commission to cover necessary travel in connection with investigations ordered by the commission and now pending.

On this motion Commissioner Costigan voted in the negative.

Voted: That the chairman or acting chairman is authorized to approve and have sent out to producers a schedule to be prepared by the advisory board in connection with the pending investigation of the cost of production of sugar beets.

Voted: That the report requested from the advisory board by May 12, 1923, respecting an investigation in regard to wool and manufactures of wool, may be submitted by the board not later than September 15, 1923.

Voted: That Mr. Lewis H. Radcliffe is authorized to travel to Cedar Point, Ohio, and return, on business connected with the study of the fisheries industry.

Voted: That Mr. W. I. Street is authorized to travel, if found to be necessary, to Utah, Idaho, California, Minnesota, Wisconsin, and Michigan, and return, on business in connection with the pending investigation of the cost of production of sugar.

Voted: That the recommendation of Dr. C. O. Townsend in regard to the employment of Mr. R. J. Le Gardeur in connection with the pending investigation of the cost of production of cane sugar in Louisiana, for a period not to exceed 10 days with compensation at a rate of \$50 per day, when actually employed, is approved.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Lewis, Burgess, Glassie.

Against the adoption of the motion: Mr. Costigan.

Voted: That upon receipt of advice from Dr. C. O. Townsend that the work in connection with the pending investigation of the cost of production of cane sugar in Louisiana is advanced to a point where accountants are needed to assist them, Messrs. R. H. Mott, A. T. Geraci, Eugene G. Wood, L. C. Riddle, Thomas E. Kelly, and Kenneth L. Stone are authorized to travel to such places in Louisiana, and return, as may be necessary for that purpose.

Approved, September 14, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 6, 1923.

Present: William S. Culbertson, David J. Lewis, William Burgess, Henry H. Glassie.

The commission met in the conference room at 10 o'clock a. m. pursuant to order of adjournment passed on July 17, 1923, for the purpose of receiving argument in the investigation (No. 11) of the differences in cost of production of, and of all other facts in relation to paint-brush handles, under the provisions of section 315, Title III, of the tariff act of 1922.

After hearing argument by all parties appearing and requesting to be heard the commission announced that the time for filing briefs was extended to September 18, 1923, with five days' additional for reply briefs, and that the public hearing was closed.

Approved, September 11, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 10, 1923.

Present: Thomas O. Marvin, William S. Culbertson, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m. pursuant to its published order adopted on July 20, 1923, setting this date for a public hearing in the investigation (No. 7) of the differences in cost of production of, and of all other facts in relation to, sodium nitrite, under the provisions of section 315, Title III, of the tariff act of 1922.

After receiving evidence submitted by parties interested the commission announced that briefs might be filed by parties of record desiring to do so, and that the hearing would be adjourned until 10

o'clock a. m., September 26, 1923, at the office of the commission, for the purpose of receiving argument.

Approved, September 11, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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SEPTEMBER 11, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess, Henry H. Glassie.

Voted: That Mr. Karl Langenbeck and Mr. F. K. Veith are authorized to travel to Baltimore, Md., and return, on business in connection with the study of imports of chinaware.

Voted: That Mr. W. D. McKissick and Mr. R. A. Wells are authorized to travel to New York City, N. Y., and Boston, Lynn, and Haverhill, Mass., and return on business in connection with the investigation of the manufacture and importation of cut leather soles for shoes.

Voted: That the salary of Mr. George H. Parater, special expert on the commission's staff, be increased from \$2,100 to \$3,300 per annum, effective September 1, 1923.

Voted: That Miss Florence Priest be assigned as clerk in the office of the chief economist of the Tariff Commission, and that her salary be increased, effective September 16, 1923, from \$1,200 to \$1,500 per annum.

Voted: That the secretary is authorized to assign a stenographer-typist for service in the economic section of the commission's staff.

Voted: That the salary of Mr. Edward I. Mullins be increased from \$1,800 to \$2,100 per annum, effective September 16, 1923.

Approved, September 14, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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SEPTEMBER 12, 1923.

Present: Thomas O. Marvin, David J. Lewis, William Burgess, and Henry H. Glassie.

Voted: That Dr. C. O. Townsend is authorized to rent, at a cost not to exceed \$6 per day, such conference room or rooms as he may find to be necessary in New Orleans, La., in connection with his work in the pending investigation of the cost of production of sugar.

Voted: That the employment of Dr. E. B. Brossard and Mr. Victor H. Beach shall date from the time of their departure from their former stations to enter upon the work of the Tariff Commission in connection with the pending investigation of the cost of production of sugar beets.

Voted: That Mr. John S. Hodgson be assigned for service in the editorial section of the commission's staff.

Approved, September 14, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

SEPTEMBER 14, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held August 14, September 11 and 12, 1923, were read and approved.

Voted: That the time for filing briefs by parties interested in the investigation (No. 11) of the differences in cost of production of paint-brush handles, heretofore on the 27th day of March, 1923, ordered by the Tariff Commission pursuant to the provisions of section 315 of the tariff act of 1922, be, and the same is hereby, extended until the 24th day of September, 1923, with five days additional for the filing of briefs in reply to any briefs filed as herein provided.

Any brief filed under the provisions of this order shall be printed and a copy thereof shall be furnished by the person filing it for the use of each other person or party in interest of record.

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 29 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

MAGNESITE AND MAGNESITE BRICK

Upon consideration of the application filed on the 14th day of September, 1923, by the Austro-American Magnesite Co., for a postponement of the hearing set by the United States Tariff Commission to be held on the 1st day of October, 1923, in the investigation heretofore on the 11th day of August, 1923, ordered by the commission of the differences in cost of production of, and of all other facts and conditions pertinent with respect to, crude magnesite, caustic calcined magnesite, dead burned and grain magnesite, not suitable for manufacture into oxychloride cements, and magnesite brick.

Ordered: That said hearing heretofore set to be held in said investigation at the office of the commission in Washington, D. C., at 10 o'clock a. m. on the 1st day of October, 1923, be, and the same is hereby, postponed until 10 o'clock a. m. on the 5th day of December, 1923, at the same place;

Ordered further: That public notice of this postponement shall be given prior to the 1st day of October, 1923, by posting a copy of this order for not less than 10 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order in two successive issues of Treasury Decisions, published by the Department of the Treasury, and in one issue of Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

Voted: That the memorandum to the advisory board submitted by the chief of the agricultural section, relative to withdrawal of the advisory board's recommendation for an investigation of the costs of production of desiccated coconut, under the provisions of section 315 of the tariff act of 1922, be referred to the advisory board for consideration and report to the commission.

Voted: That the Tariff Commission approves the recommendation of the advisory board that the application (No. 188) of McCormick & Co. (Inc.), of Baltimore, Md., for an investigation of the differences in costs of production of fish glue, with a view to a reduction of the duty fixed in paragraph 42 of Title I of the tariff act of 1922, be rejected; and that the applicant be notified by

the secretary that its application is rejected upon the facts now before the commission.

Voted: That Commissioners Lewis and Burgess are appointed as a committee to consider the availability of the Price Index of the Department of Labor for use in connection with the work of the Tariff Commission.

Voted: That a meeting of the commission be held on September 15, 1923, at 10.30 o'clock a. m. to consider the record in the investigation (No. 16) of the cost of production of wall pockets.

Voted: That a meeting of the commission be held on September 19, 1923, at 10.30 o'clock a. m. to consider reports from the advisory board upon proposed investigations, for the purposes of section 315 of the tariff act of 1922, of the costs of production of ammonium chloride, fish oils, bone black, lampblack, varnish, mosquito bar, agate button blanks, vegetable and animal oils, and such other subjects as may be reported upon by the advisory board.

Voted: That Messrs. A. M. Fox, H. C. Fisher, and Ralph Whitehouse are authorized to travel to New York City and return on business in connection with the pending investigation of the cost of production of sugar.

Voted: That Mr. John A. Egan and Mr. Earlbert E. Barnes are authorized to travel to Reading, Pa.; Rockford and Chicago, Ill.; Milwaukee and Kenosha, Wis.; Bay City, Mich.; Fort Wayne, Ind.; and Philadelphia, Pa., and return on business in connection with the pending investigation of the cost of production of cotton hosiery.

Voted: That Mr. Thomas P. Hayden is authorized to travel to Norristown and Reading, Pa.; Rockford, Ill.; Boston and Lowell, Mass.; and Philadelphia, Pa., and return on business in connection with the pending investigation of the cost of production of cotton hosiery.

Approved September 19, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 15, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess.

Voted: That the chief economist and the chief investigator be directed to prepare and submit as soon as practicable to the commission, with analysis and interpretations, a summary of the evidence before the commission in the investigation (No. 16) of the differences in costs of production of wall pockets in the United States and in the principal competing countries.

Approved, September 19, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

SEPTEMBER 17, 1923.

Present: William S. Culbertson, David J. Lewis, William Burgess, Henry H. Glassie.

Voted: That the advisory board is requested to have prepared and present, with views of members of the board, at the earliest practicable moment, a report on the advisability or inadvisability of investigating costs of production of basic iron and steel products.

Voted: That the schedule of costs of production in the magnesite industry shall be furnished, when approved, to the representative of the Austro-American Magnesite Co. for its use in submitting information regarding such costs for the operation of the industry in Europe.

Approved, September 19, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

SEPTEMBER 19, 1923.

Present: William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on September 14, 15, and 17, 1923, were read and approved.

Voted: That a subpoena be issued to Paul Poitras, 56 Pine Street, New York City, N. Y., to appear as a witness to testify on behalf of the complainant at the hearing set for September 24, 1923, in the investigation (Docket No. 2) of the alleged unfair methods of competition and unfair acts in the importation and sale of brierwood pipes.

Voted: That the secretary is authorized to negotiate with Mr. Myron R. Walker for his services as special expert in the metal section of the commission's staff, with compensation at a rate not to exceed \$3,500 per annum.

Approved, September 28, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

SEPTEMBER 20, 1923.

Present: David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the secretary cause to be prepared and submitted to the commission not later than September 27, 1923, a topical outline for the annual report of the commission to the Congress for the fiscal year ending June 30, 1923. In this connection the secretary is authorized to call upon the chief economist and chief investigator for assistance in reference to the additional duties of the commission under the provisions of the tariff act of 1922.

Approved, September 28, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

SEPTEMBER 21, 1923.

Present: William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

Voted: That the chief investigator be directed to prepare and submit, through the advisory board, a plan for conducting the investigation (No. 29) of the difference in costs of production of magnesite and magnesite brick.

Voted: That the parties of record in the investigation (No. 7) of the differences in costs of production of sodium nitrite be advised that on September 26, 1923, the adjourned date of the hearing in that investigation, the commission will grant request for postponement by adjourning the hearing to October 4, 1923, at the same place, and that the time for filing briefs by parties interested will be extended to said October 4, 1923, said briefs to be printed and to be exchanged between the parties of record. (Note by the secretary: The commission at the hearing on September 26 adjourned the hearing until October 6, 1923.)

Voted: The Secretary is authorized to negotiate with Mr. O. S. Rayner for his services in connection with and during the pending investigation of the sugar-beet industry as special expert in the agricultural section with compensation at a rate not to exceed \$2,500 per annum.

Approved, September 28, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 24, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m., pursuant to its published order adopted on August 11, 1923, setting this date for a public hearing in the investigation (No. 2) of the alleged unfair methods of competition and of all other facts in relation to unfair acts in the importation and sale of brierwood pipes, under the provisions of section 316, Title III, of the tariff act of 1922.

After receiving evidence submitted by parties interested the hearing was adjourned until 10 o'clock a. m. October 17, 1923.

Approved, September 28, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 25, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, David J. Lewis, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to order of adjournment passed on August 14, 1923, for the purpose of receiving argument in the investigation (No. 4) of the differences in costs of production of, and of other facts in relation to, casein, under the provisions of section 315, Title III, of the tariff act of 1922.

After hearing argument by all parties appearing and requesting to be heard the commission announced that the public hearing was closed.

Approved, September 28, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 26, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m. pursuant to order of adjournment passed September 10, 1923, for the purpose of receiving argument in the investigation (No. 7) of the differences in cost of production of, and of all other facts in relation to, sodium nitrite, under the provisions of section 315, Title III, of the tariff act of 1922.

After hearing argument by all parties appearing and requesting to be heard the commission announced that the hearing was adjourned until 10 o'clock a. m. October 6, 1923.

Approved, September 28, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 27, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m. pursuant to its published order adopted on August 11, 1923, setting this date for a public hearing in the investigations (Nos. 30 and 31) of the differences in costs of production of, and of all other facts in relation to rare sugars and amino acid, under the provisions of section 315 of Title III of the tariff act of 1922.

No parties being present to offer evidence or to be heard, the hearing was adjourned sine die.

Approved, September 28, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 27, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the employment of Prof. Alvin Keyser, of the Colorado State College of Agriculture at Fort Collins, Colo., with compensation at the rate of \$20 per day for not to exceed a total of 10 days as consulting expert in the pending investigation of the costs of production of sugar beets, is authorized.

Voted: That a cablegram be sent to Mr. Gilbert Hirsch, of the commission's staff in Paris, France, as follows:

September 12 cable in error; proceed as heretofore. Achenbach in charge central Europe only.



Voted: That a cablegram be sent to Mr. Gilbert Hirsch, of the commission's staff in Paris, France, as follows:

Commission making investigation mirror plate and polished plate glass under section 315; you are instructed make preliminary investigations these subjects and make preparations preliminary to cost investigations by commission's experts in Europe. Letter follows.

Voted: (1) That Mr. F. K. Vieth is authorized to travel to Baltimore, Md., and return for the purpose of obtaining information in regard to the importation of chinaware.

Voted: That Mr. G. M. Youngman is authorized to travel to New York City and return for the purpose of obtaining information regarding manufactures and imports of worsteds and woolen cloths.

Voted: That the employment of Mr. S. O. Jayne during the investigation of the costs of production of sugar beets is authorized, with salary at the rate of \$2,260 per annum, effective from the date of his departure from Spokane, Wash.

Voted: That Mr. Lewis Radcliffe is authorized to travel to New York City and return for the purpose of securing information in regard to the fisheries industries and to attend a conference with the bureau of fisheries in New York City of persons interested in the salt-fish trade.

Approved, September 28, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 28, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m.

Upon motion by Commissioner Burgess the commission adjourned until 2 o'clock p. m.

The commission reconvened at 2 o'clock p. m.

The minutes of the meetings of the commission held on September 19, 20, 21, and 27, 1923, were read and approved.

Voted: That a committee consisting of the chairman and Commissioner Glassie be appointed to report with recommendations upon the request of the National Milk Producers' Association by its letter of September 26, 1923, to file a supplemental affidavit in the investigation (No. 4) of the differences in the costs of production of casein, in which investigation public hearing and final argument were closed on September 25, 1923.

Voted: That a committee consisting of Commissioners Costigan, Lewis, and Glassie, be appointed to report with recommendations upon the motion submitted by counsel for the Norwegian Nitrogen Products Co., in the public hearing on September 26, 1923, in investigation (No. 7) of the differences in costs of production of sodium nitrate.

Voted: That a public hearing in the investigation (No. 1) under the provisions of section 315 of the tariff act of 1922 heretofore ordered in respect of oxalic acid, be held at 10 o'clock a. m., November 5, 1923, at the office of the United States Tariff Commission in the city of Washington, D. C., and that public notice thereof be

given pursuant to rule by publication as specified in said order of investigation, and by posting for 30 days prior to said November 5, 1923, a copy of said notice at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

Voted: That a public hearing in the investigation (No. 2) under the provisions of section 315 of the tariff act of 1922 heretofore ordered in respect of diethylbarbituric acid (veronal or barbital) be held at 10 o'clock a. m., November 7, 1923, at the office of the United States Tariff Commission in the city of Washington, D. C., and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation, and by posting for 30 days prior to said November 7, 1923, a copy of said notice at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

Voted: That a public hearing in the investigation (No. 3) under the provisions of section 315 of the tariff act of 1922, heretofore ordered in respect of barium dioxide be held at 10 o'clock a. m., November 9, 1923, at the office of the United States Tariff Commission in the city of Washington, D. C., and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation, and by posting for 30 days prior to said November 9, 1923, a copy of said notice at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

Voted: That a public hearing in the investigation (No. 5) under the provisions of section 315 of the tariff act of 1922, heretofore ordered in respect of logwood extract, be held at 10 o'clock a. m., November 12, 1923, at the office of the United States Tariff Commission in the city of Washington, D. C., and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation, and by posting for 30 days prior to said November 12, 1923, a copy of said notice at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

Voted: That a public hearing in the investigation (No. 6) under the provisions of section 315 of the tariff act of 1922 heretofore ordered in respect of potassium chlorate, be held at 10 o'clock a. m. November 14, 1923, at the office of the United States Tariff Commission in the city of Washington, D. C.; and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation, and by posting for thirty days prior to said November 14, 1923, a copy of said notice at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

Voted: That a cablegram be sent to Mr. Frederick Achenbach of the commission's staff in Berlin, Germany, as follows:

Disregard cablegram September 13 Hirsch operating under direct instructions commission France and Belgium.

Voted: That the secretary is authorized to arrange with the Veterans' Bureau to permit persons in training under the direction of the Veterans' Bureau to serve, for the purposes of such training,

as employees of the Tariff Commission without compensation by the commission during such training in such positions as they may be qualified for and without obligation on the part of the Tariff Commission.

Voted: That Room 306 in the office of the Tariff Commission be assigned for the use of the editorial clerks of the commission's staff under the direction of the chief economist.

Voted: That the secretary is authorized to instruct employees of the Tariff Commission now in Europe to travel by ships of a less expensive character than the *Leviathan*, but to give preference, the expense being substantially equal, to vessels operated by the United States Shipping Board Emergency Fleet Corporation.

Voted: That the Secretary is authorized to approve additional leave without pay until November 15, 1923, for Mr. Warren M. Watson.

Approved, October 2, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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OCTOBER 1, 1923.

Present: David J. Lewis, Edward P. Costigan.

The commission met at 10 o'clock a. m. pursuant to its published order adopted on August 11, 1923, setting this date for a public hearing in the investigation (No. 29) of the differences in costs of production of, and of all other facts in relation to, magnesite and magnesite brick, under the provisions of section 315, Title III of the tariff act of 1922.

Pursuant to its supplemental order adopted on September 14, 1923, the commission announced that the hearing was adjourned until 10 o'clock a. m. December 5, 1923.

Approved, October 2, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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OCTOBER 2, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on September 28, 1923, were read and approved.

The chairman presented a letter from the President as follows:

THE WHITE HOUSE,  
Washington, October 1, 1923.

MY DEAR MR. MARVIN: In a note from the Spanish ambassador dated November 5, 1922, this Government was informed of the intention of the Spanish Government to terminate on November 5, 1923, the present most-favored nation treatment accorded imports from the United States by which we have been and are now receiving the benefit of reductions in import duties granted by Spain in its treaties and trade agreements with other countries.

Paragraph (g) of section 317 of the act makes it the duty of the United States Tariff Commission to ascertain whether discriminations against the commerce of the United States are practiced by any country and to make recommendations to you (sic) regarding the matter. Since increased duties

authorized to section 317 of the act do not become operative until the expiration of 30 days following the date of a proclamation declaring such duties, and since it would appear to be desirable to make the action effective as soon as possible after the beginning of any discriminations against American products, I am writing to request your commission to begin a study of the situation with reference to Spain.

The Secretary of State advises me that his department will be glad to furnish your commission with such information of a helpful character as has come to its knowledge in connection with the treaty negotiations or otherwise, including a list of articles in the importation of which, to the United States, Spain is particularly interested and on which increased duties would be most distasteful. Secretary Hughes also suggests that the Department of Commerce may be in a position to furnish valuable assistance in this matter.

Very truly yours,

CALVIN COOLIDGE.

HON. THOMAS O. MARVIN,  
*Chairman United States Tariff Commission.*

Voted: That the report of the committee appointed on September 28, 1923, consisting of the chairman and Commissioner Glassie, to consider the request of the National Milk Producers Association that they be permitted to file a supplemental affidavit in the investigation (No. 4) of the differences in cost of production of casein, under section 315 of the tariff act of 1922, submitting a draft of a letter addressed to the National Milk Producers Association, be approved by the commission.

The committee consisting of Commissioners Costigan, Lewis, and Glassie, appointed on September 28, to report upon the requests submitted by the counsel for the Norwegian Nitrogen Products Co. in the public hearing in the investigation (No. 7) of the differences in cost of production of sodium nitrite under the provisions of section 315 of the tariff act of 1922, submitted the following motion which was adopted:

Voted: That upon the requests made by counsel for the Norwegian Nitrogen Products Co. on September 26, 1923, at the public hearing in the investigation (No. 7) under the provisions of section 315 of Title III of the tariff act of 1922, in respect of sodium nitrite, the commission rules as follows:

1. The commission, in addition to holding a public hearing in which Judge DeVries participated as counsel for the parties of record represented by him, has submitted to the parties appearing at such hearing a written statement embodying the result of the commission's field investigations. At the adjourned hearing, set for October 6, 1923, all parties interested, including those represented by Judge DeVries, will have an opportunity to meet the matter embodied in such statement. In so far as the first request of Judge DeVries is a request for leave to inspect the original and primary data collected by the commission's investigators in the field and embodied in such statement, or is a request for additional information respecting the same beyond what the commission has already submitted, the request is denied.

2. At the adjourned public hearing, set for October 6, 1923, opportunity will be afforded all parties interested to offer any evidence they may have with respect to the matter embodied in the commission's statement of the field investigations conducted by its staff and such parties will have opportunity to be heard upon the same. In so far as the second request of Judge DeVries is a request to offer

evidence and to be heard upon the question of the cost of power in the United States for the production of nitrites, and to offer evidence, and to be heard in respect of the matter embodied in the statement submitted by the commission to the parties, the request is granted. In so far as it is a request to inspect the original cost and other data collected in the field by the commission's investigators or the figures showing the details of individual costs of production obtained by the commission under the sanction of section 708 of Title VII of the revenue act of September 8, 1916, the request is denied.

3. At the adjourned hearing set for October 6, 1923, all parties interested will be afforded an opportunity to offer any relevant and material evidence in their possession with respect to the number of laborers employed and the wages paid by the American Nitrogen Products Co. To this extent the third request of Judge DeVries is granted; but in so far as that request asks for inspection of the original data showing the production costs in respect of labor of the American Nitrogen Products Co. submitted by or obtained from said company under the sanction of section 708 of Title VII of the revenue act of September 8, 1916, the request is denied.

4. At the adjourned hearing set for October 6, 1923, all parties interested will be afforded an opportunity to offer any relevant and material evidence in their possession with respect to capital invested in the American Nitrogen Products Co. To this extent the fourth request of Judge De Vries is granted; but in so far as that request asks for inspection of the original data relating to the production costs of the American Nitrogen Products Co. submitted by or obtained from said company under the sanction of section 708 of Title VII of the revenue act of September 8, 1916, the request is denied.

5. The fifth request of Judge De Vries, in so far as it asks for an opportunity to cross-examine experts of the commission with respect to the costs data and other matter obtained by them in the course of the investigation in the field, is denied. But at the adjourned hearing set for October 6, 1923, all parties interested will be afforded an opportunity to offer any relevant and material evidence in their possession, and to be heard, with respect to the matter embodied in the commission's statement heretofore submitted to the parties interested appearing in such investigation. In so far as the fifth request of Judge De Vries is a request for an opportunity to meet, by evidence and argument, the matter embodied in such statement, the request is granted. In so far as it is a request to cross-examine the commission's investigators concerned in obtaining the matter summarized in said statement with respect to the performance of their official duties and functions in such investigation, and in so far as it is a request for inspection of the cost data and other matter so obtained and embodied in said statement, said request is denied.

Commissioner Glassie made the following statement in reference to this vote:

In voting for this motion I wish to make this statement. I concur in the proposed ruling on Judge De Vries's requests, resolving any doubts in favor of a refusal at this time to make further disclosure of the evidence collected by the commission itself.

The subsumption of my concurrence is that these rulings substantially fulfill that indispensable requirement of every hearing, namely, a timely disclosure of the ultimate facts that are likely to determine the conclusion. The mere fact that these rulings have to be made is, in my judgment, clear proof that the statement by the commission of the apparent results of its own investigations should be communicated in advance of, or at least at the outset of the open public session in order, first, that the evidence given at such hearing shall be directed toward the real issue in the investigation; and, second, that the parties interested will have an adequate opportunity to meet, by evidence and not merely by argument, the apparent effect of the whole of the evidential matter collected through the commission's own investigation.

Voted: That the resignation of Mr. Paul M. Tyler be accepted to take effect at the close of business on October 15, 1923, as tendered in his letter under date of September 29, 1923.

Voted: That a public hearing in the investigation (No. 13) under the provisions of section 315 of the tariff act of 1922, heretofore ordered in respect of cotton warp-knit fabric, be held at 10 o'clock a. m. November 16, 1923, at the office of the United States Tariff Commission in the city of Washington, D. C.; and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation, and by posting for 30 days prior to said November 16, 1923, a copy of said notice at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

Voted: That a public hearing in the investigation (No. 14) under the provisions of section 315 of the tariff act of 1922, heretofore ordered in respect of cotton gloves made of warp-knit fabric, be held at 10 o'clock a. m., November 16, 1923, at the office of the United States Tariff Commission in the city of Washington, D. C.; and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation and by posting for 30 days prior to said November 16, 1923, a copy of said notice at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

Voted: That a public hearing in the investigation (No. 15) under the provisions of section 315 of the tariff act of 1922, heretofore ordered in respect of cotton hosiery, be held at 10 o'clock a. m., November 20, 1923, at the office of the United States Tariff Commission in the city of Washington, D. C.; and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation and by posting for 30 days prior to said November 20, 1923, a copy of said notice at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

Voted: That a committee consisting of Commissioners Lewis and Glassie be appointed to have prepared a synopsis of the results of the commission's investigations of cotton warp-knit fabric (No. 13), cotton gloves made of warp-knit fabric (No. 14), and cotton hosiery (No. 15), this synopsis to be issued to the parties of record in said investigations prior to the dates fixed, respectively, for public hearings therein.

Voted: That a committee consisting of the chairman, vice chairman, and Commissioner Burgess be appointed to consider report to the commission upon organization of the accounting division of the commission's staff.

Commissioner Costigan submitted the following motions and requested that they lie on the table:

That the commission requests that reports of special experts of the commission on the advisability or inadvisability of ordering investigations be confined, in addition to legal suggestions, to economic reasons which may be assigned in connection with the facts surveyed or reviewed in such reports;

Further: That the report of the advisory board with respect to wool and woollens, dated on or about September 22, 1923, be returned to that board with a request to the board expeditiously to revise the same for the commission's consideration by the elimination therefrom of arguments therein directed to political considerations, merely hypothetical inferences, and reasons of expediency and discretionary commission policy.

Approved, October 5, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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OCTOBER 4, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, and Henry H. Glassie.

Voted: That a committee, consisting of Commissioners Marvin, Culbertson, and Lewis, be appointed to consider and report to the commission upon the request of the President for the commission's assistance in finding a solution to the prevailing depression amongst the wheat producers of the country.

Voted: That no investigation pursuant to the application of Pomeroy & Fischer, dated April 13, 1923, under the provisions of section 315 of Title III of the tariff act of 1922, with reference to bone black, be ordered at the present time.

In connection with the foregoing resolution, Commissioner Costigan stated that his vote in favor of the denial at this time of the application referred to and his vote in favor of any other denials of applications should not be considered as implying approval of reasons assigned by the advisory board in its reports to the commission.

Voted: That the secretary be directed to send a letter to Pomeroy & Fischer advising them that after careful consideration of their application for a decrease of the rate of duty on bone black, the commission is of opinion that the institution of a formal investigation for the purposes of section 315 of Title III of the tariff act of 1922, is not warranted at the present time by the facts developed by the commission's inquiries; and, further, that the commission will be ready at any time in the future to give further consideration to this subject in the light of such additional information as the applicant may care to submit or that may be otherwise developed.

Voted: That no investigation pursuant to the application of L. Martin Co., dated February 7, 1923, under the provisions of section 315 of Title III of the tariff act of 1922, with reference to lamp-black, be ordered at the present time.

Voted: That the secretary be directed to send a letter to L. Martin Co. advising them to the same effect as was directed in the case of bone black, this date.

Voted: That no investigation pursuant to the application of Applebee & Neuman, dated January 15, 1923, under the provisions of section 315 of Title III of the tariff act of 1922, with reference to agate button blanks or molds, be ordered at the present time.

Voted: That the secretary be directed to send a letter to Applebee & Neuman advising them to the same effect as was directed in the case of bone black, this date.

Voted: That at a meeting of the commission to be held on Tuesday, October 9, 1923, the reports of the advisory board in respect of applications submitted in respect of the following subjects, under the provisions of section 315 of Title III of the tariff act of 1922 shall be considered: Varnish; ammonium chloride; laces and related articles; fish oils; cottonseed oil, cocoanut oil, soya bean oil, peanut oil and peanuts, and other vegetable and animal oils and fats.

Approved, October 5, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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OCTOBER 5, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on October 2 and 4, 1923, were read and approved.

Voted: That the advisory board be requested to include in each of its reports concerning investigations under the provisions of section 315 of Title III of the tariff act of 1922 a statement, as far as possible in the language of the tariff act, of the precise subject matter of the investigation under consideration; and

That each such report shall recite or refer to the occasion, authority, or instructions pursuant to which the report is prepared.

Voted: That Mr. F. Morton Leonard, Mr. Myron R. Walker, and Mr. Roy R. Merrill are authorized to travel to California and Washington, and return, in accordance with the recommendations of the advisory board submitted under date of October 5, 1923, for the purpose of obtaining information concerning domestic sources and costs of production of magnesite and magnesite brick in connection with the pending investigation (No. 29) of those subjects under the provisions of section 315 of the tariff act of 1922.

Voted: That a committee, consisting of Commissioners Culbertson, Costigan, and Glassie, be appointed to consider the form of the annual report of the commission for the fiscal year ended June 30, 1923.

That the resignation of Mr. D. C. Moynihan be accepted effective at the close of business on September 21, 1923.

Approved, October 9, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.



OCTOBER 6, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to order of adjournment passed on September 26, 1923, for the purpose of receiving argument in the investigation (No. 7) of the differences in cost of production of and of all other facts in relation to sodium nitrite for the purposes of section 315 of Title III of the tariff act of 1922.

After hearing argument by all parties appearing and requesting to be heard the commission announced that counsel for the Norwegian Nitrogen Products Co. would be granted until 10 o'clock a. m. October 10, 1923, to file a brief, and that the applicant would be granted until October 17, 1923, to file a brief in reply, and that the public hearing was closed.

Approved October 16, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 9, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held October 5, 1923, were read and approved.

Voted: That no investigation pursuant to the application of C. de P. Field Co., October 24, 1922, under the provisions of section 315 of Title III of the tariff act of 1922, with reference to ammonium chloride, be ordered at the present time.

Voted: That the secretary be directed to send a letter to C. de P. Field Co. advising them that after careful consideration of their application for a decrease of the rate of duty on ammonium chloride the commission is of opinion that the institution of a formal investigation for the purposes of section 315 of Title III of the tariff act of 1922, is not warranted at the present time by the facts developed by the commission's inquiries, and further that the commission will be ready at any time in the future to give further consideration to this subject in the light of such additional information as the applicant may care to submit or that may be otherwise developed; and further, that a letter was addressed to the applicant under date of January 18, 1923, requesting their assistance in obtaining information concerning foreign costs, to which letter no reply has been received.

Voted: That the report of the advisory board upon applications for an investigation of the differences in cost of production of varnish under the provisions of section 315 of the tariff act of 1922 be laid aside for further consideration.

Upon the consideration of the report of the advisory board on applications for investigation of the duties on laces.

Commissioner Culbertson moved, seconded by Commissioner Costigan, that an investigation of the lace industry for the purposes of

section 315 of Title III of the tariff act of 1922 be instituted pursuant to rule.

Voted: That the textile division be instructed to report to the commission not later than October 23, 1923, such information as it may be able to obtain with respect to production, imports, and pre-war, present, and intermediate prices of standard articles embraced within the proposed investigation of the lace industry under the provisions of section 315 of the tariff act of 1922.

Voted: That Mr. George Middleton is authorized to travel to Philadelphia, Pa., New York City, N. Y., Providence, R. I., and return, for the purposes of obtaining information in regard to production, imports, and prices of laces.

Upon consideration of the report of the advisory board on applications for investigation of the duties on certain vegetable oils—

Commissioner Culbertson moved, seconded by Commissioner Costigan—

That an investigation of the coconut oil, soya-bean oil, and peanut oil industries for the purposes of section 315 of Title III of the tariff act of 1922 be instituted pursuant to rule; and

Further, that a general investigation and survey of the cottonseed oil, fish oils, and other animal and vegetable oils and fats, and peanut industries, is hereby instituted; and

Further, that an investigation of the export trade in cottonseed oil and of discriminations in foreign countries against cottonseed oil is hereby instituted.

Commissioner Glassie moved as a substitute for the motion submitted by Commissioner Culbertson—

That the Tariff Commission institute an investigation under its general powers of coconut oil, soya-bean oil, peanut oil, peanuts, cottonseed oil, fish oils, and other animal and vegetable oils.

On the substitute motion offered by Commissioner Glassie the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie. Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The question reverting to the motion of Commissioner Culbertson, the votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan. Against the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Approved, October 12, 1923.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

OCTOBER 11, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess.

Voted: That Mr. Charles F. Yauch is authorized to travel to Baltimore, Md., and return, for the purpose of obtaining information in regard to production and importation of men's sewed straw hats.

Voted: That in those cases in which formal investigations have been ordered by the commission and general field work has been authorized, particular field trips may be authorized and approved upon memoranda thereof initialed by not less than a majority of the commission, notation thereon to be recorded in the minutes of the next subsequent meeting of the commission.

Voted: That Mr. Arthur F. Ferguson, heretofore employed for a period of approximately six months, be continued in the service of the Tariff Commission as special expert with compensation at the rate of \$3,000 per annum.

Voted: That a committee consisting of Commissioners Culbertson and Burgess be appointed to consider a report to the commission upon the organization of the ceramics division of the commission's staff.

Voted: That the employment of Mr. V. T. Ellsworth as special expert with salary at the rate of \$2,260 per annum is approved for a period of approximately two months or for the duration of the pending investigation of the sugar-beet industry.

Voted: That the employment of Mr. Howard S. Brossard as special expert with salary at the rate of \$2,260 per annum is approved for a period of approximately two months or for the duration of the pending investigation of the sugar-beet industry.

Voted: That at the adjourned hearing to be held on October 17, 1923, in the investigation (No. 2) for the purposes of section 316 of the tariff act of 1922, in respect of alleged unfair acts in the importation and sale of brier wood pipes, the commission, in view of the telegraphic request of counsel for parties of record, grant a motion that said hearing shall be adjourned until 10 o'clock a. m. Wednesday, October 31, 1923, for the purpose of giving sufficient time to the respondents to obtain additional evidence in reference to foreign costs of production.

Mr. Costigan was not present when this vote was taken.

Voted: That the report in the pending investigation (No. 27) for the purposes of section 315 of the tariff act of 1922, in respect of the duty on logs of fir, spruce, cedar, and western hemlock be made a special order of business at a meeting of the commission to be held on October 12, 1923.

Voted: That the reports in the pending investigations (Nos. 16 and 11) for the purposes of section 315 of the tariff act of 1922 in reference, respectively, to wall pockets and paint-brush handles be made a special order of business at a meeting of the commission to be held on Monday, October 15, 1923.

Voted: That the report in the pending investigation (No. 4) for the purposes of section 315 of the tariff act of 1922 in reference to casein be made a special order of business at a meeting of the commission to be held on October 16, 1923.

Voted: That the report in the pending investigation (No. 7) for the purposes of section 315 of the tariff act of 1922 in reference to sodium nitrite be made the special order of business at a meeting of the commission to be held on October 18, 1923.

Approved, October 12, 1923.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

OCTOBER 12, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held October 9 and 11, 1923, were read and approved.

Voted: That the bill submitted by the Dictograph Products Corporation, on October 2, 1923, in the sum of \$4,974.67 for the installation of the intercommunicating system of telephones in the offices of the Tariff Commission pursuant to order of the commission No. 624, dated June 25, 1923, be approved for payment.

Commissioner Lewis submitted the following motion:

That upon consideration of the application filed by the Bloedel-Donovan Lumber Co. for a reduction of the duty on logs of fir, spruce, cedar, or western hemlock imposed by paragraph 401 of Title I of the tariff act of 1922, and of the matters and things presented at the preliminary public hearing held on August 3, 1923, pursuant to the commission's order of July 2, 1923, whereof due public notice was given according to the commission's rules of procedure, as well as of the arguments and briefs submitted on behalf of the parties appearing respectively in behalf of and in opposition to the application for said reduction, the United States Tariff Commission, for the reasons stated in the opinion filed this 12th day of October, 1923, finds that the rate of duty imposed on logs of fir, spruce, cedar, or western hemlock by said paragraph 401 of said tariff act, is not subject to increase or decrease by proclamation of the President under section 315 of Title III of said act, and the United States Tariff Commission accordingly orders that the investigation into the costs of production of said articles, the growth or product of the United States and of similar articles the growth or product of competing countries, instituted on July 2, 1923, be, and the same is hereby, discontinued.

Commissioner Costigan submitted as a substitute for the foregoing motion by Commissioner Lewis the following motion:

That whereas a clear distinction exists between the assertion and the denial of jurisdiction under section 315 of the tariff act of 1922, and

Whereas it would be manifestly improper for the Tariff Commission to attempt to deny, without his approval, the power of the President of the United States, after due investigation, to change by proclamation, as provided in said section, any rates of duty fixed in the tariff act of 1922, it is

Moved that the question of the President's authority under section 315 of said act to change the rate of duty fixed by paragraph 401 thereof on logs of fir, spruce, cedar, and western hemlock, together with the record of the argument thereon had before the commission on the 6th day of August, 1923, be and the same is hereby respectfully referred to the President for his consideration and determination.

Further, that all parties interested who have appeared before the commission in connection with said question be advised of the commission's action.

On the substitute motion, offered by Commissioner Costigan, the votes of the commissioners were as follows:

In favor of the adoption of the substitute motion: Messrs. Culbertson and Costigan. Against the adoption of the substitute motion: Messrs. Marvin, Lewis, Burgess, and Glassie.

The substitute motion was accordingly rejected.

The question reverting to the motion by Commissioner Lewis, the votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Lewis, Burgess, and Glassie. Against the adoption of the motion: Messrs. Culbertson and Costigan.

The motion was accordingly adopted.

Commissioner Lewis submitted the following motion:

That after the lapse of seven days from this date, in order to permit of the filing of dissenting opinions, exemplified copies of the order of the Tariff Commission and of the opinions of the members of the commission in respect thereof, in the investigation (No. 27) for the purposes of section 315 of the tariff act of 1922, in respect of logs of fir, spruce, cedar, or western hemlock, be transmitted to the President and be made public.

Commissioner Costigan moved the following amendment to the foregoing motion by Commissioner Lewis:

That a copy of the substitute order moved by Commissioner Costigan in this case on this date accompany the report to the President.

On the amendment submitted by Commissioner Costigan the votes of the commissioners were as follows:

In favor of the adoption of the amendment: Messrs. Culbertson and Costigan. Against the adoption of the amendment: Messrs. Marvin, Lewis, Burgess, and Glassie.

The amendment was accordingly rejected.

The question reverting to the motion submitted by Commissioner Lewis, the motion was adopted.

Approved, October 16, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

OCTOBER 15, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The commission met, pursuant to order adopted on October 11, 1923, for the purpose of considering the records in the investigations (Nos. 16 and 11) of the costs of production, respectively, of wall pockets and paint-brush handles for the purposes of section 315 of Title III of the tariff act of 1922. The records in these cases were not in condition for consideration, as the report of the advisory board was not completed. The subjects were therefore postponed for further consideration.

Voted: That Messrs. A. Moody Burt, Howard F. Barker, Thomas P. Hayden, and L. G. Newman are authorized to proceed to Boston, Ipswich, and Lowell, Mass., Laconia, N. H., and New Haven, Conn., and return in connection with the pending investigation (No. 15) of cotton hosiery.

Voted: That Messrs. Myron G. Grigg and W. J. Dedicott are authorized to proceed to York, Williamstown, Plymouth, Norristown, and Philadelphia, Pa., Martinsburg, W. Va., and return in connection with the pending investigation (No. 15) of cotton hosiery.

Approved, October 19, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

—  
OCTOBER 16, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held October 6 and 12, 1923, were read and approved.

Voted: That a committee consisting of Commissioners Glassie, Lewis, and Costigan be appointed to supervise the execution of the order of the commission adopted on October 12, 1923, in regard to a decision in the investigation (No. 27) in respect of logs of fir, spruce, cedar, and western hemlock.

Upon consideration of the report of the advisory board to the commission dated October 11, 1923, submitting recommendations with respect to hearings in the pending investigation (No. 12) of the cost of production of sugar for the purposes of section 315 of Title III of the tariff act of 1922—

Commissioner Burgess moved that the recommendations in the advisory board's report be approved and adopted as follows:

It is recommended that on or about October 15 an announcement be made that hearings will begin on sugar January 15, 1924.

It is further recommended that at the same time an announcement be made that on December 1 there will be made available and mailed on request to interested parties a summary of the facts ascertained in the commission's investigation of the sugar industry.

It is further recommended that a list of questions or problems to be considered at the hearing should be prepared by the advisory board, and, if approved by the commission, rendered available to the trade.

Commissioner Glassie moved as a substitute for the motion submitted by Commissioner Burgess:

That an announcement be now made that a public hearing will be held on January 15, 1924, in the pending sugar investigation.

That an announcement be now made that on or about December 1 there will be made available and mailed on request to interested parties a statement, consistent with nondisclosure of trade secrets, of the data secured in the pending sugar investigation.

That on or about December 1 a statement, to be prepared by the advisory board and approved by the commission, of basic points or problems arising in or involved in the consideration of the evidence obtained in the pending sugar investigation be made available and mailed on request to interested parties, to the end that such parties may especially address themselves at the hearing to the discussion of such points or problems.

The question being upon the motion by Commissioner Glassie, the substitute was agreed to.

The chairman announced the appointment of a committee consisting of Commissioners Glassie, Costigan, and Burgess to super-

wise the execution of the order of the commission contained in the foregoing resolution as adopted.

Commissioner Costigan, seconded by Commissioner Glassie, moved that no committee for this purpose be appointed.

Commissioner Burgess moved as a substitute for Commissioner Costigan's motion that a committee consisting of the chairman and Commissioner Lewis be appointed to supervise the execution of the order of the commission as adopted this date in regard to a public hearing in the sugar investigation.

The question being upon the motion submitted by Commissioner Burgess, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Costigan, Burgess, and Glassie.

Against the adoption of the motion: Mr. Marvin.

Commissioner Lewis did not vote on this motion.

Commissioner Culbertson was not present when this vote was taken.

Voted: That the employment of Mr. R. J. Le Gardeur, as authorized by vote of the commission on August 14, 1923, be extended for an additional period not to exceed an aggregate of five days, upon the same terms.

On this motion Commissioner Costigan voted in the negative.

Voted: That the salary of Mr. Howard F. Barker be increased from \$1,800 per annum to \$2,000 per annum, effective October 16, 1923.

Voted: That the consideration of the record in the investigation (No. 16) in respect of wall pockets, for the purposes of section 315 of the tariff act of 1922, be made the special order of business at a meeting of the commission to be held on October 18, 1923.

Voted: That the consideration of the record in the investigation (No. 11) in respect of paintbrush handles, for the purposes of section 315 of the tariff act of 1922, be made the special order of business at a meeting of the commission to be held on October 19, 1923.

Voted: That the consideration of the record in the investigation (No. 4) in respect of casein, for the purposes of section 315 of the tariff act of 1922, be made the special order of business at a meeting of the commission to be held on October 23, 1923.

Voted: That the consideration of the record in the investigation (No. 7) in respect of sodium nitrite, for the purposes of section 315 of the tariff act of 1922, be made the special order of business at a meeting of the commission to be held on October 24, 1923.

Approved, October 19, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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OCTOBER 17, 1923.

Present: William S. Culbertson.

The commission met in the hearing room at 10 o'clock a. m., pursuant to order of adjournment passed on September 24, 1923, for the purpose of continuing the hearing in the investigation (No. 2) of alleged unfair methods of competition and of all other facts in relation to unfair acts in the importation and sale of brierwood

pipes, for the purposes of section 316 of Title III of the tariff act of 1922.

Pursuant to its supplemental order adopted on October 11, 1923, upon request of counsel for parties of record, the commission announced that the hearing was adjourned until 10 o'clock a. m., October 31, 1923.

Approved, October 23, 1923.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

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OCTOBER 18, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met for further consideration of the record and reports in the investigation (No. 16) of the cost of production of wall pockets for the purposes of section 315 of Title III of the tariff act of 1922. After discussion, in which all the commissioners participated, it was

Voted: That a committee consisting of Commissioners Lewis and Glassie be appointed to prepare for consideration by the commission a statement of findings for submission to the President in the pending investigation of the cost of production of wall pockets.

Voted: That Mr. Anthony T. Geraci is authorized to travel to New Orleans and such other places in Louisiana as may be necessary and return in connection with the pending investigation (No. 12) of the differences in cost of production of sugar.

Approved, October 19, 1923.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

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OCTOBER 19, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on October 15, 16, and 18, 1923, were read and approved.

The commission proceeded to further consider the record and reports in the investigation (No. 11) of the cost of production of paint-brush handles for the purposes of section 315 of Title III of the tariff act of 1922. After discussion, in which all the commissioners participated, it was—

Voted: That a committee consisting of Commissioners Culbertson and Burgess be appointed to prepare for consideration by the commission a statement of findings for submission to the President in the pending investigation of the cost of production of paint-brush handles.

Approved, October 23, 1923.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*



OCTOBER 23, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on October 17 and 19, 1923, were read and approved.

The record and reports in the investigation (No. 4) of the differences in cost of production of casein for the purposes of section 316 of Title III of the tariff act of 1922 was made a special order of business for this meeting. The record and reports were not ready for disposition. The subject was thereupon laid aside for further consideration.

Voted: That Mr. A. M. Fox be authorized to travel to New York City and return on business in connection with the pending investigation of the cost of production of sugar.

Voted: That Mr. F. H. Smith or Mr. J. M. P. Donohoe, or both of them, as may be deemed desirable by the committee heretofore appointed to report on the investigation of the cost of production of wall pockets, be authorized to travel to New York City and return for the purpose of verifying the quantity of wall pockets manufactured by the U. S. Wall Pocket Co. during the years 1919, 1920, and 1921, and the production costs of the same; and that they, or either of them, be likewise authorized also to travel to Camden, N. J., and such other places as may be necessary and return for the purpose of obtaining current prices of cardboard used in the manufacture of wall pockets.

On this motion Commissioner Culbertson voted in the negative.

Voted: That Mr. F. H. Smith and Mr. J. M. P. Donohoe, or either of them, as the committee heretofore appointed to report on the investigation of the cost of production of paint-brush handles may deem advisable, be authorized to travel to Kane, Pa., and return in connection with travel this date authorized in connection with the pending investigation of the cost of production of wall pockets, for the purpose of verifying cost data testified to in the pending investigation of the cost of production of paint-brush handles.

Voted: That the Secretary is authorized to negotiate with Mr. Hazen B. Pingrey as special expert investigator, with basic salary at the rate of \$2,260 per annum and transportation expenses and allowance for subsistence from his present station and return thereto, such employment to be for not longer than the duration of the pending investigation of the cost of production of sugar beets.

Voted: That the secretary is authorized to negotiate with Mr. M. F. Wharton as special expert investigator, with basic salary at the rate of \$2,260 per annum and transportation expenses and allowance for subsistence from his present station and return thereto, such employment to be for not longer than the duration of the pending investigation of the cost of production of sugar beets.

Voted: That at the adjourned hearing to be held on October 31, 1923, as ordered on October 11, 1923, in the investigation (No. 2) pursuant to the provisions of section 316 of the tariff act of 1922 in respect of alleged unfair acts in the importation and sale of brier-wood pipes, the commission, in view of the written request and agreement of counsel for parties of record, will grant a motion that said

hearing shall be adjourned until 10 o'clock a. m. Friday, November 2, 1923.

Voted: That Mr. J. Mark Albertson and Mr. Joseph P. Gregory be authorized to travel to Europe and return in connection with the pending investigations (Nos. 26 and 8), respectively, of the cost of production of plate glass and mirror plate, and that they be instructed to proceed first to France, under the general direction and in cooperation with Mr. Gilbert Hirsch, and subsequently to such other places as the exigencies of the investigations may require.

Voted: That Mr. Dexter North and Mr. S. L. Heacock be authorized to travel to Philadelphia, Pa.; Buffalo, Amsterdam, and New York City, N. Y., and return on business in connection with the pending investigation of the cost of production of linseed oil.

Voted: That Mr. R. H. Cragg and John N. Torvestad be authorized to travel to St. Louis, Mo.; Des Moines, Iowa; Fredonia, Kans.; Chicago, Ill.; Milwaukee, Wis.; and Minneapolis, Minn., and return on business in connection with the pending investigation of the cost of production of linseed oil.

Voted: That Mr. Frank Talbot and Mr. Mervyn Braun be authorized to travel to Philadelphia, West Conshohocken, Pa.; New York City, Rochester, N. Y.; Perth Amboy, Newark, Garfield, and Elizabeth, N. J.; Chicago, Ill.; Detroit, Mich.; and St. Louis, Mo., and return on business in connection with the pending investigation of the cost of production of cresylic acid, phenol, synthetic phenolic resin, rare sugars, and amino acids, and thymol.

Voted: That the chairman and vice chairman be requested to confer with the Secretary of State with respect to further proceedings in the pending investigation (No. 1) for the purposes of section 316 of Title III of the tariff act of 1922 in respect of alleged unfair acts in the importation and sale of revolvers simulating revolvers of American manufacture.

Voted: That the chief investigator for central Europe be authorized to rent a room in accordance with the request stated in his letter of July 21, 1923, at an expense not to exceed \$30 per month, preferably in conjunction with the offices to be occupied by the representative of the United States Treasury Department.

Voted: That the secretary is authorized to confer with the Commissioner of Labor Statistics of the Department of Labor in order to ascertain precisely what data concerning the wage rates in the sugar industry in Cuba are desired by the Department of Labor, so that the Tariff Commission may be able to prepare and furnish the Department of Labor such data so far as permitted by the applicable statutes: *Provided*, That no information so furnished shall be made public until after issuance by the Tariff Commission of the statements now being prepared by it in connection with the pending investigation of the cost of production of sugar.

Approved, October 26, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

OCTOBER 24, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That such portion of the vote of the commission on October 23, 1923, as authorized Mr. Joseph P. Gregory to travel to Europe and return in connection with the pending investigations (Nos. 26 and 8), respectively, of the cost of production of plate glass and mirror plate, is hereby revoked and rescinded.

Voted: That Mr. Paul Hermes be instructed to assist, while in Europe, in the conduct of the pending investigations (Nos. 26 and 8), respectively, of the cost of production of plate glass and mirror plate, in so far as he can do so consistently with the proper completion of the work upon which he is at present engaged.

Voted: That the resignation of Mr. Lewis Radcliffe be accepted in order that he may accept the appointment as deputy commissioner of fisheries tendered to him by the President.

Voted: That the secretary is authorized to negotiate with Mr. William C. Fitzgibbon for his services as special expert accountant on the staff of the commission, with compensation at a rate not to exceed \$3,000 per annum.

Voted: That further consideration of the report of the advisory board on varnish be suspended until a brief field investigation of prices of representative domestic and imported varnishes may be made, of the conditions affecting pre-war and post-war importations of varnishes, such investigation to be conducted as promptly as may be practicable.

Approved, October 30, 1923.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

OCTOBER 25, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission proceeded to consider the application of the Interstate Cottonseed Crushers Association for an investigation of alleged discriminations by the Italian Government in respect of the commerce of the United States in the importation into Italy of cottonseed oil.

After discussion of the subject in which all of the commissioners participated, it was—

Voted: That on the petition of the applicant in the foregoing case further action therein be suspended for a reasonable time and so long as may not be incompatible with the public interest and that the applicant be so notified.

Voted: That a committee consisting of Commissioners Costigan, Burgess, and Glassie be appointed to prepare draft of a letter to be sent to the applicant in pursuance of the foregoing vote of the commission.

The chairman laid before the commission a letter from the Secretary to the President accompanied by a communication from the president of the National Milk Producers' Association protesting

against the procedure adopted by the tariff commission in the investigation (No. 4) for the purposes of section 315 of the tariff act of 1922, of the differences in cost of production of casein.

After general discussion of the subject by the commission, it was—

Voted: That a committee consisting of Commissioners Culbertson, Costigan, and Glassie be appointed to prepare draft of a reply to the above-mentioned communication.

Commissioner Culbertson called up for consideration the motion entered by him on October 9, 1923, for the institution of an investigation of the lace industry for the purposes of section 315 of Title III of the tariff act of 1922.

Commissioner Marvin moved as a substitute to Commissioner Culbertson's motion that an investigation of the lace industry be instituted under the general powers of the commission and section 318 of the tariff act of 1922.

On the substitute motion the votes of the commissioners were as follows:

In favor of the adoption of the substitute: Messrs. Marvin, Burgess.

Against the adoption of the substitute: Messrs. Culbertson, Lewis, Costigan, Glassie.

The substitute motion was rejected.

The question reverting to Commissioner Culbertson's motion, and he accepting a proposed amendment providing for the ordering of a hearing at the same time as the institution of the investigation, it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION No. 32 BY THE UNITED STATES TARIFF COMMISSION FOR THE  
PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

LACE

The United States Tariff Commission on this 25th day of October, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922, and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to the articles described in paragraphs 920 and 1430, Title I, of said tariff act, namely:

Articles produced in whole or in part on the Nottingham lace-curtain machine, or on the levers or go-through lace machine, or on the bobbinet machine, or on the lace-braiding machine, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further: That notice is hereby given that all parties interested will be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation which will be held at the office of the commission in Washington, D. C., at 10 o'clock a. m. on Monday, December 10, 1923.

And ordered further: That public notice of said investigation and hearing therein shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce.

On this resolution the votes of the commissioners were as follows:  
In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan, Burgess, Glassie.

Against the adoption of the motion: Commissioner Marvin.

Voted: That Mr. Charles F. Yauch and Mr. Ralph Wells are authorized to travel to Baltimore, Md., and return, for the purpose of obtaining information in connection with the production and importation of men's sewed straw hats.

Approved, October 30, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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OCTOBER 26, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on October 23, 1923, were read and approved.

The commission proceeded to further consideration of reports in the investigation (No. 4) of the cost of production of casein for the purpose of section 315 of Title III of the tariff act of 1922.

After discussion in which all the commissioners participated, it was—

Voted: That a committee consisting of Commissioners Culbertson and Glassie be appointed to report to the commission for its consideration a summary of the facts indicated by the evidence, with references thereto, and of questions arising thereon, together with tentative findings which in their judgment are warranted by the evidence, in the pending investigation of the cost of production of casein.

Approved, October 30, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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OCTOBER 30, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on October 24, 25, and 26, 1923, were read and approved.

Voted: That the secretary is authorized to negotiate with Mr. Lawrence T. Hopkinson for his services as special expert in the fisheries section of the commission's staff, with compensation at a rate not to exceed \$3,250 per annum, his employment to be effective after January 1, 1924.

Voted: That at the adjourned hearing to be held on October 31, 1923, as ordered on October 11, 1923, in the investigation (No. 2) pursuant to the provisions of section 316 of the tariff act of 1922 in respect of alleged unfair acts in the importation and sale of brierwood pipes, the commission, upon request of the applicants in said

investigation, will grant a motion that said hearing be adjourned until 10 o'clock a. m. Thursday, November 8, 1923, in order that a witness now absent from the United States may have opportunity to be present and give evidence in reference to foreign costs of production.

Upon further consideration of the investigation in Europe of the differences in cost of production of plate glass and mirror plates, it was—

Voted: That Mr. Joseph P. Gregory is authorized to travel to France, Belgium, Germany, and such other places and return as may be necessary in connection with the investigations (Nos. 26 and 8), respectively, of plate glass and mirror plates, for the purpose of section 315 of the tariff act of 1922.

The committee consisting of Commissioners Culbertson, Costigan, and Glassie appointed on October 25, 1923, to prepare a letter in reply to the communication from the secretary to the President submitting communication from the president of the National Milk Producers Association, in reference to the Tariff Commission's procedure in the pending investigation (No. 4) for the purposes of section 315 of the tariff act of 1922 of the differences in cost of production of casein, reported that they had considered the correspondence referred to them and laid before the commission a draft of a reply. It was thereupon

Voted: That the draft letter reported by the committee be approved.

Voted: That the further employment of Mr. F. E. W. Tracey is authorized until November 15, 1923, as special expert in the agricultural section of the commission's staff.

Approved, November 2, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 31, 1923.

Present: Commissioner Costigan.

The commission met in the hearing room at 10 o'clock a. m. pursuant to order of adjournment passed on October 17, 1923, for the purpose of continuing the hearing in the investigation (No. 2) of alleged unfair methods of competition and of all other facts in relation to unfair acts in the importation and sale of brier-wood pipes, for the purposes of section 316 of Title III of the tariff act of 1922.

Pursuant to its supplemental order adopted on October 30, 1923, upon request of counsel for the applicants, the commission announced that the hearing was adjourned until 10 o'clock a. m. November 8, 1923.

Approved, November 13, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

NOVEMBER 1, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That Mr. A. Manuel Fox and such accountants as may be necessary are authorized to travel to Philadelphia, Pa.; New York, N. Y.; Boston, Mass.; and return, on business in connection with the pending investigation (No. 12) of the cost of production of sugar.

Voted: That the secretary is authorized to arrange with the Commissioner of Labor Statistics in the Department of Labor for the temporary employment on the staff of the commission of an employee of the Bureau of Labor Statistics in connection with a study of wages, hours of labor, and other questions related to employment in the sugar industry, in connection with the pending investigation of the cost of production of sugar.

Approved, November 2, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 2, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on October 30 and November 1, 1923, were read and approved.

Voted: That a committee consisting of Commissioners Culbertson and Glassie be appointed to consider and report to the commission in regard to revision of the existing regulations for the conduct of investigations ordered by the commission.

Voted: That the travel performed by Mr. A. M. Fox, September 16 to October 2, 1923; Mr. H. C. Fisher from September 16 to October 9, 1923; and Mr. Ralph Whitehouse from September 16 to September 29, 1923, to Boston, Mass., and return on business in connection with the pending investigation of the cost of production of sugar, is approved and that the expenses thereof be paid from the current appropriation for salaries and expenses of the Tariff Commission.

The committee, consisting of Commissioners Culbertson and Burgess, appointed to report a plan for the organization of the work of the Tariff Commission in Europe, submitted a report with recommendations.

Upon consideration of the report Commissioner Culbertson submitted the following resolution:

Moved: that the chief office of the United States Tariff Commission for Europe shall be at London, England.

Moved further: That branch offices shall be, and are hereby, established at Berlin, Germany, and at Paris, France.

Moved further: That the territory under the supervision of the Berlin office shall include the German States, all countries of Europe east of Germany, the Balkans, the Scandinavian countries, the Netherlands, and German Switzerland.

Moved further: That the territory under the supervision of the Paris office shall include France, French and Italian Switzerland, Italy, Belgium, the occupied territories of Germany, Spain, and Portugal.

Moved further: That Mr. Achenbach, heretofore designated chief investigator of the Tariff Commission for central Europe, is hereby placed in charge of the Berlin office.

Moved further: That Mr. John J. Ernster shall report to the Berlin office and shall be under directions from that office.

Moved further: That Mr. Gilbert Hirsch is placed temporarily in charge of the Paris office with the designation as acting chief investigator for western Europe.

Moved further: That for the present, agents of the Tariff Commission conducting investigations in the British Isles shall receive their directions from and report to the Tariff Commission's office in Washington.

Moved further: That agents of the Tariff Commission making investigations within the territory subject to supervision from the Berlin office shall report to that office and be under its general supervision and make all arrangements for contacts with government officials and with private interests through that office.

Moved further: That agents of the Tariff Commission making investigations within the territory subject to supervision from the Paris office shall report to that office and be under its general supervision and make all arrangements for contacts with government officials with private interests through that office.

Approved November 6, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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NOVEMBER 5, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m. pursuant to its published order adopted on September 28, 1923, setting this date for a public hearing in the investigation (No. 1) of the differences in costs of production of, and of all other facts in relation to, oxalic acid, under the provisions of section 315 of Title III of the tariff act of 1922.

After receiving evidence submitted by parties interested, none of whom desired to file briefs or present further argument, the commission announced that the public hearing was closed.

Approved, November 13, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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NOVEMBER 6, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held November 2, 1923, were read and approved.

The committee appointed on November 2, 1923, to consider and report to the commission in regard to revision of existing regulations for the conduct of investigations ordered by the commission, submitted a report with recommendation of a proposed amendment to the regulations.

After discussion in which all the commissioners participated, it was—

Voted: That subject to the regulations now in force and hereafter to be adopted, investigations into particular industries which



involve field investigations outside of Washington, specially ordered by the commission for purposes other than those of sections 315, 316, and 317 of the tariff act of 1922, shall be under the direction and supervision of the chief investigator.

The commission proceeded to consider the motion submitted by Commissioner Culbertson on November 2, 1923, for the organization of the work of the Tariff Commission in Europe.

After discussion in which all the commissioners participated, it was—

Voted: That in order to facilitate the foreign investigations and coordinate the field work of the commission, headquarters for foreign investigations of the United States Tariff Commission are hereby established as follows:

For Great Britain and Ireland, at London, England.

For western Europe, at Paris, France.

For central and eastern Europe, at Berlin, Germany.

Voted further: That the territory under the supervision of the Berlin headquarters shall include the German States, all countries of Europe east of Germany, the Balkans, the Scandinavian countries, the Netherlands, and German-speaking portion of Switzerland.

Voted further: That the territory under the supervision of the Paris headquarters shall include France, the French-speaking and Italian-speaking portions of Switzerland, Italy, Belgium, the occupied territories of Germany, Spain, and Portugal.

Voted further: That in the event that an investigation shall extend into both German-speaking and French-speaking portions of Switzerland the question whether the investigation shall be conducted from the Paris headquarters or from the Berlin headquarters shall be subject to special order by the commission.

Voted further: That Mr. Achenbach, heretofore designated chief investigator of the Tariff Commission for central Europe is hereby placed in charge of the Berlin headquarters.

Voted further: That Mr. John J. Ernster shall report to the Berlin headquarters and shall be under directions from that office.

Voted further: That Mr. Gilbert Hirsch is placed temporarily in charge of the Paris headquarters with the designation acting chief investigator for western Europe.

Voted further: That for the present agents of the Tariff Commission conducting investigations in the British Isles shall receive their directions from and report to the Tariff Commission's office in Washington.

Voted further: That agents of the Tariff Commission making investigations within the territory subject to supervision from the Berlin headquarters shall report there and be under its general supervision and make all arrangements for contacts with government officials and with private interests through the representative of the commission in charge.

Voted further: That agents of the Tariff Commission making investigations within the territory subject to supervision from the Paris headquarters shall report there and be under its general supervision and make all arrangements for contacts with government officials and with private interests through the representative of the commission in charge.

Voted further: That before any person is finally selected for work in any foreign investigation the general eligibility of such person for that class of service shall be passed upon by a standing committee composed of two members of the commission, who shall report to the commission.

Voted further: That any person selected for service in any foreign investigation shall receive before his departure formal written instructions as to the conduct in general of such investigation.

After further discussion of the subject, it was—

Voted: That Commissioners Burgess and Culbertson be appointed members of the committee for the consideration of persons to be designated to conduct or participate in investigations in Europe by the commission.

Voted: That no investigation pursuant to the application of the Hygenol Laboratories, dated April 16, 1923, under the provisions of section 315 of Title III of the tariff act of 1922, with reference to ichthyol, be ordered at the present time.

Voted: That the secretary be directed to send a letter to the Hygenol Laboratories advising them that after careful consideration of their application for an increase in the rate of duty on ichthyol, the commission is of opinion that the institution of a formal investigation for the purposes of section 315 of Title III of the tariff act of 1922, is not warranted at the present time by the facts developed by the commission's inquiries, and, further, that the commission will be ready at any time in the future to give further consideration to this subject in the light of such additional information as the applicant may care to submit or that may be otherwise developed.

The commission proceeded to further consideration of reports in the investigation (No. 7) of the cost of production of sodium nitrite for the purpose of section 315 of Title III of the tariff act of 1922.

After discussion in which all the commissioners participated, it was—

Voted: That a committee consisting of Commissioners Costigan and Burgess be appointed to report to the commission for its consideration a summary of the facts indicated by the evidence, with reference thereto, and of questions arising thereon, together with tentative findings which in their judgment are warranted by the evidence, in the pending investigation of the cost of production of sodium nitrite.

The commission thereupon recessed until 2.30 o'clock p. m., at which hour the commission reconvened.

Present: Thomas O. Marvin, William S. Culbertson, William Burgess, Henry H. Glassie.

Voted: That no investigation pursuant to the application of Mr. George C. Davis as counsel for the Millinery Chamber of Commerce of the United States, dated April 17, 1923, under the provisions of section 315 of Title III of the tariff act of 1922, with reference to ladies' trimmed hats, be ordered at the present time.

Voted: That the secretary be directed to send a letter to Mr. George C. Davis as counsel for the Millinery Chamber of Commerce of the United States advising him that, after careful consideration of the application for a uniform rate of duty on ladies' trimmed hats, the commission is of opinion that the institution of a

formal investigation for the purposes of section 315 of Title III of the tariff act of 1922 is not warranted at the present time by the facts developed by the commission's inquiries, and further, that the commission will be ready at any time in the future to give further consideration to this subject in the light of such additional information as the applicant may care to submit or that may be otherwise developed.

Voted: That a public conference open to all interested parties be held at the office of the Tariff Commission in Washington, D. C. on December 12, 1923, in respect of the classification of ladies' trimmed hats dutiable under paragraphs 1406, 1427, and 1430 of the tariff act of 1922; and that the secretary is instructed to post notice of such conference and to give such notice as may be practicable by mail to such parties as may be known to be interested.

Voted: That no investigation pursuant to the application of Goree-Hartmann Gins, dated October 4, 1922, under the provisions of section 315 of Title III of the tariff act of 1922, with reference to cottonseed, be ordered at the present time.

Voted: That the secretary be directed to send a letter to Goree-Hartmann Gins, advising them to the same effect as was directed in the case of ichthyol.

Voted: That the salary of Mr. C. R. DeLong be increased from \$4,500 to \$5,500 per annum, effective November 1, 1923.

Voted: That Mr. Kenneth L. Stone is authorized to travel from New Orleans, La., to Washington, D. C., via Cincinnati, Ohio, on business in connection with the pending investigation of the cost of production of sugar.

Voted: That the secretary is authorized to have printed stationery for the use of the Berlin, Germany, headquarters of the commission with the caption "United States Tariff Commission, Chief Investigator for Central Europe, Berlin."

Approved, November 13, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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NOVEMBER 7, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m. pursuant to its published order adopted on September 28, 1923, setting this date for a public hearing in the investigation (No. 2) of the differences in costs of production of, and of all other facts in relation to, diethyl barbituric acid and derivatives thereof, under the provisions of section 315 of Title III of the tariff act of 1922.

After receiving evidence submitted by parties interested, none of whom desired to file briefs or present further argument, the commission announced that the public hearing was closed.

Approved, November 13, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

NOVEMBER 7, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. The commission met at 3.15 p. m. in the conference room.

The chairman laid before the commission for its consideration the application of the president of the Wheat Council of the United States for an investigation of the import duties on wheat for the purposes of section 315 of Title III of the tariff act of 1922, together with the draft of a report of the advisory board, which, he stated, was in process of being mimeographed for the use of the commission.

After discussion, in which all members of the commission participated, the subject was continued until the next meeting.

Voted: That Mr. W. D. McKissick is authorized to travel to New York City and return, for the purpose of obtaining information in regard to the production and importation of mesh bags.

Approved, November 13, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 8, 1923.

Present: William S. Culbertson.

The commission met in the hearing room at 10 o'clock a. m. pursuant to order of adjournment passed on October 31, 1923, for the purpose of continuing the hearing in the investigation (No. 2) of alleged unfair methods of competition in the importation and sale of brier wood pipes, for the purposes of section 316 of Title III of the tariff act of 1922.

After receiving evidence submitted by parties interested, the commission announced that the applicants should have opportunity to file briefs on or before November 19, 1923; the respondents should have the privilege of filing reply briefs on or before November 30, 1923; and that the applicants should be permitted to file briefs in rebuttal on or before December 5, 1923, and that the public hearing was closed.

Approved, November 13, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 9, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its published order adopted on September 28, 1923, setting this date for a public hearing in the investigation (No. 3) of the differences in costs of production of, and of all other facts in relation to barium dioxide, under the provisions of section 315 of Title III of the tariff act of 1922.

After receiving evidence submitted by parties interested, the commission announced that those desiring to submit briefs should have

opportunity to do so on or before November 20, 1923, and that the public hearing was closed.

Approved, November 13, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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NOVEMBER 10, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the conference room.

The commission proceeded further to consider the report of the Advisory Board on the application of the president of the Wheat Council of the United States for an investigation for the purposes of section 315 of the tariff act of 1922 of the import duties on wheat.

Commissioner Costigan moved that before further consideration of, or action on, the application of Hon. Sydney Anderson, president of the Wheat Council of the United States, for an investigation of the cost of production of wheat for the purposes of section 315 of the tariff act of 1922, the commission prepare and transmit to the President a statement of the requirements of such cost of production investigation, together with other suggestions of the commission with respect to the present situation of the wheat-growing industry in relation to the tariff.

Mr. Anderson having requested a conference with the commission on the subject of his application referred to above, the commission assembled in the hearing room and Mr. Anderson made a statement with respect to the subject matter of his application. At the conclusion Mr. Anderson requested the commission not to take action on the application of the Wheat Council of the United States until he should have an opportunity, after conference in Chicago, to telegraph the commission on Monday, November 12, 1923, with respect to the possible withdrawal of his application.

Approved, November 13, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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NOVEMBER 12, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m. pursuant to its published order adopted on September 28, 1923, setting this date for a public hearing in the investigation (No. 5) of the differences in costs of production of, and of all other facts in relation to, dogwood extract, under the provisions of section 315 of Title III of the tariff act of 1922.

After receiving evidence submitted by parties interested, none of whom desired to file briefs or present further argument, the commission announced that the public hearing was closed.

Approved, November 13, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

NOVEMBER 13, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of October 31, November 5, 6, 7, 8, 9, 10, and 12, 1923, were read and approved.

Voted: That Mr. Stephen E. Smith, who served as special expert on the commission's staff in connection with the field investigation of the cost of production of cotton warp-knit fabric and gloves manufactured of cotton warp-knit fabric, be requested to come to the commission's office in Washington to assist in connection with the public hearing in the said investigations to be held on November 16, 1923, and that his expenses in doing so be paid from the current appropriation for expenses of the commission.

Voted: That consideration of the advisory board's report on applications for an investigation of the cost of production of hops, for the purposes of section 315 of the tariff act of 1922, be adjourned until the next regular meeting of the commission on November 15, 1923.

Commissioner Glassie moved the previous question on the motion submitted on November 10, by Commissioner Costigan, with reference to the application of the president of the Wheat Council of the United States for an investigation of the cost of production of wheat, for the purposes of section 315 of the tariff act of 1922.

The previous question was ordered.

Upon motion submitted by Commissioner Glassie, accepted by Commissioner Costigan as a substitute for his motion, it was—

Voted: That the United States Tariff Commission transmit to the President as soon as practicable a statement of the requirements of a cost of production investigation of wheat, for the purposes of section 315 of the tariff act of 1922, accompanied by a brief statement of the considerations which suggest themselves with respect to feasible action likely to affect the present situation in the wheat-growing industry in its relation to the tariff.

Voted: That a committee be appointed to prepare and submit to the commission the statements for transmission to the President as specified in the preceding vote.

The chairman appointed as members of the committee above authorized Commissioners Glassie, Costigan, and Burgess.

Voted: That Mr. George Middleton, Mr. W. C. Fitzgibbon, and Mr. H. F. Barker are authorized to travel to Zion City, Ill., and Elyria, Ohio, and return, to obtain information in connection with the pending investigation of the cost of production of lace.

Voted: That summaries of information in investigations by the commission prepared for issuance to parties interested and for use by the commission shall be submitted to the commission for approval

through the chief investigator after consultation with the legal division.

Commissioner Marvin moved that a general investigation of the situation in regard to the steel and iron industry of Europe be instituted and that Mr. Paul M. Tyler be employed to conduct the investigation under the direction of the commission.

Upon motion by Commissioner Glassie, it was—

Voted: That consideration of the motion of Commissioner Marvin for the consideration of a general investigation of the situation in regard to the steel and iron industry in Europe be postponed until the next regular meeting of the commission; and that the advisory board be requested to state whether it is prepared to report in pursuance of the resolution of the commission on that subject adopted on September 17, 1923; and if not ready to report at this time when it will be ready to report.

Approved, November 23, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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NOVEMBER 13, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met at 4 o'clock p. m. in the conference room.

The commission continued its consideration of the report of the advisory board upon the application of the president of the Wheat Council of the United States for an investigation for the purposes of section 315 of the tariff act of 1922 of the situation of the wheat industry.

After discussion, in which all members of the commission participated, further consideration of the subject was postponed until the next meeting.

Approved, November 23, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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NOVEMBER 14, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the conference room at 9 o'clock a. m.

Commissioner Glassie, from the committee appointed on November 13, 1923, to prepare a statement for transmission to the President in regard to the requirements of a cost of production investigation of wheat for the purposes of section 315 of the tariff act of 1922, and of considerations which suggest themselves with respect to feasible action likely to affect the present tariff situation in the wheat industry, reported a draft of such statements.

After discussion of the committee's report, in which all the commissioners participated, it was, upon motion by Commissioner Burgess—

Voted: That the draft be adopted as the statement of the commission and transmitted to the President over the signatures of all members of the commission present.

A copy of this statement is appended as a part of this minute:

MEMORANDUM FOR THE PRESIDENT FROM THE UNITED STATES TARIFF COMMISSION  
CONCERNING A COST OF PRODUCTION INVESTIGATION OF WHEAT AND WHEAT  
PRODUCTS

On November 1, 1923, the United States Tariff Commission received from Hon. Sydney Anderson, president of the Wheat Council of the United States, an application for the institution of an investigation under the provisions of section 315 of the tariff act of 1922. This application was given immediate precedence. The advisory board was instructed to submit a report upon it at the earliest practicable moment. On November 7 the application, together with the report of the advisory board, came before the commission for consideration with a view to determining whether or not sufficient grounds were shown for such an investigation as is required under section 315. On November 10, 1923, Mr. Anderson, as president of the Wheat Council, at his request, was accorded an opportunity to present his views to the commission. At the close of the conference Mr. Anderson suggested that action on the application be deferred for a day or two in order to permit him to confer with interested parties. No communication having been received from Mr. Anderson, the commission on November 13 resumed in general session the consideration of the application and report; and on November 14 issued an order instituting an investigation for the purposes of section 315, in accordance with the prayer of the application. It has, moreover, set November 20 for a preliminary public hearing, at which interested parties will be afforded an opportunity to develop all phases of the industry.

In the meantime the commission feels that the actual state of affairs should be communicated to the President. It is highly desirable to obviate, as far as possible, groundless anticipations concerning what is and what is not feasible under the existing statutes.

The application filed by the Wheat Council of the United States asks for an investigation pursuant to the provisions of section 315. But certain averments of the application and the special circumstances under which it was filed, make it advisable to clear up certain apparent misconceptions with respect to the scope and operation of the provisions of section 315. After full consideration the commission is of the opinion that an investigation pursuant to the provisions of that section would not afford present relief for the American producers of wheat in their existing situation. The reasons can be briefly stated.

1. For all proceedings under section 315, there is necessarily a regular course of procedure. Section 315 prescribes formal notice of the commission's hearings, and "reasonable opportunity to parties interested to be present, to produce evidence and to be heard." According to the procedure heretofore followed in all cases, such public notice runs for 30 days. This period was established by the commission's rules for all cases after consideration of the exigencies involved in a nation-wide investigation. The statute itself further provides that changes in rates proclaimed by the President shall become effective "30 days after the date of such proclamation."

It is obvious, then, that even if the investigation itself consumed no time at all, at least 60 days must elapse before any change in rate could become effective. It is generally known that a large part of the 1923 domestic crop has already been marketed and it is highly probable that within 60 days 75 per cent of that crop will have been disposed of by the producers. Therefore, no change of rate under this investigation, however warranted by the evidence, could affect in a substantial way the marketing of the present year's crop.

2. The 60 days resulting from the statute, rules, and regulations do not constitute the sole requirement in point of time. By the terms of the statute, the required investigation of the differences of costs of production must be made not only of the articles grown or produced in the United States, but also of similar articles grown or produced in the principal competing country.



The spring-wheat area in the three western Provinces of Canada, is reported to be about 20,000,000 acres. Presumably no investigation into production costs covering less than 5 per cent of the area, or 1,000,000 acres, could be accepted as fairly representative. Assuming 100 acres per farm, there would be 10,000 production-cost records. Under the most favorable conditions—and it is to be remembered that the Canadian winter, which usually is not mild, is near at hand—the work required would amount to 2,000 working-days, or 100 days for 20 men, a force as large as would be readily available for the purpose. Assuming that the cost investigation could be satisfactorily carried on in the United States and in Canada simultaneously, a period of not less than three months must be given to field investigation alone, before the general results of such investigation could be disclosed to the interested parties and the public hearing contemplated by the statute held by the commission. Even if this work might proceed concurrently with the public notice, remembering the 30 days which must elapse between the President's proclamation and the change in duty, it necessarily follows that no such change could become operative within less than four months from the present time; that is, March, 1924. Upon these facts, it is evident that no action possible under the flexible provisions of the tariff act of 1922 can substantially affect the 1923 wheat crop.

3. There seems to be a widespread impression, reflected in the application filed, that an actual investigation of foreign and domestic costs under section 315 could be avoided by the substitution of a general inquiry into certain competitive factors mentioned in subsection (c) of section 315. Such is not the case. What subsection (c) provides is that "in ascertaining the differences in costs of production, under the provisions of subdivisions (a) and (b)," the President (and therefore, in assisting him, the commission) so far as practicable, "shall take into consideration" the four classes of conditions there specified. These matters, namely, wages and other cost items, wholesale selling prices, and advantages or disadvantages in competition, are in no sense a substitute for inquiry into the differences in foreign and domestic costs of production required by the act. They are merely supplementary. The statutory issue remains the same, namely, the differences between foreign and domestic production costs. And any changes in the rates of duty, whether increases or decreases, must be such as are found "necessary to equalize" the differences in such costs of production.

4. Under the statute the result of a costs-of-production investigation is determined solely by the effect of the evidence. It can not be known in advance. So far as a forecast of possibilities goes, it is quite likely that the difference between American and Canadian costs of production may be found less than the present duty, as that it may be found greater than the present duty. In the former case the law would call for a reduction in the rate of duty.

As an emergency remedy for the existing situation, it therefore seems plain that the provisions of section 315 are unavailing, and hopes of immediate relief based upon them are certain to be disappointed.

But not only would an investigation confined to the costs of the 1923 crop (assuming that it could be completed by March, 1924) prove futile for the present emergency; it would be equally useless for determining what, if any, duty is normally required to equalize the differences between foreign and domestic costs. For that purpose, the investigation, as in other cases, must cover a period sufficient to indicate the advantages and disadvantages in competition which the duty is assumed to measure and equalize. Thus a hurried investigation would be neither an immediate remedy for the present crisis nor an effective application of the statute in general.

THOMAS O. MARVIN, *Chairman*,  
WILLIAM S. CULBERTSON, *Vice Chairman*,  
EDWARD P. COSTIGAN,  
WILLIAM BURGESS,  
HENRY H. GLASSIE,  
*Commissioners.*

Commissioner Culbertson submitted a draft of a statement to be issued by the commission to the public with respect to the investigation of wheat and wheat products under the provisions of section 315 of the tariff act of 1922.

After discussion of the draft, in which all the commissioners participated, it was, upon motion of Commissioner Burgess—

Voted: That the draft be approved for publication.

Upon motion by Commissioner Marvin, it was—

Voted: That before issuance to the public the draft of the statement referred to in the foregoing vote shall be submitted to the President for his consideration.

Upon motion by Commissioner Burgess, it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION No. 33, BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

WHEAT AND WHEAT PRODUCTS

The United States Tariff Commission on this 14th day of November, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922, and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraphs 729 and 730 of Title I of said tariff act, namely:

Wheat, wheat flour, semolina, crushed or cracked wheat, and similar wheat products not specially provided for, bran, shorts, and by-product feeds obtained in milling wheat being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office, in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Upon the motion by Commissioner Burgess, it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION No. 33, BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

WHEAT AND WHEAT PRODUCTS

Whereas the United States Tariff Commission on this 14th day of November, 1923, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, ordered an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraphs 729 and 730 of Title I of said tariff act, namely:

Wheat, wheat flour, semolina, crushed or cracked wheat, and similar wheat products not specially provided for, bran, shorts, and by-product feeds obtained in milling wheat being wholly or in part the growth or product of the United States and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Notice is hereby given, pursuant to section 315 of the tariff act of 1922, that a preliminary public hearing in the foregoing investigation will be held at the offices of the United States Tariff Commission, Washington, D. C., at 10 o'clock a. m. on the 26th day of November, 1923, at which hearing all parties interested will be given an opportunity to be present, to produce evidence, and to be heard with respect to the industrial effects of the duties on the articles above specified, the relation between raw materials subject to said duties and the finished or partly finished products derived therefrom, the differences in conditions of production in the United States and in the principal competing countries, including wages, cost of materials, and other items in cost of production, differences in the wholesale selling prices of the domestic and foreign articles in the principal markets of the United States, and any other advantages or disadvantages in competition in respect of said articles.

This notice shall be published by posting a copy thereof for 10 days prior to said 26th day of November, 1923, at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the Port of New York, and by publishing a copy thereof prior to said date once each in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce.

Approved, November 23, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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NOVEMBER 14, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m., pursuant to its published order adopted on September 28, 1923, setting this date for a public hearing in the investigation (No. 6) of the differences in costs of production of, and of all other facts in relation to, potassium chlorate, under the provisions of section 315 of Title III of the tariff act of 1922.

After receiving evidence submitted by parties interested, none of whom desired to file briefs or present further argument, the commission announced that the public hearing was closed.

Approved, November 23, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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NOVEMBER 14, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the conference room at 4 o'clock p. m.

After consideration of a statement prepared for the press in connection with the investigation of the cost of production of wheat, ordered this day by the commission, and a full discussion in which all the commissioners present participated, upon Commissioner Costigan's motion, it was—

Voted: That the statement of the commission with respect to the investigation of wheat and wheat products be issued simultaneously with the press notice announcing the investigation.

-- The votes of the commissioners on this resolution were as follows:

In favor of the adoption of the resolution: Messrs. Culbertson, Costigan, Burgess, and Glassie.

Against the adoption of the resolution: Chairman Marvin.

A copy of the statement authorized by the foregoing action is appended hereto.

STATEMENT OF THE UNITED STATES TARIFF COMMISSION WITH RESPECT TO ITS INVESTIGATION OF WHEAT AND WHEAT PRODUCTS UNDER THE PROVISIONS OF SECTION 315 OF THE TARIFF ACT OF 1922

On November 1, 1923, the Tariff Commission received from the Hon. Sydney Anderson, president of the Wheat Council of the United States, an application for the institution of an investigation of the costs of production of wheat and wheat products under the provisions of section 315 of the tariff act of 1922. Following its procedure, the Tariff Commission on November 14 ordered an investigation pursuant to the provisions of section 315 on the following products: Wheat; wheat flour; semolina; crushed or cracked wheat and similar wheat products, not specially provided for; bran; shorts; and by-product feeds obtained in milling wheat.

At the same time the commission ordered a preliminary hearing to be held at the offices of the Tariff Commission in Washington, D. C., on November 20, 1923, at 10 o'clock a. m., at which all parties interested will be given an opportunity to be present, to produce evidence, and to be heard with respect to the industrial effects of the duties on the articles above specified, the relation between raw materials subject to said duties and the finished or partly finished products derived therefrom, the differences in conditions of production in the United States and in the principal competing countries, including wages, cost of materials, and other items in cost of production, differences in the wholesale selling prices of the domestic and foreign articles in the principal markets of the United States, and any other advantages or disadvantages in competition in respect of said articles.

The commission feels that it is desirable, in order to obviate as far as possible groundless anticipations concerning what is or what is not feasible under the existing law, to issue this statement of the conditions and requirements of an investigation pursuant to the provisions of section 315.

The commission has a well-defined course of procedure. Section 315 prescribes formal notice of the commission's hearings and "reasonable opportunity to parties interested to be present, to produce evidence, and to be heard." Except in the case of preliminary hearings, such as has been ordered in this case, such public notice runs for 30 days. This period is established by the commission's rules for all cases after consideration of the exigencies involved in a nation-wide investigation. The statute itself further provides that changes in rates proclaimed by the President shall become effective "30 days after the date of such proclamation."

It is obvious, therefore, that even if the investigation in this case were to consume no time at all at least 60 days must elapse before any change of rate could become effective. In fact, however, considerable time must be consumed in actual investigation. The lapse of time resulting from the statute, rules, and regulations does not constitute the most important requirement of the law. By the terms of the statute the required investigation of the differences of costs of production must be made not only of the articles grown or produced in the United States but also of similar articles grown or produced in the principal competing country.

Subsection (c) provides that "in ascertaining the differences in costs of production under the provisions of subdivisions (a) and (b) the President" (and, therefore, in assisting him, the commission), so far as practicable, "shall take into consideration" the four classes of conditions there specified. These matters, namely, wages and other cost items, wholesale selling prices, and advantages or disadvantages in competition, are in no sense a substitute for the inquiry into the differences in foreign and domestic costs of production required

by the act. They are merely supplementary. The statutory issue remains the same, namely, the differences between foreign and domestic production costs. And any changes in the rates of duty under section 315, whether increases or decreases, must be such as are found "necessary to equalize" the differences in such costs of production.

Under the statute the result of a costs-of-production investigation is determined solely by the effect of the evidence. It can not be known in advance.

Approved, November 23, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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NOVEMBER 15, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That Commissioners Burgess and Glassie be appointed a committee to consider methods for obtaining information concerning rates of wages in foreign countries through the international labor office of the League of Nations.

Voted: That the chief investigator is authorized to make arrangements to put 20 men in the field as quickly as practicable in connection with the pending investigation (No. 33) of the cost of production of wheat, in accordance with a plan to be submitted to the commission for approval.

Voted: That the chief investigator be requested to report as soon as practicable the names of three economists, preferably those having experience in agricultural subjects, with a view to the employment of one or more of them in connection with the pending investigation (No. 33) of the cost of production of wheat and wheat products.

Voted: That the secretary is authorized to negotiate with the Department of Agriculture for the extension of the services of Mr. M. A. Crosby for a period not to exceed three months from November 1, 1923.

Voted: That the temporary employment of Mr. E. B. Brossard be extended for a period of six months from November 1, 1923, at the same rate of compensation which he is now receiving.

The chairman laid before the commission a communication from the Secretary of State suggesting that further proceedings in the nature of a public investigation of alleged unfair acts in the sale and importation of revolvers from Spain as complained of by Smith & Wesson Co. (Inc.) would probably embarrass the State Department in the negotiation of commercial relations with the Government of Spain.

After full discussion of the subject Commissioner Glassie was requested to prepare draft of a reply to the Secretary of State.

Voted: That further action on the report of the advisory board upon the applications for investigations pursuant to the provisions of section 315 of the tariff act of 1922 of the cost of production of hops be deferred.

Voted: That Mr. J. M. P. Donohoe is authorized to travel to New York City, N. Y., and Gardner, Mass., and return, for the purpose of obtaining information concerning imports, prices, sources,

trade methods, customs, foreign and domestic competitive situations, and other data relative to the production and importation of bentwood chairs.

Approved, November 23, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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NOVEMBER 16, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its published order adopted on October 2, 1923, setting this date for a public hearing in the investigations (Nos. 13 and 14) of the differences in costs of production of, and of all other facts in relation to cotton warp knit fabrics and cotton gloves made of cotton warp knit fabrics, under the provisions of section 315 of Title III of the tariff act of 1922.

After receiving evidence submitted by parties interested, the commission announced that those desiring to submit briefs should have opportunity to do so on or before December 10, 1923, and that the public hearing was closed.

Approved, November 23, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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NOVEMBER 20, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m. pursuant to its published order adopted on October 2, 1923, setting this date for a public hearing in the investigation (No. 15) of the differences in costs of production of, and of all other facts in relation to, cotton hosiery, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard, the commission announced that the hearing was adjourned until 10 o'clock a. m. January 10, 1924.

Approved, November 23, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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NOVEMBER 20, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the conference room.

Voted: That Vice Chairman Culbertson be authorized to proceed to Chicago, Ill.; St. Paul, Minn.; and other intermediate and adjacent places, and return, for the purpose of holding a conference, not later than December 3, 1923, with the field force and other agricul-

tural experts on the subject of the pending investigation of the cost of production of wheat and wheat products.

Voted further: That the chief of the agricultural section and Dr. P. W. Bidwell be authorized and directed to proceed to St. Paul, Minn., and other intermediate and adjacent places, and return, for the purposes of the conference above mentioned.

Voted further: That the vice chairman be authorized, unless the exigency of the situation otherwise requires, to proceed from St. Paul to Ottawa and such other places in Canada as may be necessary, with a view to making whatever arrangements are necessary for the facilitation of the investigation of the production of wheat and wheat products;

Voted further: That in the meantime proper steps be taken to acquaint the Secretary of State with the object and scope of the pending investigation and to invite from him such suggestions as he may care to make as to the proper method of dealing with the situation in Canada.

Approved, November 23, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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NOVEMBER 23, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on November 13, 14, 15, 16, and 20, 1923, were read and approved.

Voted: That the employment of Mr. George D. Watrous as special expert for not to exceed four months is authorized in connection with the pending investigation of the cost of production of sugar beets, his salary to be at a basic rate not to exceed \$1,800 per annum.

The chairman laid before the commission a telegraphic communication from the Carded Woolen Manufacturers' Association to the President, requesting a modification of the duties fixed in the tariff act of 1922 upon imports of wool and manufactures of wool.

After a general discussion of the subject the chairman was requested to send proper reply to the communication.

Commissioner Burgess, from the committee on reorganization of the ceramics division of the commission's staff, submitted verbally a report with recommendations.

After full discussion of the subject, it was, upon motion by Commissioner Lewis—

Voted: That Commissioners Culbertson and Glassie be appointed a committee to communicate to the chief of the ceramics division the views of the commission concerning the reorganization of that division.

Commissioner Glassie was requested at the meeting of the commission on November 15, 1923, submitted a draft of a letter in reply to a communication from the Secretary of State in reference to proceedings by the commission upon the complaint of Smith & Wesson (Inc.), alleging unfair acts in the importation and sale of revolvers imported from Spain simulating revolvers manufactured by the complainants.

After a general discussion of the subject, it was—

Voted: That the draft submitted by Commissioner Glassie be approved and that the letter be sent to the Secretary of State.

Commissioners Culbertson and Glassie having made a report on the subject of casein (No. 4) and having recommended that further steps be taken to obtain information on skimmed milk production costs in Argentina and in the United States, it was—

Voted: (1) That a member of the expert staff be dispatched to Argentina for the purpose of obtaining information with regard to the quantity and value of whole milk marketed during the period for which conversion costs of casein have heretofore been obtained, the quantity and value of the various products produced from the whole milk, and other relevant data;

(2) That the chairman be authorized to confer with the Secretary of Commerce, with a view to securing the cooperation and assistance of the commercial attaché of the Department of Commerce stationed in Argentina in obtaining the information above mentioned, and, if such cooperation is obtained, to send a cable immediately to the commercial attaché stating the character of the information desired, and requesting him to proceed with the inquiry at once;

Voted further: That a field investigation in the United States be begun for the purpose of obtaining, in respect of domestic production, information of similar character to that to be obtained in Argentina;

Voted further: That the chief of the chemical division is hereby directed to prepare the necessary instructions and communications to carry out the above resolution.

Approved, December 14, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

NOVEMBER 26, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m., pursuant to its published order adopted on November 14, 1923, setting this date for a public hearing in the investigation (No. 33) of the differences in costs of production of and of all other facts in relation to wheat and wheat products, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard the commission announced that the hearing was adjourned until 10 o'clock a. m. November 27, 1923.

Approved, December 14, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*



NOVEMBER 26, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the conference room.

Voted: That preliminary inquiries shall be instituted with respect to the items listed below and that reports upon such preliminary inquiries shall be submitted to the commission through the advisory board not later than December 10, 1923. The purpose of these preliminary inquiries shall be to determine whether or not reasonable grounds exist for conducting investigations under the provisions of section 315 of the tariff act of 1922 with respect to these articles, namely: Vegetable preserves, licorice extract, dried almonds, olives, olive oil, cork stoppers, onions, red peppers, castile soap, saffron, fish preserves, pistols and revolvers, natural mineral waters.

Approved, December 14, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 27, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, David J. Lewis, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to order of adjournment passed on November 26, 1923, for the purpose of continuing the hearing in the investigation (No. 33) of the differences in costs of production of, and of all other facts in relation to, wheat and wheat products, under the provisions of section 315 of Title III of the tariff act of 1922.

After receiving evidence submitted by parties interested, none of whom desired to file briefs or present further argument, the commission announced that the preliminary public hearing was closed.

Approved December 14, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 28, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That the employment of the following men be authorized for the period of the wheat investigation, or for such period as their services are available and desirable at the monthly salaries indicated below: E. L. Currier, monthly salary, \$275; H. E. Selby, monthly salary, \$225; A. J. Ogaard, monthly salary, \$258; E. O. Wooten, at present salary in Department of Agriculture; R. S. Washburn, at present salary in Department of Agriculture; R. T. Miles, at present salary in Department of Agriculture.

Voted further: That travel in the United States and Canada in the prosecution of the wheat investigation be authorized for the men indicated above and also for the following men: L. B. Zapoleon,

O. A. Juve, L. G. Connor, H. S. Brossard, W. J. Kurtz, V. T. Ellsworth, P. W. Bidwell, J. B. Bennett, John Nye, W. C. Funk, S. O. Jayne, G. A. Billings.

Voted further: That the employment of H. S. Brossard, S. O. Jayne, and V. T. Ellsworth be extended until February 1, 1924.

Voted further: That the employment of W. J. Kurtz be extended for a period of six months from November 30, 1923 (basic salary \$2,260).

Voted further: That the above-mentioned men be authorized to hire teams or automobiles by the day or trip when the usual or ordinary means of transportation are not available.

Voted further: That Messrs. Zapoleon, Bidwell, and Juve be authorized to incur expenses for stenographic and clerical services not to exceed \$150 each and for field supplies, etc., not to exceed \$150 each, if necessary.

Voted: That Mr. Thomas D. L. Menchion is authorized to travel to New York City and return for the purpose of obtaining information concerning production and imports of cotton hosiery in connection with the pending investigation (No. 15) of the differences in costs of production of cotton hosiery.

Voted: That Mr. Dexter North is authorized to travel to Buenos Aires and such other places as may be necessary in Argentina, and return, for the purpose of obtaining additional information required in the investigation (No. 4) of the differences in costs of production of casein.

Voted: That Mr. H. S. De Meritt of the metals section is authorized to proceed immediately to points in New York, Massachusetts, and Connecticut, and return to obtain further information upon certain of the articles (firearms) in the vote adopted under date of November 26, 1923.

Voted: That Mr. H. L. Lourie, of the agricultural section, is authorized to proceed immediately to New York and return to obtain information upon certain of the articles (pimentos, onions, olives, mineral waters, etc.) in the vote adopted under date of November 26, 1923.

Approved, December 14, 1923.

Attest:

THOMAS O. MARVIN, *Chairman*,

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 30, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan.

Voted: That the secretary is authorized to negotiate with Mr. Thomas H. Joyce for his services as special expert accountant on the staff of the commission for one month with compensation at a rate not to exceed \$3,000 per annum.

Voted: That the secretary is authorized to arrange for the employment by reinstatement through civil-service channels of Mr. Edward J. Euker, jr., as clerk, with basic salary at the rate of \$1,200 per annum.

Voted: That the secretary is authorized to purchase a protective floor covering to extend between the doors in the hearing room, at a cost not to exceed \$200.

Voted: That Commissioner Culbertson is authorized, in connection with the conferences to be held at St. Paul, Minn., in the pending investigation (No. 33) of the cost of production of wheat and wheat products, to employ such stenographic and other clerical assistance as may be necessary.

Commissioner Culbertson moved the adoption of the following section of the revision of the commission's rules of procedure, prepared by the majority of the committee on procedure, which were called up by Commissioner Culbertson, chairman of the committee on procedure, at a commission meeting held on July 23, 1923, and upon which no action was taken:

SEC. —. If it shall appear that any commissioner or member of the commission's staff is in any special or private way, other than his connection with the commission or the general public, concerned in interest in any proceeding or investigation of the commission under the provisions of section 315, 316, or 317, or is related to or connected with any party in interest in any such proceeding or investigation, he shall not participate therein.

Whenever any party in interest in any such proceeding or investigation shall make and file an application or complaint, accompanied by an affidavit, reciting that any commissioner or member of the commission's staff connected with any such investigation has a personal prejudice or bias, based upon such special or private interest in or such relation to or connection with any party in interest in any such proceeding or investigation, the commission shall forthwith determine whether such commissioner or member of the commission's staff is disqualified to participate further in such proceeding or investigation.

Every such affidavit shall state the facts and the reasons for the belief that such prejudice or bias exists, and shall recite that such application or complaint and affidavit are made in good faith. Such application or complaint and affidavit shall be filed not later than five days before the date fixed for holding any public hearing in such proceeding or investigation, or good cause shall be shown for the failure to file them within such time. No party shall be entitled to file more than one such application and one such affidavit in any investigation.

The motion was seconded by Commissioner Costigan.

Approved, December 14, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 4, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That Mr. Frederick L. Koch is transferred from his present position as chief of office of the commission's office at the port of New York to the position of chief of the ceramics division of the commission's staff, with station at the commission's offices in Washington, D. C., effective January 1, 1924, and that Mr. Koch is authorized to perform the official travel required by this transfer.

Voted: That the secretary is authorized to negotiate with Mr. H. H. Waters, now employed in the office of the collector of customs at the port of New York, for his services as chief of office of the commission's office at the port of New York, with compensation at a rate not to exceed \$4,000 per annum, effective January 1, 1924.

Voted: That the employment of Mr. P. J. Olson is approved for the duration of the pending investigation of the cost of production of wheat and wheat products, his compensation to be at the rate of \$200 per month.

Voted: That the employment of Mr. Ben Picha is approved for the duration of the pending investigation of the cost of production of wheat and wheat products, his compensation to be at the rate of \$200 per month.

Voted: That the employment of Mr. Stanley Wilner is approved for the duration of the pending investigation of the cost of production of wheat and wheat products, his compensation to be at the rate of \$200 per month.

Voted: That Mr. Frederick L. Koch is authorized to purchase for the use of the commission samples of china and earthenware, at a total cost not to exceed \$25.

Voted: That Mr. Franklin H. Smith is authorized to travel to Philadelphia, Pa., and return, for the purpose of obtaining information from the secretary of the American Brush Manufacturers' Association relative to classification of paint-brush handles.

Voted: That Mr. Frederick Achenbach is authorized to review the results of the investigation recently made of the cost of production of Swiss pattern files in Europe and to employ for this purpose the assistance of Messrs. J. M. Albertson and J. P. Gregory of the commission's staff now in Europe; and that Mr. Paul Hermes be instructed to supply Mr. Achenbach with all information and data on this subject in his possession.

Voted: That the secretary is authorized to arrange as may be convenient to the Department of Agriculture for the extension of the services of Mr. O. A. Juve with the Tariff Commission for an additional period of six months from December 15, 1923.

Voted: That Mr. Dexter North, who has been authorized to travel to Argentina and return for the purpose of obtaining additional information in connection with the pending investigation of the cost of production of casein, be authorized to engage and pay for, at reasonable current rates, the services of necessary interpreters in connection with his work in Argentina.

Voted: That the conference heretofore arranged to be held on December 12, 1923, at the offices of the commission in Washington, D. C., with reference to the classification of ladies' trimmed hats, be postponed until January 22, 1924, in accordance with request of counsel for the Millinery Chamber of Commerce of the United States, at whose instance the conference was originally called.

Voted: That Mr. F. H. Shelledy, who is now engaged in the field investigation of the sugar-beet industry, temporarily in charge of a group of investigators, is authorized to incur and pay reasonable and necessary expenses for stenographic and clerical assistance not to exceed \$50 in the aggregate, for room-rent for official purposes, for supplies not to exceed \$25, and for automobile hire for the use of members of the party of which he is in charge.

Approved, December 14, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 5, 1923.

Present: Thomas O. Marvin, William Burgess, Edward P. Costigan, David J. Lewis.

The commission met in the hearing room at 10 o'clock a. m., pursuant to order of adjournment passed on October 1, 1923, for the purpose of continuing the hearing in the investigation (No. 29) of the differences in costs of production of, and of all other facts in relation to, magnesite and magnesite brick, under the provisions of section 315 of Title III of the tariff act of 1922.

After receiving evidence submitted by parties interested, none of whom desired further opportunity to file briefs or present argument, the commission announced that the public hearing was closed.

Approved, December 14, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

DECEMBER 7, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the Tariff Commission can not consider in confidence the brief submitted by Mr. Nelson Franklin at the public hearing before the commission on December 5, 1923, in the pending investigation (No. 29) of the cost of production of magnesite and related products, and that the secretary of the commission is instructed to suggest to Mr. Franklin that he withdraw the said brief and that he may present to the commission in sworn form any confidential evidence which he may have relevant to the subject of the said investigation.

Voted: That the chief investigator and the head of the metals division be instructed to submit to the commission, through the advisory board, an abstract and summary of all data thus far obtained in the pending investigation (No. 29) of the cost of production of magnesite and related products, together with a memorandum in regard to further proceedings deemed advisable in said investigation.

Voted: That Mr. Louis S. Ballif is authorized to proceed to such places in California and return as may be necessary to obtain additional information in connection with the pending investigation (No. 4) of the cost of production of casein.

Voted: That in connection with his travel to California and return for the purpose of obtaining additional information concerning costs of production of casein as authorized this date Mr. Louis S. Ballif is authorized to secure supplemental data from sugar refineries at or near San Francisco, Calif., and to obtain while returning to Washington information from various beet-sugar factories which have not submitted reports to the commission in connection with the pending investigation (No. 12) of the cost of production of sugar, and to perform such official travel as may be necessary for this purpose.

Voted: That upon the request of Mr. John R. Rafter, counsel of record for several parties interested in the investigation (No. 14) of the cost of production of gloves made of cotton warp-knit fabric, Mr. P. L. Gerety, counsel for the Fabric Glove Manufacturers Association, assenting thereto, the time within which briefs may be filed

by parties interested is extended from December 10 to December 20, 1923.

Voted: That Mr. Chester H. Penning is authorized to travel to New York City for the purpose of obtaining information concerning the production and importation of arsenic and related products, and to travel from New York City to Wadsworth, Ohio, and return to Washington, D. C. for the purpose of obtaining additional information in connection with the pending investigation (No. 6) of the cost of production of potassium chlorate.

Voted: That Mr. Mervyn Braun is authorized to travel to Wadsworth, Ohio, and return, to assist Mr. C. H. Penning in obtaining additional information in connection with the pending investigation (No. 6) of the cost of production of potassium chlorate.

Voted: That the employment of Mr. Frank Brunkow, of the University of Minnesota, as special expert on the staff of the Tariff Commission with salary at the rate of \$2,000 per annum, is authorized for the duration of the pending investigation (No. 33) of the cost of production of wheat and wheat products.

Voted: That the employment of Mr. H. B. Price, of the University of Minnesota, as special expert on the staff of the Tariff Commission with salary at the rate of \$3,800 per annum, is authorized for the duration of the pending investigation (No. 33) of the cost of production of wheat and wheat products.

Approved, December 14, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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DECEMBER 10, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m. pursuant to its published order adopted on October 25, 1923, setting this date for a public hearing in the investigation (No. 32) of the differences in costs of production of and of all other facts in relation to lace, or articles produced in whole or in part on the Nottingham lace curtain machine, or on the Leavers or go-through lace machines, or on the bobbinet machine, or on the lace-braiding machine, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard the commission announced that the hearing was adjourned until 10 o'clock a. m., December 11, 1923.

Approved, December 14, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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DECEMBER 11, 1923.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to order of adjournment passed on December 10, 1923, for the purpose of continuing the hearing in the investigation (No. 32) of

the differences in cost of production of articles produced in whole or in part on the Nottingham lace curtain machine, or on the Leavers or go-through lace machine, or on the bobbinet machine, under the provisions of section 315 of Title III of the tariff act of 1922.

After receiving evidence submitted by parties interested, none of whom desired further opportunity to file briefs or present argument, the commission announced that the preliminary public hearing was closed.

Approved, December 14, 1923.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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DECEMBER 13, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the secretary be authorized to arrange with the Department of Agriculture for the extension of the employment of Mr. S. B. Nuckols, special expert in connection with the wheat investigation until December 31, 1923.

Voted: That the secretary be authorized to arrange for the extension of the employment of Mr. Victor H. Beach, special expert in connection with the wheat investigation for the period until January 31, 1924, or such portion thereof as he may be available.

Voted: That Dr. Grinnell Jones be advised in reply to his letter of December 8, 1923, that the commission, without assuming responsibility therefor, has no objection to his delivering an address before the Rhode Island section of the American Chemical Society in relation to the work of the commission with particular reference to the chemical schedule, provided that Doctor Jones will submit for the consideration of the commission that part of his address which relates to the Tariff Commission and its work, and reasonable time in advance of the delivery of said address.

Voted: That upon the recommendation of Dr. P. W. Bidwell, concurred in by the chief investigator, employees of the commission acting as directing heads of groups of the commission's investigators engaged in the field work in connection with the pending investigation of the cost of production of wheat and wheat products be authorized to incur expenses as may be necessary for transportation by automobiles or other special conveyances, for clerical assistance not to exceed \$150 for each group, and for office space not to exceed \$50 for each group, it being understood that expenses for clerical assistance shall be confined to that used in tabulating cost schedules, and that expenses for office hire shall be incurred only when obviously necessary in connection with the cost tabulations.

Voted: That those employees of the Tariff Commission who are engaged temporarily in connection with the pending investigation of the cost of production of wheat and wheat products and other similar field investigations shall be allowed as part of their compensation in each case traveling expenses and subsistence allowance at the rate of \$4 per diem from the place at which they were sta-

tioned when appointed and for return thereto upon completion of duty.

Voted: That upon the recommendation of Dr. P. W. Bidwell, of the commission's staff, and of Dr. Rex E. Willard, of the North Dakota Agricultural College, the employment of Mr. Fred D. Wilkinson as special expert investigator for the duration of the pending investigation of the cost of production of wheat and wheat products, with salary at the rate of \$200 per month, is approved.

Voted: That it is the sense of the Tariff Commission that a field investigation of the cost of production of flaxseed should not be combined at this time with the procurement of similar data in the pending investigation of the cost of production of wheat and wheat products.

Voted: That at the public hearing to be held on January 15, 1924, in the pending investigation of the cost of production of sugar, parties interested shall be offered opportunity to present evidence and to be heard in the following general order, subject to such modifications as may be necessary:

Tuesday, January 15, 1924: The applicants and representatives of the Cuban sugar industry.

Wednesday, January 16, 1924: Representatives of the Hawaiian and Porto Rican sugar industries.

Thursday, January 17, 1924: Representatives of the beet-sugar industry.

Friday, January 18, 1924: Representatives of the Louisiana sugar industry.

Voted: That a public hearing in the investigations (Nos. 21 and 22) under the provisions of section 315 of Title III of the tariff act of 1922, heretofore ordered in respect of phenol and cresylic acid, be held at 10 o'clock a. m. on January 24, 1924, at the office of the United States Tariff Commission, in the city of Washington, D. C.; and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation, and by posting for 30 days prior to said January 24, 1924, a copy of said notice at the principal office of the commission and in the office of the commission at the port of New York.

Voted: That a public hearing in the investigation (No. 24) under the provisions of section 315 of Title III of the tariff act of 1922, heretofore ordered in respect of print rollers, be held at 10 o'clock a. m. on January 29, 1924, at the office of the United States Tariff Commission, in the city of Washington, D. C.; and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation, and by posting for 30 days prior to said January 29, 1924, a copy of said notice at the principal office of the commission and in the office of the commission at the port of New York.

Voted: That a public hearing in the investigation (No. 18) under the provisions of section 315 of Title III of the tariff act of 1922, heretofore ordered in respect of linseed oil, be held at 10 o'clock a. m. on February 5, 1924, at the office of the United States Tariff Commission in the city of Washington, D. C.; and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation, and by posting for 30 days prior to said February 5, 1924, a copy of said notice at the principal office of



the commission and in the office of the commission at the port of New York.

Voted: That a public hearing in the investigation (No. 25) under the provisions of section 315 of Title III of the tariff act of 1922, heretofore ordered in respect of taximeters, be held at 10 o'clock a. m. on February 12, 1924, at the office of the United States Tariff Commission in the city of Washington, D. C.; and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation, and by posting for 30 days prior to said February 12, 1924, a copy of said notice at the principal office of the commission and in the office of the commission at the port of New York.

Voted: That the petition for writ of mandamus filed in the Supreme Court of the District of Columbia by the Norwegian Nitrogen Products Co. (Inc.), against the United States Tariff Commission (law No. 68310) together with the order to show cause issued thereon on December 12, 1923, to the tariff commission, by the said court be transmitted to the Attorney General of the United States, with request that he designate an appropriate officer of his department to appear on behalf of the commission and to protect the interests of the United States; and that Commissioner Glassie be requested to prepare and submit to the commission the papers necessary to carry into effect this resolution.

Approved, December 14, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 14, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on November 23, 26, 27, 28, 30, December 4, 5, 7, 10, 11, and 13, 1923, were read and approved.

Voted: That the order of business to be considered at this meeting shall be:

1. Cooperation of the Department of Commerce in the supplemental investigation in Argentina concerning cost of production of casein.

2. Report of the advisory board on the Spanish products referred to in the vote of the commission adopted on November 26, 1923.

3. The motion submitted by Commissioner Culbertson on November 30, 1923, in reference to portions of the draft of revised rules of procedure reported by the committee on procedure.

Voted: That the secretary be directed to issue the following statement as a press notice in reference to the investigation (No. 4) of the differences in costs of production of casein.

The United States Tariff Commission announces that upon consideration of certain matters developed during the public hearings held in the investigation of foreign and domestic costs of production of casein it has concluded that additional data are desirable for a determination of the question of the differences between costs of production in the United States and abroad.

The commission has accordingly directed certain supplementary inquiries to be conducted in the United States and in the principal competing country. Those inquiries are now being carried on simultaneously and, as soon as they are sufficiently advanced to permit a date to be fixed, the commission will give formal notice of a supplementary public hearing, at which the interested parties will be given an opportunity to be heard upon the particular points involved in the supplemental inquiries now being made.

Voted: That copies of the petition for writ of mandamus filed in the Supreme Court of the District of Columbia by the Norwegian Nitrogen Products Co. (Inc.) against the United States Tariff Commission (Law No. 68310) of the order to show cause issued thereon on December 12, 1923, to the Tariff Commission by said court, and of the letter in reference thereto transmitted to the Attorney General of the United States under date of December 13, 1923, be referred to Mr. McNabb, chief of the legal division of the commission's staff, for examination and report to the commission.

Approved, December 18, 1923.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 18, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on December 14, 1923, were read and approved.

Voted: That upon the recommendation of the chief of the agricultural division, concurred in by the chief investigator—

1. The secretary is authorized to arrange to extend for the period of the pending investigation of the cost of production of wheat and wheat products the employment of Mr. M. F. Wharton with compensation at the rate he is now receiving.

2. Mr. M. F. Wharton is authorized to travel to such points as may be necessary and return to his former station in California in the performance of such instructions as may be issued to him in connection with the pending investigation (No. 33) of the cost of production of wheat and wheat products.

3. Mr. F. H. Shelledy be transferred as soon as available to the field work in the pending investigation (No. 33) of the cost of production of wheat and wheat products and be authorized to perform the necessary travel in connection therewith.

4. The secretary is authorized to negotiate with Mr. John J. Booth, of Cornell University, for his services as special expert investigator for period of the pending investigation of the cost of production of wheat and wheat products, his compensation to be at the rate of \$250 per month with authorization to perform the necessary travel in connection with the discharge of his duties.

5. The secretary is authorized to arrange for clerical service for field tabulations in connection with the pending investigation of the cost of production of wheat and wheat products at an expense not to exceed \$30 per week each for not more than three clerks for not to exceed two months.

6. The secretary is authorized to arrange for the extension for 30 days of the services of Mr. R. S. Washburn, of the Department of Agriculture, if agreeable to that department.

Voted: That Mr. W. A. Graham Clark, Mr. George Middleton, and Mr. A. F. Ferguson are authorized to travel to Philadelphia, Pa., and New York City and return for the purpose of obtaining additional information in connection with the pending investigation of the cost of production of lace (No. 32).

Voted: That Mr. Harry L. Lourie is authorized to travel to New York City and return for the purpose of obtaining information regarding imports and exports of wheat flour in connection with the pending investigation (No. 33) of the cost of production of wheat and wheat products.

Voted: That Commissioners Burgess, Lewis, and Glassie are appointed a committee to prepare a draft of a statement to be submitted to the President in reference to the desirability of investigations pursuant to the provisions of section 315 of the tariff act of 1922 with respect to the articles listed in the vote adopted by the commission at the meeting held November 26, 1923, as follows: Vegetable preserves, licorice extract, dried almonds, olives, olive oil, cork stoppers, onions, red peppers, castile soap, saffron, fish preserves, pistols and revolvers, natural mineral waters.

Voted: That the motion submitted by Commissioner Culbertson on November 30, 1923, in reference to proposed rules of procedure of the commission be made the special order of business at a meeting of the commission to be held at 10.30 o'clock a. m. on Wednesday, December 19, 1923.

Voted: That at the meeting of the commission to be held at 10.30 o'clock a. m. on Wednesday, December 19, 1923, the order of business after the special order heretofore on this date fixed for that meeting shall be the report of the advisory board with reference to applications for investigations pursuant to section 315 of the tariff act of 1922, of differences in cost of production of sundry vegetable oils, fish oils, and other animal and vegetable oils and fats, and peanuts.

Approved, January 4, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 19, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the secretary, upon the recommendation of Dr. P. W. Bidwell, economist assigned to the wheat investigation, concurred in by the chief investigator, is authorized to arrange for the employment of Mr. R. C. Bently, of the North Dakota State College, as special expert investigator in connection with the pending investigation of the cost of production of wheat and wheat products (No. 33) his compensation to be at the rate of \$150 per month with authorization to perform such travel as may be necessary.

Voted: That the secretary, upon the recommendation of Dr. P. W. Bidwell, economist assigned to the wheat investigation, concurred in by the chief investigator, is authorized to arrange for the

employment of Mr. Ross E. Davies, of the South Dakota State College, as special expert investigator in connection with the pending investigation of the cost of production of wheat and wheat products (No. 33) his compensation to be at the rate of \$200 per month with authorization to perform such travel as may be necessary.

Voted: That the memorandum dated December 15, 1923, from the head of the textile division relative to a proposed detailed investigation at the port of New York of imports of countable cotton cloths be referred to the chief economist and Dr. C. W. Mixter for consideration and report to the commission.

The chairman laid before the commission a letter from the Department of Justice in reference to the petition for writ of mandamus and rule to show cause issued by the Supreme Court of the District of Columbia in the case of the United States of America ex rel. Norwegian Nitrogen Products Co. (Inc.) v. United States Tariff Commission et al. Copy of this communication is as follows:

This will acknowledge receipt of your letter of the 13th instant, transmitting petition for writ of mandamus and rule to show cause issued in the case of the United States of America ex rel. Norwegian Nitrogen Products Co. (Inc.) v. the United States Tariff Commission et al.

The United States attorney for the District of Columbia has been directed to appear for the Tariff Commission, to make answer to the rule to show cause, and take such other steps as may be deemed necessary in defense of the action. You will please confer with the United States attorney and furnish such assistance as may be desired by him.

After a general discussion of the subject, it was—

Voted: That Commissioners Costigan and Glassie be appointed a committee to make such arrangements as may be necessary to assist the United States attorney for the District of Columbia in connection with the petition of the Norwegian Nitrogen Products Co. (Inc.) for writ of mandamus against the Tariff Commission in connection with the pending investigation (No. 7) of the cost of production of sodium nitrite.

The commission proceeded to consider the motion submitted by Commissioner Culbertson on November 30, 1923, which was the special order of business for this meeting as follows:

Commissioner Culbertson moved the adoption of the following section of the revision of the commission's rules of procedure, prepared by the majority of the committee on procedure, which were called up by Commissioner Culbertson, chairman of the committee on procedure, at a commission meeting held on July 23, 1923, and upon which no action was taken:

"Sec. ---. If it shall appear that any commissioner or member of the commission's staff is in any special or private way, other than his connection with the commission or the general public, concerned in interest in any proceeding or investigation of the commission under the provisions of sections 315, 316, or 317, or is related to or connected with any party in interest in any such proceeding or investigation, he shall not participate therein.

"Whenever any party in interest in any such proceeding or investigation shall make and file an application or complaint accompanied by an affidavit reciting that any commissioner or member of the commission's staff connected with any such investigation has a personal prejudice or bias, based upon such special private interest in, or such relation to or connection with any party, in interest in any such proceeding or investigation, the commission shall forthwith determine whether such commissioner or member of the commission's staff is disqualified to participate further in such proceeding or investigation.

"Every such affidavit shall state the facts and the reasons for the belief that such prejudice or bias exists, and shall recite that such application or complaint and affidavit are made in good faith. Such application or complaint

and affidavit shall be filed not later than five days before the date fixed for holding any public hearing in such proceeding or investigation, or good cause shall be shown for the failure to file them within such time. No party shall be entitled to file more than one such application and one such affidavit in any investigation."

After general discussion in which all commissioners participated and which related to responsibility for certain articles which appeared in the press and contained statements concerning information stated to be confidential to the commission it was, upon motion by Commissioner Burgess,

Voted: That further discussion of this particular matter be postponed until action is taken on the motion under consideration and that immediately after that has been disposed of the question of the newspaper articles and kindred material be the next order of business.

After further general discussion the question being upon the adoption of the motion submitted by Commissioner Culbertson, as stated above, the votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan, Against the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Commissioners Glassie and Costigan filed with the secretary of the commission written statements with reference to their votes upon the motion submitted by Commissioner Culbertson as recorded above.

Commissioner Culbertson reserved the right to file such a statement.

The statements filed by Commissioners Glassie and Costigan are as follows:

#### COMMISSIONER GLASSIE'S STATEMENT

The rule as now proposed seems to embrace two distinct matters: The first relates to supposed disqualification by reason of interest; the second relates to supposed disqualification by reason of personal prejudice or bias.

It also combines provisions respecting the conduct of employees of the commission with provisions respecting the qualifications of the several members of the commission itself. We may confine our observation to the latter aspect.

The first part of the section proceeds upon the assumption that a commissioner may be expected to disregard the obligation of his office if he happens to have, or if anyone in his family connection happens to have, an interest in the industry with which the investigation is concerned. For this seems to be the meaning that must be given to the studiously phrased but not very happily chosen language of the draft.

According to its syntactical construction the provision runs: Any commissioner who is, in any special or private way other than his connection with the commission or the general public, concerned in interest, or related to or connected with any party in interest, in any proceeding or investigation under the provisions of sections 315, 316, or 317 is disqualified from participating in such proceeding or investigation.

The words "in any special or private way" relate to "concerned in interest in any proceeding or investigation." Grammatically, "in any special or private way" qualifies "concerned in interest." And the interest mentioned is, in turn, an "interest in a proceeding or investigation." But this "special or private" interest in "a proceeding or investigation" is apparently intended to mean a property or other pecuniary interest in an industry or business affected by the tariff duty which may be changed as a result of the investigation. There can not well be a concern in interest in an investigation as such. There can be only a concern in interest in an industry or business affected by the investigation.

It seems hardly necessary to point out that this is an unprecedented extension of the notion of disqualification by interest. An interest in an industry

affected as a whole by an investigation into the tariff duty relating to the industry as a whole is in no sense equivalent to the legal conception of the term interest. So far as my reading goes, no such common or general interest has ever been held a disqualification to deal, as judge or otherwise, even with actual litigation affecting that industry.

In practical and legal effect this extension of the term "interest" would mean that if a commissioner were related in any degree to any person engaged in such industry or owning a share of stock in a corporation engaged in such industry, he would be ipso facto disqualified from participating in an investigation concerning that industry.

I have been unable to find any instance in which the general notion of disqualification by interest has been carried to any such length.

The situation in an investigation into foreign and domestic costs of production under section 315 is manifestly different from that existing in a litigation between private parties, where a judge's qualification is challenged because of his relation to a person or corporation, a direct party to the suit. In the investigation, the possible interest is indirect and secondary. In the litigation, it is immediate and primary.

In the latter situation, legislatures have enacted statutes declaring a disqualification and providing for the transfer of the cause to another judge for trial.

Yet the cases under such statutes illustrate both the difficulty in laying down definite rules on the subject and the refusal of the courts to extend any such statutory prohibition by construction. (*Favorite v. Superior Court*, 181 Cal. 261, 184 Pac. 15; 8 A. L. R. 290; *Norwich Union Fire Insurance Co. v. Standard Drug Co.*, 121 Miss. 510; 11 A. L. R., p. 1321, 1323.)

In former case the California Code of Judicial Procedure, section 120, provided:

"No justice, judge, or justice of the peace shall sit or act as such in any action or proceeding: 1. To which he is a party or in which he is interested. 2. When he is related to either party or to an officer of a corporation which is a party, or to an attorney, counsel, or agent of either party by consanguinity or affinity within the third degree, computed according to the rules of law."

It was urged that a judge was disqualified under this statute because of the admitted fact that his wife was a stockholder in a corporation, a party to the suit. But the State Supreme Court decided otherwise. (*Favorite v. Superior Court*, 181 Cal. 261, 184 Pac. 15; 8 A. L. R. 290.) It was held that the wife's ownership of stock in the corporation defendant did not make her a party to the action within the meaning of the statute; that the legislature must be presumed to have considered and declared what facts were necessary to disqualify a judge; and that it did not intend "to create disqualification by reason of the relationship of the judge to any person connected with a corporation except an officer thereof."

The court pointed out: "If the corporation of this State could disqualify a judge and obtain a change of the place of trial whenever some relative of the judge within the third degree was or should become a stockholder of such corporation, it might be made very difficult, as against many corporations, to find a judge or a court where the cause to which such corporation was a party could be tried. No great effort of the imagination is necessary to perceive the consequences of such a rule. In many cases it would operate to defeat justice." (*Favorite v. Superior Court*, 181 Cal. 261, 184 Pac. 15; 8 A. L. R. p. 295.)

All the cases, with the exception of cases in South Dakota and Michigan, appear to be to the same effect. *Houston Com. Co. v. Drew*, 13 Tex. Civ. App. 536; *Bank of Lansingburgh v. McKie*, 7 How. Pr. (N. Y.) 300; *Re Dodge*, 77 N. Y. 101; *Scarburgh Turnp. Co. v. Cutter*, 6 Vt. 315; *Merva Plant Co. v. Holt*, 18 Hawaii, 500.)

Two points stand out in these decisions:

First. That it is for the legislature, and the legislature alone, to define and declare what facts of interest and relationship shall disqualify judges.

Second. That relation to a person having an indirect and secondary interest, such as that of a stockholder in a corporation, is not generally regarded as reasonable ground for disqualification even where the very litigation itself is directed at that corporation as an immediate party.

How much less can such a relationship be deemed a disqualification when the interest in question is the interest shared by all the other persons engaged

in the same industry in the indirect, intangible consequence resulting from the degree of protection afforded by a general customs duty?

Yet, the proposed rule assuming to legislate upon the qualifications of the commissioners indiscriminately disqualified upon the bare existence of an interest in the industry, however small, held by a relative, however remote.

But that is not the only difficulty in this proposed rule. The essential difficulty is that under the guise of rules of procedure it is proposed to place in the hands of a majority of the commission the power to determine the qualifications of the members of the commission. These are and can only be established by statute. Neither the commission nor any number of commissioners can prescribe the qualifications of a commissioner by enacting that a commissioner related to any person having a property interest in an industry affected by a tariff shall be incompetent to participate in any investigation of that industry.

Under this proposed rule one of two things must be true. Either the commissioner is left the sole judge of his own disqualification and is free to recuse himself or not according to his own view of the question whether he is or is not concerned in interest or whether some person to whom he is related is concerned in interest or a majority of the commission is made the judge of the nature of such disqualification and the facts necessary to establish it. In the former case the matter is left exactly where the law now leaves it—namely, that a commissioner may be permitted to recuse himself whenever he feels that the fair and impartial exercise of his functions may be affected or embarrassed. If that is not the effect of the proposed draft, then it clearly means that the other members of the commission, or a majority of them, shall be invested with power, first, to determine what constitutes being "concerned in interest in any investigation in any special or private way," and second, what facts make a case of being "related to or connected with any party in interest in any such investigation." In this latter view the remaining commissioners, or a majority thereof, constitute themselves a jury for trying a challenge on the ground of an alleged interest as prescribed in the language of the rule.

On the former hypothesis the rule is useless. Indeed, it is worse than useless, because it attempts to define by rule what shall be ground for a commissioner's recusing himself. So far as my observation extends no such provision will be found in the rules of any court. To my knowledge no court has attempted to define in its rules what should constitute a disqualification of its members or to lay down any rule for the guidance of the individual judge in recusing himself.

On the latter hypothesis, namely, that of compulsory disqualification, the rule is simply invalid.

It is *ultra vires* the commission. Congress has constituted the Tariff Commission and prescribed the qualifications of its members. No member or combination of members can alter these qualifications by annexing conditions to the exercise of the functions involved in such membership. Members of the commission can no more prescribe that relationship in any degree to a person engaged in the industry in question shall be a disqualification that they can prescribe that previous experience in the industry, or the fact that a commissioner had voted for or against a tariff bill affecting that industry, shall be a disqualification.

It is no answer to say that one should not be a judge in his own cause. That is true. But where interest is a disqualification, the disqualification exists either by general law or by special statute, and the law in one case and the statute in the other is the only test and judge of the disqualification. Members of a board or commission can neither create nor define, can neither limit nor enlarge, the disqualification by any definition of their own.

The second part of the proposed rule is equally subject to objection. This part is manifestly imitated from section 31 of the Federal Judicial Code (36 Stat. p. 1090; 4 Compiled Stats. p. 832). But the meaning, purpose, and effect of that section do not seem to have been clearly understood. The points to be borne in mind with respect to code section 21 are these:

1. It relates merely to personal bias or prejudice, "The basis of disqualification is that 'personal bias or prejudice' exists by reason of which the judge is unable to impartially exercise his function in the particular case." (*Ex parte American Steel Barrel Co.* and *Seaman*, 230 U. S. 35, 43.)

2. The provision relates to the ousting of a trial judge of the courts of the United States, under a system whereby the ousted judge is immediately

replaced by another. That is the reason why the party to the suit is permitted to make only one such objection.

3. The right to exclude the judge is not dependent upon the truth of the alleged bias or prejudice but upon the willingness of the party to make an affidavit of its truth. If the party is willing to swear that the judge has a personal bias or prejudice against him, that ends the matter and the judge is excluded, although the fact, if tried, might be found to be otherwise. (*Henry v. Speer* (C. C. A., 5 Cir.) 201 Fed. 869, 872.)

The effect of a proper affidavit, complying with the statute and accompanied by the required certificate of counsel, is an immediate cessation of action by the judge whose bias or prejudice is averred. (*Berger v. United States*, 255 U. S. 22, 23.)

In the statements of alleged personal bias or prejudice, the party's affidavit, however untrue in fact, is taken for true for the purpose of ouster. The only restraint is an indictment against the party for perjury. (*Berger v. United States*, 255 U. S. 22, 35.)

4. The bias must be personal bias and is not limited to bias based on a supposed interest shared by the judge.

"The statute qualifies the word bias and prejudice by the single word 'personal.' \* \* \* It is contended that the use of the word in the statute, in view of the context, is merely cumulative and tautological; that it may be omitted from the affidavit, and still the quality of bias or prejudice will be revealed to be personal. But the statute requires the use of the word, and it may not be avoided. Owing to the nature of the statute and its liability to abuse, we are inclined to hold those seeking to avail themselves of it to a strict and full compliance with its provisions." (*Henry v. Speer* (C. C. A., 5 Cir.), 201 Fed. 869, 872.)

How far the draftsman of this proposed rule has departed from the intent and meaning of the judicial code is thus made plain. The statute makes the test of the judge's disqualification a bias or prejudice against the party himself—a bias or prejudice which is personal to the party. (*Ex Parte American Steel Barrel Co. and Seaman*, 230 U. S. 35, 43.)

But the proposed section makes the test of disqualification "a personal prejudice or bias, based upon such special or private interest in or such relation to or connection with any party in interest, in any such proceeding or investigation."

The proposed provision, therefore, would be at once too narrow and too wide.

It is too wide in that it destroys the essence of a personal prejudice or bias by extending the notion to a matter of private interest. It thus combines two distinct categories—interest and personal prejudice.

It is too narrow in that it excludes all other personal prejudice or bias except that supposed to arise from a special or private interest. There are many kinds of prejudice or bias which have nothing whatever to do with any private pecuniary or property interest. Nor is the legal effect any the less. In the language of an appellate court "If prejudice existed, it makes no earthly difference in the law of the case how that prejudice was engendered." Thus the effect of the proposed rule would be to defeat the assumed right of a party to be relieved against "a personal prejudice or bias—a bias or prejudice possessed by the judge specifically applicable to or directed against the suitor making the affidavit or in favor of his opponent." (*Henry v. Speer*, 201 Fed. 869, 871-872.)

5. But in seeking to imitate Judicial Code, section 21, the draftsman of this proposed rule not only misses the point of that section but erroneously assumes that a special statutory procedure specifically created and prescribed by Congress can be called into being as part of the Rules of Procedure of a subordinate special board. When Congress provided that a party in a Federal court could exclude a judge, it not only defined the privilege but it provided a means whereby the excluded judge would be replaced. And in granting this special statutory privilege it placed a statutory limitation upon it, namely, that it would be exercised only once. In other words, Congress acted as the sole power capable to judge of the circumstances under which this sort of action might be taken.

Congress was willing to let one trial judge be disqualified on the bare affidavit because he could be readily replaced. But it was not willing that a party having once exercised this arbitrary privilege could exercise it a second time—no matter what be the supposed ground for it.

6. Failing to appreciate that the power to disqualify a judge by an affidavit of personal prejudice or bias is of statutory origin, that it is not concerned



with the truth or falsity of the charge and calls for no determination of the existence of the alleged bias, the draftsman of this proposed rule proceeds to provide that "the commission shall forthwith determine whether such commissioner \* \* \* shall be disqualified to participate." Again, this language contemplates a trial of an issue and would invest the remaining commissioners, or a majority thereof, with the power to determine, upon affidavit of interested parties, the statutory qualifications of a member of the commission.

It is to be noted also that this "personal prejudice or bias" affidavit may go to the question of "relation to or connection with a party in interest in any such proceeding or investigation."

One may be pardoned for failing to see how the question of personal prejudice can be tested by the relationship to a party in interest.

Other points might deserve notice. Judicial Code, section 21, requires that every such affidavit shall be filed not less than 10 days before beginning of the term of court or that good cause should be shown for the failure to file it within such time. As pointed out in *Berger v. United States*, this provision was intended, and was deemed sufficient, to prevent serious detriment or inconvenience to the administration of justice. All this goes to show that it is for Congress itself to determine the scope of, and the limitations upon, any special privilege of this character. The commission can not usurp the legislative function in this regard and frame out of its own head, a proceeding which may cripple the administration of the commission's business or diminish the lawful powers of the members of the commission, as defined and prescribed by statute.

It is no answer to this to say that in a particular case personal bias or prejudice may exist. That may be granted. Everybody knows, and courts have said, that it takes many forms, and may consist as much in a bias against one side as in a bias for another side. Prejudice may arise from fear as well as from favor. But the statute has committed the determination of questions of fact under section 315 to the commission as a whole; and where a commissioner himself feels that he can impartially hear the matter and a true determination render according to the evidence, no power lies in the other commissioners to hold the contrary, or to set up, by partial and one-sided definitions, a single and exclusive test of bias or prejudice.

It is always within the province of any party before a tribunal to state, in the presence of the tribunal, any fact which he conceives to show that a member of the tribunal is incapable of performing his duties according to law. But except where the common law provides a rule or the legislature has prescribed one and provided a method, the answer to any such suggestion lies in the man against whom the suggestion is made. It is for him to say whether he feels qualified, notwithstanding the suggestion, to perform his duty. If, upon his own motion or upon the suggestion of parties, he sees fit to recuse himself, he may retire from consideration of the matter, provided the effect of his retirement be not to prevent its lawful consideration altogether.

To sum up. There are only two sources of disqualification, the general common law and the statute law. The general common law can not be made the subject of a rule of procedure--neither can the statute law. Where statutory provision exist, such as Judicial Code section 21, they are enforceable according to their terms. And all proceedings under them "must be strictly construed and must strictly conform to the statute." (*Henry v. Harris*, 101 Fed. 809; *Henry v. Speer*, 201 Fed. 809.)

#### COMMISSIONER COSTIGAN'S STATEMENT

The statutes under which the commission operates confer on the commission certain powers and duties which are essentially judicial or quasi-judicial in their nature and authorize the commission to adopt such reasonable rules and procedure thereunder as it may deem necessary. I consider the proposed or a similar rule necessary if the commission is to discharge its duties with public credit for impartiality. Such a rule is so well grounded that failure to adopt it would be highly unreasonable. The proposed rule conforms in considerable measure to well-known provisions of the Judicial Code of the United States, applying similar standards to Federal district judges. Apparently the Interstate Commerce Commission has an unwritten rule and

a settled practice to the same effect. In the legislative branch of the Federal Government, also, the same principle was early emphasized and has received recent recognition. It finds forceful expression in Jefferson's Manual of Parliamentary Practice, in these words: "Where the private interests of a member are concerned in a bill or question he is to withdraw. And where such an interest has appeared, his voice has been disallowed, even after a division. In a case so contrary, not only to the laws of decency, but to the fundamental principle of the social compact, which denies to any man to be a judge in his own cause, it is for the honor of the House that this rule of immemorial observance should be strictly adhered to."

It was thereupon--

Voted: That a meeting of the commission be held at 10.30 o'clock a. m. Thursday, December 20, 1923, and that at that meeting the special order of business shall be consideration of responsibility for the publication in the press of statements relative to information confidential to the commission.

The commission thereupon adjourned to meet again at 10.30 o'clock a. m. December 20, 1923.

Approved, January 4, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

DECEMBER 20, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The chairman informed the commission that he had conversed by telephone with one of the assistants to the Secretary of State, who inquired whether the commission expected a formal reply to its letter under date of November 23, 1923, to the Secretary of State, in regard to whether proceedings upon the application of Smith & Wesson (Inc.), protesting against alleged unfair practices in the importation and sale of revolvers manufactured in Spain and simulating revolvers of the manufacture of Smith & Wesson.

The chairman stated that he replied that the commission would be glad to have a reply to the letter, but if the Secretary of State found it embarrassing to reduce it to writing the reasons which impelled him to suggest that further action in that case be deferred pending the conclusion of treaty negotiations with Spain the commission would not expect such a reply.

The chairman stated that the assistant to the Secretary of State replied that the Secretary of State would prefer not to make a written response, but the commission might understand from this conversation that, while the Secretary appreciated that the commission must discharge the duties incumbent upon it, the department is of the same opinion as expressed to the commission heretofore in regard to this subject.

Upon consideration of the subject matter in the foregoing statement, it was—

Voted: That Commissioners Costigan and Glassie be appointed a committee to consider the subject and report to the commission with recommendations as to what further proceedings in reference thereto should be taken.

The chairman laid before the commission a communication from Mr. Karl Langenbeck requesting to be relieved of his duties as

Chief of the Ceramics Division and tendering his resignation, to be effective as soon as his successor might be appointed.

It was thereupon—

Voted: That the Secretary be authorized to accept the resignation of Mr. Karl Langenbeck as Chief of the Ceramics Division of the commission's staff and to notify him that the commission will be glad to have him continue in the service of the commission as special expert until February 29, 1924, with compensation at the rate he is now receiving.

The chairman laid before the commission a list of reports heretofore submitted by the advisory board with recommendations for action by the commission upon sundry applications filed with the commission pursuant to the provisions of section 315 of the tariff act of 1922.

After some discussion it was, upon motion by Commissioner Glassie—

Voted: That consideration of the reports submitted by the advisory board upon the following subjects be postponed until after January 4, 1924, in view of the necessity for preparation by the commission to answer the rule issued against the commission by the Supreme Court of the District of Columbia in the matter of the petition for writ of mandamus filed in that court by the Norwegian Nitrogen Products Co. (Inc.) in connection with the pending investigation by the commission of the cost of production of sodium nitrite.

The list of reports referred to in the foregoing motion is as follows:

*Reports of advisory board to be considered at meeting Tuesday, December 18, 1923*

Subject	Rate of duty	Nature of application	Recommendation
1406. Men's sewed straw hats...	60 per cent.....	Increase.....	Investigation.
1451. Charcoal crayons or fusians.	45 cents per gross and 25 per cent ad valorem.	Decrease.....	That application be denied.
756. Desiccated coconuts.....	3½ cents per pound....	50 per cent increase....	Public conference, Turner, Comer, McNabb that application be rejected, Zappoleon, Bidwell, Mixer.
1434. Catgut.....	40 per cent.....	Decrease.....	That application be denied.
Basic steel products.....		None.....	No investigation.
403. Veneers of wood.....	20 per cent ad valorem.	Reduction if casein duty is reduced.	That application be denied.
407. Osler or willow, including chip and split furniture, wholly or in part osler or willow, not specifically provided for.	35 per cent, 60 per cent, 45 per cent.	50 per cent increase in duty.	Do.
214. Diamond dyes (so called)	30 per cent.....	Reduction to 10 per cent.	Do.
1310. Maps.....	25 per cent ad valorem.	Reduction to 15 per cent.	Do.
348. Snap fasteners.....	55 per cent and 60 per cent.	Increase of duty.....	Do.
1119. Wool crêpe.....	50 per cent ad valorem.	Increase.....	That special expert be sent out to get information in regard to advisability of investigation.
339. Aluminum hollow ware...	11 cents a pound and 55 per cent ad valorem.	None.....	(No formal recommendation.
Enameled hollow ware.....	5 cents a pound and 30 per cent ad valorem.		

The chairman inquired whether any reports were ready to be submitted by committees upon subjects in reference to which pending investigations have been completed.

Commissioner Culbertson, from the committee on paint-brush handles, reported that the committee charged with that subject was ready to submit its report.

It was thereupon—

Voted: That the committee appointed to prepare a draft of a report to be submitted to the President as the commission's findings in the pending investigation of the differences in cost of production of paint-brush handles be requested to submit its report at a meeting of the commission to be held on the afternoon of this date, if practicable, and that such report be the special order of business at that meeting.

The commission proceeded to consider the question of publicity concerning activities of the commission, Commissioner Glassie submitting the following motion:

Whereas the press from time to time has published partial, incomplete, and in some instances misleading statements concerning matters pending before the United States Tariff Commission, attributing such statements, sometimes directly, sometimes indirectly, to a certain member of the commission, although no member of the commission has been authorized either to make such statements or to discuss such matters in public; and

Whereas publications of this character are detrimental to the efficiency of the commission and the due discharge of its official duties under the law:

It is voted: That the President be respectfully requested to take under consideration the promulgation, under the power and authority conferred upon him by subsection (e) of section 315 of the tariff act of 1922, of a rule to the following or similar purport:

Ordered: That no member of the United States Tariff Commission, nor any employee or agent of said commission, shall make any public address or furnish, or cause to be furnished, directly or indirectly, to the press any statement concerning any matter under consideration by said commissioners, or concerning the activities of the commission otherwise than in a formal written report to the President or the Congress, or pursuant to a vote of the commission expressly approving and authorizing publication of the text of such address or statement.

Upon request by Commissioner Glassie, the secretary read subsection (e) of section 315 of Title III of the tariff act of 1922, as follows:

The President is authorized to make all needful rules and regulations for carrying out the provisions of this section.

The secretary also read a press clipping marked as taken from the Omaha (Nebr.) Bee of December 1, 1923, as follows:

HIGHER TARIFF ON WHEAT PREDICTED—COMMISSION IN SESSION AT MINNEAPOLIS TO HEAR CONDITION OF MARKET

[By Percy Powell, Washington correspondent Omaha Bee]

WASHINGTON, November 30: William S. Culbertson, of Emporia, Kans., member of the United States Tariff Commission, left to-day for Minneapolis, where he will open a series of conferences on December 3 relative to investi-

gations of western and Canadian wheat conditions to ascertain if a higher tariff on wheat is justifiable.

"I am a western man myself and am anxious to establish the reputation of the tariff in the admittedly dubious minds of the farmer if I can," Culbertson said.

If unforeseen difficulties do not arise, it is probable recommendation on the wheat tariff will be sent to President Coolidge early in January if the commission's report recommends a higher tariff.

Culbertson indicated it was the belief of the commission that the investigation would reveal a higher tariff was imperative. The increased tariff would become effective in February, as, after an order for an increase is issued by the President, 30 days' time for it to become operative is demanded under the law.

In the last week the commission has appointed a number of middle-western agricultural agents to aid in the investigation, and these men, together with experts from the commission and Agricultural Department at Washington, will meet Culbertson in Minneapolis.

Commissioner Culbertson, in explanation of the article in the Omaha Bee, referred to above, filed (0.12) with the commission at the time these minutes were approved, a letter dated December 21, 1923, from Mr. P. C. Powell, Washington correspondent of the Omaha Bee, which he asked should be read as a part of the record.

Commissioner Costigan, seconded by Commissioner Lewis, as a substitute for the foregoing motion by Commissioner Glassie, submitted the following motion:

Moved: That the President be requested to consider the provisions of subsection (e) of section 315 of Title III of the tariff act of 1922, with a view to the formulation by the President of such rules and regulations as the President may consider calculated in the public interest to promote the effective operation of the law; and that the commission express to the President its willingness to indicate to him subjects for consideration in the formulation of such rules.

The Chairman, seconded by Commissioner Glassie:

Moved: That the substitute motion proposed by Commissioner Costigan lie on the table.

On this motion the votes of the commissioners were as follows: In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie. Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion to lay on the table was therefore rejected.

The question being upon the substitute motion by Commissioner Costigan, the votes of the commissioners were as follows—

In favor of the adoption of the substitute motion: Messrs. Culbertson, Lewis, Costigan. Against the adoption of the substitute motion: Messrs. Marvin, Burgess, Glassie.

The substitute motion was therefore rejected.

Commissioner Culbertson, seconded by Commissioner Costigan, as a substitute for Commissioner Glassie's motion, submitted the following motion:

Moved: That no member of the United States Tariff Commission nor any employee or agent of said commission shall make any public address or furnish or cause to be furnished, directly or indirectly, to the press, any statement concerning any issue or matter under consideration by the Tariff Commission otherwise than in a formal written report to the President or the Congress of the United

States or pursuant to a vote of the commission expressly approving and authorizing publication of the text of such address or statement.

Upon motion by Commissioner Lewis, it was—

Voted: That the foregoing motion offered by Commissioner Culbertson lie on the table.

On this motion the votes of the commissioners were as follows—

In favor of the adoption of the motion: Messrs. Marvin, Lewis, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Costigan.

The substitute motion by Commissioner Culbertson was therefore laid on the table.

The question thereupon reverting to the original motion submitted by Commissioner Glassie, the votes of the commissioners thereon were as follows—

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

Commissioner Marvin thereupon submitted the following motion:

Whereas the press, from time to time, has published partial, incomplete and in some instances misleading, statements concerning matters pending before the United States Tariff Commission, attributing such statements, sometimes directly, sometimes indirectly, to a certain member of the commission, although no member of the commission had been authorized either to make such statements or to discuss such matters in public.

And whereas publications of this character are detrimental to the efficiency of the commission and the due discharge of its official duties under the law:

It is voted: That the following order be adopted by the commission:

Ordered: That no member of the United States Tariff Commission, nor any employee or agent of said commission, shall make any public address or furnish, or cause to be furnished, directly, or indirectly, to the press, any statement concerning any matter under consideration by said commissioners, or concerning the activities of the commission, otherwise than in a formal written report to the President or the Congress or pursuant to a vote of the commission expressly approving and authorizing publication of the text of such address or statement.

Commissioner Lewis raised the point of order that the preamble of the foregoing motion by Commissioner Marvin should not be included in the motion.

The point of order was overruled by the chairman.

Commissioner Costigan thereupon as a substitute for the motion submitted by the chairman submitted the following motion:

Moved: That the following rule is hereby adopted by the commission:

No member of the United States Tariff Commission, nor any employee or agent of said commission, shall make any public address or furnish or cause to be furnished, directly or indirectly, to the press any statement concerning any matter in issue or under consideration by said commissioners or concerning the activities of the

commission otherwise than in a formal written report to the President or the Congress or pursuant to a vote of the commission expressly approving and authorizing publication of the text of such address or statement.

On this substitute motion the votes of the commissioners were as follows—

In favor of the adoption of the motion: Messrs. Culbertson, Costigan.

Against the adoption of the motion: Messrs. Burgess, Glassie.

Commissioners Marvin and Lewis did not vote.

The substitute motion was therefore rejected.

The question being upon the motion submitted by Commissioner Marvin, the votes of the commissioners were as follows—

In favor of the adoption of the motion: Messrs. Marvin, Burgess.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan, Glassie.

The motion was therefore rejected.

Commissioner Culbertson submitted the following motion:

Moved: That the commission proceed to consider the motion previously at this meeting submitted by him and by vote of the commission laid upon the table.

Upon this motion the votes of the commissioners were as follows—

In favor of the adoption of the motion: Messrs. Culbertson, Costigan.

Against the adoption of the motion: Messrs. Lewis, Burgess, Glassie.

Commissioner Marvin did not vote.

The motion was therefore rejected.

Commissioner Glassie thereupon submitted the following motion:

Moved: That the President be respectfully requested to take under consideration the promulgation under the power and authority conferred upon him by subsection (c) of section 315 of Title III of the tariff act of 1922 of a rule to the following or similar purport:

Ordered: That no member of the United States Tariff Commission, nor any employee or agent of said commission, shall make any public address or furnish, or cause to be furnished, directly or indirectly, to the press, any statement concerning any matter under consideration by said commissioners, or concerning the activities of the commission, otherwise than in a formal written report to the President or the Congress or pursuant to a vote of the commission expressly approving and authorizing publication of the text of such address or statement.

Commissioner Costigan submitted as a substitute for the foregoing motion by Commissioner Glassie the following motion:

Moved: That the President be requested to consider the provisions of subsection (c) of section 315 of Title III of the tariff act of 1922, with a view to the formulation by the President of such rules and regulations as the President may consider calculated in the public interest to promote the effective operation of the law; and that the commission express to the President its willingness to indicate to him subjects for consideration in the formulation of such rules.

On this substitute motion the votes of the commissioners were as follows—

In favor of the adoption of the substitute motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the substitute motion: Messrs. Marvin, Burgess, Glassie.

The substitute motion was therefore rejected.

The question being upon the motion by Commissioner Glassie, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

The chairman requested that by unanimous consent the record contain the following statement:

It is considered by the commission notwithstanding the proceedings above recorded that the understanding entertained by the commission, that no commissioner shall deliver a public address or make a statement to the press without first submitting it to the commission and receiving the assent of the commission, is still in force and effect.

The commission thereupon adjourned to meet again at 2.30 o'clock p. m.

Approved, January 4, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 20, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The adjourned meeting of the commission convened at 2.30 o'clock p. m.

Pursuant to agreement upon adjournment the first order of business was the consideration of the subject of vegetable, animal, and fish oils.

Commissioner Burgess, seconded by Commissioner Glassie, made the following motion:

Moved: That the United States Tariff Commission hereby institutes under its general powers an investigation of coconut oil, soyabean oil, peanut oil, cottonseed oil, fish oils, and other animal and vegetable oils and fats, and peanuts; and

That it is hereby ordered that on Monday, January 7, 1924, at 10 o'clock a. m. a preliminary hearing in said investigation shall be held at the office of the United States Tariff Commission in the city of Washington, D. C.; and it is

Ordered further: That notice of said investigation and preliminary public hearing shall be given by posting a copy of this order for 15 days at the principal office of the commission at the city of Washington, D. C., at the office of the commission at the port of New York, and by publishing a copy of this order once each in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce.



Commissioner Burgess desired it noted that in making the motion as above he did so because of the close interrelationship and substitutional possibilities of the various oils and fats industry, and that he was not prepared to vote for an investigation of a very few out of the many oils with the purpose of recommending to the President a change in tariff rates without knowing more about the effect such changes would have upon the oils and fats industries as a whole.

After a general discussion Commissioner Lewis, seconded by Commissioner Costigan, submitted as a substitute for the motion by Commissioner Burgess, the following—

Moved: That an investigation of coconut oil, soya-bean oil, and peanut oil industries for the purposes of section 315 of Title III of the tariff act of 1922 be instituted pursuant to rule;

That a general investigation and survey of the cottonseed oil, fish oils, and other vegetable and animal oils and fats, and the peanut industry is hereby instituted; and

That a preliminary hearing, to be announced in accordance with the rules of the commission related to proceedings pursuant to section 315 of the tariff act of 1922, be held in the foregoing investigations at the office of the United States Tariff Commission in the city of Washington, D. C., on January 28, 1924.

On this substitute motion the votes of the Commissioners were as follows—

In favor of the adoption of the substitute motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the substitute motion: Messrs. Marvin, Burgess, Glassie.

The substitute motion was therefore rejected.

The question being upon the motion submitted by Commissioner Burgess, the votes of the commissioners were as follows—

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

Commissioner Marvin submitted the following motion:

Moved: That a public hearing be held with reference to vegetable oils and fish oils at which all interested parties shall be invited to attend and that the date be set for January 7, 1924, in order that the commission may secure at such hearing the attendance of all parties concerned.

On this motion the votes of the commissioners were as follows—

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

Commissioner Marvin, seconded by Commissioner Glassie, submitted the following motion:

Moved: That a summary of the applications and of the information pertaining thereto in reference to vegetable oils, fish oils, and other animal and vegetable oils and fats be prepared by the advisory board and submitted to the commission to be submitted to the Presi-

dent in view of the fact that some of these subjects are covered by application pursuant to the provisions of section 315 of the tariff act of 1922 and some are not, and that the commission can not proceed for the purposes of section 315 under the rules of the commission without submitting the question to the President and conferring with him.

On this motion the votes of the commissioners were as follows—

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

The commission thereupon adjourned.

Approved, January 4, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

DECEMBER 21, 1923.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That Mr. John A. Bergen is authorized to travel to Baltimore, Md., Philadelphia, Pa., New York City, and Boston, Mass., and return, for the purpose of obtaining additional information in regard to the importation of mesh bags, if investigation shall disclose that the information required is not obtainable promptly otherwise.

The chief investigator was called in for conference with respect to the practicability of setting an early date for a public hearing in the pending investigation (No. 33) of the cost of production of wheat and wheat products. He laid before the commission the following telegram from Mr. L. B. Zapoleon of the commission's staff who is now in Canada conducting field work in this investigation—

In consultation Bidwell your wire 17th. Will advise within next several days organization Canadian work and whether Bidwell can return Washington. Can have complete preliminary domestic costs by January 10. Canadian work doubtless slower owing to more difficult conditions but will commence field work next week and anticipate completion field work and tabulation about February 15. Suggest awaiting first Canadian progress reports before formulation schedule hearings.

After some discussion the chief investigator stated that he believed that the earliest practicable date which might safely be set for such a hearing would be during the week beginning Monday, February 4, 1924.

The secretary called attention to the fact that the commission has ordered that a public hearing be held on February 5, 1924, in the pending investigation (No. 18) of the cost of production of linseed oil and that notice thereof has been duly published.

After further discussion, it was, upon the motion of Commissioner Culbertson—

Voted: That a public hearing as required by law under the provisions of section 315 of the tariff act of 1922 in the pending investi-

gation (No. 33) of the cost of production of wheat and wheat products is hereby ordered to be held on February 7, 1924, and that public notice thereof pursuant to rule shall be given.

Upon motion by Commissioner Marvin, it was:

Voted: That in case information is received from the field forces in the investigation (No. 33) of the cost of production of wheat and wheat products that they will not be ready to assemble and report on their data in time for a public hearing in that investigation properly to be held on February 7, 1924, a date as soon after February 7 shall be set as is indicated by the information received from the men actively at work in the field.

The chairman submitted to the commission the following communication from the representative of the Imperial University of Tokyo, Japan:

In the name and on behalf of the Tokyo Imperial University, I take the liberty of requesting your assistance concerning the mission on which I am sent to America and Europe by the university.

The university feels the imperative need of rebuilding as quickly as possible its library of 800,000 volumes almost entirely destroyed in the recent earthquake and fire, and has commissioned me to come abroad to see what assistance it might be able to enlist from friendly foreign governments and institutions.

After the American people so generously helped our earthquake sufferers, it is with great hesitation that I come to you for aid in the replenishment of our library. Because of this, the Imperial University would be the more grateful if you would kindly arrange to contribute to its library the publications, both old and new, of the United States Tariff Commission.

The Imperial University would gratefully accept publications on tariff statistics and on kindred subjects issued by the commission, with such back numbers as may be obtainable.

Should this request commend itself to your favorable consideration, would you be so kind as to see that the publications to be donated are sent to the International Exchange of the Smithsonian Institution, which has kindly offered to undertake the shipping from here to New York, where the books will be put on Japanese ships for free transportation. If my personal presence is required to arrange details, either I, or in my absence my representative, Mr. K. Kawakami, correspondent of Japanese newspapers, will be at your disposal at any time.

Yours respectfully,

KENZO TAKAYANAGI.

Upon motion by Commissioner Lewis, it was--

Voted: That the secretary is authorized to have bound and to furnish for the use of the Imperial University of Tokyo, Japan, a set of the published reports of the Tariff Commission.

Voted: That upon the recommendation of Commissioner Glassie the compensation of Miss Adell R. Thode, assigned from the stenographic division to Commissioner Glassie's office, be increased to the rate of \$2,000 per annum, effective December 16, 1923, during the period of such assignment.

Voted: That upon the recommendation of Commissioner Burgess the compensation of Miss Edith Geiger, assigned from the stenographic division to Commissioner Burgess's office, be increased to the rate of \$2,000 per annum, effective December 16, 1923, during the period of such assignment.

Approved, January 4, 1924.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETTUNE, *Secretary.*

DECEMBER 31, 1923.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, Henry H. Glassie.

The chief investigator submitted a written statement and verbal report in respect of the condition and progress of the field work in the pending investigation (No. 33) of the cost of production of wheat and wheat products.

After a general discussion of the subject, and of the advisability of holding a public hearing in that investigation at an early date, the following action was taken upon motion submitted by Commissioner Glassie:

Whereas the chief investigator and Doctor Bidwell, economist assigned to the wheat investigation, have reported to the commission facts which, in the judgment of the commission, indicate that the date heretofore set for the public hearing in the wheat investigation is premature, and that the field work and office tabulation can not be satisfactorily completed in time for the date heretofore set or substantially prior to the 18th day of February, 1924; it is therefore

Voted: That the public hearing in said investigation be, and the same is hereby, set, for February 18, 1924, and that public notice thereof in the usual form shall be published and posted pursuant to rule.

Voted: That the employment of Mr. Herbert Schmaidt, of Brookings, S. D., as special expert investigator with compensation at the rate of \$200 per month for the duration of the pending investigation (No. 33) of the cost of production of wheat and wheat products is authorized, upon the recommendation of the chief investigator and Doctor Bidwell, economist assigned to the wheat investigation, and Mr. Schmaidt is authorized to perform such travel as may be necessary.

Voted: That the employment of Mr. A. D. Anderson of Sydney, N. Dak., as special expert investigator with compensation at the rate of \$175 per month, effective December 12, 1923, for the duration of the pending investigation (No. 33) of the cost of production of wheat and wheat products, with authority to perform such travel as may be necessary, is approved upon the recommendation of the chief investigator.

Voted: That Mr. C. K. Lewis, Mr. F. H. Shelledy, and Mr. M. F. Wharton, are authorized to travel from their present stations to such points as may be necessary in the United States and Canada, and return, on business in connection with the pending investigation (No. 33) of the cost of production of wheat and wheat products.

Voted: That the travel performed by Mr. Warren N. Watson on December 15, 1923, to New York City and return, to obtain information concerning imports of dyestuffs, is hereby authorized and approved.

Voted: That the travel performed by Mr. R. H. Cragg and Mr. John N. Forvestad to Kansas City, Kans., on November 1, 1923, on business in connection with the pending investigation (No. 18) of the cost of production of linseed oil, is hereby authorized and approved.

Voted: That the secretary is authorized to arrange for the extension for one month, until January 31, 1924, of the present temporary employment of Mr. T. H. Joyce as special expert accountant on the staff of the Tariff Commission.

Voted: That Mr. R. H. Cragg and Mr. R. R. Merrill are authorized to travel to points in Massachusetts, New York, Pennsylvania, and New Jersey, and return, on business in connection with the further investigation (No. 4) of the casein industry.

Approved, January 4, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JANUARY 2, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

Voted: That Mr. George Middleton is authorized to travel to such points as may be found necessary in the States of Pennsylvania, New Jersey, New York, Connecticut, and Rhode Island, and return, on official business, to make preliminary arrangements for field work in the pending investigation (No. 32) of the cost of production of lace.

Voted: That employees of the commission acting as directing heads of groups with the commission's investigators engaged in the field work in connection with the pending investigation of the cost of production of wheat and wheat products (No. 33) be authorized within the limitations of expenditures which may be prescribed therefor, to engage clerical assistants of such character and at such times as may be found necessary in the proper discharge of their duties.

Voted: That the secretary is authorized to pay the traveling expenses of Mr. A. H. Benton from Fargo, N. Dak., to Minneapolis, Minn., and return, in connection with his attendance, upon request by the commission, at the conference held at Minneapolis on December 3, 1923, in connection with the pending investigation (No. 33) of the cost of production of wheat and wheat products.

Voted: That the chairman is authorized to negotiate with Dr. Frank R. Rutter for his services temporarily as special expert on the staff of the commission with compensation at a rate not to exceed \$4,500 per annum.

Approved, January 4, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JANUARY 3, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 3.30 o'clock p. m.

Commissioner Glassie, from the committee appointed on December 19, 1923, to make necessary arrangements for reply to the rule to show cause issued by the Supreme Court of the District of Columbia against the United States Tariff Commission on December 12, 1923, on the petition of the Norwegian Nitrogen Products Co. (Inc.), presented a draft of an answer to said rule on behalf of the Tariff Commission and the members thereof.

After consideration of this draft it was--

Voted: That the answer prepared in the case of the United States of America ex rel. Norwegian Nitrogen Products Co. (Inc.), relator, v. the United States Tariff Commission et al. (at law No. 68310), in the Supreme Court of the District of Columbia, now laid before the commission, be, and the same is hereby, approved; and that the chairman be authorized to execute and verify the answer on behalf of and in the name of the United States Tariff Commission.

By request of Commissioner Costigan, as a member of the committee appointed on December 19, 1923, to make necessary arrangements for reply to the rule to show cause issued by the Supreme Court of the District of Columbia against the United States Tariff Commission on December 12, 1923, on the petition of the Norwegian Nitrogen Products Co. (Inc.), the following statement by him is placed in the record:

On consideration I prefer not to appear personally as counsel in the mandamus case on Friday next. I do this because of my conviction that it is preferable to have the commission represented by counsel outside of its membership.

At the same time I recognize the right of any commissioner, particularly if a member of the bar of this District, to participate, if he so desires, in the argument in his own behalf.

I have reached my conclusion notwithstanding my keen appreciation of the legal ability of Commissioner Glassie, which has been strikingly evidenced in the preparation of the commission's answer. It is a highly satisfactory return to the rule to show cause.

Notwithstanding my views, if any commissioner decides to appear in the case in propria persona, it will probably be advisable for one or more other commissioners to appear simultaneously. At least two commissioners--Mr. Culbertson and Mr. Glassie--are members of the District of Columbia bar. However, I myself shall not appear, and believe the case for the commission should be presented by United States District Attorney Gordon and Mr. McNabb. In any event I recommend that United States District Attorney Gordon be requested to allow the record appearance of Mr. McNabb in order that the commission may at all stages be represented by regular counsel. At the hearing set for January 4, 1924, I shall be satisfied to see the case submitted to the court on the pleadings and briefs.

Voted: That Commissioners Glassie and Culbertson in association with the United States attorney in and for the District of Columbia, be designated to appear and represent the United States Tariff Commission in the proceedings now pending in the Supreme Court of the District of Columbia upon the petition of the Norwegian Nitrogen Products Co. (Inc.), for writ of mandamus against the Tariff Commission.

Voted: That Mr. Charles E. McNabb, chief of the legal division of the Tariff Commission's staff, be associated with Commissioners Glassie and Culbertson to assist them in connection with the proceedings now pending in the Supreme Court of the District of Columbia upon the petition of the Norwegian Nitrogen Products Co. (Inc.), for writ of mandamus against the Tariff Commission.

Approved, January 8, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BENIUNE, *Secretary.*

JANUARY 4, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on December 18, 19, 20, 21, and 31, 1923, and on January 2, 1924, were read and approved.

Voted: That Mr. V. T. Ellsworth, now in the field on the pending investigation, under the general powers of the commission, of the sugar-beet industry, is authorized to incur and pay necessary expenses for automobile and team hire for the purposes of this investigation in California.

Approved, January 8, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JANUARY 8, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on January 3 and 4, 1924, were read and approved.

Voted: That the present employment of Mr. S. B. Nuckols, special expert investigator, be extended for one month until January 31, 1924, with compensation at the rate he is now receiving.

Voted: That Mr. John A. Nye be authorized to employ such clerical assistants as may be necessary in connection with the tabulations in Canada of cost schedules and other field data in the pending investigation (No. 33) of the cost of production of wheat and wheat products, total expense of such assistance not to exceed \$500.

Voted: That the Secretary is authorized to arrange for the retention of the services of Mr. Charles O. Townsend on the regular staff of the commission with compensation at the rate he is now receiving, if such an arrangement shall be agreeable to the Department of Agriculture through whose cooperation Mr. Townsend is now serving temporarily with the commission.

Voted: That a committee be appointed and directed to make inquiry into the data collected by Messrs. Hermes and McKnight in Europe in the pending investigation (No. 10) of the cost of production of Swiss pattern files, and to report their views thereon in writing to the commission; and that as soon as convenient the original copies of the data be transmitted to Mr. Frederick Achenbach, Chief Investigator of Central Europe, at Berlin, for re-checking in accordance with the vote of the commission on December 4, 1923.

In pursuance of the foregoing resolution the chairman announced as members of the committee, Commissioners Costigan and Burgess.

The secretary submitted a communication from Mr. C. S. Maltby of Livermore, Calif., transmitting the following papers in connection with the pending investigation (No. 29) of the cost of production of magnesite and magnesite brick.

1. An unverified statement of the cost of production of caustic calcined magnesite in his plant at Livermore, Calif.

2. Three copies of a typewritten statement or brief in reply to certain portions of the testimony taken by the commission at the hearing in this investigation on December 5, 1923.

Upon consideration of the nature of the papers and of the uncertainty of the exact character in which they were intended to be submitted by Mr. Maltby, it was

Voted: That Commissioner Glassie be requested to consider the letter and accompanying papers from Mr. C. S. Maltby, of Livermore, Calif., dated December 20, 1923, in reference to the pending investigation (No. 29) of the cost of production of magnesite and magnesite brick, and to prepare a proper reply thereto.

Commissioner Culbertson notified the commission that he had been invited to go to Troy, N. Y., on January 24, 1924, to deliver an address before the Current Topics Club, and that he would submit to the commission in advance a summary of his address.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JANUARY 10, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m., pursuant to order of adjournment passed on November 20, 1923, for the purpose of continuing the hearing in the investigation (No. 15) of the differences in cost of production of cotton hosiery, under the provisions of section 315 of Title III of the tariff act of 1922.

Upon request of Messrs. McCumber and Sullivan, attorneys for the Association of Hosiery and Underwear Manufacturers, the commission announced that the hearing was adjourned until 10 o'clock a. m., January 11, 1924.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JANUARY 11, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m., pursuant to order of adjournment passed on January 10, 1924, for the purpose of continuing the hearing in the investigation (No. 15) of the differences in cost of production of cotton hosiery, under the provisions of section 315 of Title III of the tariff act of 1922.

After receiving evidence submitted by parties interested, the hearing, upon request of Messrs. McCumber and Sullivan, attorneys for the Association of Hosiery and Underwear Manufacturers, was adjourned until 10 o'clock a. m., January 30, 1924.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*



JANUARY 15, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, and Henry H. Glassie.

The commission met in the conference room at 9.30 o'clock a. m.

The commission considered questions relating to procedure at the hearing set for 10 o'clock a. m. this date in the investigation (No. 12) of the cost of production of sugar.

At the opening of the commission meeting the chairman reported that he had an oral message to the commission from the President of the United States. He stated that the President had instructed him to say to the commission that he expected the commissioners to conduct the business of the commission in accordance with the provisions of the law; that he desired the commission to endeavor to proceed harmoniously and settle contentious matters within the commission, and that he wished Mr. Glassie to be informed that he expected him to do his duty as he sees it and that he would stand back of him.

The chairman laid before the commission orders of the President designating the chairman and vice chairman of the commission, as follows:

ORDER

Under the provisions of section 700 of the act of Congress approved September 8, 1916, creating and establishing the United States Tariff Commission, Thomas O. Marvin is hereby designated as chairman of the United States Tariff Commission for a period of one year from January 15, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 15, 1924.*

ORDER

Under the provisions of section 700 of the act of Congress approved September 8, 1916, creating and establishing the United States Tariff Commission, William S. Culbertson is hereby designated as vice chairman of the United States Tariff Commission for a period of one year from January 15, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 15, 1924.*

Voted: That Mr. Frederick L. Koch is authorized to travel to New York City and return for the purpose of obtaining information concerning importations of glassware.

Voted: That Mr. John A. Egan and Mr. Myron G. Grigg are authorized to travel to Norristown, Pa., for the purpose of verifying information submitted by the Star Knitting Co. in connection with the pending investigation (No. 15) of the cost of production of cotton hosiery.

Voted: That Mr. John A. Egan and Mr. Myron G. Grigg are authorized to travel from Norristown, Pa., to Philadelphia, Pa., and to such other points in Pennsylvania, New York, Connecticut, and Rhode Island as may be necessary, and return, to Washington, in connection with the pending investigation (No. 32) of the cost of production of lace.

Voted: That Mr. John B. Bennett be authorized to engage such clerical assistance as may be necessary to replace vacancies in the

force now employed at Fargo, N. Dak., in connection with the work of tabulating cost schedules and related material in connection with the pending investigation (No. 33) of the cost of production of wheat and wheat products.

Voted: That the secretary is authorized to grant the request of the Federal Farm Loan Board for the use of the hearing room of the Tariff Commission for a conference of presidents of joint-stock land banks to be held on February 7 and 8, 1924, upon condition that such use shall not interfere with any adjourned sessions which may be necessary in the public hearing set by the Tariff Commission for February 5, 1924.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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JANUARY 15, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met at 10 o'clock a. m. in the hearing room pursuant to its published order adopted on October 16, 1923, setting this date for a public hearing in the investigation (No. 12) of the differences in costs of production of, and of all other facts in relation to sugar, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard the commission announced that the hearing was adjourned until 10 o'clock a. m. January 16, 1924.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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JANUARY 16, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to order of adjournment passed on January 15, 1924, for the purpose of continuing the hearing in the investigation (No. 12) of the differences in costs of production of, and of all other facts in relation to, sugar, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard, the commission announced that the hearing was adjourned until 10 o'clock a. m. January 17, 1924.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JANUARY 17, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to order of adjournment passed on January 16, 1924, for the purpose of continuing the hearing in the investigation (No. 12) of the differences in costs of production of, and all other facts relating to, sugar, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard, the commission announced that the hearing was adjourned until 10 o'clock a. m. January 18, 1924.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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JANUARY 18, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to order of adjournment passed on January 17, 1924, for the purpose of continuing the hearing in the investigation (No. 12) of the differences in costs of production of, and of all other facts in relation to, sugar, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard the commission announced that the hearing was adjourned until 10 o'clock a. m. January 21, 1924.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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JANUARY 19, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the chief investigator be authorized to send to such points as may be necessary in the United States and Canada not to exceed 10 investigators of the commission's staff to obtain figures of costs of production of wheat products mentioned in the order of investigation (No. 33) of the cost of production of wheat and wheat products, the work to be carried on in accordance with a plan and cost schedules to be prepared by the chief investigator and approved by the chief economist.

Voted: (1) That the report, dated January 11, 1924, of the chief economist and chief of the import and export section upon the proposal dated December 15, 1923, of Mr. Clark, chief of the textile division, be, and the same is, approved by the commission; (2) that Mr. Clark be authorized and directed to draw up such plan as may be necessary to carry the recommendation into effect; (3) that Mr. Clark be instructed to make arrangements for the transfer of two experts to be approved by the commission to New York to proceed

upon the plan in cooperation with the chief of the New York office; and (4) that the Secretary of Commerce be advised that it is the intention of the Tariff Commission to cause this work to be initiated.

Commissioners Culbertson, Lewis, and Costigan requested that the opinion of the Attorney General to the President upon the power and authority of the Tariff Commission to conduct an investigation in respect to the duty on logs of fir, spruce, cedar, and western hemlock by paragraph 401 of the tariff act of 1922 be printed in the annual report of the commission as part of the appendix relating to this subject, subject to the approval of the President and the Attorney General.

Voted: That the salary of Mr. E. B. Brossard, special expert on the staff of the commission, be increased from \$3,350 per annum to \$4,000 per annum, effective as of January 1, 1924.

Voted: That the salary of Mr. H. L. Lourie, special expert on the staff of the commission, be increased from \$3,300 per annum to \$3,500 per annum, effective as of January 1, 1924.

Voted: That the conference set for January 22, 1924, at the request of the Millinery Chamber of Commerce, in respect of the classification of ladies' trimmed hats dutiable under the tariff act of 1922, be postponed in accordance with the suggestion of the Millinery Chamber of Commerce, until March 26, 1924.

Voted: That Messrs. W. C. Fitzgibbon, H. F. Barker, W. J. Dedicott, and E. E. Barnes, are authorized to travel to such places as may be necessary in Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts, and return, in connection with the field work in the pending investigation (No. 32) of the cost of production of lace.

Voted: That Miss Stella Stewart, chief of the statistical division, is authorized to travel to New York City, and return, on official business in connection with the preparation of import and export statistics.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JANUARY 21, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to order of adjournment passed on January 18, 1924, for the purpose of continuing the hearing in the investigation (No. 12) of the differences in costs of production of, and of all other facts in relation to sugar, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard the commission announced that the hearing was adjourned until 10 o'clock a. m., January 22, 1924.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JANUARY 22, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to order of adjournment passed on January 21, 1924, for the purpose of continuing the hearing in the investigation (No. 12) of the differences in costs of production of, and of all other facts in relation to sugar, under the provisions of section 315 of Title III of the tariff act of 1922.

The secretary made the following announcement:

Upon application by the Millinery Chamber of Commerce an informal conference upon the subject of classification of ladies' trimmed hats, dutiable under the tariff act of 1922, was scheduled for this hour to-day. At the request of the applicant the commission has postponed the conference until 10 o'clock a. m. March 26, 1924, at which time all parties interested in the subject are invited to be present and to assist the commission in obtaining information upon the subject. A press notice has been issued giving the foregoing information and notice has been sent by letter to all parties known to the commission to be interested.

After hearing evidence by all parties appearing and requesting to be heard the commission announced that the hearing was adjourned until 10 o'clock a. m. January 23, 1924.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JANUARY 23, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to order of adjournment passed on January 22, 1924, for the purpose of continuing the hearing in the investigation (No. 12) of the differences in costs of production of, and of all other facts in relation to sugar, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard the commission announced that the hearing was adjourned until 2 o'clock p. m. January 24, 1924.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JANUARY 24, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its published order adopted on December 13, 1923, setting this date for a public hearing in the investigations (Nos. 21 and 22) of the differences in costs of production of, and of all other facts

in relation to, phenol and cresylic acid, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard in respect of the costs of production of phenol, the commission announced that the hearing on that subject was closed; that briefs might be filed by interested parties until February 23, 1924; and that the hearing in respect of the costs of production of cresylic acid was adjourned until 10 o'clock a. m. January 25, 1924.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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JANUARY 24, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 2 o'clock p. m., pursuant to its order of adjournment passed on January 23, 1924, for the purpose of continuing the hearing in the investigation (No. 12) of the differences in costs of production of and of all other facts in relation to sugar, under the provisions of section 315 of Title III of the tariff act of 1922.

After concluding the hearing of evidence by all parties appearing and requesting to be heard the commission announced that the public hearing was closed subject to the fixing of a date for the filing of briefs and of a subsequent date for the purpose of oral argument thereon, if desired by parties interested.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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JANUARY 25, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m., pursuant to its order of adjournment on January 24, 1924, for the purpose of continuing the hearing in the investigation (No. 22) of the difference in costs of production of and of all other facts in relation to cresylic acid, under the provisions of section 315 of Title III of the tariff act of 1922.

Upon request concurred in by all parties in interest present, and in order that other interested parties and witnesses unable to be present at this adjourned hearing may have opportunity to be present and to be heard, the commission announced that the hearing was adjourned until 10 o'clock a. m. February 14, 1924.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JANUARY 29, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

(Commissioner Marvin took the chair at 12.15 p. m.)

The commission met in the hearing room at 10 o'clock a. m. pursuant to its published order adopted on December 13, 1923, setting this date for a public hearing in the investigation (No. 24) of the differences in costs of production of, and of all other facts in relation to, print rollers, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard, the commission announced that the hearing was adjourned until 10 o'clock a. m., February 4, 1924.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JANUARY 29, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

Voted: That the temporary employment of Mr. Thomas H. Joyce be extended to February 29, 1924.

Voted: That Mr. A. Manuel Fox be authorized to travel to Minneapolis, Minn., and such other places as may be necessary, and return, on official business in connection with the pending investigation (No. 33) of the cost of production of wheat and wheat products.

Voted: That at the public hearing set for February 5, 1924, in the investigation (No. 18) pursuant to the provisions of section 315 of the tariff act of 1922, of the cost of production of linseed oil, the commission, in view of the written request and concurrence of parties interested, will grant a motion that said hearing be adjourned until 10 o'clock a. m., Wednesday, March 5, 1924.

Voted: That the transfer of Mr. M. A. Crosby from the field work of the sugar-beet investigation to that of the pending investigation (No. 33) of the cost of production of wheat and wheat products, with authority to perform the necessary official travel and incur necessary incidental expenses, is approved.

Voted: That necessary expenses incurred by Mr. John A. Nye in connection with the gathering and tabulating of field data in the pending investigation (No. 33) of the cost of production of wheat and wheat products are hereby authorized and approved.

Voted: That Mr. A. H. McCarrel and Mr. Andrew Coulthart, upon the recommendation of Mr. W. A. Graham Clark, chief of the textile division of the commission's staff, are authorized to travel to New York City, and return, on official business in connection with the study of the classification and imports of cotton cloths pursuant to the resolution on that subject adopted by the commission on January 19, 1924.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JANUARY 30, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to order of adjournment passed on January 11, 1924, for the purpose of continuing the hearing in the investigation (No. 15) of the differences in costs of production of cotton hosiery, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard and a further hearing for oral argument being waived by all parties present, the commission announced that briefs pursuant to rule might be filed by parties interested until February 20, 1924, and that the public hearing in this investigation was closed.

Approved, February 1, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

FEBRUARY 1, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on January 8, 10, 11, 15, 15, 16, 17, 18, 19, 21, 22, 23, 24, 24, 25, 29, 29, and 30, 1924, were read and approved.

In connection with the approval of the minutes of the meeting held on January 8, 1924, Commissioner Glassie made the following statement:

In pursuance of the direction of the commission I prepared, within a few days thereafter, a draft of a letter to Mr. C. S. Maltby which, after being submitted to Commissioner Lewis, and receiving his approval, was routed for circulation among the other commissioners. I understand that for some reason this letter was not mailed until January 28, 1924.

The chairman called attention to the fact that the commission was still awaiting reports from committees heretofore appointed to prepare in tentative form findings to be submitted by the commission to the President as the result of those investigations for the purposes of section 315 of the tariff act of 1922 which have been completed.

Commissioner Glassie reported from the committee appointed in connection with the investigation (No. 16) in respect of wall pockets, that a draft of a report had been prepared and referred to the technical staff to be checked up before final submission to the commission.

Commissioner Burgess reported that the committee appointed in connection with the investigation (No. 11) in respect to paint-brush handles had its report in progress and hoped to submit a final draft in the near future.

Commissioner Costigan reported that the committee appointed in connection with the investigation (No. 7) in respect of sodium nitrite had its draft of report practically ready to submit, but that, in view of the mandamus proceedings now pending in the Supreme Court of the District of Columbia the committee was giving additional time to its report, awaiting the outcome of those proceedings.

Commissioners Glassie and Culbertson reported that the argument before the Supreme Court of the District of Columbia upon the peti-



tion of the Norwegian Nitrogen Products Co. (Inc.) for writ of mandamus against the Tariff Commission had been conducted on January 26, 30, and 31, 1924, and that on the last-named date at the conclusion of the argument the court took the case under advisement, with permission to the opposing parties to file briefs within 10 days.

Upon motion by Commissioner Lewis, it was—

Voted: That the United States Tariff Commission and the members thereof extend to Commissioners Glassie and Culbertson and to Mr. Charles E. McNabb, chief of the commission's legal division, their thanks for the diligence and ability with which the public interests had been represented by them in the argument before the Supreme Court of the District of Columbia upon the petition of the Norwegian Nitrogen Products Co. (Inc.) for writ of mandamus against the United States Tariff Commission.

Voted: That Mr. Arthur L. Faubel be designated as assistant chief economist on the staff of the United States Tariff Commission, effective February 1, 1924.

It was the unanimous understanding of the members of the commission that the foregoing action in designating Mr. Faubel as assistant chief economist involves no commitment of the commission to his promotion to the office of chief economist in the event of a vacancy occurring in that position.

Commissioner Lewis requested that the following entry be made in the minutes of this meeting of the commission:

Whereas on January 19, 1924, Chairman Marvin received the following request from the President "for a report from the commission":

THE WHITE HOUSE,  
Washington, D. C., January 19, 1924.

MY DEAR CHAIRMAN MARVIN: I should like to have as soon as possible a report from the commission on the request contained in the inclosed letter from Senator Edge concerning the tariff on vegetable oils. Please return the Senator's letter to me with the report of the commission.

Very truly yours,

CALVIN COOLIDGE.

And whereas Chairman Marvin failed to submit such request to the commission, but withheld the same from the commission, including the letter inclosed from Senator Edge, the contents of which have not yet been communicated to the commission;

And whereas on January 28, 1924, Chairman Marvin undertook to answer the request of the President without submitting such answer to the commission for its consideration and action;

And whereas the commission for the reasons above set forth has been and still is unable to comply with the President's request:

Therefore I deem it my duty to enter on the minutes of this meeting of the commission my formal and official protest against the action of Chairman Marvin in this matter.

Commissioners Culbertson and Costigan requested that their concurrence in the foregoing statement by Commissioner Lewis be noted in the minutes of this meeting.

The chairman submitted the following statement:

FEBRUARY 2, 1924.

The letter from the President, referred to in the above protest, stated that the President would like "to have as soon as possible a report from the commission on the request contained in the inclosed letter from Senator Edge concerning the tariff on vegetable oils." The letter was dated January 19 and received during the progress of the sugar hearings, which engaged the

attention of the commission daily from 10 o'clock until late in the afternoon. With a view to answering the President "as soon as possible," the chief investigator was requested by the chairman to prepare a reply to the letter of the President in order that proceedings of the commission on the pending applications might be fully and fairly stated. The chief investigator's reply was received by the chairman at 5 o'clock on January 28, and as the chairman believed that it was a fair statement of the case, without prejudice or bias, he felt that there could be no objection to sending it to the President. The letter was signed by the chairman without the change of a word. It is evident from the protest that has been recorded in the minutes of the commission that it would have been much better to have circulated the letter for the approval of the entire commission. The chairman wishes to state that he regrets that the course pursued in this case has offended some of the members of the commission and wishes it understood that there was no intention on his part to give offense or to adopt a course that was open to criticism or objection.

The chairman desires to call the attention of the commission to the fact that the letter sent to the President was a statement of the status of the vegetable-oil case up to the time that the letter was written, and that the letter did not undertake to reply to the request contained in the letter from Senator Edge. It is the intention of the chairman to lay before the commission a copy of Senator Edge's letter and to ask the commission to act on the requests contained therein. These requests were:

1. An appeal to the President to "direct the Tariff Commission as provided in the act to grant the specific application for a hearing and investigation on vegetable oils.

2. "If the commission would agree to give a preliminary public hearing, so that these facts could be finally brought to their attention, results might be secured."

Commissioner Costigan submitted the following statement:

FEBRUARY 7, 1924.

For the sake of an accurate permanent record, I desire to make the following comments on the chairman's statement, dated February 2, 1924, filed with the commission on February 6, 1924, and incorporated by request of the chairman in the minutes of the commission of February 1, 1924:

(1) According to the chairman's statement, the President's letter was received on or about January 19, 1924, and was answered on January 28, 1924. The chief investigator states that the chairman referred the President's letter to him for answer on January 25, 1924. These statements make it obvious that there was ample time before the chief investigator was consulted to refer to the several commissioners the President's request and its inclosure. This course was not followed by the chairman, notwithstanding the character of the request and its source.

(2) The chairman says: "The letter (prepared by the chief investigator) was signed by the chairman without the change of a word."

The chief investigator states that the letter to the President was prepared by the chief investigator as the result of a conversation had by him with the chairman, in which the chairman indicated the substance of the contents of the answer he desired prepared for the President. The chairman's above-quoted statement, therefore conveys a misleading impression with respect to the extent of the chairman's participation in signing the letter "without the change of a word."

(3) The chairman in his statement of February 2, which, as above recited, was brought to the commission's attention on February 6, declared: "It is the intention of the chairman to lay before the commission a copy of Senator Edge's letter and to ask the commission to act on the requests contained therein."

Senator Edge's letter was inclosed with the President's request for a report from the commission. Indeed, the President requested "as soon as possible a report from the commission on the requests contained in the inclosed letter from Senator Edge, concerning the tariff on vegetable oils." It follows that what has been said with respect to the President's request applies with increased force to the last above-quoted statement of the chairman. Had the President's request been promptly communicated, as it should have been, to the commission, it would have carried with it Senator Edge's letter. In other

words, the chairman first withheld the President's letter until after it was answered and until the correspondence, indirectly heard of, was inquired about by commissioners. Thereafter the chairman further withheld Senator Edge's letter, and more than two weeks after its receipt the chairman has advised the commission that it is his intention to lay that letter before the commission. It should be added that, after unavailing efforts to secure a copy of Senator Edge's letter from the files of the commission, I personally succeeded on the afternoon of February 2, 1924, in securing, in response to a written request to the chairman, my first view of a copy of Senator Edge's letter.

(4) The commission's files have been and, as late as February 7, 1924, were incomplete with respect to the above-mentioned correspondence of the President with the commission, in the following particulars:

(a) Copies of some inclosures referred to as transmitted with the chairman's response to the President are not in the commission's files and it is impossible to determine from such files what such inclosures were.

(b) A copy of Senator Edge's letter to the President is not contained in the commission's files.

Commissioner Marvin stated that he protested against the inclusion in the record of the foregoing statement by Commissioner Costigan on the ground that the statement was inaccurate and unfair.

Chairman Marvin submitted the following statement:

FEBRUARY 8, 1924.

In Commissioner Costigan's statement of February 7, and spread upon the minutes of the meeting of February 1, he requested the insertion of the statement, as he says, "for the sake of an accurate, permanent record." I deny that his statement is accurate. It is incomplete, unfair, and misleading. It differs as it now appears in the minutes from the form in which it was first read to the commission and my protest against its insertion in the minutes was based principally upon the four words that have been omitted, words which in effect asserted that I had told the chief investigator in substance and in detail what to say.

In reply to paragraph No. 1 of Commissioner Costigan's statement the facts are as follows: It is true that the letter of the President was dated January 19 and that a reply was sent on January 28. On receipt of the President's letter it was taken to Commissioner Burgess for comment and suggestions. The commission was holding both morning and afternoon sessions of the sugar hearings. The hearings did not adjourn at any time until 4.30 or later and the time of the chairman after the hearings adjourned was completely taken up with office routine. It was not until January 25 that I found time to speak to Commissioner Burgess about the letter, and as he had no suggestions to offer I stated that so much time had elapsed since the receipt of the letter that I would call in the chief investigator, whose duty it is to follow all of the details of the commission's investigations, and ask him to prepare a letter to the President outlining the proceedings of the commission in connection with the vegetable oil applications. This was done that same day, January 25. I outlined the points which the letter should contain, and only as a suggestion to the chief investigator, not in any sense as directions to him as to the substance and details of the letter. I instructed him to give a concise, fair and impartial statement of the facts and nothing else. And this is simply and in fact exactly what the chief investigator did.

Following is the chief investigator's statement of the instructions received and the course that he pursued:

Memorandum on letter to the President regarding vegetable oils

FEBRUARY 11, 1924.

On Friday afternoon, January 25, the chairman called me into his office and stated that the commission, or he himself (I do not remember which statement he made) had had a letter for some time from the President, transmitting a letter from Senator Edge, I believe, to the President, requesting action by the commission on vegetable oils.

The President's covering letter was very short, and requested a statement on the situation, as I remember it.

The subject matter of the letter was discussed for several minutes, and during the course of the discussion I jotted down the following points on an old envelope. It is not quite accurate to state that these points were all given me by the chairman, but rather, out of a joint discussion of the matter, certain ideas were scribbled down as a guide in writing. In many cases they were cryptic expressions, but they are reproduced here exactly as originally written.

1. Applications for.
2. Protests.
3. Refer to Ex. Order. Quote must consider public interest.
4. Public interest: (a) Importers and consumers; (b) Requests of producers; (c) Seven words I can't read.
5. Agricultural sections affected. Peanuts, cotton and flaxseed products. South and southwest and northwest.
6. Much attention. Too complex without much information.
7. Related products; namely, fats, fish oils.
8. Ceylon, China (as a matter of fact I think the Chairman said Manchuria and China).
9. Cost of investigation.

The above notes are scarcely intelligible to me at this time. Nevertheless they are reproduced as taken.

I obtained several more ideas from the conversation with the chairman which are not indicated in the notes, and in order to get them down on paper I immediately dictated an outline of the letter when I returned from the chairman's office. This outline as dictated is reproduced as follows:

1. Applications for decrease in the duty.
2. Applications for increase and protests against a decrease.
3. Give the number and source of the protests and the general substance.
4. Refer to Executive Order from the President quoted in Rules of Procedure.
5. Emphasize public interest.
6. Point out interested parties: (1) Importers and consumers; (2) Crushers; (3) Agricultural interests: (a) Cottonseed; (b) Peanut; (c) Soya Bean, if any; (d) Flaxseed.
7. Refer to linseed oil investigation. Not directly related to the vegetable oil problem.
8. Related products; animal fats, fish oils, etc.
9. Distribution of the Industry; China, Philippines, South Sea Islands, crushing centers of Europe.
10. Expense of investigation necessitates very careful examination of possible results obtained.

On Saturday morning I talked with the following commissioners in regard to vegetable oils: Commissioners Burgess, Costigan, and Culbertson, in the order named. I made no notes of these conversations, but the general impression I obtained in all of them was to the effect that relatively little should be said in the matter, but the commission's documents, including the minutes of the meeting concerning vegetable oils, should be transmitted.<sup>1</sup> I believe the chairman also made a statement about sending the complete record to the President, but it will be noted that there is no reference to this statement either in my original notes or in my original outline of the letter.

The original draft of the letter made on Saturday morning was three or four pages long, and stated the difficulties and problems connected with vegetable oils in some detail.<sup>2</sup> Later an examination of the commodity expert's and the advisory board's reports on vegetable oils led me to believe that the subject had been fully covered. It therefore seemed desirable to send primarily a covering letter transmitting the surveys on individual oils and the advisory board's report on the general subject, together with the minutes of the meeting. With the exception of the copies of the minutes of the meet-

<sup>1</sup> This discussion implies that Commissioners Burgess, Costigan, and Culbertson understood that I was writing a letter on the subject of vegetable oils, transmitting commission documents. In the commission conference on February 9 Commissioners Burgess and Costigan, as I remember, stated that they were not aware that the conversation referred to on January 26 related to the President's letter. It may indeed be true that the letter to the President was not mentioned, because I was following my usual policy of formulating my own ideas by getting suggestions from others in the preparation of the letter.

<sup>2</sup> A copy of the first draft of this letter is in my files. It was never meant to be sent, but rather I desired to get a full statement of my ideas down on paper. A copy of this draft follows, Exhibit 1.

ing all of these documents were sent as inclosures accompanying the covering letter. Mrs. Woodford was on her way to the secretary's office to obtain copies of the minutes<sup>1</sup> respecting vegetable oils when she met the chairman and was informed that Miss O'Neill (the chairman's secretary) would attend to the matter of the copies of the minutes.

An examination of the President's letter will show that I did not refer to the report of the advisory board as such, but called this report a general survey on the subject of vegetable oils (I have not the exact words before me, but such was their substance in the letter). This statement was made deliberately because, in all letters going out from the commission, I have followed the rule, and have asked the commodity men to follow it, that the advisory board, as such, need not be mentioned except where it is obviously necessary, but rather any action taken should be referred to as the commission's activity; that is to say, instead of saying the chemical expert believes, or the chief economist believes, the statement is put in the form "the commission believes," because it is obvious that to outside parties the commission is held responsible for all activities of its experts. Possibly in this case, in which the President was being informed of the internal activities concerning vegetable oils, the advisory board should have been referred to by name.

All copies of the letter to the President, including the inclosures referred to above, namely, surveys on coconut oil, cottonseed oil, and soya-bean oil, peanut oil, and the advisory board report on the general subject, were sent to the chairman's office about 3.30 p. m. Monday, January 28.

GEORGE P. COMER.

Exhibit 1 as referred to in the chief investigator's statement is as follows:

JANUARY 26, 1924.

The PRESIDENT,  
*The White House.*

SIR: In answer to your request for information regarding the status of applications on vegetable oils I have the honor to submit the following statement of the case as it stands to-day.

During the spring of 1923 the Tariff Commission received a number of applications for a reduction in the rate of duty on vegetable oils. A list of these applications is appended for your information. You will observe that linseed oil is included in this list. An investigation has been ordered on this subject, as you are aware, but the problem of flaxseed and linseed oil is not directly related to the question of edible vegetable oils.

The commission has also received a large number of protests against any change in the rate of duty on these oils.

An examination of the list of applications and protests against them indicates that the subject of edible vegetable oils is large, and that a satisfactory solution of the tariff problem respecting them involves an unusually extensive investigation. The Southern States are interested in the subject especially because of the competition of imported oil with cottonseed and peanut oil. The far West is interested in soya beans chiefly from the standpoint of the crushers. The Middle West is interested because of the competition of vegetable oils with animal fats, lard and tallow, and the producers of dairy products are concerned because of the competition of coconut oil with butter fats. Foreign localities concerned with the investigation are Manchuria, south China, Japan, south Pacific Islands, the Philippines and the crushing centers in Europe.

It is not clear at this time to what extent the problem of vegetable oils is one of the difference in cost of production at home and abroad. A large problem seems to be the economic interrelation of the various oils and fats in the United States and foreign markets. Relative prices rather than relative costs seem to be the more significant. This does not imply equivalent prices, because some oils at 10 cents per pound may be more desirable than others at 8 cents per pound.

A further problem in connection with relative costs is whether the cost study shall be limited to the crushing industries, i. e., the cost of crushing copra and

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<sup>1</sup> Mrs. Woodford states that she does not remember the chairman's exact words, but that the above statement gives the sense of them.

soya beans as compared with the cost of crushing cottonseed or peanuts in the United States and foreign countries. Such differences, if any, may be small. If the cost studies are extended back into the raw materials, an unusually difficult problem presents itself in the case of soya beans in China, copra in the South Seas, and the Philippines, and cottonseed and peanuts in the United States. Moreover, peanuts in the United States are not raised for crushing, but for the nut trade, and are of a higher value and quality than the imported nuts for crushing.

Another difficulty arises in connection with the importations of coconut oil from the Philippines. Most of the American imports of coconut oil now come from the Philippine Islands, free of duty. These importations may include up to 20 per cent of foreign oil. Furthermore, copra, the raw material, is imported free into this country. Therefore it is questionable to what extent a duty on coconut oil is effective.

Many of the foregoing considerations might be interpreted as arguments against an investigation. On the other hand, there are a number of considerations favoring an investigation. Among them is the fact that the vegetable oil industry is relatively new in the commerce of the world, and that it has immense possibilities for development. Europe is making great strides in the use and development of vegetable oil products, and it is essential that the American producers and manufacturers of these products shall not be seriously hampered in obtaining their raw materials. It is pointed out, for example, by soap manufacturers, that their position in the export market may be seriously handicapped if, by reason of a duty, the price of vegetable oils is increased over their European competitors' prices for the same raw material.

It is possible that the domestic producers of cottonseed, peanuts, and of some animal fats, are more concerned about the effect of the duty on imported oils than the facts would justify. In the cases of cottonseed and lard, for example, the price is largely fixed in an international market, and if they do not meet the competition of oriental oils in the United States they meet it in Europe. This situation, together with the fact that copra is free, and that great quantities of coconut oil are available free of duty from the Philippines, raises the question as to what extent the cottonseed and the peanut industries would be injured by an increase in the duty on imported oils. It is also questionable to what extent the imports of peanuts affect the peanut industry in this country, because the latter are not produced for crushing here, but are much more valuable in the nut trade.

The Tariff Commission has given more attention to the general subject of vegetable oils than to almost any other subject in the tariff. It has had constantly before it the President's proclamation under date of October 7, 1922, in which he says that applications for relief under the provisions of section 315 shall be referred to the Tariff Commission "for consideration, and for such investigations as shall be in accordance with law and the public interest" \* \* \*. In the case of such large and far-reaching subjects as vegetable oils the best interests of the public can not easily be determined. Up to the present time the commission has not been able to agree in what manner the public interest may best be served in this case. This failure to come to a decision, however, is not due to any lack of diligence or interest in the matter on the part of the commission and its staff.

An additional consideration of importance at this time is the expense of the investigation. No exact calculation can be made, but it is estimated that \$25,000 or \$30,000 as a minimum will be required to obtain the necessary information for a decision in pursuance of section 315.

After giving these directions to the chief investigator I told Commissioner Lewis that I had received a letter from the President and had asked the chief investigator to prepare a reply, that I had outlined briefly the form of the letter and that it might prove of aid to him in replying to a letter from Senator Wadsworth which I had asked Commissioner Costigan and Commissioner Lewis to answer, as it related to the status of the vegetable-oil applications.

The proposed letter to the President that the chief investigator was asked to write was a letter stating merely the status of the vegetable oil investigations. He was not asked to write a report for the commission on the requests contained in the letter of Senator Edge which was inclosed in the President's letter of January 19, and

in the chief investigator's letter there was no reference to the requests of Senator Edge. Those requests required action by the commission. They were laid before the commission, and a report of the commission's action has been sent to the President. A copy of the President's request and the inclosed letter from Senator Edge was filed with the secretary when they had been acted upon. They could not have been filed before.

When the letter written by the chief investigator in his own words and from his own records was received about 5 o'clock, January 28, it was signed by the chairman and sent to the President because it was a plain statement of the facts, not one of which has been refuted or criticized throughout this discussion.

That the chairman was within his rights in signing this letter and sending it to the President is sustained by the following rules adopted by the commission on July 30, 1923:

First. "3. As soon as recorded, all incoming mail shall be sent to the chairman of the commission, except routine mail of such as the following classes, which shall be sent direct to the secretary, namely," etc.

Second. "8. All commission letters addressed to the President, Senators, and Members of the House of Representatives, or involving some previously undecided question of policy, shall be signed by the chairman, or in his absence by the acting chairman."

Third. "14. No letter initiating a policy or purporting to commit the commission to any new inquiry, or to a particular view of a controverted matter, or to express a decision of the commission, shall be mailed until such letter shall have been submitted to each member of the commission and shall have received the written approval of a majority thereof. It shall be the duty of each officer having authority to sign or approve outgoing letters to scrutinize every letter submitted for his signature or approval with a view to the spirit and purpose of this regulation."

The letter to the President under date of January 28 is not a letter "initiating a policy." It is not a letter "purporting to commit the commission to any new inquiry." It is not a letter "purporting to commit the commission to a particular view of a controverted matter." It is not a letter "to express a decision of the commission." It is the duty of each officer having authority to sign or approve outgoing letters to "scrutinize every letter submitted for his signature or approval with a view to the spirit and purpose of this regulation." This is precisely the course that the chairman pursued.

Commissioner Costigan submitted the following statement:

FEBRUARY 20, 1924.

Chairman Marvin filed with the commission, on February 15, 1924, a statement dated February 8, 1924, annexed to which is a memorandum of the chief investigator, dated February 11, 1924. Both relate to Chairman Marvin's unwarranted assumption on January 28, 1924, without the commission's approval, of authority to respond on behalf of the commission to a written request from the President of the United States for a report from the commission in regard to an application for an investigation of the duties on vegetable oils.

(1) It is first to be noted that Chairman Marvin's apology, expressed in his memorandum dated February 1, 1924, is now transformed into attempted self-justification. He now challenges the protest of commissioners against his conduct with the assertion that he was "within his rights (whatever that may mean) in signing the letter and sending it to the President."

The important question of the duties resting on other commissioners than the chairman is therefore presented to the commission more emphatically, since the chairman now quotes certain rules of the commission in defense

of his action. I therefore renew my objection to the chairman's action, expressly on the ground that in sending the letter to the President on January 28 he violated the commission's rules, in part because that letter purported to commit the commission "to a particular view of a controverted matter," namely, the advisability to instituting at that time an investigation into the costs of production of vegetable oils.

Notwithstanding Chairman Marvin's positive assertion to the contrary, his letter was distinctly disapproved by several commissioners. In the presence of the chairman and other commissioners, I "criticized" that portion of the letter which attributed the nonaction of the commission "to the complexity of the subject" rather than "to any lack of diligence or interest." I objected to this statement because, in essence, it indicated approval by each commissioner of this nonaction and it did not accurately reflect the views of the respective commissioners. This was but one way of saying that the chairman's letter purported to commit the commission "to a particular view of a controverted matter."

I said in addition to some commissioners during the discussions, that the partial attitude of the chairman was manifested further in that paragraph of the letter which conveyed the impression that the commission's delay in ordering the investigation of vegetable oils was due also to an opinion entertained by the commission that the investigation would be expensive. So far as I am aware that possible reason was never urged in the commission's discussions of the subject. Certain it is that it was ignored when the commission on February 8, 1924, instituted its investigation of the entire subject.

(2) In the second place, regardless of the commission's rules relating to the signing of letters, the chairman's letter was a violation of official propriety, in that, in effect, it was a report to the President, which the chairman was in no respect authorized to send without previous submission to the commission. It is difficult suitably to characterize Chairman Marvin's attempt to distinguish between this letter and a report by the commission. In the light of the President's request, the form of the chairman's answer (with which were transmitted to the President portions of the commission's records), and the fact that no other report, in response to the President's request, has ever been made to the President, the chairman's distinction would be humorous but for the manifest seriousness of the disposition it reveals toward the conduct of public business.

(3) Out of his natural desire to offset these grave criticisms, Chairman Marvin asserts that the statement of February 7, 1924, filed by myself, commenting on his earlier statement, "is incomplete, unfair, and misleading." On full consideration of Chairman Marvin's two statements and my own, and after earnest efforts to determine for frank acknowledgment whether I had been unjust to him in any particular, I take issue with the chairman's reference to my statement and with all his implications.

Chairman Marvin directs attention to the fact that my statement of February 7 differs slightly from that statement as originally read to the commission. That is true. It originally contained the sentence: "The chief investigator states that the letter to the President was prepared by the chief investigator as the result of a conversation had by him with the chairman, in which the chairman indicated specifically and in detail the substance of the contents of the answer he desired prepared for the President." The statement as filed with the commission was in all respects identical with the original statement, except for the elimination of the four words: "specifically and in detail." This change, however, did not involve the slightest retraction.

The words were stricken solely because they purported to represent the views of the chief investigator. It was and is my opinion that the sentence, as originally expressed, fairly represents what the chief investigator has disclosed to the commission. However, a question having been raised with respect to the significance of what the chairman communicated to the chief investigator, I requested the chief investigator to comment on the sentence which in some measure spoke for him, and at his suggestion the sentence was altered as indicated. It was entirely natural for the chief investigator to wish the sentence modified when advised of the dispute within the commission. Moreover, he was entitled to his version of the situation in a sentence which directly cited him as authority.

None the less I submit that the record in this case, including the notes of the chief investigator, confirm the original and unamended statement. In this connection it should be observed that the chief investigator's enumeration of



the points given him by the chairman for the letter to the President includes specific references to the two controversial subjects above mentioned; namely, the cost and the alleged complexity of the proposed investigation. These very points were again drawn to the chief investigator's attention by the chairman, who referred to the chief investigator a letter to Senator Wadsworth, which was likewise transmitted by the chairman without the commission's approval.

(4) The chairman's explanation of his conduct is marred by other deficiencies to which I shall make but passing reference:

(a) The surprising fact persists that the letter from the President of the United States, which requested a report from the commission as soon as possible, was taken, according to the chairman, to but one commissioner—Mr. Burgess—between January 19 and January 25. Not to mention the opportunities which always exist for the consideration of important subjects at unusual hours, communications of lesser moment have been frequently drawn to the attention of commissioners on the bench in the hearing room, even during the progress of public hearings.

(b) The letter from the President was received on or about January 19. The answer was sent on Monday, January 28. During that day the commission was not engaged in the sugar hearing and the various commissioners were available for official conference and action. For example, I was at the commission's offices throughout the day until 5.30 in the afternoon. The chairman says he received the chief investigator's draft of the letter "about 5 o'clock" and the chief investigator says that that draft was "sent to the chairman's office about 3.30 p. m." All the conditions clearly show that the commission could and should have been consulted before the letter was dispatched.

(c) The rules of the commission, for obvious reasons, provide that after submission to the chairman all official mail shall be returned to the Mails and Files Division for reference; that correspondence is to be returned to the Mails and Files Division after action has been taken thereon; and that there shall be retained in the files of the commission at least one carbon copy of every letter sent out by or in behalf of the commission. Chairman Marvin, doubtless with these rules in mind, now says:

"A copy of the President's request and the inclosed letter from Senator Edge was filed with the secretary when they had been acted upon. They could not have been filed before."

The foregoing statement of the chairman was dated February 8, 1924. On February 7, 1924, I made the following statement to the commission:

"The commission's files have been and, as late as February 7, 1924, were incomplete with respect to the above-mentioned correspondence of the President with the commission, in the following particulars:

"(a) Copies of some inclosures referred to as transmitted with the chairman's response to the President are not in the commission's files, and it is impossible to determine from such files what such inclosures were.

"(b) A copy of Senator Edge's letter to the President is not contained in the commission's files."

To the foregoing recitals I shall only add that on inquiry to-day (February 20, 1924), I am advised by the secretary of the commission that the above-mentioned omissions from the files of the commission have not been corrected.

(5) The necessity for this discussion is deplored, but the principle at stake is fundamental. The United States Tariff Commission, an independent establishment of the Federal Government, was designed to be both scientific and nonpartisan. In that Federal agency Mr. Marvin is but one of six commissioners; the powers and responsibilities of each of his associates are equal to his own. His conduct not alone violated the rules of the commission and the proprieties. It was not lawful, yet his defense indicates a disposition to repeat it. Such conduct, if pursued and sanctioned, must destroy the integrity and authority of the commission.

Chairman Marvin submitted the following statement:

MARCH 3, 1924.

Commissioner Costigan's statement of February 20, added at his request to the minutes of February 1, reiterates and enlarges upon his criticisms of the action of the chairman in regard to a letter sent to the President under date of January 28, 1924. Commissioner Costigan asserts that the sending of the letter referred to is "an unwarranted assumption, \* \* \* without the commission's approval, of authority to respond on behalf of the commission to a

written request from the President of the United States for a report from the commission in regard to an application for an investigation of the duties on vegetable oils."

There are two assertions in this complaint and each is erroneous. The letter to the President under date of January 28 was not a report in response to the request of the President. The letter of the President did not ask for "a report from the commission in regard to an application for an investigation of the duties on vegetable oils."

The nature of the letter sent to the President on January 28 has been described fully in the chairman's statement and in the statement of the chief investigator which appear above. The request in the President's letter was for a report from the commission on two requests contained in an inclosed letter from Senator Edge. The letter from the President and the inclosure from Senator Edge were as follows:

THE WHITE HOUSE,  
Washington, D. C., January 19, 1924.

MY DEAR CHAIRMAN MARVIN: I should like to have as soon as possible a report from the commission on the request contained in the inclosed letter from Senator Edge, concerning the tariff on vegetable oils. Please return the Senator's letter to me with the report of the commission.

Very truly yours,

CALVIN COOLIDGE.

Hon. THOMAS O. MARVIN,  
United States Tariff Commission, Washington, D. C.

Inclosure.

The inclosure from Senator Edge read as follows:

UNITED STATES SENATE,  
Washington, D. C., January 17, 1924.

The PRESIDENT,  
The White House, Washington, D. C.

DEAR MR. PRESIDENT: Referring to the application of the soap and other manufacturers for a hearing before the Tariff Commission covering existing duty on certain vegetable oils, what I would like to accomplish is as follows:

As you, of course, know, the Tariff Commission has two functions: That of a general investigation which they can institute on their own initiative and in the matter of raising or lowering duty would probably not go very far; the other, the specific power granted under section 315 of the last tariff act.

I understand from members of the commission that there have been various applications for investigation of different oils and the commission have divided three to three as to how far they should go in the matter.

What I am interested in is a specific investigation of vegetable oils which I think are generally confined to soya bean, coconut and peanut extracts.

I am appealing to you to at least direct the Tariff Commission as provided in the act to grant the specific application for a hearing and investigation on vegetable oils.

I can see where there might be some justification for a division in the commission as to the scope of a hearing or an investigation, but I can not see how we can defend a situation which because of this division has denied consideration of relief as so definitely provided for under the act.

Therefore, it appears to me if you made this direction or if the commission would agree to give a preliminary public hearing so that these facts could be finally brought to their attention, results might be secured.

As to the question of whether duties should be lowered or raised, that, of course, is entirely a matter for the President to decide after a full investigation has been accorded and a report arrived at. But to absolutely refuse through the manipulations of a tie vote any relief is, in my judgment, indefensible.

Very truly yours,

WALTER E. EDGE.

The requests of Senator Edge were laid before the commission at a meeting on February 6. A report to the President in respect to these requests was sent on February 9, as per following copy:

FEBRUARY 9, 1924.

The PRESIDENT,  
*The White House.*

MY DEAR MR. PRESIDENT: On January 19 you asked for a report from the commission on the request contained in a letter from Senator Edge concerning the tariff on vegetable oils. At a meeting of the Tariff Commission on February 6 the requests contained in Senator Edge's letter were called to the attention of the commission. These requests were as follows:

1. I am appealing to you to at least direct the Tariff Commission as provided in the act to grant the specific application for a hearing and investigation on vegetable oils.

2. Therefore, it appears to me if you made this direction or if the commission would agree to give a preliminary public hearing so that these facts could be finally brought to their attention, results might be secured.

I pointed out that no request had been received from you directing the Tariff Commission "to grant the specific application for a hearing and investigation on vegetable oils," and that, therefore, the matter to be considered was the request of Senator Edge that the commission agree to give a preliminary public hearing.

After full consideration of the general subject of vegetable and other oils by the commission it was voted that an investigation for the purposes of section 315 of the tariff act of 1922 of the differences in costs of production of vegetable oils and related subjects is hereby instituted and that a preliminary hearing in said investigation be held on the 7th day of March, 1924.

Inclosed herewith is a copy of the order instituting the investigation and setting a date for the preliminary hearing.

Respectfully,

THOMAS O. MARVIN, *Chairman.*

Inclosure.

The minutes of the meeting of February 8, 1924, in reference to this report, recite that:

"After discussion and amendment of the draft it was approved for transmission to the President."

No useful purpose can be served by comment on the various assertions in the statement by Commissioner Costigan, dated February 20. The statements submitted by the chairman and recorded above present a plain statement of the facts of the matter. No statement filed is an "apology" and no statement is an "attempted self-justification." The record speaks for itself and is submitted to the judgment of all fair-minded men. If anyone doubts the accuracy, in the letter to the President dated January 28, of the reference to the complexity of the subject and the expense of the investigation, his doubts should be removed by a review of the testimony presented at the preliminary hearing on vegetable and fish oils.

No man can object to honest criticism. I welcome it and hope to profit by it. In the performance of official duties cooperation and counsel are helpful and are appreciated but personal responsibility remains and individual judgment and sense of duty can not be surrendered.

THOMAS O. MARVIN.

Commissioner Costigan submitted the following statement:

APRIL 4, 1924.

Chairman Marvin's statement of March 3, which is appended to the commission's minutes of February 1, 1924, requires brief notice.

I am compelled to leave unmodified my comments previously made. The chairman has never met squarely the charges submitted and repeated with respect to his official action. The record, in so far as it has been progressively disclosed, substantiates this conclusion.

The chairman affirms, in effect, that the letter of February 9 is, and that the letter of January 28 is not, to be considered the report requested "as soon as possible" by the President on January 19. I take issue with these asser-

tions and their implications and confidently leave the question to impartial judgment.

By way of final observation I must say that, so far as I can ascertain, the files of the commission still remain incomplete, and that I trust that the "sense of duty," to which the chairman refers, will lead him without further delay to furnish to the mails and files division of the commission a copy of the letter of Senator Edge and copies of the inclosures referred to in the chairman's letter of January 28.

The chairman calls attention to the fact that the letters received were read to the commission and copies of them appear in the preceding statements, so in fact they are available to all commissioners.

Commissioner Glassie made the following statement:

I do not wish it to be understood, from the circumstance that I have refrained from placing in the minutes any comment on this controversy, that I approve or acquiesce in the criticism of the chairman with respect to the letter of January 28, 1924.

Approved.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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FEBRUARY 4, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment on January 29, 1924, for the purpose of continuing the hearing in the investigation (No. 24) of the differences in costs of production of, and of all other facts in relation to print rollers, under the provisions of section 315 of Title III of the tariff act of 1922.

The chairman having formally informed the commission of the death on February 3, 1924, of Woodrow Wilson, former President of the United States, the commission adjourned the hearing, as a mark of respect to the memory of Mr. Wilson, until 11 o'clock a. m.

Upon resuming the hearing at 11 o'clock, after hearing evidence by all parties appearing and requesting to be heard, the commission announced that the hearing was adjourned until 10 o'clock a. m., February 5, 1924.

Approved, February 6, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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FEBRUARY 5, 1924.

Present: David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m., pursuant to its published order adopted on December 13, 1923, setting this date for a public hearing in the investigation (No. 18) of the differences in costs of production of, and of all other facts in relation to, linseed or flaxseed oil, under the provisions of section 315 of Title III of the tariff act of 1922.

Pursuant to its supplemental order adopted on January 29, 1924, the commission announced that the hearing was adjourned until 10 o'clock a. m., March 5, 1924.

Approved, February 6, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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FEBRUARY 5, 1924.

Present: David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment on February 4, 1924, for the purpose of continuing the hearing in the investigation (No. 24) of the differences in costs of production of, and of all other facts in relation to print rollers, under the provisions of section 315 of Title III of the tariff act of 1922.

After receiving evidence submitted by all parties appearing and requesting to be heard, all of whom waived further opportunity to file briefs or present oral argument, the commission announced that the public hearing was closed.

Approved, February 6, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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FEBRUARY 6, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The minutes of the meetings of the commission held on February 1, 4, and 5, 1924, were read and approved.

Voted: That the secretary is authorized to pay to Dr. Thomas Walker Page the sum of \$320 for services performed by him in reviewing material prepared for the Dictionary of Tariff Information, pursuant to the resolution of the commission adopted on August 2, 1923.

Voted: That an investigation, for the purposes of section 315 of the tariff act of 1922, of the differences in costs of production of vegetable oils and related subjects is hereby instituted; that a preliminary hearing in said investigation shall be held on the 7th day of March, 1924; that notice of said investigation and hearing shall be published forthwith; and that Commissioners Costigan and Glassie be designated as a committee to supervise the preparation of the proper orders pursuant to rule to carry into effect this resolution.

Voted: That Mr. Frederick Achenbach, chief investigator for central Europe, be instructed to prepare with the greatest possible expedition a report on the subject of the present German currency situation, and that Mr. Kemper Simpson be directed to report to Mr. Achenbach for service under him in connection with this investigation.

Voted: That the chief investigator, in cooperation with the chief of the sugar division, be instructed to submit for consideration by the commission at 10 o'clock a. m. on Friday, February 8, 1924, a memorandum of all supplemental information in the possession of the commission in the pending investigation (No. 12) of the cost of production of sugar, not covered by the preliminary statement heretofore issued on December 1, 1923, together with a memorandum bearing upon investment data.

Commissioner Burgess, from the committee appointed on December 18, 1923, to prepare a draft of a statement to be submitted to the President in reference to the desirability of investigations pursuant to the provisions of section 315 of the tariff act of 1922, with respect to certain articles named in the resolution of the commission adopted on November 26, 1923, reported that a final draft of the report of the committee would be submitted to the commission within a day or two.

Voted: That a committee consisting of Commissioners Lewis and Burgess be appointed to report to the commission for its consideration a summary of the facts indicated by the evidence, with reference thereto, and of questions arising thereon, together with tentative findings which in their judgment are warranted by the evidence, in the pending investigation (No. 24) of the cost of production of print rollers.

Voted: That the advisory board be instructed to submit as promptly as may be practicable a report upon the pending applications for investigation for the purposes of section 315 of the tariff act of 1922 of the costs of production of bent-wood chairs.

Voted: That Dr. Grinnell Jones be authorized to travel from Cambridge, Mass., to Washington, D. C., and return on official business in connection with the pending investigation (No. 4) of the differences in costs of production of casein and other subjects in the chemical schedule.

Voted: That expenses incurred by Mr. C. K. Lewis for room rent and clerical assistants for official purposes in connection with field work in Canada in the pending investigation (No. 33) of the cost of production of wheat and wheat products are hereby approved in an amount not to exceed \$10.

Voted: That the employment of Mr. S. B. Nuckols as special expert be extended until February 29, 1924, with compensation at the rate he is now receiving.

Approved, February 8, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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FEBRUARY 8, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on February 6, 1924, were read and approved.

Voted: That the secretary is hereby instructed to notify in writing the parties of record interested in the pending investigation (No.

12) of the cost of production of sugar that those who desire to submit briefs upon the question of the inclusion of costs of production of sugar in the Philippine Islands in the investigation may submit such briefs by delivering them to the secretary of the commission not later than February 18, 1924.

Voted: That the secretary is authorized to approve and pay, either directly or by reimbursement, necessary minor expenses incurred from time to time in connection with the maintenance of the office of the Tariff Commission at the port of New York.

Commissioners Costigan and Glassie, as the committee appointed on February 6, 1924, for that purpose, reported a draft of an order instituting an investigation for the purposes of section 315 of the tariff act of 1922 of the costs of production of certain vegetable and animal oils and fats. Whereupon, it was—

Voted: That the United States Tariff Commission hereby adopt the following order:

INVESTIGATION NO. 34 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

VEGETABLE AND ANIMAL OILS AND FATS

The United States Tariff Commission on this 8th day of February, 1924, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, certain articles described in paragraphs 53, 54, 55, and 701 of Title I of said tariff act, namely: Herring, menhaden, and whale oils, and all fish oils not specially provided for (par. 53); olive oil (par. 54); coconut, cottonseed, peanut, and soya-bean oils (par. 55); tallow, oleo oil, and oleo stearin (par. 701), being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that notice is hereby given that a preliminary public hearing in said investigation will be held at the offices of the United States Tariff Commission, in Washington, D. C., at 10 o'clock a. m., on the 7th day of March, 1924, at which hearing all parties interested will be given an opportunity to be present, to produce evidence, and to be heard generally with respect to the industrial effects of the duties imposed upon said articles respectively; the competitive conditions under which said articles are produced, imported, or marketed; the interchangeability in use of said articles; the relation between the raw materials subject to said duties and the finished or partly finished products derived therefrom; the differences in the conditions of production; advantages and disadvantages with respect to competition in said articles; and particularly with respect to related articles, the articles proper to be included in said investigation, and such other matters as will tend to facilitate the conduct thereof.

Ordered further, that before the conclusion of said investigation all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a further public hearing in said investigation to be held at the offices of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publications once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation and said preliminary hearing shall be given by posting a copy of this order for 30 days at the principal office of the Commission in the city of Washington, D. C., and at the office of the commission at the Port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Approved, February 13, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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FEBRUARY 9, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That Mr. H. B. Price, special expert, be authorized to travel from St. Paul, Minn., to Washington, D. C., and return, on official business in connection with the pending investigation (No. 33) of the cost of production of wheat and wheat products.

Voted: That Mr. Warren N. Watson be authorized to travel to New York City, and return, on official business in connection with the preparation of the annual census of dyes and other synthetic organic chemicals, and for the purpose of obtaining information concerning imports of rare sugars and amino acids.

Voted: That Dr. Grinnell Jones be authorized to prepare for publication in the Harvard Business Review an article on the American dyestuff industry, it being understood that the manuscript of such article will be submitted to the commission before its publication.

Voted: That Mr. F. L. Koch is authorized to travel to Baltimore, Md., and return, on official business for the purpose of obtaining information concerning imports of marble and articles made of marble.

Voted: That the salary of Mr. E. E. Barnes be increased from \$1,400 per annum to \$1,800 per annum, effective February 16, 1924.

Voted: That Mr. George Middleton and Mr. E. E. Barnes be authorized to travel to such places in Great Britain and continental Europe as may be necessary for the purpose of obtaining information of foreign costs of production in connection with the pending investigation (No. 32) of the costs of production of lace.

The chairman presented a draft of a letter to the President in response to the President's request dated January 19, 1924, accompanied by a communication from Senator Walter E. Edge in respect to applications pending before the commission for investigation for the purposes of section 315 of the tariff act of 1922, of the costs of production of certain vegetable and animal oils and fats.

After discussion and amendment of the draft it was approved for transmission to the President.

Commissioner Burgess from the committee appointed on December 18, 1923, submitted a draft of a report pursuant to the President's oral request on November 24, 1923, in reference to the desirability of investigations for the purposes of section 315 of the tariff act of 1922, with respect to certain designated articles which are imported from Spain.

Voted: That Commissioners Lewis and Burgess be appointed a committee to prepare for consideration by the commission a draft



of a supplemental statement to parties interested in the pending investigation (No. 12) of the cost of production of sugar, such statement to include information in the possession of the commission in addition to that furnished in the summary statement issued on December 1, 1923, data concerning investments in the sugar industry, and the fixing of a date for the filing of briefs by parties desiring opportunity therefor.

Voted: That Mr. T. P. Hayden is authorized to travel to such places as may be necessary in Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts, and return, in connection with the field work in the pending investigation (No. 32) of the cost of production of lace.

Approved, February 13, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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FEBRUARY 12, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its published order adopted on December 13, 1923, setting this date for a public hearing in the investigation (No. 25) of the differences in costs of production of, and of all other facts in relation to, taximeters, under the provisions of section 315 of Title III of the tariff act of 1922.

After receiving evidence submitted by parties interested the commission announced that briefs might be filed by parties of record desiring to do so, and that the hearing would be adjourned until 10 o'clock a. m., February 26, 1924, at the office of the commission, for the purpose of receiving final argument.

Approved, February 15, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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FEBRUARY 13, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on February 8 and 9, 1924, were read and approved.

Commissioner Lewis, from the committee appointed on February 9, 1924, to prepare for consideration by the commission draft of a supplemental statement of information to be issued to parties interested in the pending investigation (No. 12) of the cost of production of sugar, submitted proposed instructions to the chief investigator and chief of the sugar division for the preparation of material to be included in such a supplemental statement. After consideration and amendment of the proposed instructions, they were approved.

Approved, March 18, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

FEBRUARY 14, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment on January 25, 1924, for the purpose of continuing the hearing in the investigation (No. 22) of the differences in costs of production of, and of all other facts in relation to, cresylic acid, under the provisions of section 315 of Title III of the traffic act of 1922.

After hearing evidence submitted by all parties appearing and requesting to be heard, all of whom waived further opportunity to present oral argument, the commission announced that briefs pursuant to rule might be filed until March 15, 1924, by parties interested and that the public hearing in this investigation was closed.

Approved, February 15, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 15, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on February 12 and 14, 1924, were read and approved.

Voted: That upon the request of the counsel of record for parties interested in the pending investigation (No. 21) of the costs of production of phenol, there being no objection to such request, the time for filing briefs in said investigation is extended until March 15, 1924.

Voted: That in the event the commission issues an additional or supplemental statement of information in the pending sugar investigation (No. 12) the date for the submission of oral argument and the filing of briefs in said investigation shall be fixed for a day not later than 30 days after the issuance of said additional or supplemental statement; and

That on the day set for said argument, in addition to the submission of oral argument and the filing of briefs, the parties interested shall have opportunity to produce evidence in relation to the subjects embraced in the additional or supplemental statement of information, and the notice of the hearing shall include a notice to that effect.

Voted: That in response to inquiry contained in a memorandum of the chief of the textile division under date of November 20, 1923, in regard to items of cost of production of cotton hosiery and gloves, the textile division be instructed to tabulate separately in its cost tables such information as it has with respect to all the items listed in paragraphs 1 to 4 in that memorandum.

The chairman called to the attention of the commission the fact that the estimates for the Tariff Commission for the fiscal year 1925 as contained in the budget as submitted to the Congress are substantially less than the estimates submitted by the commission to the Bureau of the Budget and less than the appropriation avail-

able for the current fiscal year. The chairman invited from the members of the commission suggestions as to what if any steps should be taken to secure an increase of the budget estimates referred to above.

Approved, March 18, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 18, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room pursuant to its published order adopted on December 31, 1923, setting this date for a public hearing in the investigation (No. 33) of the differences in costs of production of, and of all other facts in relation to wheat and wheat products, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by parties appearing and requesting to be heard the commission announced that the hearing was adjourned until 10 o'clock a. m. February 19, 1924.

Approved, March 18, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 19, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment on February 18, 1924, for the purpose of continuing the hearing in the investigation (No. 33) of the differences in costs of production of, and of all other facts in relation to, wheat and wheat products, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by parties appearing and requesting to be heard the commission announced that the public hearing was adjourned until 10 o'clock a. m., February 25, 1924.

Approved, March 18, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 21, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the employment of Mr. Thomas H. Joyce, special expert accountant, be extended until June 30, 1924, with compensation at the rate he is now receiving.

Voted: That the manuscripts of Tariff Information Surveys as submitted to the commission on "Cotton small wares," "Artificial

silk" (two parts), and "Soya beans" be referred to the chief economist for review and report to the commission.

Voted: That Mr. George Middleton and Mr. E. E. Barnes are authorized to travel to New York City on February 20, 1924, to obtain, before departing by steamship on February 23, 1924, for Europe, information from lace importers and manufacturers of lace in connection with the pending investigation (No. 32) of the cost of production of lace.

Voted: That Mr. R. H. Cragg and Mr. C. H. Penning are authorized to travel to New York City and immediate vicinity for approximately one week, and return, for the purpose of obtaining information for use in the foreign work incident to the pending investigation (No. 34) of the cost of production of vegetable and animal oils and fats.

Approved, March 18, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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FEBRUARY 23, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the salary of Herbert E. Walker, messenger, be increased from \$660 per annum to \$720 per annum, effective February 16, 1924.

Voted: That at the public hearing set for February 26, 1924, in the investigation (No. 25) for the purposes of section 315 of the tariff act of 1922, of the cost of production of taximeters, in view of the written request of counsel of record for parties interested, presenting reasonable grounds therefor, the Tariff Commission will grant a motion that said hearing be adjourned until 10 o'clock a. m. Wednesday, March 12, 1924, and that the time for the filing of briefs be extended until said March 12, 1924.

Voted: That Mr. Roy R. Merrill is authorized to travel to Philadelphia, Pa., and to such other places in Pennsylvania, New York, Connecticut, and Rhode Island as may be necessary, and return, in connection with the pending investigation (No. 32) of the cost of production of lace.

Voted: That the second preliminary statement of information in the pending investigation (No. 12) for the purposes of section 315 of the tariff act of 1922 of the differences in costs of production of sugar, prepared as of February 20, 1924, is hereby approved for publication and shall be issued to interested parties in said investigation.

Voted further: That at 10 o'clock a. m. on the 27th day of March, 1924, a further public hearing in said investigation be held by the Tariff Commission at its offices in Washington, D. C., at which hearing all parties interested shall be given opportunity, in addition to the submission of oral argument and printed briefs, to be present, to produce evidence, and to be heard in relation to the material contained in said second preliminary statement of information; and that printed briefs to be submitted not later than that date may include

discussion of questions raised by the contents of said second preliminary statement of information.

Voted further: That public notice of the public hearing hereby set for March 27, 1924, shall be given prior to said hearing by publishing notice thereof for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, and by posting copies of said notice for 30 days at the offices of the Tariff Commission in Washington, D. C., and at the office of the Tariff Commission at the port of New York.

On the motion for a further public hearing on the supplemental information in the sugar investigation Commissioner Marvin voted in the negative.

A copy of the said notice is appended hereto as follows:

Public notice of hearing by the United States Tariff Commission under the provisions of section 315 of Title III of the tariff act of 1922:

INVESTIGATION NO. 12 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

SUGAR

In the investigation of the differences in costs of production of and of all other facts and conditions enumerated in section 315 of the tariff act of 1922 with respect to the following article described in paragraph 503 of Title I of said tariff act, namely, sugar, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Notice is hereby given, pursuant to section 315 of the tariff act of 1922, that a further public hearing in the foregoing investigation will be held at the office of the United States Tariff Commission in Washington, D. C., at 10 o'clock a. m. on the 27th day of March, 1924, at which all parties interested will be given an opportunity, in addition to the submission of oral argument and printed briefs upon the subject matter of said investigation, to be present, to produce evidence, and to be heard with regard to the matters and things dealt with in the second preliminary statement of information issued by said commission on the 27th day of February, 1924.

And notice is hereby given that all parties interested may in the printed briefs to be submitted on or before said 27th day of March, 1924, include a discussion of questions raised by the matters and things dealt with in said second preliminary statement of information.

This notice shall be published by posting a copy thereof for 30 days prior to the said 27th day of March, 1924, at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy thereof prior to said date once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce.

By order of the United States Tariff Commission this 23d day of February, 1924.

JOHN F. BETHUNE, *Secretary.*

(NOTE.—This notice was published in Treasury Decisions for February 28 and March 6, 1924, at pages 30 and 74, respectively; and in Commerce Reports for March 3 and 10, 1924, at pages 556 and 618, respectively.)

Approved, March 18, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 25, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment on February 19, 1924, for the purpose of continuing the hearing in the investigation (No. 33) of the differences in costs of production of, and of all other facts in relation to, wheat and wheat products, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by parties appearing and requesting to be heard the commission announced that the public hearing was adjourned until 10 o'clock a. m. February 26, 1924.

Approved, March 18, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 26, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment on February 12, 1924, for the purpose of continuing the hearing in the investigation (No. 25) of the differences in costs of production of, and of all other facts in relation to, taximeters, under the provisions of section 315 of Title III of the tariff act of 1922.

Pursuant to its supplemental order adopted on February 23, 1924, the commission announced that the hearing was adjourned until 10 o'clock a. m. March 12, 1924.

Approved, March 18, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 26, 1924.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment on February 25, 1924, for the purpose of continuing the hearing in the investigation (No. 33) of the differences in costs of production of, and of all other facts in relation to, wheat and wheat products, under the provisions of section 315 of Title III of the tariff act of 1922.

After receiving evidence submitted by all parties appearing and requesting to be heard, all of whom waived further opportunity to file briefs or present argument, the commission announced that the public hearing was closed.

Approved, March 18, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 27, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

Voted: That a committee be appointed to prepare for consideration by the commission a form of report to be used in submitting to the President the findings of the commission in investigations conducted for the purposes of section 315 of the tariff act of 1922.

The chairman appointed Commissioners Culbertson, Costigan, and Glassie as members of the committee authorized by the foregoing resolution.

(Later in the day the committee submitted a topical outline for use in such cases.)

The chairman laid before the commission for its consideration drafts submitted by the advisory board of reports to the President of the findings of the commission in the following investigations by the commission for the purposes of section 315 of the tariff act of 1922, namely:

Investigation No. 2: Diethyl barbituric acid and derivatives.

Investigation No. 3: Barium dioxide.

Investigation No. 5: Logwood extract.

The chairman appointed a committee consisting of Commissioners Culbertson, Lewis, Costigan, and Glassie, to consider and report to the commission upon the foregoing reports and upon similar reports which may be submitted on subjects in the chemical schedule of the tariff act upon which investigations have been conducted and hearings concluded. (These included oxalic acid and potassium chlorate.)

Voted: That the following ruling is hereby made by the United States Tariff Commission in the pending investigation (No. 12) of the cost of production of sugar for the purposes of section 315 of the tariff act of 1922; and that copies of said ruling shall be sent by the secretary to parties of record in said investigation:

On January 16, 1924, counsel for the United States Sugar Association, in the course of the public hearing in the sugar investigation (No. 12) (stenographers' minutes, pp. 345, 366-7, January 16, 1924), requested the commission, in effect, to consider and include in such investigation sugar, grown or produced in the Philippine Islands, as sugar "The growth or product of the United States." The commission on said date invited parties interested to file briefs with reference to said request. Subsequently the commission notified parties interested that such briefs should be filed with the commission on or before February 18, 1924. Briefs on the subject having been filed by counsel making the request and by other interested parties, the commission having examined the same and having duly considered said request, the commission is of the opinion and so holds that, with respect to said investigation for the purposes of section 315 of the tariff act of 1922, the provisions of said act render it impossible to consider the Philippine Islands as part of the United States. Therefore, said investigation for the purpose of ascertaining the differences in costs of production of sugar, the growth or product of the United States and of like or similar articles, the growth or product of competing foreign countries, can not be extended to include sugar, the growth or product of the Philippine Islands.

Approved, March 18, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 4, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, and Henry H. Glassie.

The commission met in the hearing room and had under consideration the report to be made to the President in the investigation (No. 33) of the costs of production of wheat and wheat products for the purposes of section 315 of the tariff act of 1922, with reference to which the commission had been holding informal meetings and conferences since February 26, 1924, when the public hearings were closed.

After discussion of the views presented by Commissioner Marvin in relation to the inclusion of the cost table of mill feed and the inclusion of mill feed in the report to be sent to the President, it was, upon motion by Commissioner Lewis,

Voted: That the report to be submitted to the President in the investigation (No. 33) of the differences in costs of production of wheat and wheat products, for the purposes of section 315 of the tariff act of 1922, shall include a report upon the differences in costs of production of mill feed produced from wheat.

Upon this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan, Burgess, Glassie.

Against the adoption of the motion: Mr. Marvin.

Upon consideration of the final draft of the report, it was—

Voted: That the report of the Tariff Commission in the investigation (No. 33) of the costs of production of wheat and wheat products, for the purposes of section 315 of the tariff act of 1922, be approved as agreed upon at this time by the commission and be transmitted to the President in the following form.

Three sections covering, respectively, the duties on wheat, wheat flour, and wheat feeds; a statement regarding mill feeds costs by Commissioner Marvin; a separate statement by Commissioners Marvin, Burgess, and Glassie; a separate statement by Commissioners Culbertson, Lewis, and Costigan; and appendices consisting of two charts, one schedule form for costs of producing wheat, two maps, ten tabulated statements, and one schedule form for costs of producing flour.

Approved, March 18, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MARCH 5, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment on February 5, 1924, for the purpose of continuing the hearing in the investigation (No. 18) of the differences in costs of production of, and of all other facts in relation to, linseed or flaxseed oil, under the provisions of section 315 of Title III of the tariff act of 1922.



After hearing evidence by parties appearing and requesting to be heard the commission announced that the public hearing was adjourned until 10 o'clock a. m. March 6, 1924.

Approved, March 18, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MARCH 6, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment on March 5, 1924, for the purpose of continuing the hearing in the investigation (No. 18) of the differences in costs of production of, and of all other facts in relation to, linseed or flaxseed oil, under the provision of section 315 of Title III of the tariff act of 1922.

The commission announced that on March 7, 1924, the date set for the preliminary hearing in the investigation (No. 34) of vegetable and animal oils and fats, for the purposes of section 315 of the tariff act of 1922, that after being opened that hearing would be adjourned from 10 o'clock a. m. until 2 o'clock p. m., in order to permit the pending hearing in reference to cost of production of linseed oil to be completed.

After hearing evidence by parties appearing and requesting to be heard the commission announced that the public hearing was adjourned until 10 o'clock a. m. March 7, 1924.

Approved, March 18, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MARCH 7, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m., pursuant to its published order adopted on February 8, 1924, setting this date for a preliminary public hearing in the investigation (No. 34) of the differences in costs of production of, and of all other facts in relation to, vegetable and animal oils and fats, under the provisions of section 315 of Title III of the tariff act of 1922.

The hearing having been opened, the commission pursuant to its announcement on March 6, 1924, announced that this hearing was adjourned until 2 o'clock p. m. this date, or as soon thereafter as practicable, in order that the pending hearing in reference to the cost of production of linseed or flaxseed oil might be completed.

Pursuant to its order of adjournment on March 6, 1924, the commission thereupon resumed the hearing in the investigation (No. 18) of the differences in costs of production of, and of all other facts in relation to, linseed or flaxseed oil, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence submitted by all parties appearing and requesting to be heard, all of whom waived further opportunity to present oral argument, the commission announced that briefs pursuant to the rule might be filed until April 7, 1924, by parties interested and that the public hearing in this investigation was closed.

The commission thereupon, pursuant to its order of adjournment at 10 o'clock a. m. this date, resumed its preliminary hearing in the investigation (No. 34) of the differences in costs of production of, and of all other facts in relation to, vegetable and animal oils and fats, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence submitted by parties appearing and requesting to be heard, the commission announced that the preliminary hearing was adjourned until 10 o'clock a. m. March 8, 1924.

Approved, March 18, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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MARCH 8, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment on March 7, 1924, for the purpose of continuing the preliminary hearing in the investigation (No. 34) of the differences in costs of production of, and of all other facts in relation to, vegetable and animal oils and fats, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by parties appearing and requesting to be heard the commission announced that the preliminary hearing was adjourned until 10 o'clock a. m. March 10, 1924.

Approved March 18, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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MARCH 10, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment on March 8, 1924, for the purpose of continuing the preliminary hearing in the investigation (No. 34) of the differences in costs of production of, and of all other facts in relation to, vegetable and animal oils and fats, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by parties appearing and requesting to be heard the commission announced that the preliminary hearing was adjourned until 10 o'clock a. m. March 11, 1924.

Approved: March 18, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 11, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment on March 10, 1924, for the purpose of continuing the preliminary hearing in the investigation (No. 34) of the differences in costs of production of, and of all other facts in relation to, vegetable and animal oils and fats, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by parties appearing and requesting to be heard the commission announced that the preliminary hearing was adjourned until 10 o'clock a. m. March 12, 1924.

Approved March 18, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MARCH 12, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment on February 26, 1924, for the purpose of continuing the hearing in the investigation (No. 25) of the differences in costs of production of, and of all other facts in relation to, taximeters, under the provisions of section 315 of Title III of the tariff act of 1922.

Upon agreement by counsel for the opposing interests the commission granted a motion extending until March 22, 1924, the time for submitting briefs in this investigation, all parties present and interested waiving the privilege of submitting oral argument. All parties appearing at this hearing and desiring to be heard having been heard, the commission announced that the public hearing in this investigation was closed.

The commission thereupon, pursuant to its order of adjournment on March 11, 1924, resumed the preliminary public hearing in the investigation (No. 34) of the differences of costs of production of, and of all other facts in relation to, vegetable and animal oils and fats, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard the commission announced that the preliminary hearing was closed.

Approved, March 18, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MARCH 18, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The minutes of the meetings of the commission held on February 13, 15, 18, 19, 21, 23, 25, 26, 26, 27, March 4, 5, 6, 7, 8, 10, 11, and 12, 1924, were read and approved.

Voted: That the chairman, the vice chairman, and the secretary are designated as a committee to consider and report to the commission such adjustments as should properly be made at this time in the rates of compensation paid to employees of the commission.

Commissioner Marvin moved—

That Dr. P. W. Bidwell be assigned to the economic division of the commission's staff and that his salary be increased from \$4,200 per annum to \$5,000 per annum effective April 1, 1924.

Commissioner Costigan moved—

That the foregoing motion be referred to the committee this day appointed to consider and report upon adjustments of compensation of employees of the commission.

On Commissioner Costigan's motion to refer to the committee, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Mr. Costigan.

Against the adoption of the motion: Messrs. Marvin, Culbertson, Lewis, Glassie.

The motion was accordingly rejected.

The question being upon the original motion by Commissioner Marvin, the motion was adopted.

On this motion Commissioner Costigan did not vote.

Commissioner Marvin moved—

That the salary of Mr. A. L. Faubel be increased from \$4,500 per annum to \$5,000 per annum effective April 1, 1924.

After some discussion of the motion Commissioner Marvin requested that the motion be referred to the committee appointed this day to consider and report upon adjustment of compensation of employees of the commission.

Voted: That the salary of Miss Martha W. Williams be increased from \$2,340 per annum to \$2,500 per annum effective April 1, 1924.

On this motion Commissioner Costigan did not vote and stated that he withheld his vote on the foregoing motions because he thought that they should all be referred to the committee appointed to deal with the subject of salary adjustments.

Commissioner Costigan submitted the following motion:

Whereas, the commission, by a majority vote, entered an order on October 12, 1923, with an opinion in support thereof, to the following effect:

Upon consideration of the application filed by the Bloedel-Donovan Lumber Co. for a reduction of the duty on logs of fir, spruce, cedar, or western hemlock imposed by paragraph 401 of Title I of the tariff act of 1922, and of the matters and things presented at the preliminary public hearing held on August 3, 1923, pursuant to the commission's order of July 2, 1923, whereof due public notice was given according to the commission's rules of procedure, as well as of the arguments and briefs submitted on behalf of the parties appearing respectively in behalf of and in opposition to the application for said reduction, the United States Tariff Commission, for the reasons stated in the opinion filed this 12th day of October, 1923, finds that the rate of duty imposed on logs of fir, spruce, cedar, or western hemlock by said paragraph 401 of said tariff act, is not subject to increase or decrease by proclamation of the President under section 315 of Title III of said act; and the United States Tariff Commission accordingly orders that the investigation into the costs of production of said articles, the growth or product of the United States and of similar articles the growth or product of competing countries, instituted on July 2, 1923, be, and the same is hereby, discontinued.

And whereas said opinion and order were transmitted by the commission to the President and the President submitted the same to the Attorney General for his opinion, and

Whereas the Attorney General of the United States rendered to the President an opinion in which he reviewed the case and concluded:

For reasons stated, I can not concur in the majority opinion of the commission.

It is my opinion that whenever logs of fir, spruce, cedar or western hemlock cut from lands of foreign countries, which shall at any time within 12 months prior to their importation into the United States have imposed export restrictions of the nature defined by section 401, then upon such importation these logs become subject to the duty established by that paragraph.

It is therefore a duty fixed by Title I of the act and is within the terms of section 315 of Title III and subject to modification by the President under the terms and conditions of that section.

And whereas on January 16, 1924, the President addressed the following letter to the Tariff Commission:

MY DEAR MR. CHAIRMAN: Referring to your letter of October 20 transmitting the opinion and order of the Tariff Commission together with dissenting opinions in the matter of the commission's powers and authority to conduct an investigation in respect to the duty on logs of fir, spruce, and western hemlock, in paragraph 401 of the tariff act of 1922, I am sending you herewith the opinion rendered to me by the Attorney General on this question.

I suggest that the commission proceed in accordance with the opinion of the Attorney General.

Very truly yours,

CALVIN COOLIDGE.

Hon. THOMAS O. MARVIN,  
*United States Tariff Commission.*

Now, therefore, it is

Moved, that the commission institute according to rule an investigation into the products specified in paragraph 401 of the tariff act of 1922, namely, logs of fir, spruce, cedar, or western hemlock.

The chairman laid before the commission a draft of a reply to a request received from the President for the commission's opinion upon the inclusion in the pending sugar investigation (No. 12) of the costs of production of sugar in the Philippine Islands.

Voted: That the report to the President on the inclusion or exclusion of the Philippine Islands in connection with the pending investigation (No. 12) of the cost of production of sugar is hereby approved and that the chairman is authorized to transmit the said report to the President.

Approved, March 21, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 20, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The commission having under consideration the question of further procedure in the investigation (No. 4) of the cost of production of casein for the purposes of section 315 of the tariff act of 1922, Commissioner Culbertson requested that a date for a final hearing in this investigation be set and announced at once if such further hearing is to be held.

Commissioners Culbertson and Burgess as a committee to prepare a final report for submission to the President in the investigation (No. 11) of the cost of production of paintbrush handles for the purpose of section 315 of the tariff act of 1922, submitted a draft of such a report, copies of which were furnished to the members of the commission for their consideration.

Voted: That instructions be transmitted to Mr. Kemper Simpson to return to Washington upon the completion of the assistance necessary to be rendered by him to Mr. Frederick Achenbach, chief investigator for Central Europe, in the preparation of a report upon the present German currency situation.

Voted: That the annual salaries of the employees of the commission listed below be, and the same are, increased as indicated opposite their respective names, to take effect April 1, 1924.

Mr. A. H. McCarrell, from \$3,250 to \$3,300.  
 Mr. G. M. Youngman, from \$3,250 to \$3,300.  
 Mr. E. M. Whitcomb, from \$3,000 to \$3,300.  
 Mr. A. F. Ferguson, from \$3,000 to \$3,300.  
 Mr. H. C. Fisher, from \$2,820 to \$3,000.  
 Mr. C. H. Penning, from \$2,500 to \$2,820.  
 Mr. Edwin Schoenrich, from \$2,160 to \$2,260.  
 Mr. C. W. Bahr, from \$2,100 to \$2,260.  
 Mr. J. A. Nye, from \$2,000 to \$2,220.  
 Mr. L. S. Ballif, from \$1,800 to \$2,000.  
 Mr. Mervyn Braun, from \$1,800 to \$2,000.  
 Mr. L. D. Johnson, from \$1,800 to \$2,000.  
 Mr. R. S. McKnight, from \$1,600 to \$1,800.  
 Mr. R. R. Merrill, from \$1,600 to \$1,800.  
 Mr. L. C. Riddle, from \$1,600 to \$1,800.  
 Mrs. S. A. Friedman, from \$1,500 to \$1,600.  
 Mr. N. J. Halpin, from \$1,400 to \$1,800.  
 Miss Florence Foster, from \$1,440 to \$1,500.  
 Mr. Benjamin Weissbrod, from \$1,320 to \$1,500.  
 Approved, March 25, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MARCH 21, 1924.

President: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The minutes of the meeting of the commission held on March 18, 1924, were read and approved.

The chairman called to the attention of the commission a request by the secretary to the President for a report by the Tariff Commission on a communication received by the President from M. C. Peters Mill Co., of South Omaha, Nebr., in regard to the duty on mill feed. A general discussion of this request was participated in by all the commissioners present and action thereon was deferred.

Voted: That the secretary of the commission shall communicate with the President, requesting, if not deemed incompatible with the public interest, authority to issue to interested parties copies of the

commission's report to the President in the investigation of the cost of production of wheat and wheat products pursuant to the provisions of section 315 of the tariff act of 1922.

Voted: That at a meeting of the commission to be held at 10.30 o'clock a. m. Tuesday, March 25, 1924, the commission shall proceed to consider as the special order of business the question of further proceedings in the investigation (No. 4) of the cost of production of casein for the purposes of section 315 of the tariff act of 1922; and that the chief of the chemical division be directed to have prepared and submit to the members of the commission prior to that date a report upon the supplemental investigation of this subject in Argentina.

Voted: That the motion submitted by Commissioner Costigan at the meeting of the commission on March 18, 1924, in respect of the investigation (No. 27) of the differences in costs of production of logs of fir, spruce, cedar, or western hemlock, for the purposes of section 315 of the tariff act of 1922, shall be the special order of business, with a view to final disposition thereof, immediately following the disposition of the special order fixed for March 25, 1924, in respect of the pending casein investigation.

The chairman called the attention of the commission to the fact that hearings have been concluded in the investigations, respectively, of the costs of production of cotton hosiery (No. 15), cotton warp-knit fabric (No. 13), cotton gloves made of warp-knit fabric (No. 14), phenol (No. 21), and cresylic acid (No. 22), for the purposes of section 315 of the tariff act of 1922, and in the investigation (No. 2) for the purposes of section 316 of the tariff act of 1922, of alleged unfair practices in the importation and sale of brierwood pipes.

After a general discussion of the subject it was—

Voted: That the chief investigator and the advisory board be requested to prepare and submit to the commission reports upon these investigations.

Approved, March 25, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 25, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The minutes of the meetings of the commission held on March 20 and 21, 1924, were read and approved.

The secretary reported that in compliance with the resolution of the commission adopted on March 21, 1924, he had communicated with the President as follows:

MARCH 21, 1924.

The PRESIDENT,

*The White House, Washington.*

SIR: I am directed by the United States Tariff Commission to request of you (if you do not deem it incompatible with the public interest) authorization for the commission to issue to interested parties copies of the commission's report to you on March 4, 1924, in the investigation of the cost of pro-

duction of wheat and wheat products, pursuant to the provisions of section 315 of the tariff act of 1922.

The Tariff Commission has received numerous requests for copies of this report, but has felt constrained to withhold it until advised of your wishes in that regard.

Respectfully,

JOHN F. BETHUNE, *Secretary.*

The secretary laid before the commission a letter received from the Secretary to the President, as follows:

THE WHITE HOUSE,  
Washington, March 24, 1924

MY DEAR MR. BETHUNE: Your letter of March 21 is received. I do not know what the custom of the Tariff Commission has been in regard to the publication of reports made to the President. If I am informed correctly, however, this is the first report under the flexible provisions of the recent law authorizing the Tariff Commission to make investigations and report the same to the President, and I presume your inquiry is for the purpose of establishing a precedent in regard to the publication of this and similar reports. It seems to me the commission would very properly be governed by the two provisions in the act creating the Tariff Commission, section 708, concerning trade secrets and processes, and section 703, requiring the Tariff Commission to report to the Congress on the first Monday of December of each year a summary of all reports made during the year. But the President directs that you may publish this report.

Very respectfully yours,

C. B. SLEMP,  
*Secretary to the President.*

MR. JOHN F. BETHUNE,  
*Secretary United States Tariff Commission, Washington, D. C.*

Voted: That the secretary and Dr. P. W. Bidwell, of the economic division, be directed to prepare a complete copy of the report submitted by the Tariff Commission to the President on March 4, 1924, upon the investigation (No. 33) of the differences in the cost of production of wheat and wheat products, for the purposes of section 315 of the tariff act of 1922; and

Voted further: That in view of the authorization contained in the letter this day received from the Secretary to the President in reference to said report, the secretary is directed to have an edition of not less than 1,000 copies thereof printed for distribution to interested parties.

Voted: That the appointment of Mr. Geo. D. Watrous, jr., who has been engaged temporarily in the service of the Tariff Commission, be made permanent with compensation at the rate he is now receiving.

Voted: That the salary of Mr. Jos. B. Colburn be increased from \$2,160 to \$2,500 per annum, effective April 1, 1924, and that at the same time his official designation be changed to special expert in the legal division of the commission's staff.

Commissioner Burgess called attention to the fact that upon investigation he has ascertained that for the purpose of diplomatic, consular, and other services of the government, the entire territory of Germany is assigned to one jurisdiction regardless of the temporary occupancy of portions thereof by other governments. After discussion of the subject as related to the organization of the Tariff Commission's work in Europe, it was—



Voted: That hereafter the entire territory of Germany shall be under the jurisdiction of the Berlin headquarters of the Tariff Commission, and that resolutions with respect thereto heretofore adopted shall be modified in accordance with this action.

Voted: That Mr. Henry H. Waters, chief of the office of the Tariff Commission at the Port of New York be authorized and directed, as soon as agreeable to his convenience, to travel to Washington, D. C., and return to New York City on official business for not to exceed two weeks; and

Voted further: That Mr. F. L. Koch, chief of the ceramics division of the commission's staff, be authorized and directed to travel to New York City and return for the purpose of taking charge of the New York office during the absence of Mr. Waters as herein directed.

Voted: That the resignation of Dr. Louis Navias, special expert in the ceramics division on the staff of the commission, be accepted and that the secretary be instructed to express to Doctor Navias the commission's appreciation of the manner in which he has discharged his duties as an employee of the commission.

Voted: That the advisory board be directed to submit to the commission as early as practicable a plan, specifying the products to be included therein, for the investigation (No. 34) of the differences in costs of production of vegetable and animal oils and fats for the purposes of section 315 of the tariff act of 1922.

The chairman laid before the commission a communication from the Assistant Secretary of War under date of March 22, 1924, setting forth the requirement of law that the Assistant Secretary of War shall take such steps as may be necessary for the assurance of adequate provision for the mobilization of matériel and industrial organizations essential to war-time needs, and requesting the cooperation of the Tariff Commission in making such provision by designating a representative to confer with a representative of his office for the purpose of considering the best means of approaching the whole subject of assuring a supply of strategic raw materials needed in time of war, so far as the same may be affected by the tariff. After discussion of the subject participated in by all the commissioners present, it was—

Voted: That Mr. Benjamin B. Wallace and Mr. George Byers of the staff of the Tariff Commission be designated as representatives of the Tariff Commission to confer with a representative of the Assistant Secretary of War for the purpose of considering the best means of assuring a supply of strategic raw materials needed in time of war, so far as the same may be affected by the tariff.

The commission proceeded to consider the special order of business designated for this meeting of the commission, in regard to the investigation (No. 4) of the cost of production of casein.

Commission Culbertson submitted the following motion:

Moved: That a supplemental statement of information in respect of costs of skimmed milk in the United States and in Argentina be prepared forthwith by the advisory board to be submitted to interested parties in the pending investigation (No. 4) of the cost of pro-

duction of casein, when such statement shall have been approved by the commission;

Moved further: That a further public hearing in said investigation of the cost of production of casein shall be held by the United States Tariff Commission at its offices in Washington, D. C., on a date 30 days after the date on which said supplemental statement of information shall be issued;

Moved further: That parties interested in said investigation shall be invited particularly to direct their evidence submitted at such further public hearing to the issues raised by said supplemental statement of information; and

Moved further: That public notice of said public hearing shall be given prior thereto by publishing notice thereof for two successive weeks in Treasury Decisions published by the Department of the Treasury and in Commerce Reports, published by the Department of Commerce, and by posting copies of said notice for 30 days in the offices of the Tariff Commission in Washington, D. C., and at the office of the Tariff Commission at the port of New York.

Commissioner Marvin moved that consideration of the motion submitted by Commissioner Culbertson be postponed until such time as all members of the commission should be present. After discussion of the subject participated in by all commissioners present, Commissioner Marvin withdrew his motion.

The question then being upon the motion submitted by Commissioner Culbertson, the motion was agreed to.

The commission thereupon proceeded to consider the next special order of business, which was the motion submitted by Commissioner Costigan on March 18, 1924, in respect of the investigation (No. 27) of the differences in costs of production of logs of fir, spruce, cedar, or western hemlock, for the purposes of section 315 of the tariff act of 1922. After some discussion of the subject, participated in by all the commissioners present, it was—

Voted: That consideration of the pending motion submitted by Commissioner Costigan be postponed and that it be made the special order of business at a meeting of the commission to be held on Tuesday, April 1, 1924, and that a final vote on the motion shall be taken on that date.

Commissioner Culbertson called attention to the fact that the chairman had not offered any resolution looking to the final disposition of the following reports prepared by the advisory board under orders of the commission with the view to ordering, after conference with the President, investigations pursuant to the provisions of section 315 of the tariff act of 1922:

“Earthen and china tableware,” submitted on December 11, 1923.

“Wool and woolens,” submitted on September 22, 1923.

“Aluminum and enameled hollow ware,” submitted on December 13, 1923.

“Basic steel products,” submitted on December 1, 1923.

Approved, April 1, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MARCH 26, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The chairman called the attention of the commission to the fact that applications for investigations pursuant to sections 315 and 316 of the tariff act of 1922 have been received in respect of 143 subjects.

The chairman also laid before the commission the following tabulated statements in regard to action which had been taken in reference to these applications and certain other subjects with respect to which no applications for such investigations have been received:

1. Table of reports submitted by the advisory board and awaiting action by the commission.

Paragraph	Subject	Rate of duty	Nature of application	Recommendation
1406	Men's sowed straw hats.	60 per cent	Increase	Investigation.
1451	Charcoal crayons or Fushains.	46 cents per gross and 25 per cent ad valorem.	Decrease	That application be denied.
778	Hops.	24 cents per pound	do.	No investigation.
756	Deseccated coconuts.	3½ cents per pound	50 per cent increase	Public conference; Turner, Comer, McNabb. That application be denied; Zapoleon, Bidwell, Mixer.
77	Varnish	\$2.20 per gallon plus 25 per cent, or 25 per cent.	Decrease	No investigation.
143	Catgut	40 per cent	do.	That application be denied.
403	Basic steel products. Veneers of wood	20 per cent ad valorem.	None. Reduction if casen duty is reduced.	No investigation. That application be denied.
1435	Gas mantles	40 per cent ad valorem.	Increase	Do.
1428	Mesh bags	80 per cent ad valorem.	Increase and decrease	Investigation.
760	Fluxseed	40 cents per bushel of 56 pounds.	Increase	No investigation, but informal conference after wheat hearing. (Feb. 15, 1924.)
1420	Dyed rabbit skins and	25 per cent or 35 per cent.	Decrease	No investigation.
1421	hatter's fur.			
410	Bentwood chairs	33½ per cent ad valorem.	American valuation or increase.	Investigation.
83	Low grade of unrefined course salt.	In bags, etc., 11 cents per 100 pounds; in bulk 7 cents per 100 pounds.	Decrease	That application be denied.
28	Cigars			No recommendation made.
28	Synthetic indigo and 4 other coal-tar dyes.	60 per cent ad valorem plus 7 cents per pound.	Reduction	That application be denied.
	Peanuts			Consider with other vegetable-oil materials.
1102	Wool and woolens		None	No investigation by majority of advisory board. Investigation by heads of Com. Division.
1105				
1111				
407	Osier or willow, including chip and split furniture.	35 per cent	50 per cent increase	That application be denied.
	Wholly or in part osier or willow.	60 per cent		
	N. s. p. f.	45 per cent		
214	Diamond dyes (so called).	30 per cent	Reduction to 10 per cent.	Do.
1310	Maps	25 per cent ad valorem.	Reduction to 15 per cent.	Do.
348	Snap fasteners	55 and 60 per cent	Increase	Do.
1110	Wool crêpe	50 per cent ad valorem.	do.	That special expert be sent out for information in re advisability of investigation.

Paragraph	Subject	Rate of duty	Nature of application	Recommendation
339	Aluminum hollow ware	11 cents a pound and 55 per cent ad valorem.	None	{No formal recommendation.
	Enameled hollow ware	5 cents a pound and 30 per cent ad valorem.		
328	Corrugated furnaces	25 per cent ad valorem	Reduction	That application be denied.
211 212	Earthen and China tableware.	Earthenware, 45 and 50 per cent.	Removal of discriminatory duty on china.	{Come for investigation under 315 or 318. Rest of advisory board for investigation under 318.
		China ware, 60 and 70 per cent.		
		Bone china, 50 and 55 per cent.		
403	Cabinet woods:		Removal of log duty; 50 per cent increase on sawed lumber and veneers.	{That application be denied.
	Logs	10 per cent		
	Sawed lumber	15 per cent		
	Veneers	20 per cent		
50	Magnesium chloride	Five-eighths of 1 cent per pound (\$12.50 ton).	Increase	Do.
42	Casein glue	25 per cent ad valorem.	Reduction in duty.	Do.
1001	Hemp, not huddled	1 cent per pound	Increase in duty to 1½ cents per pound.	Do.
1310 1414	Rag books for children	25 per cent ad valorem.	Decrease of tariff	{Advisory board; no investigation; Com. Division disagrees with recommendation of advisory board.
		70 per cent ad valorem.		

2. A list of applications upon which the commission has decided that investigations were not warranted by the record before the commission in reference thereto.

- Aldehyde derivatives, August 20, 1923.
- Ichthyol, November 9, 1923.
- Ammonium chloride, October 10, 1923.
- Novadelox, August 20, 1923.
- Fish glue, September 22, 1923.
- Bone black, October 6, 1923.
- Lampblack, October 4, 1923.
- Jewelers' and piercing saws, August 7, 1923.
- Gold leaf, August 7, 1923.
- Live birds, January 8, 1923.
- Cottonseed, November 8, 1923.
- Agate button blanks, October 4, 1923.

3. A list of investigations which have been ordered by the commission.

No. of investigation	Commodity	Date ordered	Date of hearings
	Investgations ordered under sec. 315:		
1	Oxalic acid	Mar. 27, 1923	Nov. 5, 1923
2	Diethyl barbituric acid and derivatives thereof	do	Nov. 7, 1923
3	Barium dioxide	do	Nov. 9, 1923
4	Casein	do	Aug. 13, 1923
5	Logwood extract	do	Sept. 25, 1923
6	Potassium chlorate	do	Nov. 12, 1923
			Nov. 14, 1923
7	Sodium nitrite	do	Sept. 10, 1923
8	Mirror plates	do	Oct. 6, 1923
9	Pig iron	do	
10	Swiss pattern files	do	
11	Paint brush handles	do	July 17, 1923
			Sept. 6, 1923
12	Sugar	do	Jan. 15, 1924
			Mar. 27, 1924

No. of investigation	Commodity	Date ordered	Date of hearings
Investigations ordered under sec. 315—Continued.			
13	Cotton warp-knit fabric.....	Mar. 27, 1923	Nov. 16, 1923
14	Cotton gloves made of warp-knit fabric.....	do.....	Do.
15	Cotton hosiery.....	do.....	{Nov. 20, 1923 Jan. 10, 1924 Jan. 30, 1924 July 24, 1923
16	Wall pockets.....	do.....	
17	Artificial flowers, fruits, etc.....	do.....	
18	Linseed or flaxseed oil.....	May 4, 1923	Mar. 5, 1924
19	Synthetic phenolic resin.....	do.....	
20	Smokers' articles made from synthetic phenolic resin.....	do.....	
21	Phenol.....	do.....	Jan. 24, 1924
22	Cresylic acid.....	do.....	Do.
23	Brierwood pipes.....	do.....	
24	Print rollers.....	do.....	{Jan. 29, 1924 Feb. 4, 1924 Feb. 12, 1924 Mar. 4, 1924
25	Taximeters.....	do.....	
26	Cast polished plate glass.....	May 5, 1923	
27	Logs of fir, spruce, cedar, or western hemlock.....	July 2, 1923	Aug. 6, 1923
28	Metallie magnesium.....	July 27, 1923	
29	Magnesite and magnesite brick.....	Aug. 11, 1923	Dec. 5, 1923
30	Rare sugars.....	do.....	Sept. 27, 1923
31	Amino acids and salts.....	do.....	Do.
32	Lace.....	Oct. 25, 1923	Dec. 10, 1923
33	Wheat and wheat products.....	Nov. 14, 1923	{Nov. 26, 1923 Feb. 18, 1924 Mar. 7, 1924
34	Vegetable and animal oils and fats.....	Feb. 8, 1924	
Investigations ordered under sec. 316:			
1	Revolvers.....	June 15, 1923	
2	Brierwood pipes.....	Aug. 11, 1923	{Sept. 24, 1923 Nov. 8, 1923
Investigations ordered under sec. 318:			
	Thymol and thymol crystals.....	Aug. 7, 1923	
	Sugar beets.....	do.....	

4. A list of investigations in which public hearings have been closed: Oxalic acid, diethyl barbituric acid and derivatives thereof, barium dioxide, logwood extract, potassium chlorate, sodium nitrite, paint brush handles, cotton warp-knit fabric, cotton gloves made of warp-knit fabric, cotton hosiery, wall pockets, linseed or flaxseed oil, phenol, cresylic acid, print rollers, and taximeters.

5. A list of investigations in which public hearings have been closed and summary reports by the advisory board have not been submitted: Cotton hosiery, cotton warp-knit fabric, cotton gloves made of warp-knit fabric, print rollers, phenol, cresylic acid, brierwood pipes (sec. 316), and taximeters.

6. A list of investigations in which committees have been named to prepare statements of findings for consideration by the commission: Wall pockets, paint brush handles, casein, and sodium nitrite.

7. A list of investigations in which reports have been transmitted to the President: Logs (pending) and wheat.

The secretary reported that he and Dr. P. W. Bidwell, of the economics division, had examined the file copy of the report sent to the President on March 4, 1924, by the commission upon the investigation (No. 33) of the differences in the cost of production of wheat and wheat products, and that the copy was ready to be transmitted to the printer.

The secretary was thereupon instructed to have the report printed for distribution.

Voted: That no investigation pursuant to the application of Mr. George C. Davis, counsel for the Millinery Chamber of Commerce of

the United States, New York City, dated April 17, 1923, under the provisions of section 315 of Title III of the tariff act of 1922, with reference to ladies' trimmed hats be ordered at the present time.

Voted: That the secretary be directed to send a letter to Mr. George C. Davis, counsel for the Millinery Chamber of Commerce of the United States, of New York City, advising them that after careful consideration of their application for a decrease in the rate of duty on ladies' trimmed hats the commission is of the opinion that the institution of a formal investigation for the purposes of section 315 of Title III of the tariff act of 1922, is not warranted at the present time by the facts developed by the commission's inquiries, and further that the commission will be ready at any time in the future to give further consideration to this subject in the light of such additional information as the applicant may care to submit or that may be otherwise developed.

Approved, April 1, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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MARCH 27, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its published order adopted on February 23, 1924, setting this date for a further hearing in the investigation (No. 12) of the differences in costs of production of, and of all other facts in relation to, sugar, under the provisions of section 315 of Title III of the tariff act of 1922; for the submission of briefs and oral argument thereon in said investigation; and for the production of evidence with regard to the matters and things dealt with in the second preliminary statement of information issued in said investigation on February 27, 1924.

After hearing evidence and argument by parties appearing and requesting to be heard the Commission announced that the hearing was adjourned until 10 o'clock a. m. March 28, 1924.

Approved, April 8, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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MARCH 28, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment passed on March 27, 1924, for the purpose of continuing the public hearing in the investigation (No. 12) of the differences in cost of production of sugar, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard, and a further hearing or oral argument being waived by all parties present, the commission announced that briefs pursuant to rule might be filed by parties interested until April 10, 1924, and that the public hearing in this investigation was closed.

Approved, April 8, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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MARCH 31, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That Dr. H. G. A. Brauer is authorized and directed to travel to Los Angeles, Calif., and return, and there, for a period not to exceed four months, investigate the economic situation in the lemon and olive-oil industries; that no allowance shall be made for per diem in lieu of subsistence expenses while at Los Angeles; that no reimbursement for transportation and traveling expenses or for per diem in lieu of subsistence expenses after arrival in Los Angeles shall be made except as specifically authorized in advance by the commission; and that the chief investigator is hereby directed to prepare instructions for Doctor Brauer's work in investigating the lemon and olive-oil industries as hereinbefore provided.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Culbertson, Burgess, Glassie.

Against the adoption of the motion: Messrs. Lewis, Costigan.

Voted: That the Secretary is authorized to accept the resignation of Mr. John A. Egan, special expert accountant on the staff of the commission, as of February 17, 1924.

Approved, April 1, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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APRIL 1, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on March 25, 26, and 31, 1924, were read and approved.

The commission proceeded to consider the special order of business set for this meeting, which was the motion submitted by Commissioner Costigan on March 18, 1924, in reference to the duties imposed by paragraph 401 of the tariff act of 1922 upon logs of fir, spruce, cedar, or western hemlock.

After discussion of the motion participated in by all the commissioners, it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission—

## INVESTIGATION NO. 35 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922.

## LOGS OF FIR, SPRUCE, CEDAR, OR WESTERN HEMLOCK.

The United States Tariff Commission on this 1st day of April, 1924, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 401 of Title I of said tariff act, namely: Logs of fir, spruce, cedar, or western hemlock, being wholly or in part the growth of product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

On the foregoing resolution Commissioner Glassie made the following statement:

I vote for this motion upon the understanding that it is tantamount to the institution of an investigation at the instance and request of the President of the United States. The power to proclaim any change in a rate of duty is vested in the President and the responsibility for making such a change goes with the power; but I am not prepared to concede that the opinion of the Attorney General with respect to the relation of paragraph 401 to section 315 of the tariff act of 1922 is correct, or that the opinion of the Attorney General with respect to the construction or application of any statutory provision affecting the functions of the Tariff Commission in conducting investigations to assist the President under section 315, pursuant to the Executive order of October 7, 1922, is controlling upon the commission.

Commissioners Marvin, Lewis, and Burgess concurred in the foregoing statement by Commissioner Glassie.

The chairman laid before the commission a memorandum by the chief investigator and the chief economist upon the feasibility of conducting investigations of the cost of production in Europe of bentwood chairs, gold leaf, mesh bags, and men's sewed straw hats.

After discussion of the subject matter of the report, it was—

Voted: That the memorandum submitted by the chief investigator and the chief economist in reference to the procurement of costs of production in Europe of bentwood chairs, gold leaf, mesh bags, and men's sewed straw hats be made the special order of business at the next regular meeting of the commission.

Approved, April 8, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*



APRIL 3, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The chairman laid before the commission a request from Mr. John B. Gordon, secretary bureau of raw materials for American vegetable oils and fats industries, for a copy of, or opportunity to inspect, an exhibit submitted by Mr. C. T. Nolan and marked "Exhibit B" at the hearing on March 5, 1924, in the investigation of the cost of production of linseed oil, which chart had been submitted by Mr. Nolan to the commission in confidence.

Upon consideration of the request and after inspection of the chart referred to, it was—

Voted: That the secretary communicate with Mr. Nolan the opinion of the commission that the chart is not confidential in character; that it believes other parties of interest in the investigation to which it pertains should be permitted opportunity to inspect it; or, that if such opportunity is not permitted the chart should be withdrawn from the record.

The chairman laid before the commission a communication from the Monsanto Chemical Works, of St. Louis, Mo., requesting that in the publication of the Census of Dyes and Other Synthetic Organic Chemicals for the year 1923, the commission omit a statement of the amount of coumarin produced in the United States during that year in order that other producers might not have, by this means, information of the increased consumption of that article. The letter stated that if this request should be granted the Monsanto Chemical Works would comply with the commission's request for a report of their production during the year 1923.

After consideration of the subject, it was—

Voted: That the Monsanto Chemical Works be informed by letter that the commission had given careful consideration to their request, that figures showing the production of coumarin during the year 1923 be not published in the Census of Dyes and Other Synthetic Organic Chemicals for that year, but the decision of this question would be governed by the law applicable to the commission in such matters and by the practice of the commission in its observance, and that the commission must insist that the report of production be submitted as requested of all manufacturers in the United States.

The chairman referred to the commission the verbal request of the chairman of the Committee on Ways and Means of the House of Representatives for a statement in regard to the relationship of articles mentioned in the bill H. R. 5563 (the McNary-Haugen bill) and the derivatives from such articles.

After discussion of the subject matter of the request, it was—

Voted: That the request of the chairman of the Committee on Ways and Means of the House of Representatives for a statement in regard to the relationship of articles mentioned in the bill H. R. 5563 (the McNary-Haugen bill) and the derivatives from such articles, be referred to the advisory board for the preparation of a reply to be considered by the commission.

Voted: That the first order of business at the meeting of the commission to be held on April 4, 1924, shall be the consideration and, as

far as may be practicable, the final disposition of the commission's reports to be transmitted to the President on the following subjects in the order named, in respect of all of which articles investigations for the purposes of section 315 of the tariff act of 1922 have been concluded: Wall pockets, paint-brush handles, oxalic acid, diethyl barbituric acid, barium dioxide, logwood extract, potassium chlorate; and that the same shall continue to be the first order of business until their final disposition; and

Voted further: That the next order of business shall be the consideration and, as far as may be practicable, the final disposition of the following subjects as to each of which investigations have been ordered for the purposes of section 316 of the tariff act of 1922: Revolvers, briarwood pipes.

Commissioner Costigan submitted the following motion—

Moved: That Doctor Turner is hereby requested to make suitable permanent arrangements for furnishing the commission with daily attendance returns showing the daily hours of Government service performed by the various economists and by other members of the commission's staff associated with the economics division.

Approved April 8, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

APRIL 5, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission proceeded to consider the special order of business which was the memorandum submitted by the chief investigator and the chief economist, in reference to the procurement of costs of production in Europe of bentwood chairs, gold leaf, mesh bags, and men's sewed straw hats.

The chairman stated that a review of the reports submitted by the advisory board in reference to the above-named articles indicates that an emergency exists in respect of the industries producing them.

After a general discussion of the subject participated in by all the commissioners, Commissioner Burgess submitted the following motion—

Whereas there remains a balance of less than \$3,000 of the commission's appropriation available for investigations for the purposes of section 315 of the tariff act of 1922, it is

Moved: That investigation for the purposes of section 315 of the tariff act of 1922, be instituted in respect of bentwood chairs, mesh bags, gold leaf, and men's sewed straw hats, a separate vote to be taken in respect of each of these articles.

Commissioner Costigan submitted as a substitute for the motion by Commissioner Burgess:

Whereas there remains at present unprovided for from the commission's appropriation for the present fiscal year something less than \$3,000, and

Whereas several important investigations, ordered or previously considered by the commission, under the economical program now in view, will probably exhaust the commission's unexpended appropriation, it is

Moved: That the commission deems it necessary to postpone consideration at this time of applications for investigation, pursuant to the provisions of section 315 of the tariff act of 1922, of the costs of production of the following articles: Bentwood chairs, mesh bags, gold leaf, men's sewed straw hats.

Upon this substitute motion the votes of the commissioners were as follows:

In favor of the adoption of the substitute motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the substitute motion: Messrs. Marvin, Burgess, Glassie.

The substitute motion was therefore rejected.

The question thereupon reverting to the motion submitted by Commissioner Burgess in respect of bentwood chairs, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion in respect of bentwood chairs was therefore rejected.

The question then being upon the motion submitted by Commissioner Burgess in respect of mesh bags, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan, Glassie.

The motion in respect of mesh bags was therefore rejected.

The question then being upon the motion submitted by Commissioner Burgess in respect of gold leaf, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Lewis, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Costigan.

The motion in respect of gold leaf was therefore adopted.

The question then being upon the motion submitted by Commissioner Burgess in respect of men's sewed straw hats, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion in respect of men's sewed straw hats was therefore rejected.

It was thereupon—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 36 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

GOLD LEAF

The United States Tariff Commission on this 5th day of April, 1924, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission,

hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to the article described in paragraph 383 of Title I of said tariff act, namely, gold leaf, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries;

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.;

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Commissioner Culbertson submitted the following motion:

Moved: That Mr. Frederick Achenbach and Mr. Gilbert Hirsch of the commission's staff in central and western Europe, respectively, be instructed by cable to proceed with the preliminary survey in respect of vegetable oils in connection with the investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in their respective districts, and that they are authorized to assign to this work such agents of the Tariff Commission under their direction as are not now under prior instructions of the commission.

This motion was seconded by Commissioner Costigan.

Commissioner Glassie made the point of order that this motion was out of order because it was contrary to the rule of the commission that a plan of investigation shall be formulated by the chief investigator, submitted to the commission, and approved by the commission, and that a cable direction of this character would be tantamount to instructions to make a planless investigation.

The chairman sustained the point of order.

Voted: That the expenses incurred by Dr. H. B. Price, special expert on the staff of the commission, for clerical assistance not to exceed \$50 in the aggregate in connection with the investigation of the cost of production (No. 33) of wheat and wheat products, are hereby ratified and approved.

Approved, April 8, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

APRIL 8, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The minutes of the meetings of the commission held on March 27 and 28, April 1, 3, and 5, 1924, were read and approved.

The chairman laid before the commission a communication from Representative F. B. Swank submitting a copy of resolutions adopted by the Oklahoma Millers' League protesting against the reduction

of duty proclaimed by the President on wheat mill feeds, and petitioning for a reconsideration of the subject by the Tariff Commission.

Upon consideration of the subject, it was agreed that the chairman should advise Mr. Swank that the investigation conducted by the commission in reference to the cost of production of wheat and wheat products had been transmitted to the President and was no longer within the jurisdiction of the commission; and that further action in respect of the duty upon mill feeds would probably have to be based upon a new investigation.

The chairman called the attention of the commission to a telegram from the Rail, Mill, and Timber Bureau, of Seattle, Wash., in respect of the duty upon lumber and shingles and suggesting that those articles be included in the pending investigation in regard to logs of fir, spruce, cedar, or western hemlock.

After consideration of the subject, it was—

Voted: That the telegram dated April 5, 1924, from the Rail, Mill, and Timber Bureau, of Seattle, Wash., be referred to the advisory board for consideration and report to the Tariff Commission.

Commissioner Lewis stated that he would call up for consideration at a meeting of the Commission to be held on Wednesday, April 9, 1924, the tentative draft of a report to the President upon the investigation (No. 3) of the costs of production of barium dioxide.

Approved, April 15, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

APRIL 15, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held April 8, 1924, were read and approved.

The order of business before the commission was the consideration of subjects upon which investigations pursuant to section 315 of the tariff act of 1922 had been completed, as follows:

Wall pockets, paint brush handles, oxalic acid, diethyl barbituric acid, barium dioxide, logwood extract, potassium chlorate, as ordered by vote of the commission on April 3, 1924.

The chairman called attention to a letter from the President in regard to the pending investigation (No. 7) of the cost of production of sodium nitrite, as follows:

THE WHITE HOUSE,  
Washington, April 10, 1924.

To the honorable the UNITED STATES TARIFF COMMISSION,

Washington, D. C.

GENTLEMEN: Pursuant to the provisions of section 703 of Title VII of an act of Congress entitled "An act to increase the revenues, and for other purposes," approved September 8, 1916, and of section 315 of the tariff act of 1922, you are hereby requested to report to me all information secured by you in your investigation of the differences in costs of production of sodium nitrite in the United States and the costs of production of like or similar articles in the principal competing foreign country, together with your report upon the facts secured in the course of said investigation.

Very truly yours,

CALVIN · COOLIDGE.

The commission, by unanimous consent, proceeded to the consideration of the foregoing communication. After discussion of the subject, Commissioner Glassie made the following motion:

Moved: That a reply to the President be sent as follows:

APRIL 16, 1924.

The PRESIDENT,

*The White House, Washington.*

MY DEAR MR. PRESIDENT: The Tariff Commission has the honor to acknowledge the receipt of your letter of April 10, 1924, requesting a report in the investigation of the differences in the costs of production of sodium nitrite in the United States and in the principal competing country.

The commission deems it proper to state that there is now pending in the Supreme Court of the District of Columbia an application for a writ of mandamus requiring the commission to disclose to the Norwegian Nitrogen Products Co., one of the parties appearing at the hearing held in such investigation, all data on file respecting the cost of producing sodium nitrite in the United States, to the end that counsel for said Norwegian Nitrogen Products Co. may cross-examine the investigators, experts, and agents of the commission, may contravene such data, and present arguments against the probative value and effect thereof.

This suit was argued and submitted early in February, 1924. Mr. Justice Siddons has not yet rendered his decision.

A decision adverse to the commission's contention would be equivalent to a declaration that the hearing required by section 315 has not been duly accorded and that the investigation, which must precede a report to the President, has not been conducted in accordance with the statute. In view of the comity generally observed between Federal officers and the courts of the District of Columbia, and the practice not to take, pending a decision, action which might render such decision nugatory, the commission will at once draw the matter to the attention of the Attorney General, who, through the United States attorney for the defense of the mandamus proceedings and the protection of the interests of the United States in that suit.

This course seems especially advisable, because of the suggestion made in the suit that if the Tariff Commission, contrary to the writ prayed for, should transmit a report to the President, such action would deprive petitioner of its statutory right to a hearing and wholly defeat the pending proceeding, since the President's action on the report would be beyond the reach of a writ of mandamus. It seems important to have the legal representative of the Government consider whether submission without notice to court or council of a report in the challenged investigation before the decision is rendered might not bring the members of the commission into conflict with the court. The Attorney General would be in a position to deal with that contingency.

Respectfully,

CHAIRMAN.

Commissioner Costigan submitted the following motion:

Moved: That in the fourth paragraph of the proposed letter in line 9, after the word "nugatory," a period be inserted and that the remainder of the paragraph be amended to read as follows:

The commission ventures, respectfully, to request you, unless you prefer otherwise, to ask the Department of Justice to advise the commission precisely how it should proceed. The Attorney General, acting through the United States attorney for the District of Columbia, is charged with the conduct of the defense of the mandamus action and the protection of the interests of the United States in the suit.

The question being upon the adoption of the amendment proposed by Commissioner Costigan, the votes of the commissioners were as follows:

In favor of the adoption of the amendment: Messrs. Lewis, Costigan.

Against the adoption of the amendment : Messrs. Marvin, Burgess Glassie.

The amendment was therefore rejected.

The question then reverting to the motion submitted by Commissioner Glassie, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Lewis, Burgess, Glassie.

Against the adoption of the motion: Mr. Costigan.

The motion by Commissioner Glassie was therefore adopted.

The commission considered the question of continuing the employment of Mr. E. B. Brossard. After some discussion of the subject, it was, upon motion by Commissioner Burgess—

Voted: That the question of continuing the employment of Mr. E. B. Brossard in the service of the Tariff Commission be referred to the personnel committee.

The commission proceeded to the consideration of a report to the President upon the investigation (No. 7) of the differences in costs of production of sodium nitrite in the United States and in competing foreign countries. After general discussion of various features of the report, the commission adjourned without taking final action.

Approved, April 22, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

APRIL 16, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That Mr. E. B. Brossard, who is now employed temporarily as special expert on the staff of the Tariff Commission with compensation at the rate of \$4,000 per annum, be offered permanent appointment upon the same terms.

The secretary laid before the commission a communication from Mr. A. Moody Burt, special expert accountant, on the staff of the Tariff Commission, tendering his resignation.

It was thereupon

Voted: That the resignation of Mr. A. Moody Burt, special expert accountant, be accepted effective at the close of business on April 30, 1924, and that the secretary be instructed to address to Mr. Burt a letter of acceptance of his resignation and expressing the commission's appreciation of his services.

The secretary laid before the commission a letter from Hon. William A. Oldfield, of the House of Representatives, as follows:

COMMITTEE ON WAYS AND MEANS,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., April 8, 1924.

Hon. JOHN F. BETHUNE,

*Secretary United States Tariff Commission, Washington, D. C.*

DEAR MR. BETHUNE: I shall appreciate your kindness greatly if you will give me the following information regarding the work of the Tariff Commission since the adoption of the flexible tariff provision:

1. The number of tariff schedules and paragraphs and the particular commodities, which have been investigated and the reports and recommendations in each investigation.

2. The number of tariff schedules and paragraphs and the particular commodities, which the commission have been requested to investigate and upon which the petitioners have requested an increase or a decrease of the rate in the present tariff schedules. Also the names of the petitioners and the tariff schedule or paragraph in which they were interested.

3. The number of tariff schedules or paragraphs which the commission have been requested to investigate but which the commission has declined to investigate and the reasons for such decisions.

4. The action of individual commissioners upon requests of petitioners for a change in the present tariff rates where the commission was divided either by a majority or a minority or by votes cast by the same number of commissioners.

As a member of the Ways and Means Committee of the House I desire the above information that I may keep myself informed regarding the action taken by the commission.

Thanking you for this information, I am,

Sincerely yours,

W. A. OLDFIELD.

Commissioner Lewis stated that in a conversation with him Representative Oldfield had informed him that he would withdraw his request for the information referred to in the paragraph numbered 4 in his letter above quoted.

After discussion of the subject, it was—

Voted: That the secretary be instructed to prepare the information requested in the letter received from Representative Oldfield, together with a draft of a letter in reply and that both the information thus prepared and the proposed letter be submitted to the members of the commission for consideration.

Approved, April 22, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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APRIL 18, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan.

The chairman laid before the commission a report from the advisory board, entitled "Public summary on casein," and requested that it be made the special order of business at a meeting of the commission to be held on April 22, 1924.

Approved, April 22, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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APRIL 22, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The minutes of the meetings of the commission held on April 15, 16, and 18, 1924, were read and approved.

Commissioner Culbertson, chairman of the committee to which was referred the preparation of a second preliminary statement of information to be issued in the investigation (No. 4) of the cost of



production of casein for the purposes of section 315 of the tariff act of 1922, reported that the statement was practically in completed form.

Commissioner Glassie stated that he had read the draft of the statement referred to and that he had some suggestions in regard to it which he would submit in writing.

The commission resumed the consideration of the draft of a report to the President in the investigation (No. 7) of the cost of production of sodium nitrite. After general discussion of the subject, the matter was postponed for further consideration at a meeting to be held on April 23, 1924.

Approved, April 29, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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APRIL 23, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The commission resumed consideration of the draft of a report to the President in the investigation (No. 7) of the differences in costs of production of sodium nitrite, but took no final action.

Approved, April 29, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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APRIL 24, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess, Henry H. Glassie.

The commission resumed consideration of the draft of a report to the President in the investigation (No. 7) of the differences in costs of production of sodium nitrite, and approved the text of the body of the report, which was accordingly signed by all the commissioners.

Approved, April 29, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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APRIL 29, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on April 22, 23, and 24, 1924, were read and approved.

Voted: That the salary of Mr. Warren C. Funk, special expert, on the staff of the Tariff Commission, be increased from \$3,000 per annum to \$3,500 per annum, effective April 7, 1924.

On this resolution Commissioner Costigan voted in the negative.

Voted: That the plans submitted by the advisory board under date of April 24, 1924, for the conduct of the investigation (No. 36) of the differences in costs of production of gold leaf, for the purposes of section 315 of the tariff act of 1922, are approved.

The commission proceeded to consider a draft of a report to the President in the investigation (No. 3) of the differences in costs of production of barium dioxide, for the purposes of section 315 of the tariff act of 1922.

After general discussion of the subject it was postponed for further consideration at a meeting to be held on April 30, 1924.

Approved, May 9, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

APRIL 30, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess, Henry H. Glassie.

The commission resumed consideration of the draft of a report to the President in the investigation (No. 3) of the differences in costs of production of barium dioxide, for the purposes of section 315 of the tariff act of 1922.

After general discussion the subject was laid aside pending the procurement of additional detailed information.

The commission proceeded to the consideration of a draft of a report to the President in the investigation (No. 1) of the differences in costs of production of oxalic acid, for the purposes of section 315 of the tariff act of 1922.

After general discussion of the subject, it was—

Voted: That the proposed report to the President in the investigation (No. 1) of the differences in costs of production of oxalic acid, for the purposes of section 315 of the tariff act of 1922, be, and is hereby, referred to the advisory board for consideration and early report to the commission.

On this resolution Commissioner Culbertson voted in the negative.

The commission adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission proceeded to consider a draft of a report to the President in the investigation (No. 5) of the differences in costs of production of logwood extract, for the purposes of section 315 of the tariff act of 1922.

After general discussion the subject was postponed for further consideration at a meeting to be held on May 1, 1924.

Approved, May 9, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MAY 1, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission resumed the consideration of the draft of a report to the President in the investigation (No. 5) of the differences in costs of production of logwood extract, for the purposes of section 315 of the tariff act of 1922.

After general discussion the subject was laid aside pending the procurement of additional detailed information.

The commission adjourned to meet again at 2.30 o'clock p. m.

## AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission resumed consideration of the draft of a report to the President in the investigation (No. 11) of the differences in costs of production of paintbrush handles, for the purposes of section 315 of the tariff act of 1922.

After general discussion of the subject it was laid aside for further consideration.

Approved, May 9, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MAY 2, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The chairman laid before the commission a recommendation from the advisory board that a public hearing be held during the first week in June in the investigations (Nos. 8 and 26) for the purposes of section 315 of the tariff act of 1922, of the differences in costs of production of mirror plates and of cast polished plate glass, respectively.

Upon consideration of the recommendation, it was—

Voted: That the advisory board be instructed to prepare and submit to the commission a summary of information obtained in the investigations (Nos. 8 and 26) for the purposes of section 315 of the tariff act of 1922, of the differences in costs of production of mirror plates and of cast polished plate glass, respectively, with a view to furnishing such statement for the use of interested parties.

The chairman laid before the commission a report from the advisory board upon the request for the extension of the investigation (No. 35) of the differences in costs of production of logs of fir, spruce, cedar, or western hemlock, for the purposes of section 315 of the tariff act of 1922, to include lumber and shingles.

The chairman laid before the commission a report from the advisory board upon a plan for conducting the investigation (No. 35) of the differences in costs of production of logs of fir, spruce,

cedar, or western hemlock, for the purposes of section 315 of the tariff act of 1922.

After a brief discussion of the foregoing two reports they were referred to a committee consisting of Commissioners Costigan and Glassie for consideration and report to the commission.

Approved, May 9, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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MAY 5, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission resumed, but did not complete, the consideration of the draft of a report to the President in the investigation (No. 3) of the differences in costs of production of barium dioxide, for the purposes of section 315 of the tariff act of 1922.

Approved, May 9, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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MAY 6, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The secretary reported that by reason of resignations from the staff of the commission and savings in estimated field expenses in connection with pending investigations, the amount of the commission's appropriation available for allotment to new expenditures during the remainder of the fiscal year would be apparently between \$7,000 and \$8,000.

Commissioner Burgess—

Moved: That the commission institute, pursuant to rule, investigations of the differences in costs of production of bent-wood chairs and men's sewed-straw hats, respectively, in reference to which applications for such investigations are pending before the commission.

After general discussion of the condition of business before the commission, Commissioner Culbertson—

Moved: That the advisory board be instructed to comply, not later than Friday, May 9, 1924, with the commission's instructions dated March 25, 1924, in reference to the preparation of a plan for the conduct of the investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, of the cost of production of vegetable and animal oils and fats.

During the discussion of this motion Commissioner Costigan—

Moved: That consideration of the motion submitted by Commissioner Burgess in reference to bent-wood chairs and men's sewed straw hats be postponed pending action by the commission in reference to further proceedings in the investigation (No. 35) of the cost of production of logs of fir, spruce, cedar, or western hemlock, for the purposes of section 315 of the tariff act of 1922, and pending the

receipt of a report for a plan for the investigation (No. 34) of the costs of production of vegetable and animal oils and fats as heretofore requested from the advisory board, both of these investigations being prior commitments by the commission.

Upon this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Commissioner Burgess, by unanimous consent, withdrew his prior motion, and

Moved: That in view of the urgency of the situation the question of ordering an investigation for the purposes of section 315 of the tariff act of 1922 of the differences in costs of production of bent-wood chairs be made the first order of business at a meeting of the commission to be held on May 9, 1924, and that the second order of business at that meeting be made the similar question in respect of men's sewed-straw hats.

Upon this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Commissioner Burgess submitted the following motion as a substitute for the motion by Commissioner Culbertson:

Moved: That the chairman of the advisory board be requested to report orally, at once, to the commission in regard to the status of the plan requested on March 25, 1924, for the further conduct of the investigation (No. 34) of the differences in costs of production of vegetable and animal oils and fats.

Commissioner Costigan made the point of order that the motion by Commissioner Burgess was not in order as a substitute for the motion by Commissioner Culbertson.

The chairman overruled the point of order.

After further discussion of the subject and by unanimous consent the chairman of the advisory board was requested to submit at once an oral report in respect of the status of the plan requested by the commission as above stated in connection with the conduct of the investigation of the differences in costs of production of vegetable and animal oils and fats.

The chairman of the advisory board thereupon made an oral statement to the commission to the general effect that he believed the advisory board would be able to submit a response to the commission's instructions by May 14, 1924.

Commissioner Culbertson stated that he amended his motion by inserting May 14, 1924, instead of May 9, 1924.

After further discussion Commissioner Culbertson amended his motion to read as follows:

Moved: That the commission requests the advisory board to submit not later than May 14, 1924, the report called for by the resolution of the commission on March 25, 1924, for a plan for the conduct of the investigation (No. 34) of the cost of production of vegetable and animal oils and fats.

Commissioner Burgess offered the following motion as a substitute for the motion by Commissioner Culbertson:

Moved: That the resolution of the commission adopted on March 25, 1924, instructing the advisory board to prepare and submit a plan for the conduct of the investigation (No. 34) of the differences in costs of production of vegetable and animal oils and fats be called to the attention of the advisory board with the statement that it is the desire of the commission that the report therein called for be submitted to the commission, if possible, on May 14, 1924.

This substitute was accepted by Commissioner Culbertson in lieu of his motion, and was adopted.

Upon motion by Commissioner Culbertson, it was—

Voted: That the second preliminary statement prepared by direction of the commission in connection with the investigation (No. 4) of the cost of production of casein be approved for immediate issue to interested parties and that the date for a further public hearing in that investigation be set for June 23, 1924.

The order issued pursuant to rule in accordance with the foregoing resolution is as follows:

INVESTIGATION NO. 4 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

CASEIN

In the investigation of the differences in costs of production of, and of all other facts and conditions enumerated in section 315 of the tariff act of 1922 with respect to, the following article described in paragraph 19 of Title I of said tariff act, namely, casein, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Notice is hereby given, pursuant to section 315 of the tariff act of 1922, that a further public hearing in the foregoing investigation will be held at the office of the United States Tariff Commission in Washington, D. C., at 10 o'clock a. m. on the 23d day of June, 1924, at which hearing all parties interested will be given an opportunity to be present, to produce evidence, and to be heard with regard to the matters and things dealt with in the second preliminary statement of information issued by said commission on the 6th day of May, 1924.

This notice shall be published by posting a copy thereof for 30 days prior to the said 23d day of June, 1924, at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy thereof prior to said date once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce.

By order of the United States Tariff Commission this 6th day of May, 1924.

JOHN F. BETHUNE, *Secretary*.

Commissioner Costigan directed attention to what purports to be a "Memorandum by the United States Tariff Commission" under date of April 23, 1924, accompanying a letter from Chairman Marvin to Senator Fletcher of Florida, under date of May 2, 1924, appearing in the Congressional Record of May 3, 1924, at pages 8005 to 8007. Commissioner Costigan stated that the memorandum had never been submitted to him for consideration prior to being transmitted to Senator Fletcher and that he considered the submission of such a memorandum, without reference to commissioners at the time discharging the duties of their office in Washington, a violation of the rules and proper practice of the commission. Commissioner Costigan also stated that Senator Fletcher in presenting the memorandum for publication in the Congressional

Record reported that he "took the matter up with the Tariff Commission" and added "I have here a communication from the Tariff Commission."

The chairman stated that the information was prepared by experts of the agricultural division upon request of Senator Fletcher, of Florida, and that on receipt of the information he (the chairman) signed the letter to Senator Fletcher and sent it to the secretary's office in order that he might call the matter to the attention of the members of the commission before the letter was mailed.

Approved, May 9, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MAY 8, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Commissioner Glassie made the following statement:

I lay before the commission the designation of record and assignment of errors in the case of the United States of America ex rel. Norwegian Nitrogen Products Company (Inc.) versus the United States Tariff Commission et al. copies of which papers were received through the mail this morning. I do this for the purpose of drawing attention to the fact that any additional designation of record on appeal that respondents or any of them may desire to make must be filed in the clerk's office in the Supreme Court of the District of Columbia within five days from the date of service of the designation of record which appears to have been May 5, 1924.

Voted: That the committee heretofore appointed on January 3, 1924, consisting of Commissioners Glassie and Culbertson, be requested to continue to act for the purpose of any proceedings which may be required in connection with the designation of record and assignment of errors in the case referred to by Commissioner Glassie in his foregoing statement.

The chairman laid before the commission a letter from the Secretary to the President, as follows:

THE WHITE HOUSE,  
Washington, May 7, 1924.

GENTLEMEN: The President has directed me to return the nonconfidential portion of the Tariff Commission's report on sodium nitrite and to say that the commission may publish this report as it did in the case of the wheat report. This original manuscript should subsequently be returned to the White House files.

Very truly yours,

C. B. SLEMP, *Secretary to the President.*

It was agreed that the report referred to in the letter should be carefully scrutinized before publication in order to determine whether or not it contains any confidential material which should be omitted.

The commission resumed and continued consideration of a draft of a report to the President in the investigation (No. 3) of the differences in costs of production of barium dioxide, for the purposes of section 315 of the tariff act of 1922.

Approved, May 13, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MAY 9, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on April 29 and 30, May 1, 2, 5, and 6, 1924, were read and approved.

Upon request by Commissioner Lewis, the secretary was instructed to make, in writing, a statement as to why he did not submit to the commissioners, for approval before it was mailed, the letter addressed by the chairman on May 2, 1924, to Senator Fletcher, of Florida, transmitting a memorandum from the United States Tariff Commission on the subject of cabbage, which letter, the chairman stated on May 6, had been sent to the office of the secretary that it might be submitted to the commissioners.

The secretary subsequently, on May 13, 1924, submitted in writing, the following statement, a copy of which has been furnished each commissioner:

Pursuant to instructions by the commission at its meeting on May 9, 1924, I make the following statement as to why I did not submit to the commissioners before it was mailed the letter addressed by the chairman under date of May 2, 1924, to Senator Fletcher, of Florida, upon the subject of cabbage.

I had no knowledge that this letter had been written or that the information which it contained had been requested until the carbon copy was laid on my desk with other mail and was seen there by me for the first time. This was on Monday morning, May 5, 1924. I observed that Senator Fletcher had published the communication in full in the Congressional Record for May 3. This Record was received Monday morning, and I first saw the carbon copy of the letter at about the same time.

I gave no further attention to the subject until the question was raised in the commission meeting on May 6 as to when and how the letter was mailed. Immediately thereafter I inquired of the clerks in the mails and files division and in other parts of my office concerning the letter and was informed that none of them had ever seen the signed copy of the letter or knew how it was dispatched from the commission's offices.

Commissioner Lewis submitted the following motion:

Moved: That commission mail sent from the office of the chairman to the secretary shall carry an indication from the chairman as to whether or not it is to be routed among the commissioners, and that the secretary shall act accordingly.

Upon motion by Commissioner Glassie, it was—

Voted: That the foregoing motion submitted by Commissioner Lewis be referred to a special committee for consideration and report thereon at the next meeting of the commission.

Upon motion by Commissioner Glassie, it was—

Voted: That the committee authorized by the foregoing resolution shall take under consideration the question of official press announcements submitted to accompany the proclamation of the President upon reports of the commission, and shall report at the next meeting of the commission.

The chairman announced the appointment of Commissioners Lewis and Glassie as members of the special committee authorized in connection with the foregoing two resolutions.

Commissioner Costigan called up for consideration his motion submitted on April 3, 1924, as follows:

Moved: That Doctor Turner is hereby requested to make suitable permanent arrangements for furnishing the commission with daily



attendance returns showing the daily hours of government service performed by the various economists and by other members of the commission's staff associated with the economics division.

The chairman requested that action on the motion be deferred until he should have opportunity to confer with Doctor Turner upon the subject.

Commissioner Costigan announced that he would request consideration of the motion at the opening of the next meeting of the commission.

The chairman laid before the commission a memorandum from Dr. B. B. Wallace, chief of the preferential tariffs division, in regard to the petition of Smith & Wesson (Inc.), for relief against alleged unfair practices in the importation and sale of revolvers.

Commissioner Costigan, from the committee appointed in connection with the petition of Smith & Wesson (Inc.), for relief from alleged unfair practices in the importation and sale of revolvers, submitted a draft of a letter on that subject addressed to the Secretary of State.

After general discussion of the subject, the draft of the letter so submitted was approved and the memorandum referred to was referred to the committee consisting of Commissioners Costigan and Glassie.

The chairman laid before the commission a memorandum from the advisory board submitting a summary of plans for the investigation (No. 35) of the costs of production of logs of fir, spruce, cedar, or western hemlock, for the purposes of section 315 of the tariff act of 1922. This memorandum was accompanied by a tentative suggestion from the chief investigator as to the personnel for the execution of the plans for this investigation as submitted by the advisory board.

Upon motion by Commissioner Glassie, it was—

Voted: That the summary of plans for the investigation (No. 35) of the costs of production of logs of fir, spruce, cedar, or western hemlock as submitted by the advisory board under date of May 8, 1924, be, and the same are hereby, approved with the modification that the personnel to be assigned to this work shall consist of four persons instead of five, unless, for reason shown, the commission shall hereafter direct otherwise;

Voted further: That the chief of the lumber division and the members of the advisory board concurring in his recommendation be requested to submit as soon as practicable a statement of the methods to be followed in the selection of representative logging concerns from which cost figures are to be obtained and of the general plan of procedure in mind for dealing with the figures obtained in that manner. Such supplemental statement, however, shall not delay in any manner whatever the carrying out of the plan herein previously approved;

Voted further: That the chief of the lumber division and the members of the staff designated to assist him in carrying out the said approved plan, are hereby authorized to travel as soon as convenient to such places in the State of Washington and in British Columbia, Canada, and return, as may be necessary for that purpose.

The chairman laid before the commission a letter under date of May 3, 1924, from Mr. D. C. Moynihan, formerly employed by the Tariff Commission, in regard to his request heretofore submitted for reinstatement in the service of the commission.

This communication was referred to a committee consisting of Commissioners Costigan, Burgess, and Glassie.

Approved, May 13, 1924.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

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MAY 12, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission resumed and continued the consideration of the draft of a report to the President in the investigation (No. 3) of the differences in costs of production of barium dioxide, for the purposes of section 315 of the tariff act of 1922.

Approved, May 16, 1924.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

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MAY 13, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on May 6 and 9, 1924, were read and approved.

The commission resumed consideration of the draft of a report to the President in the investigation (No. 3) of the differences in costs of production of barium dioxide, for the purposes of section 315 of the tariff act of 1922. The text of the report was approved and was accordingly signed by each of the commissioners.

Commissioner Costigan, from the committee appointed in connection with the petition of Smith & Wesson (Inc.) for relief from alleged unfair practices in the importation and sale of revolvers, submitted a report upon that request.

After discussion of the subject it was, upon motion by Commissioner Costigan--

Voted: That a letter be sent to Smith & Wesson (Inc.) suggesting that the Tariff Commission will be glad to receive any further written statements that they may desire to submit with respect to the importation of Spanish revolvers.

The committee above referred to was requested to prepare the letter authorized in the foregoing resolution.

Commissioner Lewis called the attention of the commission to Senate Resolution 219, adopted by the United States Senate on May 12, 1924, as follows:

Whereas a prolonged depression of exceptional magnitude has and is occurring in the cotton textile industry, causing an attendant decrease in production of 40 to 60 per centum and general unemployment and its consequent want and distress in communities where this industry is located: Therefore be it

*Resolved.* That the United States Tariff Commission be, and hereby is, directed to furnish to the Senate as expeditiously as possible, if not incompatible with the public interests, all available facts requested hereinafter:

(1) Is the present depression in the cotton manufacturing industry confined to the United States or is it world-wide?

(2) To what extent and for how long a period has the present depression in the cotton manufacturing industry of this country been apparent?

(3) What is the quantity and value of cotton cloth imported into and exported from the United States under the present tariff act as compared with those under the acts of 1909?

(4) What is the percentage of imports and exports, as compared to the domestic production of cotton cloth in the census years 1909, 1914, 1919, 1921, and 1923?

(5) What types of cotton cloths constitute the bulk of the import trade and are these cloths similar or different in character from those produced in this country?

(6) What are the main reasons for the importation of cotton cloths in particular; are such imports due primarily to price or to quality?

(7) To what extent has the domestic industry been affected by the post-war increases in the importation of cotton cloths?

(8) Would changes in the present tariff rates on cotton cloths be of material assistance in stimulating production and restoring prosperity to this industry?

After a general discussion of the subject matter of the resolution relating to the cotton textile industry, Commissioner Culbertson—

Moved: That the textile division, in connection with the chief investigator, (1) submit to the tariff commission at the earliest date possible all data now in the commission's possession responsive to Senate Resolution, 219 dated May 12, 1924, and (2) is authorized to conduct immediately an investigation in New York City for the purpose of obtaining further data responsive to said resolution.

After some discussion of this motion by members of the commission, it was, upon motion by Commissioner Glassie, and as a substitute for the foregoing motion by Commissioner Culbertson—

Voted: That Mr. A. H. McCarrel and Mr. Andrew Coulthart, of the textile division, be authorized to travel to New York City, and return, for the purpose of collecting whatever data the chief of the textile division considers can be most advantageously collected at the present time in response to Senate Resolution 219, dated May 12, 1924; and

Voted further: That the chief of the textile division be authorized to travel to New York City, and return, upon the same business in the event that he finds his supervision there is desirable; and

Voted further: That the chief of the textile division be authorized to send such cablegrams as may be necessary to secure required information in this connection.

Commissioner Glassie submitted the following motion:

Moved: That a committee be appointed to inquire into and report concerning the precedents, if any, for consultations between individual members of the commission's staff and individual members of Congress with respect to the work, present or prospective, of the commission.

A request was received by telephone from the attorney for Smith & Wesson (Inc.), who requested opportunity to confer with the commission in respect of the petition by Smith & Wesson (Inc.) for relief under the provisions of section 316 of the tariff act of 1922 from alleged unfair practices in the importation and sale of revolvers.

Upon motion by Commissioner Costigan the secretary was instructed to inform the attorney that the chairman would confer with him at an hour to be arranged at their mutual convenience.

The commission adjourned until 2.30 o'clock p. m.

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Commissioner Glassie, from the committee appointed on May 9, 1924, for consideration of the motion submitted by Commissioner Lewis in relation to the routing among commissioners of outgoing official mail, submitted a proposed addition to the commission's rules, as follows:

ADMINISTRATIVE RULE NO. ---

Official letters signed by any member of the commission and sent to the secretary's office for mailing, if intended to be submitted to the other members of the commission before mailing, shall have written at the top of the file carbon "Route." It shall be the duty of the secretary to cause all letters the file carbon of which are so marked to be circulated promptly among the members of the commission. Letters the file carbons of which are not so marked shall be mailed forthwith.

After some general discussion the subject was referred back to the committee for further consideration.

Commissioner Glassie, from the same committee to which was referred the question of official press announcements to accompany reports to the President, submitted a proposed rule on that subject.

After general discussion of the subject, it was—

Voted: That the rules of the commission be, and the same are hereby, amended by adding thereto the following rule (to be numbered later):

RULE NO. —

In order to guard against the possibility of the inadvertent disclosure of matter of a confidential nature (or apparent conflicts between informal published statements and the established practice and procedure of the commission) there shall be submitted for the convenience of the President with each report in an investigation under the provisions of section 315 of the tariff act of 1922 a draft of an informal public statement regarding the subject matter, scope, and conduct of the investigation, in form suitable for use as a newspaper release.

The chairman laid before the commission a copy of Senate Resolution 221, adopted on May 12, 1924, as follows:

Whereas the Tariff Commission is being called upon to determine the applications of many industries for a study of economic conditions, particularly as affected by tariff laws, relating to these industries; and

Whereas the commission has found it impossible to make a proper investigation of conditions affecting some of the industries because of a lack of appropriated funds necessitating even a reduction of its clerical force and tariff experts: Therefore be it

*Resolved*, That the Tariff Commission inform the Senate of (1) the number of industries which have made bona fide requests for tariff investigations; (2) the number of such requests upon which the commission has been unable to act; and (3) what, if any, sum of money should be appropriated by Congress in order to meet the legitimate requests of the business interests of the country for trade information, and obtain necessary data concerning tariff adjustment.

After general discussion of the resolution, it was—

Voted: That a committee of three members be appointed to prepare and submit a draft of reply to the resolution.

The chairman announced the appointment of Commissioners Costigan, Burgess, and Glassie as members of the committee authorized by the foregoing resolution of the commission.

Commissioner Costigan, from the committee to which was referred on May 9, 1924, communication from Mr. D. C. Moynihan, in regard to his request heretofore submitted for reinstatement in the service of the commission, reported that the committee recommended that Mr. Moynihan be informed that the commission considered the subject of his communication closed.

It was thereupon—

Voted: That the secretary be directed to inform Mr. D. C. Moynihan that the commission does not feel warranted at this time in reopening for consideration the question of his reinstatement in the service of the commission, from which he resigned on September 21, 1923.

The Chairman laid before the commission the recommendation from the chief of the textile division that a special expert of the textile division be sent to New York City to study changes in prices of imported hosiery during the past six months.

Approved, May 16, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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MAY 15, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission proceeded to consideration of the memorandum submitted by the chief of the textile division and laid before the commission by the chairman on May 13, 1924, recommending that a special expert of the textile division be sent to New York to study changes in prices of imported hosiery.

After consideration of the subject, it was—

Voted: That Mr. W. S. Lewis of the textile division, and Mr. A. M. Fox of the economic division, are authorized to travel to New York City and return for the purpose of obtaining information in regard to the trend of prices of cotton hosiery since August, 1923.

The chairman laid before the commission recommendation of the chief investigator that Dr. Frank R. Rutter, formerly employed by the Tariff Commission in connection with the pending investigation (No. 12) of the costs of production of sugar, be reemployed at the same rate of salary for a month, for the purpose of assisting in the preparation of the final report upon the sugar investigation.

After general discussion of the subject, it was—

Voted: That the Secretary is authorized to negotiate with Dr. Frank R. Rutter for his services as special expert on the staff of the commission for a period of one month in connection with the pending investigation (No. 12) of the cost of production of sugar, with compensation at the rate of \$450 per month.

The chairman laid before the commission a letter from the secretary of the National Association of Wool Manufacturers, requesting information in the possession of the commission in regard to shrinkage of wools from various parts of the world.

After discussion of the subject, which developed the fact that the commission does not have complete information on this subject, it was—

Voted: That the division of agricultural products and provisions be directed to make a study and survey of the subject of shrinkage of wools imported from various parts of the world.

The chairman laid before the commission a letter dated May 12, 1924, from Representative John Jacob Rogers requesting to be granted a conference at the earliest possible moment in regard to the need for increase of duties affecting the textile industry under the tariff act of 1922.

After discussion of the subject, it was—

Voted: That the chairman be authorized to arrange for a conference to be held at the offices of the Tariff Commission with Hon. John Jacob Rogers, Representative in Congress, in compliance with request in his letter of May 12, 1924.

Approved, May 20, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MAY 16, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The minutes of the meetings of the commission held on May 12 and 13, 1924, were read and approved.

Commissioner Costigan—

Moved: That the resolution adopted by the commission on May 15, as follows—

Voted: That Mr. W. S. Lewis, of the textile division, and Mr. A. M. Fox, of the economic division, are authorized to travel to New York City and return for the purpose of obtaining information in regard to the trend of invoice prices of imported cotton hosiery since August, 1923—

be rescinded.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess.

The resolution was accordingly rescinded.

Upon motion by Commissioner Costigan, it was—

Voted: That Mr. Thomas D. L. Menchion, of the textile division, and Mr. A. M. Fox, of the economic division, are authorized to travel to New York City and return for the purpose of obtaining information in regard to the trend of prices of cotton hosiery since August, 1923.

Subsequently it was agreed that Mr. A. L. Faubel of the economic division should accompany Mr. Menchion in place of Mr. Fox for the purposes of the foregoing resolution.

Commissioner Costigan again requested consideration of his motion submitted on April 3, 1924, in regard to daily attendance reports from the economic division.

Upon request by Commissioner Burgess the motion was laid aside until the next meeting of the commission.

The chairman laid before the commission a statement showing the amount of appropriation which will be available for the purposes of the commission during the next fiscal year and suggested that it might be found necessary to reduce the pay roll of the commission in order to enable the commission to function within the limits of this appropriation.

The secretary was requested to prepare a statement showing the distribution of personnel in the various divisions of the commission's organization.

Commissioner Burgess asked present consideration of the draft of a report to the President in investigation (No. 11) of the differences in costs of production of paint-brush handles, for the purposes of section 315 of the tariff act of 1922.

After some discussion of the subject it was agreed that this report should be the special order of business at a meeting of the commission to be held on May 20, 1924.

Commissioner Culbertson referred to the report of the advisory board in respect of plans for the investigation (No. 34) of the differences in costs of production of vegetable and animal oils and fats, as requested by resolution of the commission on May 6, 1924, and stated that he would request consideration of the report at a meeting of the commission to be held on May 20, 1924.

Upon motion by Commissioner Costigan, it was—

Voted: That in view of the conference on May 14, 1924, by the chairman with the attorney for Smith & Wesson (Inc.) it will not be necessary to send a letter to Smith & Wesson (Inc.) in pursuance of the commission's resolution on May 13, 1924.

Approved, May 20, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MAY 20, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on May 15 and 16, 1924, were read and approved.

The commission resumed consideration of the subject of the resolution submitted on May 13, 1924, in regard to the routing among the commissioners of outgoing mail.

After some general discussion the subject was referred back to the committee for further consideration.

Commissioner Glassie submitted the following motion:

Moved: That the following administrative rules and regulations for the organization of the evidentiary matter in investigations for the purposes of section 315 of the tariff act of 1922, for the preparation of reports by the commission to the President be, and the same hereby are, adopted: --

ADMINISTRATIVE RULE NO.—

SEC. 1. As soon as possible after the conclusion of the public hearing in an investigation for the purposes of section 315 of the tariff act of 1922, the appropriate commodity expert, with the assistance of the economist detailed to the investigation, and under the supervision of the chief investigator, shall

make a thorough analysis and complete digest of the whole body of evidential matter. Such summary and digest shall include a clear and precise exposition of the methods, statistical and other, followed in the collection and organization of the data.

SEC. 2. The summary and digest as it comes through the chief investigator from the commodity expert and the detailed economist shall then pass to the advisory board sitting as a board of review (hereinafter referred to as the board of review or as the board). For this purpose, the board shall be made up substantially in the same manner as now provided for the consideration and preparation of a report upon an application. It shall in all cases include the chief economist, the chief investigator, at least two other economists, the commodity expert acting in the particular investigation, and the chief of the legal section.

SEC. 3. As it goes to said board of review the material shall include not only the summary and digest prepared pursuant to section 1 but all evidential matter itself.

SEC. 4. After full examination of the summary and digest, checked back to the original evidentiary matter, the board of review shall present the effect of the evidence, considered as a whole, in the form of tentative findings of fact as far as that form is practicable. Where all the members of the board participating in the examination, criticism, and appraisements of the evidentiary matter are of the same mind, a single tentative finding will be submitted on each point. Where, however, there is a difference of opinion, those unable to concur in the views entertained by other members, shall submit their view of the matter. This shall be in an alternative finding of fact on the same point, if the matter is susceptible of being reduced to that form.

SEC. 5. The tentative finding of fact upon each point shall in all cases be accompanied by (a) references to the evidential matter upon which it is based, and (b) by such exposition as may be necessary to show the validity of a conclusion otherwise open to doubt. If the finding is in the form of a table, the sources shall be carefully and fully indicated.

SEC. 6. The chief of the legal section shall note separately, and make such comment as may seem advisable on, any question of law involved.

SEC. 7. The form in which each tentative finding is submitted shall be determined by the nature of the subject matter. As far as circumstances permit, each finding shall cover a single point, and shall state the ultimate, and not the evidentiary, fact succinctly and as far as possible in a nonargumentative form. Any argument, explanation, or exposition necessary to establish the proposition shall be placed in a separate paragraph subjoined to the tentative finding of fact on that point.

SEC. 8. The successive tentative findings of fact shall, as far as possible, be arranged in logical sequence and, taken together, should cover every matter of fact necessary to be ascertained for the purposes of section 315.

SEC. 9. In the tentative findings submitted by the board, all preliminary or jurisdictional facts (orders, notices, etc.) necessary to the exercise of the commission's statutory powers shall be recited under a separate heading.

SEC. 10. Each tentative finding of fact relating specifically to foreign or domestic production costs shall have annexed to it a brief statement of (a) the means employed in obtaining the data upon which it is based, and (b) the method by which such data were synthesized in arriving at the ultimate facts stated in such finding.

Upon motion by Commissioner Costigan the commission proceeded to consider the motion submitted by him on April 3, 1924, as follows:

Moved: That Doctor Turner is hereby requested to make suitable permanent arrangements for furnishing the commission with dally attendance returns showing the dally hours of Government service performed by the various economists and by other members of the commission's staff associated with the economics division.

After general discussion of the subject Commissioner Glassie submitted a substitute motion, which was adopted, as follows:

Voted: That the chief economist is hereby requested to make suitable arrangements for furnishing the commission with periodical reports showing the hours of government service performed by the



various economists under his direction, and that the chief economist is further requested to arrange for the customary daily attendance reports of the clerical members of the economics division.

Upon this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Culbertson, Burgess, Glassie.

Against the adoption of the motion: Messrs. Costigan, Lewis.

The motion was therefore adopted.

In connection with the foregoing resolution Commissioner Culbertson made the following statement:

"In voting for this substitute resolution, I do not consider it in any way a modification or rescinding of the existing rules."

The commission thereupon adjourned until 2 o'clock p. m.

The commission reconvened at 2 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The chairman laid before the commission a summary list of reports from the advisory board upon 23 applications for the purposes of section 315 of the tariff act of 1922, as to all of which the board recommended that the applications be denied.

Para-graph	Subject	Rate of duty	Nature of application
75	Oxide of iron.....	20 per cent ad valorem.....	Increase.
1305	Coated and glazed paper.....	5 cents per pound and 15 per cent ad valorem.	Decrease (contingent upon action in case in case).
403	Lignum-vitæ logs.....	10 per cent ad valorem.....	Decrease (place on free list).
1400, 1430	Women's trimmed hats.....	1400, 50 or 60 per cent; 1430, 90 or 75 per cent.	Uniform classification and rate.
1443	Pipe organs.....	40 per cent ad valorem.....	Increase.
1403, 1430	Banded bags.....	1403, 60 per cent; 1430, 90 or 75 per cent.	Not to exceed 60 per cent.
1432	Leather leggings.....	30 per cent.....	Increase.
751	Out orchids.....	40 per cent ad valorem.....	Decrease.
720	Canned fish.....	Fish in oil, 30 per cent; fish not in oil, 25 per cent.	Do.
770	Clove stems.....	2 cents per pound.....	Do.
742	Currants.....	do.....	Differential between duties on (1) uncleaned and cleaned currants, (2) bulk and package currants.
717	Winter-caught fish.....	1 cent per pound.....	Decrease.
230, 1707	Stained glass windows.....	Free, if for houses of worship and valued at more than \$15 per square foot, otherwise 50 per cent.	American valuation.
212	Chemical stoneware.....	60 per cent plain; 70 per cent decorated.	Decrease.
200	Pumice stone.....	Fifty-five one-hundredths cents per pound.	Do.
220	Incandescent electric light bulbs and lamps.	20 per cent.....	Increase.
1101	Camel's hair.....	In grease, 12 cents per pound; washed 18 cents per pound; scoured 24 cents per pound.	Decrease.
903, 906	Fine cotton shirtings.....	Varied; on 1 sample submitted 45 per cent.	Do.
208	Mica.....	25 per cent (unmanufactured mica valued at over 15 cents per pound).	Increase and American valuation.
213	Graphite.....	Amorphous, 10 per cent; crystalline lump, chip, or dust, 20 per cent; flake, 1½ cents per pound.	Decrease.
300	Drawing instruments.....	40 per cent.....	American valuation.
344	Fishing tackle parts.....	45 per cent.....	Increase.
308	Clock escapements.....	\$4 each, plus 45 per cent ad valorem.	Decrease or reclassification.

The commission resumed consideration of the draft of a report to the President in the investigation (No. 11) of the differences in costs of production of paintbrush handles, for the purposes of section 315 of the tariff act of 1922.

After general discussion of the details of the report it was referred back to the committee, consisting of Commissioners Culbertson and Burgess, for revision.

Commissioner Culbertson asked that his request, submitted at the meeting of the commission on May 16, 1924, for consideration of the advisory board's report upon the investigation (No. 34) of the cost of production of vegetable and animal oils and fats retain its place for consideration at the next meeting of the commission.

Voted: That the secretary is authorized to arrange for incidental field expenses not to exceed \$20 to be incurred by Mr. F. H. Smith in connection with travel authorized for him in the investigation (No. 35) of the costs of production of logs of fir, spruce, cedar, or western hemlock, for the purposes of section 315 of the tariff act of 1922.

Approved, May 23, 1924.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

MAY 23, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on May 20, 1924, were read and approved.

The chairman laid before the commission a communication from the Secretary of the Senate transmitting a resolution (S. Res. 226) adopted by the Senate on May 19, 1924, as follows:

Whereas in the general depression from which agriculture has been suffering, particularly in the grain-growing sections of the Nation, some agreeable relief has been experienced from the gradual but marked expansion of the dairy industry; and

Whereas the future of the region hereinabove specifically referred to depends in no small degree upon the growth of that industry to which the soil and climate thereof is peculiarly adapted; and

Whereas with the sanction and approval of the President of the United States an effort is being made to finance and promote therein the further development of the dairy industry; and

Whereas during the months of January and February, 1924, butter was imported into the United States amounting to 9,500,000 pounds, almost one-half of the total importations for the year 1923, and the highest monthly average ever recorded, resulting in a rapid decline of the price of that commodity on the New York market until it now commands a price little if any above the cost of production; Therefore, be it

*Resolved*, That the United States Tariff Commission be, and it hereby is, requested forthwith to institute an inquiry under the provisions of section 315 of the act approved September 21, 1922, concerning the cost of production of butter in the United States and in those countries from which our importations thereof come, and to report its findings to the President of the United States, with a view to the increase in the duty on imports of butter should such increase be warranted by the facts found.

The chairman submitted, in reference to the foregoing Senate resolution the following motion:

Moved: That Senate Resolution 226, requesting the Tariff Commission forthwith to institute an inquiry under the provisions of section 315 concerning the cost of production of butter, be referred to the advisory board for the purpose of submitting to the commission a plan of investigation, an estimate of the expense involved, and the scope of the investigation; that is, whether the investigation should be limited to the article—butter—mentioned in the resolution, or whether it would be desirable to broaden the investigation to include any other dairy products, or butter substitutes, and whether the principal competing country can be ascertained by a study of imports, so as to obviate intensive cost investigations in numerous countries.

After general discussion of the subject, it was, upon motion by Commissioner Glassie, submitted as a substitute for the foregoing motion:

Voted: That the advisory board be instructed to submit to the commission by June 2, 1924, if possible, a report upon a plan for the investigation requested by Senate Resolution 226 of May 19, 1924, together with an estimate of the expense involved in such investigation and a statement of such circumstances as, in the judgment of the advisory board, should be taken into account in determining the scope of such investigation;

Voted further: That pursuant to rule the application received on May 23, 1924, from Messrs. Edward E. Browne, O. J. Kvale, and J. D. Beck, Members of the United States House of Representatives, requesting the institution of an investigation under the provisions of section 315 of the tariff act of 1922, of the articles named in paragraphs 709 and 710 of that act, be likewise considered by the advisory board in connection with the proposed investigation of the cost of production of butter, pursuant to said resolution of the Senate, with a view to reporting such facts as may assist the commission in determining whether or not it would be advisable to broaden the investigation of the cost of production of butter to include any other dairy products, or butter substitutes; and further to report upon the question whether or not in their judgment the principal competing country can be ascertained or identified by a study of imports and other available data, with a view to obviating, as far as practicable, elaborate cost investigations in numerous countries;

Voted further: That the Senate be advised by the chairman in response to said Senate Resolution 226 that the commission has taken steps to institute the investigation requested therein, but that funds are not available for a prompt and effective prosecution of such investigation, and that the commission's needs in this respect will be reported upon in response to Senate Resolution 221 of May 12, 1924.

Commissioner Burgess did not vote upon the foregoing resolution. He stated that he withheld his vote and would refrain from participation in an investigation for the purposes of section 315 of the tariff act of 1922 in respect of butter, or other dairy products, inasmuch as he is the owner of a farm on which he produces such articles, from the sale of which he received financial returns.

Statement by Commissioner Glassie: "In this connection I desire to state that while I have not any pecuniary interest whatever

in the commodity or subject of butter, my mother is the owner of a farm in Nashville, Tenn., which is rented out in small parcels to several tenants or renters, and that one parcel, comprising about 60 acres, is under lease to a tenant, R. A. Miles, who has milch cattle and conducts a small dairy farm there, but whether or not he converts any of the milk into butter and sells it, I am not advised. The parcel mentioned is held by Mr. Miles under a lease, executed by me 'on behalf of the owner, Mrs. D. W. Glassie—Minna Haywood Nash Glassie'—on December 1, 1922, for a term of three years from that date at the fixed yearly rental of \$275.

"Whether these facts would be held to come within the recent provision concerning any proceeding wherein a member of the commission 'or any member of his family has any special, direct, and pecuniary interest,' is apparently not for me to determine, even if I were able to say. I simply state the facts so they may be known and understood before an investigation is instituted."

Commissioner Lewis expressed the opinion that the circumstances do not in any sense constitute a disqualification in Mr. Glassie's case.

Statement by Chairman Marvin: "In connection with the application for an increase in the duty on butter and other dairy products, under the provisions of section 315 of the tariff act of 1922, and in consideration further of the following amendment to the appropriation bill adopted by Congress, providing "that no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in respect to the subject matter of which he has acted as attorney, legislative agent, or special representative," I make the following statement: "A cousin of my wife owns and operates one of the largest dairy farms in Massachusetts, the main product of the farm being milk, cream, and pedigreed stock. I take this opportunity of calling attention to the fact in order that it may be known to all who are interested."

Commissioner Costigan submitted the following motion:

Moved: That the commission meet on Monday morning, May 26, 1924, at 10.30 o'clock for the purpose of considering the report of the chief of the sugar division in the sugar investigation submitted on May 15, 1924, and now before the commission.

Commissioner Glassie made the point of order that the business of the commission, which is the special order of business for this day, can not be displaced by a motion for the future consideration of another subject.

The Chair overruled the point of order.

During the discussion of the point of order Commissioner Lewis stated that he considered participation by Commissioner Glassie in any discussion relating to the pending sugar investigation as improper in view of Commissioner Glassie's statements of his personal relationship to that subject and that for this reason he would take no part in the discussion of the point of order made by Commissioner Glassie, and would make no reply to any arguments submitted thereon by him.

The following statements were then made for the record.

By Commissioner Glassie: "Although, in my judgment, the rider on the appropriation bill (the pending independent offices appropriation bill for the fiscal year 1925) with regard to the disqualification of a commissioner by reason of any financial interest in himself or in a member of his family, in the commodity under investigation, is not legally operative except as a restriction upon the appropriation carried in that bill, nevertheless it is and has been my intention not to participate in the sugar investigation at any time after the passage of that bill, because, in my judgment, notwithstanding its form, it expresses a view of the legislature as to what, in its judgment, although contrary to the law hitherto in force, would constitute a disqualification, and it would obviously be within the power of the legislature at any time to enact such disqualification or a similar disqualification as a matter of substantive law. In deference to the view of the Congress thus expressed, it is not my purpose to participate in the sugar investigation.

"I must, however, insist upon my right to participate in the regular business of the commission with regard to the matters which are now before it, and I can not, in my judgment, be either fairly or lawfully prevented from participating in the current business by an effort to displace that business with some matter incidental to the sugar investigation in respect of which I have already stated that I recuse myself voluntarily."

By Commissioner Lewis: "I deem it my duty to protest against the participation by Commissioner Glassie in either the discussion or voting upon the motion of Commissioner Costigan now pending before the commission, as follows:

"Moved: That the commission meet on Monday morning, May 26, 1924, at 10.30 o'clock, for the purpose of considering the report of the chief of the sugar division in the sugar investigation submitted on May 15, 1924, and now before the commission."

"I consider that such participation on his part is dilatory in its nature."

By Commissioner Glassie: "I say that the statement of the commissioner that my discussion of this motion is dilatory is without any foundation in fact whatever."

By the Chairman: "In my view the legal disqualification of Commissioner Glassie from participating in the sugar investigation becomes effective when the appropriation to which the disqualification applies takes effect, which is on and after July 1, 1924. In the meantime any commissioner has it within his own power to recuse himself in connection with consideration of any subject before the commission when he deems that there are grounds for his disqualification. There is no law or precedent pertaining to the work of the Tariff Commission that can be fairly and justly invoked by a member of the commission with regard to the participation of any member of the commission in the business of the commission other than that lawfully established."

By Commissioner Costigan: "I dissent from the conclusion stated by the chairman."

By Commissioner Burgess: "I call the attention of the commission to the unusual character of the resolution offered by Mr. Cos-

tigan regarding the report on sugar submitted by Doctor Bernhardt, the chief of the sugar division, and protest against its passage because of the fact that the report was submitted directly to the commission instead of to the advisory board, in direct violation of the rules of the commission adopted July 28, 1923, entitled: 'Regulations for the disposition of applications and complaints under sections 315, 316, and 317 of the tariff act of 1922.' These were promulgated to the staff by the secretary in the following words: 'The following regulations have been adopted by the Tariff Commission and are hereby promulgated for observance by all officers and employees of the commission.'

"These rules regulate the disposition of applications from the receipt thereof through the chairman, the chief economist, the chief investigator, and the advisory board, etc., leading up to a preliminary report of the advisory board as to the merits of the application. 'A copy of such report shall be made for each commissioner and the secretary.'

"After the commission orders an investigation, the chairman of the advisory board and the chief investigator are notified in writing. It shall then be their duty to submit detailed plans of the investigation.

"Rule 7 provides further, that 'Such plan, as soon as perfected by the advisory board, shall be presented to the commission for review and approval. The action of the commission in this regard shall be communicated in writing to the chairman of the advisory board, and the chief investigator shall be instructed in writing to proceed in accordance with the plan adopted and shall be charged with the duty of carrying it out.'

"Rule 8: 'The advisory board shall consist of the chief economist, the chief investigator, the chief of the legal section and in each case the chief of the commodity section embracing the subject matter of the investigation, the economist who assisted in the preparation of the report, and such other economists as shall be selected by the advisory board, or, if the advisory board fails to make such selection, by the chief economist. The person, or persons, to be directed to write the report for the advisory board shall be determined by the board, having regard to the nature of the subject. Every such report, whether unanimous or otherwise, shall be signed by the members of the board concurring therein. Those not concurring shall make a written statement of their respective views. A copy of each such statement, upon which the names of the members concurring therein shall be noted, shall be made for each commissioner and the secretary.

"The above rule clearly indicates the purpose and desire of the commission to secure unhampered views of all members of the advisory board upon the entire evidence in the possession of the commission.

"These rules were intended to regulate the internal machinery of the commission and are separate and apart from the published rules of procedure of September 21, 1922. To amplify and make more specific these internal rules, Commissioner Glassie, on May 17 last suggested further 'Rules and regulations for the organization of the

evidential matter in investigations for the purposes of section 315 in the preparation of reports by the commission to the President.'

"The plan of procedure under rule No. 8 above quoted has been recognized as the usual method to follow, and practically all the reports for final consideration by the commission have passed through the advisory board and the commission has had the benefit of its economic review covering the cases in their entirety. A final summary was thus made by the advisory board on each of the following commodities:

	Reported		Reported
Wall pockets.....	Oct. 15, 1923	Logwood extract.....	Jan. 28, 1924
Paintbrush handles.....	Oct. 15, 1923	Barium dioxide.....	Jan. 29, 1924
Casein.....	Oct. 25, 1923	Oxalic acid.....	Mar. 5, 1924
Sodium nitrite.....	Nov. 2, 1923	Potassium chlorate.....	Mar. 7, 1924
Barbital.....	Jan. 8, 1924		

"As I know of no reason why the commodity chief of the sugar division should not have followed the rules and submitted his report to the advisory board, instead of handing it directly to the commission, thus depriving me, as a member of the commission, of its economic scrutiny and advice, and as I do not know of any reason for Mr. Costigan's motion, which is directly in violation of the rules, I most earnestly protest against such unusual procedure in the case of the sugar report, and hereby give notice that I will refuse to participate in the discussion of the sugar report until said report has gone through the channels provided by the rules."

By Commissioner Culbertson: "I request reference to the full text of the rules referred to by Commissioner Burgess, and ask that they be read as part of this record. It will be noted that the rules on their face show that they do not relate to proceedings after the conclusion of the final public hearing. The offer by Mr. Glassie on May 20 of a rule to govern proceedings after the conclusion of the final hearing and the statements made and acquiesced in at the time this proposed rule was offered indicates that no such rule now exists to govern the internal proceedings of the commission. After final hearing a case is before the commission for consideration and may be dealt with as the circumstances may require. A number of cases, notably wheat, were not referred to the advisory board. Furthermore, Mr. Culbertson declined to accept the suggestion that the internal rules of the commission, made for the guidance of the staff, are binding on the commission or may be made the basis of a point of order against action by the commission in any particular case."

The chairman submitted the following as a substitute for Commissioner Costigan's foregoing motion:

Moved: That the report of the chief of the sugar division in connection with the sugar investigation be referred to the advisory board for analysis, comment, and suggestion, such report to be made to the commission in the usual way at the earliest practicable date.

Upon this substitute motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The substitute motion was therefore rejected.

Commissioner Glassie did not vote upon this motion.

The question thereupon reverting to the motion submitted by Commissioner Costigan, the votes of the Commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess.

The motion was therefore adopted.

Commissioner Glassie did not vote upon this motion.

Commissioner Glassie submitted a parliamentary inquiry as to the status of the paint brush handles report and inquired whether or not the paint brush handles report was before the commission for consideration or whether the committee from which it was reported has it in charge to report later.

Commissioner Burgess replied that as a member of the committee upon this subject he would state that the chairman of the committee, Commissioner Culbertson, has revised the report to some extent but has not finished with it, but that the committee hoped to have it ready during the early part of next week.

Upon motion by Commissioner Burgess, it was—

Voted: That the schedule for obtaining costs of production in the investigation (No. 36) of the cost of production of gold leaf for the purposes of section 315 of the tariff act of 1922, be approved as submitted by the committee on schedules.

The commission thereupon adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The chairman laid before the commission the complaint of the Signal Mountain Portland Cement Co. against alleged unfair methods of competition and unfair acts in the importation into the United States by the owners, importers, and consignees of cement in violation of the provisions of section 316 of the tariff act of 1922.

Upon motion by the chairman the complaint was referred to a committee consisting of Commissioners Costigan and Glassie with instructions to report a form of order of investigation and date of public hearing therein if further investigation shall lead them to believe a prima facie case has been established by the complainants.

Voted: That Messrs. Thomas H. Joyce, J. M. P. Donohoe, and Samuel Schoenfeld are authorized to travel to such places in the State of Washington and in British Columbia, Canada, under the direction of Mr. F. H. Smith, chief of the lumber division, as may be necessary in connection with the pending investigation (No. 35) of the cost of production of logs of fir, spruce, cedar, or western hemlock, for the purposes of section 315 of the tariff act of 1922.

The secretary laid before the commission a request from the war transactions section of the Department of Justice requesting that Mr. Benjamin Wall, special expert accountant on the commission's staff, be released temporarily in order that he may assist in the conduct of work by the Department of Justice in connection with the investigation of certain transactions with the details of which Mr. Wall is familiar, by reason of his former service in the War Department.



It was thereupon—

Voted: That the secretary is authorized to approve leave of absence without pay for Mr. Benjamin Wall for a reasonable period of time in order that Mr. Wall may perform service desired by the Department of Justice, which department will pay Mr. Wall's compensation during such service.

Approved, June 13, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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MAY 26, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The chairman, having requested the postponement until 2 o'clock p. m. of the meeting set for 10.30 o'clock a. m. on this date for the consideration of the report of the chief of the sugar division in the sugar investigation, and the commissioners having agreed to such a postponement, the commission convened at 2 o'clock p. m.

The chairman stated that the meeting was called in accordance with a motion of Commissioner Costigan "that the commission meet on May 26, 1924, at 10.30 o'clock for the purpose of considering the report of the chief of the sugar division in the sugar investigation, submitted on May 15, 1924, and now before the commission."

The chairman further stated that he, personally, regretted that in further proceedings of the commission in connection with the investigation of the cost of production of sugar the commission will be deprived of the services of Commissioner Glassie, one of the ablest members of the commission, because of the following amendment to the appropriation bill agreed to on April 3, 1924:

*Provided*, That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said act approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest or in respect to the subject matter of which he has acted as attorney, legislative agent, or special representative.

The chairman further stated that the Tariff Commission was purely a fact-finding body for the purpose of assisting the President in ascertaining the facts on which are to be based his proclamations changing rates of duty in accordance with section 315 of the tariff act of 1922.

The chairman submitted the following statement:

"The sugar investigation was instituted by order of the commission on March 27, 1923. The proceedings in connection with this investigation, from November 16, 1922, the date on which an application for the reduction in the duty on sugar was received from Henry A. Rubino, attorney for the United States Sugar Association, to and including the hearings held on this subject, were conducted in accordance with the usual practice of the commission and in conformity with commission rules and regulations.

"At the time the sugar application was received the commission was assisted by an acting chief investigator, and an advisory board composed of the acting chief investigator, the head of the legal division, and the head of the commodity division. It was the practice at that time for this board to review the applications and report to the commission.

"On October 17, 1922, the chart outlining the organization of the personnel and divisions of the commission as presented by the committee on procedure, was adopted, and this chart plainly indicates the method by which commission business is to be handled. From the commodity division reports go to the chief economist, chief investigator, and other associates on the advisory board. From these economic advisers, surveys, reports, etc., go to the commission.

"On July 28, 1923, the commission adopted regulations for the disposition of applications. Applications are to be routed, first, to the chairman; second, to the chief economist; and, third, to the chief investigator, who transmits the application with such comment and directions as he may deem necessary to the appropriate expert for a preliminary report. This preliminary report is submitted to the chief investigator for examination and review, and when, in his judgment, it embraces adequate data for determining whether or not an investigation shall be ordered, he transmits the same to the advisory board. During the preparation of such report the advisory board, or the chief economist, when it is deemed desirable to do so, designates a member of the staff of economists to assist in the preparation of the preliminary report. It is the duty of the advisory board to consider the preliminary report, to formulate and transmit to the commission its report, with separate statements of the views respectively held by members of the board in the event of differences of opinion, and after consideration of this report, the commission determines whether an investigation is to be ordered. Whenever an investigation is ordered a plan of the investigation is to be drawn up by the chief investigator cooperating with the appropriate expert, and is then submitted to the advisory board for its consideration and approval. Such plan as soon as perfected by the advisory board is presented to the commission for review and approval. The action of the commission in respect to this report is communicated in writing to the chairman of the advisory board. If an investigation is ordered the chief investigator is to proceed in accordance with the plan adopted and is charged with the duty of carrying it out.

"In accordance with the rules adopted by the commission the advisory board consists of the chief economist, chief investigator, chief of the legal division, the chief of the commodity section embracing the subject matter of the investigation, the economist who assisted in the preparation of the report, and such other economists as shall be selected by the advisory board or by the chief economist. The person or persons to be directed to write a report for the advisory board shall be determined by the board. All orders, instructions, and directions given by or on behalf of the commission to the advisory board or any member thereof shall be in writing and shall be authenticated by the signature of the chairman. If any

report, statement, memorandum, or document considered by the commission is recommitted to the advisory board for redrafting or review, one copy, plainly marked 'official,' shall be transmitted to the board, and for that purpose all corrections, suggestions, and marginal notes shall be made upon such official copy.

"It is apparent from this résumé of the commission rules that it was the intention and purpose of the commission to utilize in proceedings for the purposes of section 315, the aid and assistance of the commission's experts and economists. It was never contemplated that the economists of the staff should be asked to assist at the initiation of an investigation, and that their assistance should not be requested or permitted at a later stage of the investigation.

"It was noted that precise and definite instructions in regard to the conduct of hearings, and the summing up of data and testimony, were not worked out in detail in the regulations adopted by the commission, but the purpose and intent of the rules are unmistakable. The commission has had before it for many months suggestions from the chief economist, the chief investigator, the head of the chemical division, and from one or more commissioners, a more detailed statement of procedure in connection with the final report on the information gathered by the commission's experts and the testimony presented at public hearings.

"In conformity with the rules of the commission the advisory board has submitted 72 reports containing comment and recommendations on applications. The advisory board has submitted for the consideration of the commission 10 reports summing up data presented at public hearings. These reports are as follows: Wall pockets, paintbrush handles, casein, sodium nitrite, barbital, logwood extract, barium dioxide, oxalic acid, potassium chlorate.

"It has also submitted for the consideration of the commission the following six reports in tentative form for submission to the President: Barium dioxide, barbital, logwood extract, oxalic acid, potassium chlorate, wheat.

"An investigation once formally instituted by the commission becomes an entity and integrated procedure. The rules, regulations, and practice of the commission apply to all of the essential and necessary features of the investigation. It is incredible that the commission proposed to utilize the services of its experts and economists only at the initiation of an investigation. The practice, custom, and organization of the commission demonstrate its purpose and intention to utilize such services in all stages of the investigation from its inception to its conclusion, from the time the application is considered in accordance with the Executive order of October 7, 1922, to the preparation and completion of the final report to the President."

Commissioner Culbertson stated that he desired to refer to the records of the commission and upon such records disputes the accuracy of statements made by Chairman Marvin.

The chairman stated that he would ask for a statement of particulars in connection with the vice chairman's statement.

Commissioner Burgess submitted the following motion:

Whereas it has been the practice of the staff of the commission, acting under the "Regulations for the disposition of applications,

etc.," adopted by the commission July 23, 1923, and promulgated to the staff July 28, 1923, for the commodity chief to submit a report to the advisory board before the same was submitted to the commission: Therefore

Moved: That Doctor Bernhardt, chief of the sugar division, be directed to submit forthwith his report upon the sugar investigation to the advisory board, together with all evidential matter and the summary and digest of the same.

Moved further: That the advisory board be directed to examine and review the said report and submit to the commission at the earliest opportunity the result of such examination and review.

Commissioner Lewis stated that he challenged the correctness of the statements in the preamble of the foregoing motion submitted by Commissioner Burgess.

Commissioner Costigan submitted as a substitute for Commissioner Burgess's motion, the following:

Moved: That the Tariff Commission continue its consideration of the record and report in the sugar investigation (No. 12) at meetings to be held at 10.30 a. m. thereon each Monday, Wednesday, and Saturday hereafter until the commission's report to the President is ready for transmittal.

Moved further: That it is the purpose of the commission, during the consideration of said record and report, as need may arise and as the particular developments of the case may suggest, to request conferences with or reports on particular topics from the chief of the sugar division, the chief investigator, the chief economist, the chief of the legal division, Doctor Rutter, Doctor Townsend, and other members of the staff; that the above-specified members of the staff be instructed to hold themselves in readiness to comply with the commission's requests for such conferences or special reports; and that each of the above-specified members of the staff be furnished a copy of said report for immediate study in the light of the foregoing declaration of purpose and instruction.

The chairman ruled that the motion submitted by Commissioner Costigan was not in order as a substitute for the pending motion.

Commissioner Costigan asked that the records show that he excepted to the chairman's ruling in this connection.

The question thereupon being upon the motion submitted by Commissioner Burgess, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

Commissioner Burgess thereupon announced that in conformity with the statements submitted by him at the meeting of the commission on May 23, 1924, he would take no further part in the consideration of the report of the chief of the sugar division as submitted to the commission and that he would withdraw from the meeting of the commission.

Commissioner Lewis requested that the record show that he excepted to Commissioner Burgess's withdrawal.

Commissioner Costigan asked that the record show that he also excepted to Commissioner Burgess's withdrawal.

At the suggestion of the chairman, concurred in by the other members present, Commissioner Burgess was requested to remain in attendance without prejudice as to his position in protest of unusual methods adopted in the present proceeding. This suggestion was accepted by Mr. Burgess and he did not withdraw.

Chairman Marvin made the following statement:

"The substitute motion submitted by Commissioner Costigan sets apart three days out of every six for the consideration of the report of the chief of the sugar division. There are numerous reports awaiting consideration and action by the commission, many of them relating to industries in which there is urgent need of an early decision in regard to their petition for relief. It has heretofore been found necessary to continue in almost daily session to complete reports pending and prepare them for submission to the President. Therefore I can not vote for this resolution, as it would, if adopted, interfere with and prevent the speedy preparation of reports now before the commission. The second part of the motion contemplates a procedure quite different and distinct from the regular practice of the commission. It designates certain members of the staff as an impromptu consulting board for the commission instead of the regularly constituted advisory board, which was designed for this very purpose."

Commissioner Costigan requested that a vote be taken upon the motion submitted by him, as a substitute for Commissioner Burgess's motion.

The votes of the commissioners thereon were as follows:

In favor of the adoption of the substitute motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the substitute motion: Mr. Marvin.

The motion was therefore adopted.

Commissioner Burgess stated that he refrained from voting for the reason set forth in his statement at the meeting of the commission on May 23, 1924.

The chairman submitted the following motion:

Whereas Rule No. 8 of the regulations for the disposition of applications promulgated July 28, 1923, provides that "the person or persons to be directed to write a report for the advisory board shall be determined by the board, having regard to the nature of the subject matter";

Moved: That the Secretary be requested to ascertain and report in writing what directions, and by whom, have been given to the chief of the sugar division in regard to writing and submitting the report dated May 4, 1924, entitled "Preliminary draft of experts' report to the commission and the President on the difference in the costs of sugar production."

The votes of the commissioners on this motion were as follows:

In favor of the adoption of the motion: Mr. Marvin.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

Commissioner Burgess stated that he refrained from voting for the reason set forth in his statement at the meeting of the commission on May 23, 1924.

The chairman submitted the following motion:

Whereas Rule No. 9 provides that: "All orders, instructions, and directions given by or on behalf of the commission to the advisory board, or any member thereof, shall be in writing and shall be authenticated by the signature of the chairman"; and

Whereas Doctor Bernhardt, chief of the sugar division, is a member of the advisory board for the purposes of the investigation of the cost of production of sugar;

Moved: That Doctor Bernhardt is requested to report in writing immediately to the commission all orders, instructions, and directions given to him by any member of the commission or of the commission's staff during the progress of such investigation, including the preparation of the "Preliminary draft of experts' report to commission and President on the difference in the cost of sugar production."

The votes of the commissioners on this motion were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

The chairman submitted the following motion:

Whereas on October 16, 1923, the commission appointed Commissioners Marvin and Lewis a committee "to supervise the execution of the order of the commission as adopted this date in regard to hearings in the sugar investigation."

Moved: That the chief of the sugar division report immediately in writing to the commission all instructions and directions from such committee or any member thereof.

The votes of the commissioners on this motion were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

The chairman submitted the following motion:

Moved: That the question of the choice of the year or years to be used as a basis for cost comparison in the pending sugar investigation, one of the basic points to be determined in connection with said investigation, be referred to the advisory board for comment and suggestions.

The votes of the commissioners were as follows:

In favor of the adoption of the motion: Mr. Marvin.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

Commissioner Burgess stated that he refrained from voting for the reason set forth in his statement at the meeting of the commission on May 23, 1924.

The chairman submitted the following motion:

Moved: That the question of the method to be used for ascertaining the cost of purchased cane or beets, one of the basic points to be determined in connection with the pending sugar investigation, be referred to the advisory board for comment and suggestions.

The votes of the commissioners were as follows:

In favor of the adoption of the motion: Mr. Marvin.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

Commissioner Burgess stated that he refrained from voting for the reason set forth in his statement at the meeting of the commission on May 23, 1924.

The chairman submitted the following motion:

Moved: That the question of the treatment of invested capital in relation to cost of sugar production in the pending sugar investigation, one of the basic points to be determined in connection with said investigation, be referred to the advisory board for comment and suggestions.

The votes of the commissioners were as follows:

In favor of the adoption of the motion: Mr. Marvin.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

Commissioner Burgess stated that he refrained from voting for the reason set forth in his statement at the meeting of the commission on May 23, 1924.

The chairman submitted the following motion:

Moved: That the question of the form of average, if any, or type or cost to be used in the pending sugar investigation, one of the basic points to be determined in connection with said investigation, be referred to the advisory board for comment and suggestions.

The votes of the commissioners were as follows:

In favor of the adoption of the motion: Mr. Marvin.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

Commissioner Burgess stated that he refrained from voting for the reason set forth in his statement at the meeting of the commission on May 23, 1924.

The chairman submitted the following motion:

Moved: That the question of the treatment of items of cost which include in whole or in part the existing tariff rate on sugar in the pending sugar investigation, one of the basic points to be determined in connection with said investigation, be referred to the advisory board for comment and suggestions.

The votes of the commissioners were as follows:

In favor of the adoption of the motion: Mr. Marvin.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

Commissioner Burgess stated that he refrained from voting for the reason set forth in his statement at the meeting of the commission on May 23, 1924.

The chairman submitted the following motion:

Moved: That the question of the point at which differences in cost shall be calculated whether f. o. b. mill, f. o. b. seaboard refinery, principal competing point, etc., in the pending sugar investigation, one of the basic points to be determined in connection with said

investigation, be referred to the advisory board for comment and suggestions.

The votes of the commissioners were as follows:

In favor of the adoption of the motion: Mr. Marvin.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

Commissioner Burgess stated that he refrained from voting for the reason set forth in his statement at the meeting of the commission on May 23, 1924.

The chairman called attention to the fact that the secretary had submitted mimeographed copies of the preliminary draft of the report of the chief of the sugar division, and

Moved: That a copy of this draft be submitted to the chief economist and to the chief investigator, respectively, for the purpose of review and report.

Upon this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

The commission thereupon proceeded to the consideration of the report of the chief of the sugar division.

Upon motion by Commissioner Costigan the secretary was directed to request the chief economist and the chief of the sugar division to come in to the meeting of the commission. After complying with this direction the secretary reported that he was informed that Doctor Turner, the chief economist, was in New York City and that Doctor Bernhardt, the chief of the sugar division, was on his way to the meeting.

The chairman stated that he was not prepared to proceed with the consideration of the report submitted by the chief of the sugar division until he had an opportunity to receive the comment, criticism, and suggestions of members of the economics section employed by the commission for this purpose.

Commissioner Costigan requested that the record show that he objected to the withdrawal of the chairman and his refusal to participate further in the meeting of the commission.

The chairman thereupon retired and the vice-chairman, as acting chairman, called the meeting to order.

The chief of the sugar division being present the commission proceeded to read the report for its consideration.

During the consideration of the report it was—

Voted: That the chief of legal division be requested to prepare a memorandum for the commission on the relation between the reciprocity treaty, between the United States and Cuba, and the issuance of a proclamation affecting the duty on sugar under the provisions of section 315 of the tariff act of 1922.

The commission adjourned at 4.15 p. m.

Approved, June 13, 1924.

Attest:

THOMAS O. MARVIN, *Chairman*

JOHN F. BETHUNE, *Secretary.*



MAY 27, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The secretary laid before the commission a letter from the Secretary to the President, as follows:

THE WHITE HOUSE,  
Washington, May 26, 1924.

GENTLEMEN: The nonconfidential portion of the report of the Tariff Commission to the President on barium dioxide is returned herewith. The President directs me to say that this portion of the report may be released for publication and also printed, if the commission finds the demand therefor warrants this expense.

Sincerely yours,

C. B. SLEMP,  
Secretary to the President.

UNITED STATES TARIFF COMMISSION,  
Washington, D. C.

It was thereupon—

Voted: That the text of the nonconfidential portion of the report of the commission to the President in the investigation (No. 3) for the purposes of section 315 of the tariff act of 1922, in respect of the cost of production of barium dioxide, be printed as a Tariff Commission publication: *Provided*, That any portion of the report which is of a confidential character shall be omitted from the printed report.

Commissioners Lewis and Glassie were requested to examine the above-mentioned report with a view to the elimination of any portions of a confidential character.

Voted: That the chief of the chemical division be requested to prepare a memorandum upon the relationship between the duty on barium dioxide and the duty on hydrogen peroxide.

The chairman laid before the commission a letter from the Secretary of State dated May 24, 1924, in reply to the letter from the Tariff Commission under date of May 10, 1924, in reference to the application of Smith & Wesson for relief from alleged unfair acts in the importation of Spanish revolvers in violation of the provisions of section 316 of the tariff act of 1922.

The letter was referred to the committee consisting of Commissioners Costigan and Glassie, heretofore appointed in connection with this subject, with the request that they prepare a reply to the letter from the Secretary of State and recommend further proceedings to be taken by the Tariff Commission.

The chairman laid before the commission a report from the advisory board in reference to the investigation (No. 2) of alleged unfair acts in the importation and sale of brierwood pipes in violation of the provisions of section 316 of the tariff act of 1922.

The report was referred to a committee consisting of Commissioners Culbertson and Glassie for report and recommendation.

The chairman laid before the commission a memorandum dated April 30, 1924, from the advisory board, requesting instructions in regard to further proceedings in the investigations (Nos. 30 and 31) for the purposes of section 315 of the tariff act of 1922, of the costs of production, respectively, of rare sugars and of amino acids.

The memorandum was referred to a committee consisting of Commissioners Lewis and Burgess for report and recommendation.

The chairman called attention to the pendency of reply to the resolution of the Senate (S. Res. 221) of May 12, 1924, in respect of the commission's needs for additional appropriation.

Commissioner Costigan, from the committee to which this subject was referred, reported progress upon the preparation of the reply to the resolution.

The chairman suggested that the business of the commission might be facilitated by postponing for two or three weeks the effectiveness of the resolution of the commission adopted on May 26, 1924, for the holding of meetings in the commission on every Monday, Wednesday, and Saturday for the consideration of the report of the chief of the sugar division until the report should be finally acted upon.

The Chairman stated that by such a postponement the members of the advisory board would be enabled to formulate comments and suggestions upon the report and that the commission might, in the meantime, have opportunity to dispose of other pending business.

The suggestion was discussed generally by the commissioners, but it was not agreed upon.

Commissioner Glassie did not participate in the discussion.

Commissioner Burgess submitted the following resolution:

Moved: That an investigation for the purposes of section 315 of the tariff act of 1922 of the differences in costs of production of men's sewed straw hats is hereby instituted; that a preliminary hearing in said investigation shall be held on the 12th day of June, 1924; and that notice of said investigation and hearing shall be published forthwith.

After general discussion of the motion Commissioner Lewis—

Moved: That consideration of the foregoing motion be postponed until May 29, 1924.

The votes of the commissioners on this motion were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan, Burgess.

Against the adoption of the motion: Messrs. Marvin, Glassie.

The commission thereupon adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

Voted: That Dr. P. W. Bidwell is granted permission to deliver an address before a class at the New York Agricultural College, Ithaca, N. Y., on May 28, 1924, with the understanding that questions relating to tariff policy or the work of the Tariff Commission shall not be included in the address and that a copy of the manuscript of the address shall be submitted to the commission for approval before it is delivered.

The commission proceeded to a general consideration of the report the advisory board submitted under date of May 14, 1924, upon

plans for the investigation (No. 34) for the purpose of section 315 of the tariff act of 1922 of the cost of production of vegetable and animal oils and fats.

The commission adjourned without completing consideration of this report.

Approved, June 13, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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MAY 28, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan.

The commission resumed the reading and consideration of the report of the chief of the sugar division in the investigation (No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

The chief of the sugar division, the chief economist, and the chief investigator were present by request of the commission.

The chairman inquired whether there were any differences in the form of the report as mimeographed from that in which it was first submitted in typewritten copies.

Doctor Bernhardt, chief of the sugar division, stated that the only changes made were made by him without suggestion from anyone, except that in Table 9, on page 13, data as to the individual years included in that table were inserted at the request of Commissioner Lewis, and that the changes which he had made on his own motion were not changes of substance.

After general discussion of the report the commission adjourned until 2.30 o'clock p. m.

AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: The chief of the sugar division, the chief economist, and the chief investigator.

The commission resumed and continued consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar.

Approved, June 13, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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MAY 29, 1924.

Present: William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The chairman laid before the commission a letter dated May 28, 1924, from the Secretary to the President transmitting a communication to him from the Secretary of State under date of May 24, 1924,

in respect of the application of Smith & Wesson (Inc.), for relief from alleged unfair acts in the importation and sale of Spanish revolvers, in violation of the provisions of section 316 of the tariff act of 1922.

The letter and its inclosures were referred to the committee heretofore appointed upon this subject and consisting of Commissioners Costigan and Glassie.

Voted: That Mr. Myron R. Walker and Mr. Ray S. McKnight are authorized to travel to Philadelphia, Pa., and New York City, and return, on business in connection with the pending investigation (No. 36) for the purposes of section 315 of the tariff act of 1922, in respect of gold leaf.

The commission proceeded to the consideration of the motion submitted by Commissioner Burgess on May 27, 1924, proposing the institution of an investigation for the purposes of section 315 of the tariff act of 1922, in respect of men's sewed straw hats.

After a general discussion of the subject, it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

[Investigation by the United States Tariff Commission under the provisions of section 315 of Title III of the tariff act of 1922]

INVESTIGATION NO. 37 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

MEN'S SEWED STRAW HATS

The United States Tariff Commission on this 20th day of May, 1924, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 1406 of Title I of said tariff act, namely:

Men's hats, sewed, wholly or by chief value of straw or other material or materials mentioned in said paragraph, namely, straw, chip, grass, palm leaf, willow, osier, rattan, real horsehair, cuba bark, and manila hemp being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

[Hearing by the United States Tariff Commission under the provisions of section 315 of Title III of the tariff act of 1922]

INVESTIGATION NO. 37 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

MEN'S SEWED STRAW HATS

Whereas the United States Tariff Commission on this 20th day of May, 1924, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, ordered an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 1406 of Title I of said tariff act, namely:

Men's hats, sewed, wholly or in chief value of straw or other material or materials mentioned in said paragraph, namely, straw, chip, grass, palm leaf, willow, osier, rattan, real horsehair, cuba bark, and manilla hemp being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Notice is hereby given pursuant to section 315 of the tariff act of 1922 that a preliminary public hearing in the foregoing investigation will be held at the offices of the United States Tariff Commission, Washington, D. C., at 10 o'clock a. m., on the 12th day of June, 1924, at which hearing all parties interested will be given an opportunity to be present, to produce evidence, and to be heard with respect to the industrial effects of the duties on the articles above specified, the relation between raw materials subject to said duties and the finished or partly finished products derived therefrom, the differences in conditions of production in the United States and in the principal competing countries, including wages, cost of materials, and other items in cost of production, differences in the wholesale selling prices of the domestic and foreign articles in the principal markets of the United States and any other advantages or disadvantages in competition in respect of said articles.

This notice shall be published by posting a copy thereof for eight days prior to said 12th day of June, 1924, at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy thereof prior to said date once each in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce.

Voted: That Mr. Charles F. Yauch and Ralph A. Wells are authorized to travel to such points in the United States as may be necessary for the purpose of obtaining information in the investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, in respect of men's sewed straw hats.

Voted: That Mr. Frederick A. Achenbach in Berlin, Germany, and Mr. Gilbert Hirsch in Paris, France, be advised immediately by cablegram that the investigation for the purposes of section 315 of the tariff act of 1922 has been instituted in respect of men's sewed straw hats; and that they be instructed to make preparation therefor, in advance of the receipt of further detailed instructions, for investigation particularly in Germany and in Italy.

The commission proceeded to consider the report of the advisory board upon plans for the investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of vegetable and animal oils and fats.

Commissioner Burgess submitted the following motion:

Moved: That the plan of the advisory board for the investigation of vegetable oils dated May 14, 1924, is approved as revised by the commission and the chief investigator is hereby instructed forthwith to execute its provisions.

Moved further: That Mr. De Long and Doctor Bidwell are instructed to proceed immediately with the economic studies in connection with said investigation.

Moved further: That Mr. North and Mr. Heacock are authorized to travel in the United States for the purpose of gathering data on the different oils and fats, and of trying out in an experimental way in some of the oil mills the cost schedules already prepared.

Moved: That Mr. Cragg and Mr. (Fox, Simpson?) Geraci, Braun(?) are authorized to depart for Europe at the earliest convenient time for the purpose of conducting a field investigation on vegetable oils in Europe and British India.

Moved further: That Mr. Penning and Mr. Rutter, Whitcomb, Nye(?) are authorized to depart for Japan and China at the earliest convenient time for the purpose of conducting a field investigation in vegetable oils.

Commissioner Lewis proposed an amendment to the first paragraph of the motion by adding thereto:

*Provided*, That the adoption of the report of the advisory board by the commission is not to be understood as indicating any opinion whatever upon the part of the commission as to the legal interdependency of the various oils or fats, domestic or imported, under the tariff act of 1922.

Commissioner Glassie proposed an additional amendment to the first paragraph of the motion by adding thereto:

*Provided further*, That the adoption of this plan is not intended finally to foreclose such considerations with respect to additional commodities or the costs of raw materials as may be indicated in the judgment of the commission by the studies proposed in Part II.

Commissioner Glassie proposed an amendment to the second paragraph of the motion by striking out the period at the end of the paragraph and adding a comma and the words "and to submit their report thereon through the chief investigator to the advisory board."

Commissioner Glassie proposed an additional paragraph at the end of the motion as follows:

Moved further: That the personnel committee be authorized and directed to make inquiry and report with respect to the employment of a chemist known to be a special expert in the subject of vegetable oils and fats, to assist in the pending investigation of those subjects.

The commission directed that a committee consisting of the secretary, the chief investigator, the chief economist, and the chief of the chemical division, be instructed to consider and report to the commission recommendations of the members of the staff to be assigned to the field work in foreign countries in the investigation referred to in the foregoing motion in respect of vegetable and animal oils and fats.

The motion was then laid aside for further consideration at a meeting of the commission to be held at 3 o'clock p. m.

Voted: That the annual salaries of the employes of the commission listed below be, and the same are, increased as indicated opposite their respective names, to take effect June 1, 1924:

Miss Lillian T. Bowman, from \$1,200 to \$1,440.

Mr. E. J. Euker, from \$1,200 to \$1,440.

Miss T. A. Hagan from \$720 to \$960.

Herbert C. Walker, from \$720 to \$840.

Voted: That the secretary is authorized to arrange for the appointment of such clerks as may be needed to replace those resigned or transferred from his office.

The commission thereupon adjourned until 3 o'clock p. m.

The commission reconvened at 3 o'clock p. m.

Present: William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission resumed and continued the consideration of the report of the advisory board upon plans for the investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of vegetable and animal oils and fats.

After general discussion of the motion by Commissioner Burgess, with pending amendments, the question was on the amendments.

The amendment submitted by Commissioner Lewis was agreed to.

The question being upon the amendment proposed by Commissioner Glassie to the first paragraph of the resolution, the votes of the commissioners thereon were as follows:

In favor of the adoption of the amendment: Messrs. Culbertson, Costigan, Burgess, Glassie.

Against the adoption of the amendment: Mr. Lewis.

The amendment was therefore agreed to.

The question being upon the amendment proposed by Commissioner Glassie to the second paragraph of the motion, Commissioner Costigan proposed an amendment to the amendment by striking out the words "advisory board" and inserting the word "commission" so that if amended the proposed amendment would read, "and to submit their report thereon through the chief investigator to the commission."

Upon the amendment to the amendment the votes of the commissioners were as follows:

In favor of the adoption of the amendment to the amendment: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the amendment to the amendment: Messrs. Burgess, Glassie.

The amendment to the amendment was therefore agreed to.

The amendment as amended was agreed to.

The amendment proposed by Commissioner Glassie to add an additional paragraph at the end of the motion was agreed to.

The secretary reported from the committee designated to recommend members of the staff to be assigned to the field work in foreign countries in the investigation referred to in the foregoing motion in respect of vegetable and animal oils and fats, that the committee recommended for the European field work Mr. R. H. Cragg, Dr. B. B. Wallace, Mr. A. T. Geraci, and Mr. Mervyn Braun; and that the committee recommended for the field work in China and Japan Mr. C. H. Penning, Dr. F. R. Rutter, and Mr. E. M. Whitcomb

After further discussion of the motion, it was—

Voted: That the plan, dated May 14, 1924, of the advisory board for the investigation (No. 34) of vegetable and animal oils and fats, be, and the same is hereby, approved as revised by the commission;

and the chief investigator is hereby instructed to execute forthwith its provisions:

*Provided*, That the adoption of the report of the advisory board by the commission is not to be understood as indicating any opinion whatever upon the part of the commission as to the legal interdependence of the various oils or fats, domestic or imported, under the tariff act of 1922;

*Provided further*, That the adoption of this plan is not intended finally to foreclose such considerations with respect to additional commodities or the costs of raw materials as may be indicated in the judgment of the commission by the studies proposed in Part II.

Voted further: That Mr. C. R. De Long and Dr. P. W. Bidwell be instructed to proceed immediately with the economic study ordered in connection with said investigation, and to submit their report thereon through the chief investigator to the commission.

Voted further: That Mr. Dexter North and Mr. S. L. Heacock be authorized to travel to such places in the United States as may be necessary for the purpose of gathering data in respect of the different oils and fats, and of trying out the prepared cost schedules in an experimental way in some of the oil mills.

Voted further: That an economist to be designated by the commission, Mr. R. H. Cragg, Mr. A. T. Geraci, and Mr. Mervyn Braun, be authorized to travel to such places in Europe and British India as promptly as may be convenient, for the purpose of obtaining information in the pending investigation of the cost of production of vegetable and animal oils and fats.

Voted further: That Doctor Rutter, Mr. E. M. Whitcomb, and Mr. C. H. Penning be authorized to travel to such places as may be necessary in Japan, including Chosen, and China, including Manchuria, as promptly as may be convenient, for the purpose of obtaining information in the pending investigation of the cost of production of vegetable and animal oils and fats.

Voted further: That the personnel committee be authorized and directed to make inquiry and report with respect to the employment of a chemist known to be a special expert in the subject of vegetable oils and fats, to assist in the pending investigation of those subjects.

Voted: That a committee consisting of Commissioners Costigan and Glassie be appointed to consider and report with recommendations in respect of further orders by the commission which may be required in connection with the resolution of the commission of February 8, 1924, instituting the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922 in respect of vegetable and animal oils and fats.

Upon recommendation by the chief of the division of agricultural products and provisions it was—

Voted: That the temporary employment of Mr. W. J. Kurtz be extended and continued on existing terms until August 31, 1924.

Approved, June 13, 1924.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.



MAY 31, 1924.

Present: William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: The chief of the sugar division, the chief economist, and the chief investigator.

The commission resumed and continued consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar.

Approved, June 13, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JUNE 2, 1924.

Present: William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: The chief of the sugar division, the chief investigator, and the chief economist.

The commission resumed and continued consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar.

Approved, June 13, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JUNE 3, 1924.

Present: William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The acting chairman laid before the commission a memorandum from the chief of the chemical division with respect to the extension, to the Dutch East Indies and the Philippine Islands, of the foreign field work in the investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, of the costs of production of vegetable and animal oils and fats.

After general discussion of the subject by all the commissioners, it was—

Voted: That the commission withhold authorization to travel in the Dutch East Indies and the Philippine Islands, in the investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of vegetable and animal oils and fats, until definitely advised whether or not it will be necessary to make the investigation in the Dutch East Indies.

Voted: That Mr. Charles F. Yauch is hereby authorized to travel to Baltimore, Md., and return, in connection with the preliminary hearing to be held June 12, 1924, in the investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, in respect of men's sewed straw hats.

Voted: That Vice Chairman Culbertson is authorized to communicate with Dr. Grinnell Jones immediately, to ascertain whether he is available for European field work in the investigation (No.

34) for the purposes of section 315 of the tariff act of 1922, in respect of vegetable and animal oils and fats, in accordance with the resolution of the commission of May 29, 1924, authorizing certain members of the staff to travel to Europe and British India in this connection.

Commissioner Lewis called the attention of the commission to the fact that Senate Resolution 219, adopted by the United States Senate on May 12, 1924, on the subject of the cotton textile industry and brought up before the commission on May 13, 1924, had not been responded to.

After a general discussion of the subject by the commission, the acting chairman designated Commissioners Culbertson and Burgess as a committee to consider this subject and report to the commission with recommendations.

Commissioner Glassie, from the committee appointed in connection with the complaint of Smith & Wesson (Inc.), in respect of alleged unfair acts in the importation and sale of Spanish revolvers, in violation of the provisions of section 316 of the tariff act of 1922, submitted for the consideration of the commission a report relating to the temporary refusal of entry of such revolvers, to be transmitted to the President.

Commissioner Glassie also submitted a draft of an order instituting an investigation for the purposes of section 316 of the tariff act of 1922, in respect of alleged unfair acts in the importation and sale of revolvers simulating revolvers of the manufacture of Smith & Wesson (Inc.).

After general discussion of the subject, participated in by all the commissioners, it was—

Voted: That the commission vacate its order of June 15, 1923, which instituted an investigation under the provisions of section 316 of the tariff act of 1922, in respect of alleged unfair methods of competition and unfair acts in the importation and sale of revolvers simulating revolvers of the manufacture of Smith & Wesson (Inc.).

Voted further: That the commission institute, pursuant to rule, an investigation, for the purposes of section 316 of the tariff act of 1922, in respect of alleged unfair methods of competition and unfair acts in the importation and sale of revolvers simulating revolvers of the manufacture of Smith & Wesson (Inc.).

Voted: That the following order is hereby adopted by the United States Tariff Commission:

UNITED STATES TARIFF COMMISSION

In re: Investigation of alleged unfair methods of competition and unfair acts in the importation and sale of revolvers simulating revolvers of the manufacture of Smith & Wesson (Inc.). Section 316, Docket No. 1

Upon consideration of the complaint under oath filed on the 28th day of May, 1923, by Smith & Wesson (Inc.), it is this 3d day of June, 1924, ordered:

1. That an investigation pursuant to section 316 of the tariff act of 1922 be, and the same is hereby, instituted into the alleged unfair methods of competition and unfair acts in the importation and sale of revolvers simulating revolvers of the manufacture of the complainant, Smith & Wesson (Inc.), in violation of said section.

2. That notice be, and the same is hereby, given to the parties alleged in said complaint to be the manufacturers of the articles aforesaid, namely, Orbea Hermanos, Garate Antua Y Cia, Belsteguis Hermanos, Gulsasola, Tro-

caola Aranzabal y Cia, and Sociedad Alfa, all of Bilbao, Spain, and all other persons, firms, and corporations concerned as owners, importers, consignees, agents, or otherwise in the alleged unfair methods of competition and unfair acts in the importation and sale of said articles, that they, and each of them, will be afforded an opportunity to answer said complaint on or before the 21st day of July, 1924, and show cause, if any they have, why the provisions of section 316 of the tariff act of 1922 shall not be applied in respect of said alleged unfair methods of competition and unfair acts in the importation and sale of the articles complained of.

3. That public notice of said investigation shall be given by publishing a copy of this order once a week for two successive weeks, the latest of said publications to be made at least 24 days before said 21st day of July, 1924, in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.; also by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

4. That notice of said investigation shall also be given by mailing registered, postage prepaid, a copy of this order certified by the acting secretary of the commission under its seal to each of the persons, firms, or corporations heretofore specifically named at their respective addresses.

By the United States Tariff Commission.

W. S. CULBERTSON,  
*Vice Chairman and Acting Chairman.*

Voted: That in respect of the investigation of alleged unfair methods of competition and unfair acts in the importation and sale of revolvers simulating revolvers of the manufacture of Smith & Wesson, (Inc.), for the purposes of section 316 of the tariff act of 1922, a report relating to the temporary refusal of entry be transmitted to the President.

Approved, June 13, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JUNE 4, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: The chief of the sugar division, the chief economist, the chief investigator, Mr. Simpson, Doctor Rutter, and Mr. Fox.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

The commission met at 2.30 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Commissioner Culbertson laid before the commission a telegram received from Dr. Grinnell Jones, in response to the telegram sent him in accordance with instructions by the commission on June 3, 1924, as follows:

I can arrange to go to Europe this summer.

The committee, consisting of Commissioners Glassie and Costigan, laid before the commission a draft of a report in response to the

Senate Resolution 221 adopted by the Senate on May 12, and laid before the commission on May 13, 1924.

After general discussion of the subject by all the commissioners, this report was approved with power given to the committee to make such corrections as were necessary to put the report in final form for transmission to the Senate.

Voted: That Mr. Lawrence W. Moore be authorized to serve as acting secretary during the present temporary absence from Washington of the secretary of the commission.

Voted: That Mr. C. E. McNabb (or in his place Dr. B. B. Wallace) and Mr. F. L. Koch be authorized to attend the cement hearing under the antidumping law, to be held on June 6, 1924, in the Department of the Treasury.

Approved, June 13, 1924.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

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JUNE 6, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission proceeded to consider the report to the commission by the textile division on cotton cloth, in response to Senate Resolution 219.

The chairman laid before the commission Senate bill 3411 and Senate Resolution 240, each of which was respectively referred to the commission by letter from the clerk of the Senate Finance Committee.

After discussion of the subject it was—

Voted: That Senate bill 3411 and Senate Resolution 240 be forthwith referred to the advisory board for separate reports thereon to the commission.

Approved, June 13, 1924.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

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JUNE 7, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The committee appointed on June 3, 1924, consisting of Commissioners Burgess and Culbertson, to consider the report to the commission by the textile division on cotton cloth, in response to Senate Resolution 219, laid before the commission its report to be submitted to the Senate.

After consideration of the subject, it was—

Voted: That the report of the commission in response to Senate Resolution 219 on the present depression in, and the effect of imports upon, the cotton-cloth industry is approved and that it be transmitted to day to the Senate in time to permit it to be laid before the Senate before adjournment.

Voted: That Dr. Grinnell Jones is appointed special expert on the staff of the Tariff Commission with salary at the rate of \$6,000 per annum, and that he is authorized to take charge of the crew of the commission's staff selected to conduct the investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of vegetable and animal oils and fats, in Europe and British India.

Voted further: That Dr. Grinnell Jones be invited to come to the offices of the commission at Washington at his earliest opportunity, at the commission's expense.

Voted: That Dr. Frank R. Rutter's temporary employment be extended from June 19, 1924, to October 19, 1924, in order that he may be available for foreign field work in connection with the investigation of the commission (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of vegetable and animal oils and fats.

Voted: That Mr. Thomas O. Joyce's temporary employment be extended from June 30, 1924, to August 31, 1924, in order that he may be available for field work in the investigation (No. 35) for the purposes of section 315 of the tariff act of 1922, in respect of logs of fir, spruce, cedar, and western hemlock.

The commission thereupon adjourned.

The commission met at 11.15 o'clock a. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The commission resumed and continued consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

Approved, June 17, 1924.—

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JUNE 9, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Doctor Bernhardt, Mr. Comer, Doctor Rutter, Mr. Fox, Doctor Townsend.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

Approved, June 17, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JUNE 10, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess.

Voted: That the secretary is authorized to arrange for the printing of the report now in course of preparation upon the costs of producing sugar beets in the United States.

The chairman laid before the commission three communications from the clerk of the Committee on Finance, United States Senate, inclosing copies of the bill (S. 3429) to facilitate the marketing of farm products, the bill (H. R. 6425) to prohibit the importation and the interstate shipment of certain articles contaminated with anthrax, and of the joint resolution (S. J. Res. 136) for the relief of farmers, with the request that the commission furnish the Finance Committee with such suggestions as it may deem proper touching the merits of the respective measures and the propriety of their passage.

The secretary of the commission was instructed to confer with the chairman of the Committee on Finance, and to ascertain whether or not the committee desired formal reports from the commission upon these measures.

The chairman laid before the commission a memorandum from the chief investigator recommending that Dr. Frank R. Rutter be authorized to travel to New York City for the purpose of interviewing Mr. S. Takemura, managing director of Mitsui & Co., of Tokyo, Japan, in connection with the prospective investigation of the vegetable-oil industry in Japan.

It was thereupon—

Voted: That Dr. Frank R. Rutter be authorized to travel to New York City, and return, for the purpose of obtaining information in connection with the pending investigation (No. 34) of the differences in costs of production of vegetable and animal oils and fats, for the purposes of section 315 of the tariff act of 1922, and for the special purpose of an interview with Mr. S. Takemura, managing director of Mitsui & Co., of Tokyo, Japan.

The commission discussed the organization of the field forces of the commission designated to conduct in foreign countries, pursuant to the resolution of the commission adopted on May 29, 1924, the work in connection with the pending investigation (No. 34) of the differences in costs of production of vegetable and animal oils and fats, for the purposes of section 315 of the tariff act of 1922, and it was—

Voted: That until otherwise ordered by the commission Dr. Grinnell Jones be placed in charge of the party which will proceed to Europe and British India, and that Dr. Frank R. Rutter be placed in charge of the party which will proceed to Japan and China.

Voted: That the secretary is authorized to make arrangements for the appointment of special disbursing agents to accompany the respective parties of the commission's agents traveling in Europe and British India and in Japan and China, in connection with the pending investigation (No. 34) of the differences in costs of production of vegetable and animal oils and fats for the purposes of section 315 of the tariff act of 1922.

The chairman laid before the commission a memorandum by the chief economist and the chief of the agricultural division recommending that Mr. George D. Watrous be transferred from the agricultural division to the economics division on July 1, 1924, and that he be granted leave of absence without pay for a period of not to exceed six weeks for the purpose of attending a summer course at one of the universities.

It was thereupon—

Voted: That Mr. George D. Watrous be transferred on July 1, 1924, from the agricultural division to the economics division and that the secretary is authorized to grant him leave of absence without pay for a period of not to exceed six weeks, between July 1, 1924, and October 1, 1924, in order to enable him to attend a special course at one of the universities.

The secretary laid before the commission a telegram from Mr. Franklin H. Smith, chief of the lumber division, now in Seattle, Wash., requesting the assignment of an additional man to assist in the field work incident to the investigation (No. 35) of the differences in costs of production of logs of fir, spruce, cedar, and western hemlocks, for the purposes of section 315 of the tariff act of 1922.

It was thereupon—

Voted: That Mr. John A. Nye is authorized to travel to such places in the State of Washington and in British Columbia, Canada, under the direction of Mr. F. H. Smith, chief of the lumber division, as may be necessary in connection with the pending investigation (No. 35) of the cost of production of logs of fir, spruce, cedar, or western hemlock, for the purposes of section 315 of the tariff act of 1922.

The chairman laid before the commission a memorandum from the chief economist suggesting the appointment of an additional clerk, qualified as a mechanical draftsman, to assist in the preparation of charts and other drafting work.

The memorandum was referred to a committee consisting of Commissioners Lewis and Costigan for consideration and report to the commission.

Upon consideration of a memorandum by the chief investigator and the chief of the chemical division, it was—

Voted: That Mr. Harry L. Lourie be authorized to travel to New York City, and return, for the purpose of obtaining information concerning the consumption of vegetable oils by the salad oil and mayonnaise dressing industry and as to the interchangeability of oils in these industries, also for the purpose of obtaining information in reference to olive oil; all in connection with the pending investigation (No. 34) of the cost of production of vegetable and animal oils and fats for the purposes of section 315 of the tariff act of 1922.

Upon consideration of a memorandum by the chief economist, it was—

Voted: That Dr. Tipton R. Snaveley, of the department of economics at the University of Virginia, be requested to come to the offices of the commission for the purpose of an interview with regard to his availability for service as economist on the staff of the commission; and that the expenses of his trip to Washington and return be paid from funds available for the expenses of the commission.

Voted: That the secretary is authorized to request Dr. Thomas Walker Page to review the report prepared by the textile division upon the subject "cotton small wares" and to arrange with Doctor Page for his compensation for such service.

Voted: That the secretary is authorized to have printed such reports of the commission as are in condition to be transmitted to the Government Printing Office.

The chairman laid before the commission a memorandum from the chief of the chemical division recommending that the Tariff Commission undertake a study of the cost of the dye used, respectively, in various typical articles of clothing.

Upon consideration of the memorandum it was not deemed to be feasible to undertake such an investigation at this time.

Voted: That the secretary is authorized to approve expenses which may be incurred by the commission's agents traveling abroad in the pending investigation (No. 34) of the cost of production of vegetable and animal oils and fats, for the purposes of section 315 of the tariff act of 1922 for necessary interpreters, clerical service, supplies, and other incidental requirements in connection with the proper discharge of their duties.

Voted: That Mr. Oscar B. Ryder, of the textile division be requested to read, for constructive criticism, the manuscript draft of a report prepared upon the artificial-silk industry.

Approved, July 11, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*,

JUNE 11, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Doctor Bernhardt, Mr. Comer, Doctor Townsend, Mr. Fox, Mr. Simpson.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

Approved, June 17, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JUNE 12, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its published order adopted on May 29, 1924, setting this date for a preliminary hearing in the investigation (No. 37) of the differences in costs of production of, and of all other facts in relation to men's sewed straw hats, under the provisions of section 315 of the tariff act of 1922.

After receiving evidence submitted by all parties appearing and requesting to be heard, the commission announced that the preliminary public hearing was adjourned.

Approved, June 17, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.



JUNE 13, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on May 23, 27, and 29, June 3, 4 (second session), and 6, 1924, were read and approved.

The minutes of the meetings of the commission held on May 26, 28, and 31, June 2, and 4 (first session), 1924, were read and approved, Commissioner Glassie not participating.

Commissioner Costigan, from the committee appointed on May 23, 1924, to which was referred the application of the Signal Mountain Portland Cement Co., under the provisions of section 316 of the tariff act of 1922, reported progress.

The chairman stated that he was informally advised by a representative of the Signal Mountain Portland Cement Co. that that company desired that action upon its application above referred to should be deferred by the commission.

The chairman stated further that he had requested the representative of the applicants in this case to submit this request to the commission formally in writing.

Upon consideration of a memorandum from the acting chief of the metals division and the chief investigator it was—

Voted: That Mr. Myron R. Walker and Mr. Ray S. McKnight, who are now in New York City on business in connection with the pending investigation (No. 36) of the cost of production of gold leaf, for the purposes of section 315 of the tariff act of 1922, be authorized to travel also from New York City to Hartford, Conn., and return, in connection with the same investigation.

Voted: That Messrs. P. W. Bidwell, Dexter North, and S. L. Heacock are authorized to travel to New York and vicinity, and return, for the purpose of gathering data with respect to the investigation (No. 34) of the differences in costs of production of vegetable and animal oils and fats, for the purposes of section 315 of the tariff act of 1922.

Approved, June 17, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JUNE 14, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Doctor Bernhardt, Doctor Turner, Mr. Comer, Mr. Simpson, Doctor Rutter, Mr. Fox, Doctor Townsend.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

Commissioner Culbertson offered the following motion:

Moved: That the experts of the commission, under the direction of a committee consisting of Commissioners Lewis and Burgess, be instructed to proceed with the preparation of a tentative final draft

of the report for the president of the facts found by the commission in the sugar investigation.

Moved further: That the committee is requested to submit to the commission forthwith an outline of the final draft of such report for the President.

Commissioner Burgess, as a substitute for the foregoing motion, offered the following motion:

Moved: That the report of the chief of the sugar division be referred to the advisory board for review and comment.

The votes of the commissioners upon the substitute motion were as follows:

In favor of the adoption of the substitute motion: Messrs. Marvin, Burgess.

Against the adoption of the substitute motion: Messrs. Culbertson, Costigan, Lewis.

The substitute motion was therefore rejected.

By unanimous consent the consideration of the motion of Commissioner Culbertson was postponed, to be taken up at the meeting of the commission on June 16, 1924.

Approved, July 11, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JUNE 16, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Doctor Bernhardt, Doctor Turner, Mr. Comer, Mr. McNabb, Mr. Simpson, Doctor Rutter, Mr. Fox, Doctor Townsend.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

Commissioner Culbertson asked for a vote upon his motion submitted at the meeting of the commission on June 14, 1924, as follows:

Moved: That the experts of the commission, under the direction of a committee, consisting of Commissioners Lewis and Burgess, be instructed to proceed with the preparation of a tentative final draft of the report for the President of the facts found by the commission in the sugar investigation.

Moved further: That the committee is requested to submit to the commission forthwith an outline of the final draft of such report for the President.

The question being put upon the foregoing motion by Commissioner Culbertson, the motion was agreed to.

Commissioner Burgess stated that he withheld his vote because the effect of the motion was contrary to the position taken by him as stated at the meeting of the commission on May 23, 1924, in respect of the proper disposition of the report of the chief of the sugar division.

Commissioner Burgess further stated that he would, however, acquiesce in the action of the commission at this time and would cooperate by serving as a member of the committee designated in the resolution above adopted on the motion by Commissioner Culbertson.

Approved, July 11, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JUNE 17, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held June 7 (second session), 9, and 11, 1924, were read and approved, Commissioner Glassie not participating.

The minutes of the meetings of the commission held June 7 (first session), 12, and 13, 1924, were read and approved.

The secretary reported receipt of the Executive order, as follows:

EXECUTIVE ORDER

It is hereby ordered that from the second Saturday of June to the second Saturday of September, both inclusive, of each year until further notice four hours, exclusive of time for luncheon, shall constitute a day's work on Saturdays for all clerks and other employees of the Federal Government, wherever employed; and all Executive or other orders in conflict herewith, except the Executive order of April 4, 1908, relating to certain naval stations, are hereby revoked.

*Provided, however,* That this order shall not apply to any bureau or office of the Government, or to any of the clerks or other employees thereof, that may for special public reasons be excepted therefrom by the head of the department or supervision or control of such bureau or office, or where the same would be inconsistent with the provisions of existing law.

CALVIN COOLIDGE.

THE WHITE HOUSE,  
June 13, 1924.

Voted: That the statements made by Commissioners Burgess, Glassie, and Marvin, as entered in the minutes of the meeting of the commission held on May 23, 1924, and in reference to their personal or family interest in the production of butter for the purposes of section 315 of the tariff act of 1922, be referred to the Comptroller General of the United States with the request for a ruling by him in view of that portion of the independent offices appropriation act for the fiscal year 1925, which provides—

That no part of this appropriation shall be used to pay the salary of any member of the United States Tariff Commission who shall hereafter participate in any proceedings under said sections 315, 316, 317, and 318 of said act, approved September 21, 1922, wherein he or any member of his family has any special, direct, and pecuniary interest, or in respect to the subject matter of which he has acted as attorney, legislative agent, or special representative.

Voted: That the salary of Mr. H. J. Bierman of the commission's staff be increased from \$2,500 to \$3,000 per annum, effective June 16, 1924.

The chairman requested the secretary to furnish a statement as to the condition of the commission's appropriation for the fiscal year 1924, particularly in respect of any unallotted balance available for expenditure.

The secretary submitted the following statement:

The amount of the appropriation for commission expenses, exclusive of printing and binding \$680,000.

Amount expended to June 17, 1924.....	\$639, 889. 67
Amount unexpended to June 17, 1924.....	40, 110. 33
Outstanding liabilities and obligations for the remainder of the fiscal year.....	35, 847. 33
Balance actually unallotted on June 17, 1924.....	4, 263. 00

The secretary explained that the last two figures in the statement were estimates based upon the best available data and might be respectively increased or decreased as estimates for sundry indeterminate items might change.

The chairman called attention to the urgency of the mesh-bag and bent-wood chair applications.

Commissioner Lewis requested that the bent-wood chair application go over until all members of the commission should be present.

Commissioner Burgess—

Moved: That an investigation for the purposes of section 316 of the tariff act of 1922 be instituted in respect of mesh bags.

Commissioner Culbertson entered the meeting at this time.

Upon motion by the chairman, submitted as a substitute for the foregoing motion by Commissioner Burgess, it was—

Voted: That the advisory board be requested to submit a report by Friday, June 20, 1924, upon the pending application for an investigation for the purposes of section 316 of the tariff act of 1922, in respect of mesh bags.

The commission resumed and continued consideration of the draft of a report to the President in the investigation (No. 11) of the differences in cost of production of paint-brush handles, for the purposes of section 315 of the tariff act of 1922.

Approved, July 11, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JUNE 18, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The chairman referred to the resolution adopted by the commission on June 16, 1924, as follows:

That the experts of the commission, under the direction of a committee, consisting of Commissioners Lewis and Burgess, be instructed to proceed with the preparation of a tentative final draft of the report for the President of the facts found by the commission in the sugar investigation.

The chairman—

Moved: That the words "the report for the President of the facts found by" be struck out and that in lieu thereof the words "a report

to the President on the data in possession of " be inserted, so that the resolution, as amended, would read as follows:

That the experts of the commission, under the direction of a committee, consisting of Commissioners Lewis and Burgess, be instructed to proceed with the preparation of a tentative final draft of a report to the President on the data in possession of the Commission in the sugar investigation.

After general discussion of the motion, the votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

Commissioner Culbertson inquired whether the committee consisting of Commissioners Lewis and Burgess, as named in the resolution of the Commission adopted on June 16, 1924, was ready to report upon an outline for the final draft of the commission's report to the President in the sugar investigation.

After discussion of the subject it was agreed (Commissioner Costigan objecting to the postponement) that the committee should submit its report at the meeting of the commission to be held on Saturday, June 21, 1924.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

Messrs. Bernhardt, Turner, Comer, Fox, Simpson, Rutter, and Townsend of the commission's staff were called in to the meeting by direction of the commission.

The commission adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Doctor Bernhardt, Doctor Turner, Mr. Comer, Mr. Fox, Mr. Simpson, Doctor Rutter, and Doctor Townsend.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

The chairman laid before the commission a report prepared by the chief of the legal division on outstanding questions of law involved in the sugar investigation.

Commissioner Lewis—

Moved: That the report be not received but that it be returned to the chairman as not having been requested by the commission.

Upon motion by Commissioner Costigan, the consideration of Commissioner Lewis's motion was deferred.

Approved, July 11, 1924.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

JUNE 19, 1924.

Present: Thomas O. Marvin, William Burgess, Henry H. Glassie.  
A quorum of the commission not being present the commission adjourned.

Approved, August 7, 1924.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

JUNE 20, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The chairman referred to the need for arranging the work of the commission for the next fiscal year in view of the appropriation available to the commission; and

Moved: That the subject of classification and personnel be taken up by the commission on Tuesday next, June 24, and that the secretary be instructed to ask a report from the heads of divisions in regard to the present classification of members of their respective divisions and also as to such possible reductions in personnel as can be made without injury to the work of the commission.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

Upon motion by the chairman, it was—

Voted: That the subject of classification and personnel be referred to the committee appointed on that subject on March 16, 1923, consisting of Commissioners Marvin and Costigan and the secretary, and that the committee be requested to report to the commission on Tuesday next, June 24, 1924.

Commissioner Glassie returned the report submitted to the President in the investigation (No. 7) for the purposes of section 315 of the tariff act of 1922 in respect of the costs of production of sodium nitrite, together with a mimeographed copy thereof indicating changes which appeared to be necessary in order to eliminate material likely to divulge trade secrets or processes.

The secretary was directed to retain the report until Monday next, June 23, for the purpose of permitting such commissioners as might desire to do so to examine the report; and to send the report to the printing office on that date if no commissioner desired further to consider it.

Commissioner Glassie, having inquired as to the status of the proposed report in the investigation (No. 11) of the cost of production of paintbrush handles for the purposes of section 315 of the tariff act of 1922.

Moved: That the committee having charge of the paintbrush handle report be requested to submit on Tuesday next, June 24, if practicable, revision of the draft of the report to the President heretofore laid before the commission; and that if it be not practi-

cable so to report such revision, the committee shall state in writing the reason therefor.

On this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

Voted: That the Secretary is authorized to take such action as may be necessary for the transfer of Messrs. Frank R. Rutter, C. H. Penning, E. M. Whitcomb, Grinnell Jones, R. H. Cragg, A. T. Geraci, and Mervyn Braun, to the field service of the commission, the salary of each of these employees, with the exception of Dr. Grinnell Jones, to be increased at a rate not to exceed \$1,440 per annum during such field service.

Voted: That in order to facilitate the field work of the commission headquarters for foreign investigations by the United States Tariff Commission are hereby established temporarily at Yokohama, Japan.

Voted: That Dr. F. R. Rutter, Mr. C. H. Penning, and Mr. E. M. Whitcomb are hereby transferred from the office of the commission at Washington, D. C., to the headquarters of the commission at Yokohama, Japan.

Voted: That Dr. Grinnell Jones, Mr. R. H. Cragg, Mr. A. T. Geraci, and Mervyn Braun, are hereby transferred from the office of the commission in Washington, D. C., to the headquarters of the commission heretofore established in Berlin, Germany.

Commissioner Glassie called up for consideration his motion submitted on May 20, 1924, proposing rules of procedure after the close of public hearings in investigations by the commission.

After general discussion of the subject, the motion went over for further consideration.

Upon recommendation by the chief of the chemical division, it was—

Voted: That Mr. Dexter North and Mr. S. L. Heacock, who are now in New York City on official business in connection with the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922 in respect of vegetable and animal oils and fats, are authorized to travel also to Philadelphia, Pa., for the purpose of obtaining information from coconut oil crushers.

Upon request by the chief of the lumber division, it was—

Voted: That Mr. F. H. Smith, chief of the lumber division, now engaged in field work in the State of Washington, in the investigation (No. 35) for the purposes of section 315 of the tariff act of 1922, in respect of the cost of production of logs of fir, spruce, cedar, or western hemlock, is authorized to travel also to Portland, Oreg., and return, in the same connection.

Approved, July 11, 1924.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

JUNE 21, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The commission resumed consideration of the motion submitted by Commissioner Lewis at the afternoon session of the meeting of the commission on June 18, 1924,—that the report prepared by the chief of the legal division and laid before the commission by the chairman be not received by the commission.

After general discussion of the motion, it was, upon motion by Commissioner Costigan, in the nature of a substitute,

Voted: That in lieu of the reception of the written report of the chief of the legal division, Mr. McNabb, be invited to discuss orally with the commission, at its next meeting, such legal questions as he may consider to be raised by the report of the chief of the sugar division.

The votes of the commissioners on this resolution were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan, Burgess.

Against the adoption of the motion: Mr. Marvin.

The motion was therefore agreed to.

The chairman submitted the following statement in reference to the foregoing resolution—

I have no objection to the oral discussion by the chief of the legal division, at the request of the commission, of the legal phases and aspects of questions raised in connection with the sugar report submitted by the chief of the sugar division.

Commissioner Lewis, as a member of the committee consisting of Commissioners Lewis and Burgess, appointed on June 16, 1924, to prepare and submit to the commission an outline of the final draft of the report of the commission in the pending sugar investigation, submitted a report as follows:

The undersigned, as a member of the committee appointed to prepare a report of facts for the President in the sugar investigation, submits the following recommendations:

(1) That the commission and its staff acting under its instructions shall use every reasonable endeavor to complete the commission's report in the sugar investigation for the President not later than June 30, 1924.

(2) That the report in substance shall consist of: (a) Part I. Containing all the relevant data of the sugar investigation in the possession of the Tariff Commission, presented, so far as practicable, in concise and summary form, terminating with the conclusions and findings of fact, if any, of the commission and the several commissioners.

(b) Part II. An appendix, containing all basic tables and data excluding confidential information.

(c) Part III. Confidential information.

(3) That the main body of such report to the President on the facts found by the commission shall consist of the data and material presented by the commission in the report of the chief of the sugar division, subject to such revisions as may be determined upon in the consecutive review of that report by the commission.

(4) That the tentative final draft of the report (except the conclusions and findings of fact of the commission or commissioners), shall be prepared, subject to revision by the commission, as follows:

(a) Doctor Bernhardt, chief of the sugar division, and the chief investigator, after the commission shall have indicated the revisions desired by it in his report as chief of the sugar division, shall have direct charge and supervision of the preparation of the revised report (except the conclusions and findings of fact of the commission or commissioners); shall be responsible for co-



ordinating and expediting the revised report; and in so doing they shall keep in mind the following subjects:

I. History of the investigation.

(A) Introductory statement.

(a) Application,

(b) Action by commission,

(c) Plan of field work,

(1) Fields covered,

(2) Number of men employed and time devoted to each field.

(d) A description of the tabulation of results and preparation of the final report.

(B) Method of investigation.

(a) Method pursued in securing data in each section and material obtained.

(b) Method of arriving at material costs whether (1) based upon actual growing costs, (2) based upon selling price of refined sugar.

(C) Scope of investigation.

(a) Production in the various sugar centers and trends of such production.

(b) Acreage planted to cane or beet in the various sugar centers.

(c) Importations of sugar from Cuba and revenue derived therefrom since 1910.

(d) Consumption of sugar in the United States from 1910.

(e) Table showing Cuba and world production of sugar from 1910.

(f) The establishment of the principal competing country.

II. (No material.)

III. Results of investigation. Separate tables for each region, and for the whole United States, showing in detail all costs, by years, such costs to include among others the following:

(a) Cost of cane,

(b) Manufacturing expense,

(c) Repairs and maintenance,

(d) Administration,

(e) Fixed charges (excluding interest),

(f) Investment cost,

(g) Marketing cost, etc.

IV. Methods of comparing costs of production,

(A) Forms of average;

(a) Weighted average,

(b) Bulk line cost.

(B) Regions reported on.

The tables showing one, two, three and six year weighted average and bulk line costs for each of the sugar regions and for the United States as a whole.

Tables for showing Louisiana cost comparisons as between the Louisiana crop and that of the preceding and succeeding Cuban crops.

These similar comparisons to be made for beet sugar.

Doctor Townsend is to prepare a statement of the nature of the industry; also a brief history of the industry; also a sketch reviewing the investigation covering in detail sugar producing countries and sections, namely:

(a) Cuba, Porto Rico, Hawaii, Louisiana, and the beet-sugar area.

(b) The methods pursued in securing facts in each section.

(c) The number of men employed in each section.

(d) In detail the methods used in tabulating results thus secured and the preparation of the final report.

Doctor Simpson and Mr. Fox are to prepare separate reports on such bulk-line points as each may designate as most thoroughly representing reasonable bulk-line points for each year in Cuba and in the United States for each of the periods considered in the report of the chief of the sugar division from the standpoint of weighted averages. The bulk-line data are, in part, to be presented in tables and charts for the separate regions.

The chief investigator is to prepare a list of documents and description of the material secured by the commission in the investigation.

Doctor Brossard is to prepare a statement, with table, showing the acreage planted to sugar beets for a series of years, and a section on sugar beets to be used illustratively in the report.

Doctor Simpson and Mr. Fox are to prepare a revised report on investment data tables.

Each of such subcommittees shall report the requested material to the commission through the chief investigator and chief of the sugar division.

In addition, the chief of the sugar division shall personally prepare tables giving the statistical results of the sugar investigation, based separately upon periods of one, two, three, and six year periods for the United States and Cuba according to weighted averages; also tables showing Cuban and world production of sugar since 1910; also tables showing production and consumption of sugar in the United States since 1910.

Commissioner Burgess submitted the following statement in reference to the foregoing report by Commissioner Lewis—

As a member of the committee I regret that I can not fully concur in parts of the report submitted by my colleague, Mr. Lewis, although in much of the essential matter I do fully concur.

(1) Although I am desirous that the report for the President should be completed at the earliest possible date, I can not see how it is within the bounds of possibility to do so by June 30—that is, seven working days from this date.

(2) If the "relevant data" referred to under the second heading refers to data other than that collected under the investigation just completed, such data should not be used unless full information as to the character of the information is set forth. I do not feel that material previously collected by the Tariff Commission on the subject of sugar is at all complete or comparable with the data recently secured and verified by our present staff. Mr. Wright himself is very frank in stating that the previous data collected by the commission was not obtained with the completeness of the present data and that the schedules were sent out and answered by correspondence.

(3) While I believe that a great part of the "data and material presented to the commission in the report of the chief of the sugar division" should be, and will be, embodied in the report to the President, I am not prepared to recommend that "the main body of such report" shall consist of such data and material. It may and it may not.

(4) I can not concur in the recommendation that "the tentative final draft of the report shall be prepared" by "Doctor Bernhardt, the chief of the sugar division, and the chief investigator." The chief economist should, in my opinion be the principal member of such committee. The sugar investigation is a most complex economic question and should have the scrutiny of at least the chief economist, who should also have "direct charge and supervision of the preparation of the revised report." Doctor Bernhardt would necessarily be relied upon for the actual preparation of such report because of his familiarity with the subject, but inasmuch as he prepared the original report submitted directly to the commission without being submitted to the advisory board, or the economic staff, few, if any, changes would be likely to be made in the original draft.

(5) If, by submitting this report, the work of the committee is completed further comment is unnecessary, but if, as I understand the intent of the resolution, your committee is expected to supervise the preparation of the tentative report and to expedite its preparation, then I do not see the necessity for the suggestion made by Commissioner Lewis, namely, that "each of such committee shall report the requested material to the commission through the chief investigator and the chief of the sugar division." If, however, I am mistaken, I feel very earnestly that, as above stated, the chief economist should be a member, and the chairman, of this committee of the staff.

(6) The suggestion "that the chief of the sugar division shall personally prepare tables giving statistical results of the sugar investigation," etc., without collaboration with the other economists of the staff, is placing too much in one man's hands and requiring more than one man can satisfactorily accomplish.

I therefore beg leave to submit a separate report which also embodies much of this material upon which your committee is in agreement.

## REPORT OF COMMITTEE ON PREPARATION OF TENTATIVE FINAL DRAFT OF REPORT FOR THE PRESIDENT IN THE SUGAR INVESTIGATION

*Statement.*—The purpose of the resolution of June 16, as I understand it, was that a statement of material data be prepared upon which all commissioners can agree, leaving each commissioner free to apply such data as may be deemed proper.

*Report.*—The undersigned member of your committee begs leave to report and recommend that the members of the staff be directed to prepare a tentative final draft of the report on sugar to be submitted to the President, using such parts of the preliminary report submitted directly by the chief of the sugar division to the commission as are based upon actual findings in the several fields investigated and the evidential matter collected in the present investigation; and eliminating therefrom all argumentative, hypothetical and other matter not of a factual character, and adding such statistical data, approved by all the commissioners, as may be helpful to a complete understanding of the subject.

This report shall outline clearly, accurately, completely, and yet as briefly as is consistent with thoroughness, the following:

## I. History of the investigation.

## (A) Introductory statement.

(a) Application.

(b) Action by commission.

(c) Plan of field work.

(1) Fields covered.

(2) Number of men employed and time devoted to each field.

(d) A description of the tabulation of results and preparation of the final report.

## (B) Method of investigation.

(a) Method pursued in securing data in each section and material obtained.

(b) Method of arriving at material costs, whether (1) based upon actual growing costs, (2) based upon selling price of refined sugar.

## (C) Scope of investigation.

(a) Production in the various sugar centers and trends of such production.

(b) Acreage planted to cane or beet in the various sugar centers.

(c) Importations of sugar from Cuba and revenues derived therefrom since 1910.

(d) Consumption of sugar in the United States from 1910.

(e) Table showing Cuba and world production of sugar from 1910.

(f) The establishment of the principal competing country.

## II. A description of social and industrial conditions in the various sugar producing centers and the adjustment of such social conditions of the people in the chief sugar areas to the sugar industry.

## III. Results of investigation. Separate tables for each region, and for the whole of the United States, showing in detail all costs, by years, such costs to include among others the following:

(a) Cost of cane.

(b) Manufacturing expense.

(c) Repairs and maintenance.

(d) Administration.

(e) Fixed charges (excluding interest).

(f) Investment cost.

(g) Marketing cost, etc.

## IV. Methods of comparing costs of production.

(A) Forms of average or bulk-line cost to be used.

(a) Weighted average.

(b) Bulk-line cost.

(B) Regions to be compared.

(C) A statement as to the relative merits for using, for comparison with the Louisiana and beet crops, the preceding or succeeding Cuban crop.

- V. A comparison of averages and other forms of cost for the various regions. Table showing one, two, three, and six year weighted average and bulk-line costs for each of the sugar regions and for the United States as a whole. Table for showing Louisiana cost comparisons should be made as between the Louisiana crop and that of the preceding and succeeding Cuban crops. These similar comparisons to be made for the beet sugar.
- VI. Differences in costs of production. Table comparing Cuban costs with the costs of each of the sugar regions in the United States and with the United States as a whole, using one, two, three, and six year periods for both weighted average and bulk-line costs. For the Louisiana and the beet fields cost comparisons should be made as between the Louisiana and beet crops and that of the preceding and succeeding Cuban crops.
- VII. Competitive advantages and disadvantages of Cuba and the several sugar regions investigated, such as:
1. Taxation.
  2. Marketing.
  3. Transportation, etc.
- VIII. Estimated sums paid for American sugar consumed:
1. By wholesale.
  2. By retail.
- IX. Summary of available data.
- X. The commission to assign to the various members of the staff the subdivisions of the above report, so that the completion of the report may be expedited.

After general discussion of the foregoing statements Commissioner Lewis---

Moved: That the committee, consisting of Commissioners Lewis and Burgess, appointed on June 16, 1924, to prepare an outline of the report of the commission for the President in the pending sugar investigation, be discharged.

Upon motion by Commissioner Costigan the motion was amended to include the thanks of the commission.

The chairman as a substitute for the motion by Commissioner Lewis submitted the following motion:

Whereas the committee, after diligent effort and faithful performance of the duties devolving upon it, has submitted two reports,

Moved: That the report submitted by Commissioner Burgess be accepted.

On this substitute motion the votes of the commissioners were as follows:

In favor of the adoption of the substitute motion: Messrs. Marvin, Burgess.

Against the adoption of the substitute motion: Messrs. Culbertson, Lewis, Costigan.

The substitute motion was therefore rejected.

The question reverting to the motion submitted by Commissioner Lewis, as amended, the votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan, Burgess.

Against the adoption of the motion: No votes.

The motion was therefore agreed to.

Upon motion by Commissioner Costigan it was---

Voted: That the report of the chief of the sugar division to the commission in the sugar investigation is hereby tentatively adopted subject to such changes and additions by the commission as may be

determined upon to make it conform to the form and substance of the report of the commission in the sugar investigation to the President.

Voted further: That the commission proceed forthwith to consider such changes and additions.

Upon this resolution the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess.

The chairman stated that he voted against this motion because, in his opinion, it apparently forecloses opportunity of the commissioners to submit the material in the possession of the commission to review, scrutiny, and comment by the economists of the staff, and that he reserved his right to secure the opinion and comment of the economists of the staff in regard to the data in the possession of the commission in connection with the sugar investigation, prior to submitting his views and opinions in regard to the final draft of the report to the President.

Commissioner Burgess stated that he joined in the foregoing statement by the chairman.

Commissioner Lewis asked that the records show that he objected to the unfairness of the foregoing statement by the chairman and Commissioner Burgess.

Commissioner Costigan stated that as the mover of the foregoing resolution he regretted that Commissioners Marvin and Burgess deemed it necessary to express in the record a misinterpretation of that resolution.

Commissioner Culbertson submitted the following motion:

Moved: That the following members of the staff shall submit, on or before June 30 for the consideration of the commission, suggestions upon or additions to information contained in the report of the chief of the sugar division, to wit:

(a) By Doctor Townsend: Information on the procedural history of the investigation and the history and nature of the sugar industry.

(b) By Doctor Simpson and Mr. Fox: The preparation of separate reports on such bulk-line points as each may designate as thoroughly representing all bulk-line points for each year in Cuba and in the United States for each of the periods considered in the report of the chief of the sugar division from the standpoint of weighted averages.

(c) By the chief of the sugar division: A list of documents and description of the material secured by the commission in the investigation.

(d) By Doctor Rutter: Information on the method of ascertaining the cost of cane and beets.

(e) By Doctor Brossard: The preparation of a statement with table showing acreage planted to sugar beets for a series of years and a section to be inserted illustratively in the report on the cost of growing beets in the United States.

(f) By Doctor Simpson and Mr. Fox: Data on investment.

(g) By Doctor Bernhardt: Tables giving the statistical results of the sugar investigation, based separately upon periods of one, two, three, and six year periods for the United States and Cuba according to weighted averages; also tables showing Cuban and world production of sugar since 1910; also tables showing production and consumption of sugar in the United States since 1910.

Moved further: That the chief investigator and the chief of the sugar division are authorized to employ in such editing and such revision of the said report as the Tariff Commission may direct the services of any member of the staff, and that said members of the staff shall give continuous and undivided precedence to their respective tasks as assigned by the commission until completed.

Moved further: That any member of the commission desiring data incorporated in the report shall submit such data to the commission for its consideration.

The chairman moved that an additional paragraph be added to the motion by Commissioner Culbertson, as follows:

Moved further: That nothing in the above resolution shall be construed as authorizing any expert of the commission or any member of the staff from responding promptly and fully to any request from any commissioner for a report on any of the data in the possession of the commission or on any phase of the legal problems involved.

Commissioner Lewis moved that there be added to the amendment submitted by the chairman a colon and the following:

*Provided*, That priority be first completely given to the tasks above assigned.

On the amendment proposed by Commissioner Lewis the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Mr. Marvin.

The amendment to the amendment was therefore agreed to.

The question being upon the amendment submitted by the chairman, as amended, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Mr. Marvin.

The amendment as amended was therefore agreed to.

The question being upon the original motion by Commissioner Culbertson as amended, the votes of the Commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Mr. Marvin.

The motion was therefore agreed to.

Commissioner Burgess stated that he refrained from voting on the motion and the amendments because the sugar report had not been submitted to the advisory board as was the universal custom in such matters and also because the motion did not in any way recognize the chief economist or the economic division of the staff.

Upon motion by Commissioner Costigan, it was—

Voted: That the commission, during its revision of the report of the chief of the sugar division, continue its policy of inviting the

chief economist, the chief investigator, the chief of the sugar division, and other special experts to confer with the commission as occasion therefor arises.

Approved, July 11, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JUNE 23, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its published order adopted on May 6, 1924, setting this date for a further public hearing in the investigation (No. 4) of the differences in costs of production of, and of all other facts in relation to, casein, under the provisions of section 315 of the tariff act of 1922; for the production of evidence with regard to the matters and things dealt with in the second preliminary statement of information issued in said investigation on May 6, 1924.

After hearing evidence by parties appearing and requesting to be heard the commission announced that briefs pursuant to rule might be filed by parties interested until July 10, 1924, and that the public hearing in this investigation was closed.

Approved, July 11, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JUNE 24, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, and Henry H. Glassie.

The chairman laid before the commission a report from the advisory board, dated June 20, 1924, and a report from the division of preferential tariffs, dated June 21, 1924, both in reference to pending applications for investigation in respect of mesh bags.

The chairman laid before the commission a telegram from Dr. Tipton R. Snavely stating, in reply to an inquiry from the Tariff Commission, that he would not be able to come to Washington earlier than the 1st of August, as he would be, until that time, engaged at the summer school of the University of Texas.

Being moved by Commissioner Glassie, it was—

Voted: That Doctor Snavely be advised that the commission will be pleased to have the opportunity to confer with him at some convenient time after his return from his present engagement.

Upon consideration of a memorandum by the chief of the chemical division, it was—

Voted: That Dr. Grinnell Jones be authorized to travel to Boston and return, in connection with the preparation of plans for the work in Europe in connection with the pending investigation

(No. 34) of the costs of production of vegetable and animal oils and fats.

Upon consideration of a memorandum from the advisory board, it was—

Voted: That Mr. C. W. Bahr be authorized to travel to New York and return for the purpose of obtaining, in conjunction with Mr. Harry L. Lourie, who is now in New York City, information concerning the trade in olive oil.

Upon consideration of a memorandum from the chief of the agricultural division, it was—

Voted: That the present employment of O. A. Juve be extended up to and including July 31, 1924, upon the existing terms.

The commission proceeded to consider the subject of classification of the personnel of the commission's staff. At a meeting of the committee, consisting of the chairman, Commissioner Costigan, and the secretary, appointed to consider the proposed classification, the chairman requested that the secretary present the following corrections and changes. Commissioner Costigan stating that he had no objection to the secretary reporting the recommendations of the chairman, but he reserved judgment upon them.

The recommendations were as follows:

That the chief investigator be classified in grade 6, professional and scientific service, instead of grade 5.

That Messrs. Mixer, Bidwell, Fox, and Wallace be classified in grade 5 professional scientific service, instead of grade 4.

That Miss Stewart be classified in grade 4, professional and scientific service, instead of in grade 3.

That Messrs. Bierman, Wells, Allen, and Donohoe be classified in grade 3, professional and scientific service, instead of grade 2.

That the Agricultural Division be divided by creation of a separate division, to be known as the livestock and raw wool division.

That Mr. L. G. Conner be designated as the head of such division and be classified in grade 4, professional and scientific service, instead of grade 3.

That Miss Priest, clerk in the office of the chief economist, be increased in salary from \$1,740 to \$2,040 per annum.

That Miss Hockensmith, clerk in the office of the chief economist, be increased in salary from \$1,680 to \$1,800 per annum.

Commissioner Costigan reported that he was not ready to submit recommendations and desired time for further consideration of the subject. After general discussion the subject was laid aside for further consideration at a meeting of the commission to be held on June 27, 1924, and the secretary was requested to prepare some additional data.

Commissioner Burgess requested that the following statement by him be entered in the record of this meeting.

At a meeting of the commission held May 26 Commissioner Lewis challenged the correctness of the statement made by me, namely:

That "it had been the practice of the staff of the commission, acting under the regulations for the disposition of applications, etc., adopted by the commission July 23, 1923, and promulgated to the staff July 28, 1923, for the commodity chief to submit a report to the advisory board before the same was submitted to the commission."



I beg to reply to this challenge by the following statement of facts, which the records of the advisory board and of the commission will sustain:

Commodity	Date report was transmitted to advisory board by commodity division	Date final summary report was transmitted to commission by advisory board	Commodity	Date report was transmitted to advisory board by commodity division	Date final summary report was transmitted to commission by advisory board
Wall pockets.....	Sept. 20, 1923	Oct. 15, 1923	Logwood extract....	Nov. 9, 1923	Jan. 28, 1924
Paint-brush handles..	Sept. 17, 1923	Oct. 18, 1923	Barium dioxide....	Nov. 7, 1923	Jan. 29, 1924
Casein.....	Oct. 12, 1923	Oct. 25, 1923	Oxalic acid.....	Nov. 3, 1923	Mar. 5, 1924
Sodium nitrite.....	Sept. 10, 1923	Nov. 3, 1923	Potassium chlorate..	Feb. 27, 1924	Mar. 7, 1924
Barbital.....	Nov. 6, 1923	Jan. 8, 1924	Wheat.....	.....do.....	Mar. 4, 1924

The statement given above gives the commodity, the date when the report was submitted to the advisory board by the commodity division, and the date final summary of the report was transmitted to the commission by the advisory board. In further proof of this practice, I call attention to minutes of March 21, 1924, wherein is recorded the fact that—

"The chairman called the attention of the commission to the fact that hearings have been concluded in the investigations, respectively, of the costs of production of cotton hosiery (No. 15), cotton warp-knit fabric (No. 13), cotton gloves made of warp-knit fabric (No. 14), phenol (No. 21), cresylic acid (No. 22), for the purposes of section 315 of the tariff act of 1922, and in the investigation (No. 2) for the purposes of section 316 of the tariff act of 1922, of alleged unfair practices in the importation and sale of briarwood pipes.

"After general discussion of the subject, it was—

"Voted: That the chief investigator and the advisory board be requested to prepare and submit to the commission reports upon these investigations."

The evident purpose of the chairman was to call the attention of the commission to these important subjects so that the advisory board would know the wish of the commission as to preferential procedure over other matters. This is not in conflict but tends further to confirm the practice following the regulations for the disposition of applications, etc.

There seems to have been one partial exception to this rule, namely, print rollers, wherein Commissioner Lewis directed the head of the commodity division to report the findings to him and Commissioner Burgess as a committee on this subject, but the head of the metals division, following the rules, made report in the usual way to the advisory board and said report is being now considered by that board.

Approved, July 11, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JUNE 25, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan.

Also present: Dr. Joshua Bernhardt and Dr. C. O. Townsend.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

At the suggestion of the chairman, it was agreed that Commissioner Costigan should act as a committee of one, in conjunction with Doctor Bernhardt and Mr. Comer, in making a revision of the

material submitted to the commission for the report to the President in the sugar investigation, with the understanding that this revision should not be final.

Approved, July 11, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JUNE 26, 1924.

Present: Thomas O. Marvin, William Burgess, Henry H. Glassie. There being no quorum of the commission present, the meeting adjourned.

Approved, August 7, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JUNE 27, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The chairman laid before the commission a communication from the New Bedford Textile Council of New Bedford, Mass., in reference to their application dated April 30, 1924, to the Tariff Commission for an investigation of the cotton cloth industry with a view to an increase in the rates of duty in accordance with the provisions of section 315 of the tariff act of 1922. The communication was referred to the advisory board with instructions to consider it in connection with the pending application from the New Bedford Textile Council and to report upon the statements therein contained and upon the advisability of sending experts from the textile division of the commission to ascertain present conditions in the New Bedford mills.

The chairman laid before the commission a report of the advisory board, dated May 29, 1924, upon the application of the Gloucester Master Mariners' Association of Gloucester, Mass., for an increase of duty on swordfish, mackerel, and boneless groundfish.

The chairman laid before the commission a report of the advisory board, dated June 7, 1924, upon the application of R. U. Delapenha Co. and others of New York City for consideration of alleged unfair acts of competition in the importation and sale of olive oil in violation of the provisions of section 316 of the tariff act of 1922.

The secretary laid before the commission draft of a proposed letter in reply to an inquiry from Mr. H. E. Miles, chairman of the Fair Tariff League, requesting information in respect of the situation in the cotton-goods industry. The paper was referred to Commissioner Glassie as a committee.

The secretary laid before the commission a letter, dated February 15, 1924, from the president of the National Association of Wool Manufacturers in reference to the legal requirements for the submission to the commission in confidence of information requested in connection with the investigation by the commission. The letter related

to the case then pending in the courts of the authority of the commission to maintain the seal of secrecy upon information received in confidence. The letter was referred to a committee consisting of Commissioners Costigan and Glassie for the preparation of a reply.

Upon the suggestion of the chairman, it was—

Voted: That Commissioners Costigan and Glassie be appointed a committee to supervise the preparation of an outline and material for the Eighth Annual Report of the Tariff Commission.

Voted: That the secretary is authorized to arrange with Doctor Brauer, now in California, to permit of his having such typewriting done there as may be necessary in the preparation of his field report, the total cost thereof not to exceed \$25.

Voted: That the secretary is authorized to submit, through the Bureau of the Budget, estimates of appropriations for the Tariff Commission for the fiscal year 1926 in the sum of \$1,000,000.

The commission resumed consideration of the classification of the personnel of the commission's staff, which subject was laid aside at the meeting on June 24, 1924, for further consideration at this meeting.

During the discussion, it was—

Voted: That the secretary be directed, if practicable, to secure the concurrence of the Personnel Classification Board in the classification of Miss Martha W. Williams, editor, and Miss Cornelia Notz, librarian, on the commission's staff, in Grade 2 of professional and scientific services.

After further discussion, the subject was laid aside for further consideration.

Approved, July 11, 1924.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

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JUNE 28, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Doctor Bernhardt, Doctor Rutter, Doctor Townsend.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

Approved, July 11, 1924.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

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JUNE 30, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Doctor Bernhardt, Doctor Townsend, Mr. Kemper Simpson, Mr. Fox.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation

(No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

Doctor Simpson and Mr. Fox, as directed by the commission on June 21, 1924, submitted separate reports upon the use of the bulk-line method of determining the cost of production in the sugar industry.

Approved, July 11, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JULY 1, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Commissioners Costigan and Glassie as a committee, to whom was referred on June 27, 1924, a letter dated February 15, 1924, from the president of the National Association of Wool Manufacturers, submitted a draft of a reply which was approved by the commission.

Commissioner Glassie as a committee, to whom was submitted on June 27, 1924, a letter dated May 4, 1924, from Mr. H. E. Miles, president of the Fair Tariff League, submitted a draft of a reply which was approved by the commission.

Commissioner Glassie called up for consideration his motion submitted at the meeting of the commission on May 20, 1924, proposing an amendment to the rules of the commission relating to procedure in investigations after the conclusion of public hearings. After discussion the subject went over for further consideration.

The chairman laid before the commission a report received in his office on June 27, 1924 (dated June 5, 1924), of the advisory board upon Senate Resolution 226 of May 19, 1924, and upon sundry applications, all requesting an investigation for the purposes of section 315 of the tariff act of 1922, in respect of butter.

The chairman laid before the commission a communication from the State Department transmitting for comment a note from the French ambassador, protesting against activities of agents of the Treasury Department and of the Tariff Commission in connection with the conduct of cost of production investigations in France. After general discussion the communication was referred to Commissioner Glassie with the request that he prepare a draft of a reply.

The secretary laid before the commission a request from the Treasury Department for the transfer of Mr. Paul Hermes of the metals division to the customs special agency service of the Treasury Department. The secretary was instructed to approve the transfer on the part of the commission.

The commission resumed consideration of the classification of personnel of the commission's staff, which subject was last considered at the meeting of the commission on June 27, 1924. The commission considered the allocations in the clerical, administrative, and fiscal service and in the custodial service. The allocations in these services were approved.

During the discussion of the allocations in grade 4 of the clerical, administrative, and fiscal service, the chairman moved that the salary

of Miss Florence Priest, clerk in the office of the chief economist, be increased from \$1,740 to \$2,040 per annum, to correspond to the salary received by Mrs. Woodford, clerk in the office of the chief investigator.

This motion was not agreed to.

Commissioner Glassie thereupon moved that the salary of Miss Florence Priest, clerk in the office of the chief economist, be increased from \$1,740 to \$1,860 per annum.

Upon this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

The chairman moved that the salary of Miss Bonnie L. Hocken-smith, clerk in the office of the chief economist, be increased from \$1,680 to \$1,800 per annum.

Upon this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

The chairman moved that Miss Marie V. Meenehan, stenographer, be classified in grade 3 instead of in grade 2 as at present allocated.

This motion was not agreed to.

During the discussion of the allocations in grade 3 of the custodial service, it was—

Voted: That Nathaniel Ruffin be designated as chief messenger in charge of the messenger force of the commission.

It was also—

Voted: That the secretary be instructed to confer with the Personnel Classification Board with a view to having Nathaniel Ruffin and William Savoy classified as in grade 4 of the custodial service instead of in grade 3, as at present allocated.

Upon recommendation by the chief investigator, it was—

Voted: That Mr. H. L. Lourie and Mr. C. W. Bahr, who are now on duty in New York City, on official business in connection with preliminary field work in reference to the olive oil industry, are authorized to travel to Poughkeepsie, N. Y., and return, on the same business.

Upon recommendation by the chief investigator and the acting chief of the chemical division, it was—

Voted: That Mr. Dexter North and Mr. Stacey L. Heacock be authorized to travel to Raleigh and other nearby places in North Carolina and return on business in connection with the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922 in respect of the cost of production of vegetable and animal oils and fats.

Approved, July 11, 1924.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

JULY 2, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Doctor Bernhardt, Doctor Turner, Doctor Townsend, Mr. Fox, Mr. Simpson.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

Upon motion by Commissioner Costigan, it was--

Voted: That July 12, 1924, is fixed as the day for the completion of the report of the United States Tariff Commission to the President in the pending investigation (No. 12) for the purposes of section 315 of the tariff act of 1922, in respect of the cost of production of sugar, and for the submission to the commission of any opinions which any commissioner or commissioners may desire to have transmitted with the report to the President.

The votes of the commissioners upon the foregoing resolution were as follows:

In favor of the adoption of the resolution: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the resolution: Mr. Marvin.

Commissioner Burgess was not present when this vote was taken.

In regard to the foregoing vote, Mr. Marvin submitted the following statement:

At a previous meeting I stated that I had made plans to leave for New Hampshire July 3, and that I would return July 8. The final draft of the report to the President is not yet completed, nor are statements and conclusions drawn up as yet, nor have these conclusions been communicated up to the present time to Mr. Burgess or to myself. It is therefore evident that there would not be time, prior to July 12, 1924, carefully to analyze material in the final draft or to comment upon conclusions drawn, and I protest against setting such a date for submitting the commission's report to the President. The report to the President should be a report by the commission, not by any group of commissioners, and before the report is submitted ample opportunity should be afforded to all commissioners to present their analyses of the data and their comment upon conclusions drawn. Prior to the preparation of comment by individual commissioners, the vote that "priority be first completely given to" requests by a majority sitting in the sugar investigation should be rescinded, and a fair and full opportunity should be afforded to each and every commissioner to obtain expert assistance in the analysis of the information in the possession of the commission and the material embodied in the report prepared by the head of the commodity division.

Approved, July 11, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JULY 7, 1924.

Present: William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Doctor Bernhardt, Doctor Townsend, and Doctor Simpson.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investiga-

tion (No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

Approved, July 11, 1924.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

July 8, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Upon motion by Commissioner Burgess it was—

Voted: That the following letter, signed by each member of the commission, be sent to the President:

JULY 8, 1924.

HON. CALVIN COOLIDGE,  
*The White House.*

MY DEAR MR. PRESIDENT: The great sorrow that has come upon you has cast a pall of sadness over this country, which is most deeply felt by your friends, personal and official, in this city.

At the regular meeting of the commission, held this morning, it was unanimously agreed to adjourn for the day out of respect for you and Mrs. Coolidge in this hour of your great bereavement. This was no formal action, but the outcome of the deep and heartfelt sympathy for you and yours.

The undersigned commissioners desire further to express to you their sincere sympathy and sorrow. Words are inadequate to convey the deepest human feelings, but we wish you to know that our hearts beat in tender sympathy with you, Mrs. Coolidge, and John in this hour of your deep sorrow.

Respectfully,

T. O. MARVIN.  
W. S. CULBERTSON.  
DAVID J. LEWIS.  
EDW. P. COSTIGAN.  
WM. BURGESS.  
HENRY H. GLASSIE.

Upon motion by Commissioner Culbertson, it was—

Voted: That as a further mark of respect and sympathy for the President and his family in their bereavement through the death of Calvin Coolidge, jr., son of the President and Mrs. Coolidge, the commission do now adjourn.

Approved, July 15, 1924.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

July 9, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Doctor Bernhardt and Doctor Townsend.

The commission resumed the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar for the purposes of section 315 of the tariff act of 1922.

The chairman asked that the business of the meeting be suspended temporarily in order that he might present a message from the President.

The chairman stated to the commission that he had been informed this morning by the Secretary to the President that it was the desire of the President that the commission institute at once an investigation for the purposes of section 315 of the tariff act of 1922 in respect of the cost of production of butter, and that the commission suspend all other work and concentrate its efforts upon the butter investigation until its completion.

The chairman thereupon submitted the following motion:

Whereas there is pending before the commission a report by the advisory board under date of June 5, 1924, on the subject of butter, it is—

Moved: That an investigation be instituted by the United States Tariff Commission pursuant to rule for the purposes of section 315 of the tariff act of 1922, in respect of the cost of production of butter.

Commissioner Costigan objected to action upon the motion by the chairman on the grounds that this meeting was called exclusively for the consideration of the report to be made to the President in the sugar investigation; that Commissioner Glassie was absent and uninformed of the motion; and that the commission should receive in writing such a request from the President.

The chairman requested that the foregoing motion be made the special order of business at the meeting of the commission to be held at 10.30 a. m. on July 10, 1924.

Commissioner Costigan thereupon—

Moved: That the Secretary to the President be requested to communicate to the commission in writing the request of the President in respect to a butter investigation as reported by the chairman.

The chairman thereupon made the following statement:

I must vote against the motion made by Commissioner Costigan because the Secretary to the President stated to me this morning that he called me to the White House as the chairman of the commission for the purpose of giving me a message to the commission from the President. The message that I was instructed to convey to the commission has been presented at the meeting of the commission this morning.

Commissioner Burgess inquired whether the Secretary to the President had expressed any unwillingness to place the request in writing and whether or not that subject was mentioned at all during the conversation with the Secretary to the President.

The chairman replied that that phase of the subject had not been mentioned.

Commissioner Burgess requested that further action upon the foregoing motion submitted by Commissioner Costigan be deferred until all members of the commission should be present.

The chairman stated to the commission that in view of the President's request as communicated by him he did not feel at liberty to take part in further deliberations upon the report in the sugar investigation.

Commissioner Culbertson asked that the following query by him be noted in the record of the meeting.

Mr. Culbertson requests Mr. Marvin and Mr. Burgess to state whether or not they will comply with the resolution of the commission fixing July 12 as the date for the completion of the report on sugar for the President and for the submission of opinions to be transmitted with that report to the President and if they are not prepared to comply with said vote, to what date they desire postponement to be made.



The chairman made the following statement:

The final draft of the sugar report has not yet been made available to Mr. Burgess or myself, nor have conclusions arrived at by any members of the commission been communicated to us. Until we have ample opportunity to review the material presented in the final draft of the report on sugar and to make the necessary comment thereon we shall not be prepared to state upon what date we shall be able to report.

The chairman thereupon withdrew from the meeting and the vice chairman took the chair.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

The commission adjourned until 2.30 o'clock p. m.

AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: William S. Culbertson, David J. Lewis, Edward P. Costigan.

Also present: Doctor Bernhardt, Mr. Comer, and Mr. McNabb.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

Approved, July 11, 1924.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

JULY 10, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Also present: Doctor Turner, Mr. Comer, Mr. Zapoleon, and Mr. Juve, of the commission's staff.

The commission proceeded to the consideration of the special order of business fixed for this meeting, which was the motion submitted by the chairman at the meeting of the commission on July 9, 1924, as follows:

Whereas there is pending before the commission a report by the advisory board under date of June 5, 1924, on the subject of butter, it is—

Moved: That an investigation be instituted by the United States Tariff Commission pursuant to rule for the purposes of section 315 of the tariff act of 1922, in respect of the cost of production of butter.

After general discussion of the subject and of the scope of the proposed investigation, the members of the staff were excused and withdrew.

Upon motion by Commissioner Lewis, the chairman amended his motion to include the subjects milk and cream and the motion was agreed to as follows:

Voted: That an investigation be instituted by the United States Tariff Commission, pursuant to rule, for the purposes of section 315 of the tariff act of 1922, in respect of the cost of production of butter, milk, and cream.

Commissioner Glassie thereupon made the following statement:

I personally am conscious that the land interest of my mother, which I described at the meeting of the commission on May 28, 1924, could not in anywise bias or affect my judgment in respect of any investigation of the costs of production of butter, milk, and cream, or of any kindred commodity. Nevertheless, inasmuch as the determination of the disqualifying interests under the recent amendment to the appropriation act is not left to the determination of the investigating commission, and inasmuch as the facts above referred to have been laid before the Comptroller General with a view to securing an interpretation of the statute which may serve as a guide to all parties concerned, and as no opinion has yet been rendered by the Comptroller General, I feel that I should not vote on this motion. The disqualification under this statute, according to the plain intent of Congress, is a disqualification not with regard to the particular form in which the disqualification happens to be phrased but indicates a proposition to disqualify a commissioner upon a certain state of facts, the ascertaining of which state of facts is left to external authority. Therefore, there would be a question whether any investigation in which a commissioner would participate when subject to disqualification, disclosed or not, would be a valid proceeding. Hence, it is my opinion that the nature and scope of the facts which constitute the disqualifications should be known and stated in advance.

Commissioner Glassie stated that he refrained from voting on this motion for the reasons stated by him at the meeting of the commission on May 23, 1924.

Commissioner Costigan requested that his motion submitted at the meeting of the commission on July 9, 1924, might retain its place without prejudice for consideration.

Approved, July 11, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JULY 11, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission proceeded to the consideration of drafts of minutes of previous meetings of the commission as submitted by the secretary and not heretofore acted upon.

It was, by Commissioner Lewis, seconded by Commissioner Costigan, and upon suggestion by Commissioner Glassie—

Moved: That the minutes of the meetings of the commission held for the consideration of the report to be made to the President in the pending investigation (No. 12) in respect of sugar, be considered and passed upon at meetings of the commission held for that purpose.

The following statement was made by the chairman:

The meetings held in connection with the drawing up of a report to the President in the sugar investigation are either commission meetings or committee meetings. It has been the opinion of the chairman that such meetings were commission meetings and that the minutes of such meetings should be approved by the commission in the regular order and in the customary manner. For this reason I can not vote for a motion that differentiates between the minutes of such meetings and other minutes of the commission.

After discussion of the subject Commissioner Lewis, with the consent of Commissioner Costigan who seconded it, withdrew his motion.

The minutes of the meetings of the commission held on June 10, 17, 20, 23, 24, and 27, July 1 and 10, 1924, were read and approved.

The minutes of the meetings of the commission held on June 14, 16, 18, 21, 25, 28, and 30, July 2, 7, and 9, 1924, were read and approved, Commissioner Glassie not participating.

Proposed minutes submitted by the secretary of proceedings by the commission on June 19 and 26, 1924, were not acted upon.

The secretary was requested to investigate and report at the next meeting of the commission upon the parliamentary situation incident to the lack of a quorum at the time fixed for a meeting of the commission.

The secretary submitted a formal order for approval pursuant to the vote of the commission on July 10, 1924, instituting an investigation pursuant to rule for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter, milk, and cream.

After general discussion of the subject, it was, by the chairman—

Moved: That in the execution of the resolution of the commission adopted on July 10, 1924, instituting an investigation in respect of butter for the purposes of section 315 of the tariff act of 1922, separate orders be issued pursuant to rule covering, respectively, butter in one order and milk and cream in another order.

Upon this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Mr. Marvin.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

Commissioners Burgess and Glassie stated that they refrained from voting on this motion for reasons as heretofore stated by them at the meeting of the commission on May 23, 1924.

Commissioner Burgess made the following statement:

I am not voting for the reasons above cited, but if I were voting I should vote for a separate investigation on butter as being in compliance with the request of the Senate and with the urgent request of the President referring to butter alone.

Commissioner Culbertson thereupon—

Moved: That the formal order for publication instituting an investigation (No. 38), for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter, milk, and cream, be approved as submitted by the secretary.

The chairman requested that action upon the foregoing motion be deferred until the meeting of the commission to be held on Tuesday, July 15, 1924.

Commissioner Costigan stated that he regretted the delay in consideration of the motion, but would accede to the chairman's request.

Upon motion by Commissioner Costigan it was agreed that when the commission adjourn, it adjourn to meet again at 2.30 o'clock p. m. to-day, for the purpose of completing the record in the pending investigation (No. 12) of the cost of production of sugar.

Commissioner Costigan withdrew the motion submitted by him at the meeting of the commission on July 9, 1924, in respect of a request

from the President in regard to an investigation of the costs of production of butter, and submitted the following as a substitute therefor:

Whereas at a meeting of the United States Tariff Commission held on July 9, 1924, for the exclusive consideration of the commission's report to the President in the sugar investigation, in which Commissioner Glassie did not participate, Chairman Marvin, of the Tariff Commission, made and entered in the minutes of the commission a statement, the record of which reads as follows:

The chairman stated to the commission that he had been informed this morning by the Secretary to the President that it was the desire of the President that the commission institute at once an investigation for the purposes of section 315 of the tariff act of 1922 in respect of the cost of production of butter, and that the commission suspend all other work and concentrate its efforts upon the butter investigation until its completion.

and

Whereas subsequently during the same meeting the chairman withdrew from participation therein after stating to the commission in substance, as recited in the record, "that in view of the President's request as communicated by him he did not feel at liberty to take part in further deliberations upon the report in the sugar investigation";

Whereas on the 10th day of July, 1924, the commission ordered an investigation of the costs of production of butter, and instituted all the proceedings therein which require action for the expeditious prosecution of that investigation;

Whereas the commission is accordingly free to proceed in other investigations in the performance of its duties under the law without interference by reason of the priority of the butter investigation;

Whereas the commission has about completed and is preparing to transmit to the President its reports in various investigations, including its report in the sugar investigation, which has been in progress for about one year and a half, and on which the commission expended a large portion of its appropriation for the last fiscal year;

Whereas the members of the commission are obligated by their respective oaths of office to approve and join in conducting certain investigations pursuant to law; and

Whereas serious doubt exists with respect to the accuracy of the oral statement by the commission's chairman concerning the President's suggestion. It is therefore

Moved: That the commission, with the utmost respect, request the President to advise it, in writing, whether it is the President's desire that the commission shall "suspend all other work" during the progress of the butter investigation, whether the commission is occupied with that investigation or not.

The commission thereupon adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Doctor Bernhardt and Doctor Townsend.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar, for the purposes of section 315 of the tariff act of 1922.

The chairman was excused at his own request in order that he might attend to certain details of preparation for the investigation in respect of butter, milk, and cream.

Approved, July 15, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JULY 12, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Doctor Bernhardt and Doctor Townsend.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar.

During the discussion, it was—

Voted: That the time fixed, in the resolution of the commission adopted on July 2, 1924, for the completion of the report of the Tariff Commission to the President in the pending investigation (No. 12) in respect of the cost of production of sugar, and for the submission to the commission of any opinions that any commissioner or commissioners may desire to have transmitted with the report to the President, be, and the same is hereby, extended until July 14, 1924.

Approved, July 15, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JULY 14, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan.

Also present: Doctor Bernhardt.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar.

During the discussion, it was—

Voted: That the time fixed by the resolution of the commission adopted on July 2, 1924, and extended by the resolution of the commission adopted on July 12, 1924, for the completion of the report of the Tariff Commission to the President in the pending investigation (No. 12) in respect of the cost of production of sugar, and for the submission to the commission of any opinions that any commissioner or commissioners may desire to have transmitted with the report to the President, be, and the same is hereby, extended until 2.30 o'clock p. m. July 17, 1924.

The commission proceeded to consider the form of order to be adopted pursuant to the resolution of the commission adopted on

July 10, 1924, for the institution of an investigation for the purposes of section 315 of the tariff act of 1922, in respect of the cost of production of butter, milk, and cream.

Messrs. Turner, Comer, Zapoleon, Connor, and C. K. Lewis of the commission's staff were called in for the meeting during the discussion of this subject, after which they were excused and withdrew.

Upon motion by the chairman, who stated that he submitted the motion in accordance with the vote passed by the commission on July 10, 1924, directing that an investigation be instituted in respect of the cost of production of butter, milk, and cream, it was—

Voted: That a formal order instituting, pursuant to rule, an investigation for the purposes of section 315 of the tariff act of 1922, in respect of the cost of production of butter, be now approved.

The votes of the commissioners on this resolution were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Culbertson, Lewis.

Against the adoption of the resolution: Mr. Costigan.

Commissioner Costigan stated that he objected to the motion as inconsistent with the order passed on July 10, 1924, directing the institution of an investigation in respect of butter, milk, and cream.

The chairman stated that he felt that the motion was in compliance with the vote of the commission on July 10, 1924, and that it permits the commission to order a butter investigation and that the commission has agreed to consider action on a formal order instituting a milk and cream investigation at its regular meeting on Tuesday morning next, July 15, 1924.

Commissioner Culbertson made the following statement:

When I voted for the resolution adopted on July 10, 1924, I understood that I was voting for an investigation of milk and cream only in so far as they relate to butter. I do not now favor a separate investigation in respect of milk and cream pursuant to the provisions of section 315 of the tariff act of 1922, but I believe that we should prepare a survey of all the products dutiable under paragraphs 707 to 710, inclusive.

It was thereupon—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 38 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

BUTTER

The United States Tariff Commission on this 14th day of July, 1924, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 709 of Title I of said tariff act, namely: Butter, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further: That all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treas-

ury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further: That public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

The commission adjourned to meet again at 2.30 o'clock p. m.

AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan.

Pages 1 to 113, both inclusive, of the report of the commission to the President in the investigation (No. 12) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of sugar, including changes and additions provided for in the resolution of the commission adopted on June 21, 1924, were laid before the commission for final action with the exception of pages 44, 45, 94, 95, 96, 97, and 98, comprising large tables in course of preparation.

(NOTE.—These tables were completed and added to the report on July 15, 1924.)

Approved, July 18, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JULY 15, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on July 8 and 11, 1924, were read and approved.

The minutes of the meeting of the commission held on July 12, 1924, were read and approved, Commissioner Glassie not participating.

The chairman laid before the commission a report of the advisory board dated June 20, 1924, concerning the scope of the proposed investigation of butter.

The chairman laid before the commission a report of the advisory board dated July 15, 1924, entitled "Scope of inquiry into butter, milk, and cream."

Upon motion by Commissioner Lewis, it was—

Voted: That the order of the Tariff Commission adopted on July 14, 1924, instituting an investigation for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter, be, and the same is hereby, ratified.

Upon motion by Commissioner Lewis, it was—

Voted: That Dr. G. F. Warren, of Cornell University, be requested to visit the offices of the Tariff Commission in Washington

for the purpose of a conference with the commission in reference to the determination of methods to be adopted in obtaining agricultural costs in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter.

Upon motion by Commissioner Burgess, it was—

Voted: That further consideration of the institution of an investigation for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of milk and cream be postponed for further development.

Upon this resolution the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Lewis, Burgess, Glassie.

Against the adoption of the resolution: Mr. Costigan.

Commissioner Burgess submitted the following motion:

Whereas during the past year there have appeared in the press false and misleading statements, in some cases casting reflections upon certain commissioners and containing statements which produce a public impression that they could have emanated only from those familiar with the proceedings of the executive meetings of the commission; and

Whereas the Denver Post of July 9, 1924, contained the following article, entitled, "Cut in sugar duty asked of President in Tariff Commission majority report."

CUT IN SUGAR DUTY ASKED OF PRESIDENT IN TARIFF COMMISSION MAJORITY REPORT—THREE MEMBERS WILL URGE REDUCTION TO FIGURE OF 1.35 CENTS INSTEAD OF 1.76 RATE—TWO TO RECOMMEND RETENTION OF FORMER SCHEDULE; OTHERS ASSERT UNJUSTIFIABLE BURDEN IS WORKED ON AMERICAN PEOPLE BY LEVY

By Donald Ewing

WASHINGTON, July 9.—Reduction in the duty on sugar by about one-fourth will be recommended to President Coolidge by three of the six members of the Tariff Commission. The report of these members, who are expected to take the position that the duties of the Fordney-McCumber tariff law constitute an unjustifiable burden upon the American people, is nearing completion. It is understood that it may be sent to the White House within a week.

A duty of about 1.35 cents per pound will be recommended by these three members, it is understood. The present rate on Cuban sugar, after allowing for the 20 per cent preferential rate applying on all imports from Cuba, is 1.76 cents per pound. The emergency tariff rate was 1.6 cents and the former Underwood law rate was 1 cent.

#### THREE TO ASK DUTY REDUCTION

The three members of the Tariff Commission who are expected to recommend that President Coolidge reduce the rate to about 1.35 cents under the authority of the flexible tariff are W. S. Culbertson, vice chairman, Republican; David J. Lewis, Democrat, and E. P. Costigan, Independent.

Retention of the present duty will be argued, it is understood, by Thomas O. Marvin, chairman of the commission, and William Burgess, who are the two protectionist Republican members of the commission.

The sixth member, H. H. Glassie, Democrat, was expected to side with Commissioners Marvin and Burgess but he withdrew from participation in the sugar investigation because of the financial interest of a member of his family in a Louisiana sugar company.

His withdrawal followed action by Congress in prohibiting the payment of salaries to members of the Tariff Commission who might take part in cases affecting industries in which they are in any way interested.



The sugar investigation has been the most important proceeding before the Tariff Commission since the enactment of the flexible tariff law in September, 1922. An investigation of sugar duties was ordered in September, 1922, and it was in progress for about a year and a half.

The investigation was ordered on the basis of an application for decrease in duty filed by Americans with sugar interests in Cuba. The proposed decrease in duty has been vigorously opposed by western beet-sugar interests and by Louisiana cane-sugar growers, both of whom have insisted that the Fordney-McCumber rate is not high enough and that if the duty is cut materially it will mean the eventual destruction of domestic industry.

President Coolidge's actions in this case will be of far-reaching importance not only with respect to its effect upon the sugar industry, but also because precedent will be established in constructing the flexible tariff law which will necessarily have to be followed in other cases.

One of the most important questions upon which President Coolidge must pass is whether average costs of production should be figured over a period of a number of years or whether present conditions should be taken as a basis. It is understood that the Culbertson-Lewis-Costigan report will use costs of production based on an average of from five to seven years.

Commissioners Marvin and Burgess, on the other hand, probably will base their estimates as to costs of production on conditions during the past two years. It will be their contention that the flexible tariff was designed by Congress to facilitate the adjustment of duties to meet changing conditions and that it was not intended that the duty should be figured on the basis of what it properly should have been over a long period in the past.

And whereas such information, whether true or otherwise, has a tendency to create in the minds of the public an anticipation which may or may not be realized; and

Whereas such publication may tend to seriously embarrass the President in arriving at his decision; and

Whereas the President may have been further embarrassed and annoyed by numerous communications being sent to him by interested parties; and

Whereas great financial stock market disturbances may be the result of such preliminary and unwarranted reports: Therefore it is—

Moved: That a copy of these minutes be forwarded to the Attorney General with a request that notice be taken of the same and if in his opinion action is warranted that he refer the matter to the grand jury now sitting so that a thorough investigation as to the sources of this and similar articles be made.

Commissioner Burgess requested immediate consideration of the motion.

Commissioner Costigan called attention to the absence of Commissioner Culbertson and suggested the desirability of having a full attendance of the commission for the consideration of a subject of this character.

Commissioner Lewis suggested that consideration of the motion be postponed until the regular meeting of the commission on July 18, 1924.

Upon further discussion of the subject and at the request of Commissioner Burgess consideration of the motion was deferred.

Commissioner Glassie, to whom was referred on July 1, 1924, a letter from the Secretary of State under date of June 25, 1924, inclosing a copy of a note from the French ambassador dated May 26, 1924, submitted a draft of a reply to the letter from the Secretary of State.

Upon motion by Commissioner Burgess the reply as drafted was approved by the commission.

Commissioner Glassie, to whom had been referred a letter under date of July 7, 1924, from the president of the National Wool Manufacturers Association, submitted a draft of a reply to that communication, which, after consideration and amendment, was approved by the commission.

Voted: That the secretary is authorized to arrange for the appointment of Mr. Vernon A. Roberts as special expert accountant in the service of the Tariff Commission in Grade 5 of the clerical, administrative, and fiscal service, Mr. Roberts having been employed with the Tariff Commission since October 1, 1923, as a trainee under direction and compensation by the Veterans' Bureau.

Commissioner Costigan stated that at the meeting of the commission on July 11, 1924, following the introduction of a motion by him, requesting a written communication from the President, Chairman Marvin stated that he was clearly of the impression that the request of the secretary to the President did not contemplate the suspension of all other work of the commission during the pendency of the butter investigation.

Commissioner Costigan added that in view of that statement by the chairman he would not ask for a vote on the motion presented by him at that meeting, but in lieu of that motion he offered the following draft of an administrative rule and would later request a vote thereon.

Moved: That the following administrative rule be adopted by the commission:

ADMINISTRATIVE RULE NO. ---

Whenever the commission is orally requested by or on behalf of the President to take official action, the commission shall forthwith, and so far as practicable in advance of such action, endeavor to secure written confirmation of such oral request.

Approved, July 18, 1924.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

—————  
AUGUST 7, 1924.

By Chairman MARVIN: At the meeting of the commission on July 9, 1924, the chairman stated that he had a message from the President that he desired to convey to the commission. The message was, as reported by the secretary, "That it was the desire of the President that the commission institute at once an investigation for the purposes of section 315 of the tariff act of 1922 in respect of the cost of production of butter, and that the commission suspend all other work and concentrate its efforts upon the butter investigation until its completion." Asked by Vice Chairman Culbertson if he interpreted the message to mean that the commission should drop all work except that on butter, the chairman stated that the message of the President meant that the butter investigation should receive precedence, but that it was not contemplated that all other work of the commission should be abandoned; when there was no work in connection with the butter investigation that required the attention

of the commission, the commission should, of course, proceed with its other business. The word "suspend" as used in the chairman's statement is to be interpreted in its ordinary sense: "To cause to cease for a time; hold back temporarily from operation; as, to suspend the rules." The request from the President as conveyed to the commission by the chairman was that other business of the commission be suspended, temporarily laid aside, and precedence given to necessary work in connection with the butter investigation.

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AUGUST 8, 1924.

By Commissioner COSTIGAN: The secretary is requested to record my objection to and my refusal to approve, as part of the minutes of July 15, 1924, the foregoing statement by the chairman. It should be noted that the chairman's proposed statement is in conflict with the commission's accurate and approved record of the meeting on that date, and is an unjustified attempt to change subsequently the effect of the commission's minutes concerning the chairman's statements with respect to the sugar investigation and the President's request for an investigation in respect of the costs of production of butter.

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AUGUST 19, 1924.

By Chairman MARVIN: The statement by the chairman to which Commissioner Costigan objects is not a statement made in an attempt "to change subsequently the effect of the commission's minutes." It is simply a statement to correct an erroneous interpretation by Commissioner Costigan of a previous statement made by the chairman. The assumption by Commissioner Costigan that he can inject into the minutes misinterpretations of the chairman's statements and then object to the insertion of corrections of such misinterpretations is emphatically repudiated by the chairman.

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SEPTEMBER 1, 1924.

By Commissioner COSTIGAN: If the essential facts with reference to Chairman Marvin's statements and actions at the commission meeting on July 9, 1924, were or could be open to dispute, something might be gained by prolonging the discussion precipitated by him. Those facts, however, are not in any sense ambiguous. They are clearly set forth in the commission's minutes of July 9, which the commission, including Chairman Marvin, approved, without question or objection, after due consideration. At the expense of repetition I quote the following important recitals in those minutes:

The chairman stated to the commission that he had been informed this morning by the Secretary to the President that it was the desire of the President that the commission institute at once an investigation for the purposes of section 315 of the tariff act of 1922 in respect of the cost of production of butter, and that the commission suspend all other work and concentrate its efforts upon the butter investigation until its completion. \* \* \*

Commissioner Costigan thereupon—

Moved: That the Secretary to the President be requested to communicate to the commission in writing the request of the President in respect to a butter investigation as reported by the chairman.

The chairman thereupon made the following statement:

I must vote against the motion made by Commissioner Costigan because the Secretary to the President stated to me this morning that he called me to the White House as the chairman of the commission for the purpose of

giving to me a message to the commission from the President. The message that I was instructed to convey to the commission has been presented at the meeting of the commission this morning.

\* \* \* \* \*  
 Commissioner Burgess requested that further action upon the foregoing motion submitted by Commissioner Costigan be deferred until all members of the commission should be present.

The chairman stated to the commission that in view of the President's request as communicated by him he did not feel at liberty to take part in further deliberations upon the report in the sugar investigation.

\* \* \* \* \*  
 The chairman thereupon withdrew from the meeting and the vice chairman took the chair. \* \* \*

Such is the commission's record, which Mr. Marvin, for reasons apparently important to him now seeks to modify by supplemental statements. To the modifications proposed my objection is continuous.

Fortunately, if any question of veracity is involved its correct determination does not rest on unsupported opinion. Not only does the record speak for itself, but several witnesses know what Mr. Marvin said and did. Those witnesses are aware that the commission's quoted minutes are essentially accurate. Mr. Marvin's statement and conduct were unusually important. They were discussed with deep interest both during and after the meeting. One member of the commission affirmed after the meeting that Mr. Marvin certainly had not correctly reported the President's message. But throughout the discussion after the meeting it was assumed on all sides that the chairman had without any limiting suggestion quoted the President as requesting the commission to suspend all other work until the completion of the butter investigation, and that the chairman had made plain that he would not participate further in the sugar-investigation deliberations because of the President's request. The fact that Mr. Marvin subsequently changed his course of action does not alter what occurred at the commission's meeting of July 9.

Under the circumstances it would not be improper to characterize with severity the chairman's conduct with respect to the President's message. To do so, however, would be futile. It suffices to point out that only after considerable delay were certain commissioners, at least, advised of the exact wishes of the President. It is therefore to be hoped that the episode will result in a rule or settled practice whereunder all official requests for official action by the commission will be communicated to it in writing.

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SEPTEMBER 11, 1924.

By Chairman MARVIN: I have no desire to question the accuracy of Commissioner Costigan's quotations from the minutes of the meeting of July 9, but I do reiterate that "the essential facts with reference to Chairman Marvin's statements," have not been presented in any of the statements submitted by Commissioner Costigan. It is true that I joined the other commissioners in approving the minutes of the meeting of July 9, but those minutes were approved by me because the correct interpretation of the President's message was given at the meeting in answer to a question by Vice Chairman Culbertson. Mr. Culbertson asked if the chairman interpreted the message of the President to mean that the commission should drop

all work except that on butter. The chairman stated that the message of the President meant that the butter investigation should receive precedence, but that it was not contemplated that all other work of the commission should be abandoned; when there was no work in connection with the butter investigation that required the attention of the commission the commission should proceed with its other business. That explanation was as much a part of the proceedings of the meeting as anything else that transpired. The minutes of the meeting did not report this question nor the answer to it, but the chairman took it for granted that all commissioners thoroughly understood what the message meant.

This discussion has not been "precipitated" by the chairman, as stated by Commissioner Costigan, but was precipitated by an interpretation placed upon the message from the President introduced into the minutes of the meeting of July 15 by Commissioner Costigan. The chairman has questioned the accuracy of that interpretation, and still insists that it was never contemplated to suspend all other work pending the completion of the butter investigation. The chairman withdrew from the meeting of July 9, which was called for the purpose of considering the sugar report, and at which he asked that proceedings be suspended in order that he might present a message from the President requesting an investigation of butter, because it was necessary to take steps to expedite the preparation of the report of the advisory board for early consideration by the commission. The chairman continued to participate in meetings held for the purpose of considering the sugar report and other business of the commission when there was no work in connection with the butter investigation requiring the attention of the commission.

Any other interpretation of the chairman's statements or his actions in reference thereto is incomplete, inaccurate, and unwarranted.

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OCTOBER 11, 1924.

By Commissioner COSTIGAN: After conference with others present when Chairman Marvin on July 9, 1924, delivered his communication from the secretary to the President, I am under the necessity of adding two major comments.

The first is that Chairman Marvin's reiteration of his alleged interpretation, in answer to Commissioner Culbertson, of the President's communication is not supported by fact. As suggested by the minutes of July 15, it was on July 11 that Chairman Marvin changed his original construction of the President's communication to an entirely different meaning from that suggested by its language. This change was made after two motions had been offered separately, each designed to secure the exact message in written form from the secretary to the President. I have previously denied by implication Chairman Marvin's claim that he interpreted the President's message on July 9 in the way in which he states he did, and I am now under the painful necessity of making that denial explicit. At the sugar meeting on July 9, 1924, asked what the significance of the President's communication was, Chairman Marvin contented himself by saying, in effect, that resort must be made to the communication itself for its understanding, and he left that meeting, having created in the minds of others present, including myself, the

extraordinary impression that the commission was expected by the President to suspend indefinitely for the butter investigation all its other pending work, including the commission's report in the sugar investigation.

My second comment is this: Chairman Marvin on July 11 changed his interpretation of the language of the President's communication, and gave it a construction materially modifying its apparent intent. In doing this he took a position less defensible than his attitude on July 9. Every communication to the commission from the President should speak for itself, or be interpreted by the President or with his authority. Chairman Marvin left one impression of the President's communication on July 9, and a contradictory impression on July 11. His actions were accordingly confusing and tended to embarrass his fellow commissioners in the discharge of their duties.

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OCTOBER 18, 1924.

By Chairman MARVIN: Although a prolongation of this discussion appears of little use, I will endeavor briefly to sum up the points at issue.

As shown by the record, the chairman, at the request of the Secretary to the President, transmitted to the commission a message from the President. When the question was raised by Vice Chairman Culbertson, if the chairman thought that the message meant that all work should be laid aside by the commission and that nothing should be done except work in connection with the butter investigation, the chairman distinctly and unequivocally stated that the message was not to be so interpreted; that the message meant that necessary work in connection with the butter investigation should have precedence, not that all other work should be stopped.

Commissioner Costigan stresses the impression made upon his mind by the message. The record shows that the chairman did all it was possible to do to remove that impression, and if Commissioner Costigan still retained it the chairman certainly can not be held responsible. Not only his words explaining the message but his conduct in relation thereto both refute the impression that Commissioner Costigan says was created in his mind. The chairman did withdraw from a meeting called for the purpose of considering a sugar report, and did so, as explained to the commission, because work in connection with the President's request required his attention. He did not ask the commission itself to suspend work on the sugar investigation, and the meeting continued after his withdrawal without objection on his part. When matters in connection with the butter investigation required the attention of the commission the chairman asked that other business be suspended until the necessary action could be taken, and he continued to participate in meetings held for the consideration of the sugar report from that time until the completion of the report.

The chairman has given only one explanation of the meaning of the President's message and has conducted himself throughout in accordance therewith. If, in spite of the chairman's explanation of what he understood the message to mean, Commissioner Costigan has entertained impressions contrary thereto, or was confused or embarrassed in the performance of his duties, the responsibility, I repeat, is not mine.

OCTOBER 25, 1924.

By Commissioner CULBERTSON. I have read the statement of Chairman Marvin of October 18, 1924, interpretative of the following statement which he made on the minutes of the United States Tariff Commission of July 9, 1924.

The chairman stated to the commission that he had been informed this morning by the Secretary to the President that it was the desire of the President that the commission institute at once an investigation for the purposes of section 315 of the tariff act of 1922 in respect of the cost of production of butter, and that the commission suspend all other work and concentrate its efforts upon the butter investigation until its completion.

I am convinced that the purpose of the chairman at the time was to contribute to delay in the submission of the sugar report to the President. His subsequent explanations, however plausible, do not change, in my judgment, his obvious intent on July 9.

Four things support this conclusion: (1) The words used deliberately in his statement indicate that we were to institute the butter investigation "and that the commission suspend all other work."

(2) Following the above statement by Mr. Marvin, I asked him to state whether the message from the President meant that we were to suspend all other work until the butter investigation was completed. Even after the chairman's attention was called to the obvious meaning of his words, he merely replied that the message spoke for itself.

(3) The chairman left the commission meeting with the statement that he could not, in view of the President's request, participate further in the sugar investigation.

(4) All commissioners who were at the meeting during the chairman's remarks indicated that they were under the impression that the commission had been requested by the President to suspend all other work until the completion of the butter investigation.

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OCTOBER 31, 1924.

By Chairman MARVIN. If any commissioner has reason to doubt the correct interpretation of the message in regard to the butter investigation which I conveyed to the commission from the White House—and I deny that any commissioner has such a reason—certainly it could not be Vice Chairman Culbertson, for it was Mr. Culbertson himself who asked me if I considered that the message meant that the commission should stop all other work, and it was to his question that I replied, "that the message of the President meant that the butter investigation should receive precedence, but that it was not contemplated that all other work of the commission should be abandoned; when there was no work in connection with the butter investigation that required the attention of the commission, the commission should, of course, proceed with its other business." And this is exactly what the commission has done. No one contemplated any other course, in spite of persistent attempts to make it so appear. No further confirmation of this fact is needed than is found in paragraph (4) of Mr. Culbertson's statement. In that paragraph he says "that all commissioners who were at the meeting during the chairman's remarks indicated that they were under the impression that the commission had been requested by

the President to suspend all other work until the completion of the butter investigation." If this is true, why did they not act in accordance with that understanding? That they did not so act is conclusive proof that they accepted the chairman's statement that the message did not mean that all other work should be dropped.

I call attention to the fact that this is not the first occasion that the vice chairman has misconstrued a message from the White House to mean that all work must be stopped. I call attention to the fact that the first occasion was not an oral message, but a written message. I refer to the letter from President Harding requesting the commission to defer action on the resolution of March 2, 1923. The vice chairman contended, notwithstanding its clear meaning and intent, that President Harding's letter meant that the commission should drop all work until the return of the President from Florida. Mr. Culbertson did not abandon this contention until the President was requested by wire to state again the precise nature of his request, and the Secretary to the President replied on March 18, 1923, that "the President's understanding is that commission will proceed with its investigation for which application has been made and procedure directed by Executive order; only suspension of general program of tariff investigation is to await conference with him."

To sum up: On July 9 the chairman delivered to the commission a message which he was instructed to deliver by the secretary to the President; when the question was raised as to the meaning of the message, the chairman distinctly stated that it did not mean that all other work was to be dropped. Other work was not dropped. Other work, including the preparation of a report on sugar, was not delayed. No attempt was made to accomplish any such delay. Neither the vice chairman nor any of the commissioners to whom he refers has acted in accordance with the impression "that the commission had been requested by the President to suspend all other work until the completion of the butter investigation." On the contrary, the commission has proceeded in accord with what I stated at the outset was the meaning of the President's message.

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JULY 16, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Doctor Bernhardt.

The commission met for the purpose of resuming the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar.

The chief of the sugar division stated that he had no additional material completed in connection with the report, but would have such additional material ready by the afternoon.

The commission thereupon agreed that when it adjourned it would adjourn until 2.30 o'clock p. m.

Commissioner Burgess entered the meeting at this time.

Upon recommendation by the chief of the sundries division, it was—

Voted: That Mr. C. F. Yauch and Mr. R. A. Wells be authorized to travel to Baltimore, Md., and return, for the purpose of testing



the applicability of the cost schedule prepared for use in the pending investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of men's sewed straw hats.

The commission thereupon adjourned to meet again at 2.30 o'clock p. m.

## AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Mr. Comer and Doctor Bernhardt.

The commission resumed and continued the consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar.

Approved, July 18, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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JULY 17, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The chairman laid before the commission a letter dated July 16, 1924, from the Acting Secretary of State transmitting a copy of a note from the British Embassy, under date of June 30, 1924, relative to a proposed conference between representatives of the Governments of the United States and of Canada in regard to the fisheries industries.

After general discussion, it was, upon motion by the chairman—

Voted: That the advisory board be requested to prepare as soon as possible a report on the competitive conditions in relation to the halibut fishery industry in the United States and in Canada, including the international relationships involved.

The commission proceeded to the consideration of plans and estimates of expense for the conduct of the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the cost of production of butter.

During the discussion the following members of the staff were called in to the meeting and participated in the conference: Messrs. Turner, Comer, Simpson, Fox, Mixter, Zapoleon, Connor, Juve, and C. K. Lewis.

Mr. Comer, chief investigator, submitted and explained alternative estimates of expense for the field work of the investigation, one alternative being based upon the procurement of 500 cost schedules and the other being based upon the procurement of 800 cost schedules.

After discussion of the subject, it was, upon motion by Commissioner Lewis—

Voted: That the plan submitted by the chief investigator based upon the procurement of approximately 500 cost schedules in the field work incident to the butter investigation be approved.

Upon the foregoing resolution the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Culbertson, Lewis, Burgess, Glassie.

Against the adoption of the resolution: Messrs. Marvin, Costigan.

Upon motion by Commissioner Glassie, seconded by Commissioner Burgess, it was—

Voted: That the advisory board, with the aid of other members of the staff, be directed to prepare and report to the commission as soon as practicable a statement explaining in detail the principles which are to be applied in guiding the staff and the field forces in selecting in each area the farms or plants from which production costs are to be secured in the pending investigation in respect of the cost of production of butter; that such statement shall set forth not only all the major criteria which are to be employed, but such subsidiary situations in the several areas, with the appropriate reasons in each case for any election between alternative methods or the substitution of one method for another.

Upon recommendation by the chief investigator, it was—

Voted: That in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the cost of production of butter, the employment, for a period not to exceed two months, is authorized of Mr. G. A. Pond, of the University of Minnesota, at a rate of compensation not to exceed \$400 per month, of Mr. P. E. McNall, of the University of Wisconsin, at a rate of compensation not to exceed \$350 per month, and of Mr. P. L. Miller, of the Iowa Agricultural College, at a rate of compensation not to exceed \$350 per month.

Upon recommendation by the chief investigator, it was—

Voted: That the employment is authorized of three enumerators for a period not to exceed two months with compensation at a rate not to exceed a total of \$600 per month for the three enumerators, in connection with the pending investigation for the purposes of section 315 of the tariff act of 1922, in respect of the cost of production of butter.

Voted: That Messrs. L. B. Zapoleon, Kemper Simpson, O. A. Juve, L. G. Connor, G. A. Billings, and C. K. Lewis, be authorized to travel to St. Paul, Minn., and return, for the purpose of conferring there with Messrs. G. A. Pond, P. E. McNall, and P. L. Miller for the purpose of discussing cost schedules and arranging details of itineraries and other general problems connected with the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the cost of production of butter, and that immediately after such conference all the men named herein who are selected for field work shall proceed into the field in Minnesota for about one week of actual work in taking cost records for the purpose of testing the adequacy of the schedules as prepared.

Upon recommendation by the chief investigator, it was—

Voted: That Mr. E. L. Oliver, of Rock Island, Ill., be requested to come to the offices of the commission in Washington for a conference in reference to plans for the conduct of the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter, and that

the secretary be authorized to pay the expenses of Mr. Oliver from the appropriations available for the expenses of the commission.

The members of the staff were then excused and withdrew from the meeting.

Commissioner Glassie called attention to certain newspaper articles containing statements tending to produce the impression that they could have originated only within the commission.

After discussion of the subject, it was, upon motion by the chairman—

Voted: That a committee consisting of Commissioners Costigan, Lewis, and Glassie be appointed to investigate the source of newspaper articles relating to the confidential business of the tariff commission.

The commission thereupon adjourned to meet again at 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Doctor Bernhardt and Mr. Comer.

The commission met at 2.30 o'clock p. m. pursuant to the resolution of the commission adopted on July 14, 1924, and resumed and continued consideration of the report of the chief of the sugar division in the pending investigation (No. 12) of the cost of production of sugar.

During the discussion, it was—

Voted: That the time fixed by the resolution of the commission adopted on July 2, 1924, and extended by the resolutions of the commission adopted on July 12 and 14, 1924, for the completion of the report of the Tariff Commission to the President in the pending investigation (No. 12) of the costs of production of sugar, and for the submission to the commission of any opinions that any commissioner or commissioners may desire to have transmitted with the report to the President, be, and the same is hereby, extended until 10.30 o'clock a. m. July 19, 1924.

Approved, August 8, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JULY 18, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on July 15, 1924, were read and approved.

The minutes of the meetings of the commission held on July 14 and 16, 1924, were read and approved, Commissioner Glassie not participating.

Commissioner Burgess called up for consideration his motion submitted at the meeting of the commission held on July 15, 1924, that the Attorney General be advised of certain newspaper articles ap-

peating from time to time regarding the Tariff Commission, and that he take such steps as may be necessary to discover the source of such articles.

After general discussion of the motion, it was, upon motion by Commissioner Costigan—

Voted: That the motion submitted on July 15, 1924, by Commissioner Burgess in respect of the source of various newspaper articles, be referred to the committee appointed on July 17, 1924, consisting of Commissioners Costigan, Lewis, and Glassie, for consideration and report to the commission.

Commissioner Costigan called up for consideration his motion submitted on July 15, 1924, proposing an administrative rule relative to written confirmation of oral requests by or on behalf of the President for official action by the Tariff Commission.

Commissioner Glassie offered the following as a substitute for Commissioner Costigan's motion:

Moved: That the President be respectfully requested, under his power to establish rules of procedure under section 315 of the tariff act of 1922, to take under consideration the formulation of a rule which shall control the mode of communication on official business as between the President and the commission.

After some discussion of the motion submitted by Commissioner Costigan and of the substitute motion by Commissioner Glassie, it was, upon motion by Commissioner Burgess—

Voted: That a committee be appointed to take under consideration and report upon to the commission both the original motion by Commissioner Costigan and the substitute motion by Commissioner Glassie, regarding oral requests by or on behalf of the President for official action by the commission.

The chairman thereupon appointed Commissioners Costigan and Glassie as members of the committee mentioned in the foregoing resolution of the commission.

Approved, August 8, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JULY 19, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Doctor Bernhardt.

The commission resumed and continued consideration of the report of the chief of the sugar division in the pending investigation (No. 12) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of sugar.

Doctor Bernhardt was excused and withdrew.

Commissioner Costigan submitted the following motion:

Moved: That the report of the United States Tariff Commission to the President in the investigation (No. 12) of the costs of production of sugar pursuant to the provisions of section 315 of the tariff act of 1922, which was adopted subject to revision, on June

21, 1924, and since that date has been revised by the commission, is hereby approved and adopted in its revised form, together with the confidential section of that report and the appendices thereof, which are also hereby approved and adopted.

The chairman submitted as a substitute for the foregoing motion by Commissioner Costigan the following motion:

Whereas the report in connection with the sugar investigation was prepared by the chief of the sugar division, and in its completed form, with the confidential section, appendices, and necessary charts and tables, was not submitted to the commission until the meeting of July 19, 1924, it is—

Moved: That the report so submitted be referred to the advisory board for scrutiny, analysis, review, and comment.

The votes of the commissioners upon the substitute motion were as follows:

In favor of the adoption of the substitute motion: Messrs. Marvin, Burgess.

Against the adoption of the substitute motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

The question being upon the motion by Commissioner Costigan, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess.

The motion was therefore agreed to.

Commissioner Costigan submitted the following motion:

Moved: That since it appears from statements of the commissioners that there are differences of opinion among the commissioners with respect to the principles which should be applied in the interpretation of the data contained in the said report and any findings of facts or recommendations the several commissioners may desire to submit, July 26, 1924, at 10.30 o'clock a. m., is hereby designated as the date and hour for filing commissioners' opinions in this investigation, at a meeting of the commission to be held at that time; and such commissioner or commissioners as have any written opinions which they desire to have transmitted to the President with said report shall submit the same to the commission to be transmitted to the President.

Chairman Marvin made the following statement:

"As the above motion recites that 'since it appears from statements of the commissioners that there are differences of opinion among the commissioners with respect to the principles which should be applied in the interpretation of the data' contained in the report, and as the report is an exceedingly voluminous one with many charts and tables which have been submitted at the meeting of to-day, it should be evident that one week is not sufficient time for those, if any, who entertain such differences of opinion in regard to the report, to analyze the reports and make the necessary computations in regard to the tables and charts. Therefore, I can not vote in favor of a motion allowing only one week for the requisite review of the material

presented, and offer as a substitute for the above motion the following:

"Moved: That the commission meet on Saturday, July 26, 1924, for the purpose of considering an appropriate date for transmitting to the President the report in the sugar investigation."

The votes of the commissioners on the substitute motion were as follows:

In favor of the adoption of the substitute motion: Messrs. Marvin, Burgess.

Against the adoption of the substitute motion: Messrs. Culbertson, Lewis, Costigan.

The substitute motion was therefore rejected.

The question then being upon the motion by Commissioner Costigan, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess.

The motion was therefore agreed to.

Commissioner Burgess gave as his reason for voting in the negative that he did not approve of fixing a date and that it was impossible for him to say that he could have an opinion satisfactorily worked out by that time, but that in any event he would comply with the vote of the commission and have something to submit on the subject.

The chairman submitted the following statement:

The chairman called attention to the fact that by vote of a majority present at a meeting of the commission, July 12 was originally set as the date for the submission to the commission of any opinions which any commissioner or commissioners may desire to have transmitted with the report to the President, and that it was assumed when that date was set that it included a reasonable time for those not in accord with the report to prepare a statement of their views, and that at various meetings subsequent to July 12 the date has been progressively changed, plainly showing that there are grave difficulties in setting a definite date for the accomplishment of work of this nature. The chairman stated: "I am not prepared at this time to vote for the setting of a date for the filing of views and opinions in regard to the report, inasmuch as the final draft of the report has just been made available to me."

Upon motion by Commissioner Lewis, it was—

Voted: That the next meeting of the commission in the sugar investigation, unless otherwise ordered by the commission; be held at 10.30 o'clock a. m. Saturday, July 26, 1924.

Approved, August 8, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JULY 21, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. for the purpose of receiving answers from respondents in the investigation (No. 1) of alleged unfair methods of competition and un-

fair acts in the importation and sale of revolvers simulating revolvers of the manufacture of the complainant, Smith & Wesson (Inc.), in violation of section 316 of the tariff act of 1922.

After hearing all parties appearing and requesting to be heard, the commission announced that a public hearing in this investigation would be held at 10 o'clock a. m. on September 29, 1924; that Messrs. Brooks and Brooks, attorneys on behalf of Sociedad Alfa, of Eibar, Spain, were granted an extension of time until August 5, 1924, within which to submit reply to the complaint in this investigation; that J. L. Galef, of New York City, N. Y., was granted an extension of one week, until July 28, 1924, within which to file an answer to the complaint in this investigation; that the complainant was allowed 30 days, until August 20, 1924, within which to take and submit depositions in accordance with the rules or procedure of the commission; that 30 days thereafter, to wit, from August 20, 1924, to September 19, 1924, was granted to the respondents to take and submit depositions in accordance with the said rules of procedure of the commission; that this hearing was closed.

The following order was adopted by the United States Tariff Commission:

[Hearing and Proceedings by the United States Tariff Commission under the provisions of section 316 of Title III of the tariff act of 1922]

In re: Investigation of alleged unfair methods of competition and unfair acts in the importation and sale of revolvers simulating revolvers of the manufacture of Smith & Wesson (Inc.). Section 316. Docket No. 1.

On this 21st day of July, 1924, the return day set in the order of the United States Tariff Commission passed on the 3d day of June, 1924, upon complaint under oath filed by Smith & Wesson (Inc.), on the 28th day of May, 1923, of alleged unfair methods of competition and unfair acts in the importation and sale of revolvers simulating revolvers of the manufacture of the complainant, Smith & Wesson, (Inc.), in violation of section 316 of the tariff act of 1922, it is ordered by said United States Tariff Commission:

1. That upon request of counsel, J. L. Galef, an importer of New York City, be allowed one week from this 21st day of July, to wit, until July 28, 1924, to answer said complaint and show cause if any he has why the provisions of said section shall not be applied in respect of said alleged unfair methods of competition and unfair acts in the importation and sale of the articles complained of;

2. That upon request of counsel, the Sociedad Alfa, of Eibar, Spain, be allowed until August 5, 1924, to answer said complaint and show cause if any they have why the provisions of said section shall not be applied in respect of said alleged unfair methods of competition and unfair acts in the importation and sale of the articles complained of.

3. That upon request of counsel, 30 days from this 21st day of July, 1924, be allowed the complainant to take depositions in accordance with the commission's rules of procedure, and that 30 days thereafter, to wit, from August 20, 1924, be allowed respondents to take depositions in accordance with said rules, all said depositions to be filed in the office of the secretary of the commission within 10 days after the conclusion of the taking of the same and in any event on or before September 27, 1924;

4. That a further public hearing in the foregoing investigation shall be held at the office of the United States Tariff Commission, Washington, D. C., at 10 o'clock a. m., on the 20th day of September, 1924, at which hearing the said Smith & Wesson (Inc.), and the parties alleged in the complaint of said Smith & Wesson (Inc.), to be manufacturers of the articles aforesaid, namely, Orbea Hermanos, Garate Anitua y Cia., Belsteguis Hermanos, Guisasola, Trocaola Aranzabel y Cia., and Sociedad Alfa, all of Eibar, Spain, and all other persons, firms, and corporations concerned as owners, importers, consignees, agents, or otherwise in the alleged unfair methods of competition and unfair acts in the importation and sale of said articles, will be af-

forded an opportunity to be present, to offer evidence, and to be heard concerning said alleged unfair methods of competition and unfair acts in the importation and sale of said articles, constituting the subject matter of this investigation;

5. That public notice of said hearing shall be given by publishing a copy of this order once a week for two successive weeks, the latest of said publications to be made at least 24 days before said 29th day of September, 1924, in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.; also by posting a copy of this order for 30 days prior to said 29th day of September, 1924, at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York; and

6. That notice of said hearing shall also be given by mailing registered, postage prepaid, a copy of this order, certified by the secretary of the commission under its seal, to each of the persons, firms, or corporations hereinbefore specifically named, at their respective addresses.

By the United States Tariff Commission:

THOMAS O. MARVIN, *Chairman*.

Approved, August 8, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JULY 22, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Upon the suggestion of the chairman the reading of the minutes of previous meetings of the commission was deferred pending the consideration by the commission of a report from the advisory board in connection with the butter investigation.

The commission resumed and continued the consideration of plans for the field work in the butter investigation.

Messrs. Turner, Comer, Mixter, Simpson, Zapoleon, Connor, and Juve of the commission's staff, were called in and participated in the discussion.

A schedule of questions to be considered at the conference to be held in the butter investigation at St. Paul, Minn., on July 28, 1924, was approved as submitted by the chief investigator subject to modification by the advisory board.

The members of the staff were excused and withdrew.

The secretary proceeded to read for approval the minutes of the meeting of the commission held on July 17, 1924.

During the discussion Commissioner Glassie submitted the following motion as a substitute for the resolution adopted on July 17, 1924, in reference to a proposed conference at St. Paul, Minn., on July 28, 1924, in connection with the butter investigation:

Moved: That Messrs. Geo. P. Comer, L. B. Zapoleon, Kemper Simpson, O. A. Juve, L. G. Connor, Geo. A. Billings, and C. K. Lewis be authorized to travel to St. Paul, Minn., and return, for the purpose of attending a conference to be held in that city on July 28, 1924, at which Messrs. G. A. Pond, P. E. McNall, and P. L. Miller shall also attend, in accordance with instructions to



be furnished by the commission with regard to methods of conducting the cost inquiries in the pending butter investigation.

Action upon the minutes and upon the foregoing motion by Commissioner Glassie was deferred.

Approved, August 8, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JULY 25, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The chairman laid before the commission a letter received from the President requesting the commission to make an investigation, for the purposes of section 315 of the tariff act of 1922, in respect of the cost of production of halibut, as follows:

JULY 23, 1924.

MY DEAR MR. CHAIRMAN: Your letter of July 21, referring to a letter from the Secretary of State to me, dated July 5, suggesting an investigation of the costs of production of halibut in the United States and Canada, has been received. I shall be glad to have the commission make the investigation suggested.

Very truly yours,

CALVIN COOLIDGE.

HON. THOMAS O. MARVIN,  
*United States Tariff Commission, Washington, D. C.*

Whereupon it was—

Voted: That the letter received from the President under date of July 23, 1924, requesting the commission to institute, for the purposes of section 315 of the tariff act of 1922, an investigation in respect of the costs of production of halibut, be referred to the advisory board for report upon the scope, character, and estimated cost of such an investigation.

The chairman laid before the commission a letter from Representative E. H. Wason, of New Hampshire, requesting to be informed whether the commission would hold in the near future a preliminary hearing in respect of pitted cherries.

The letter was read and upon suggestion by the chairman was referred to the advisory board with request for a report to the commission on the advisability of holding a preliminary conference on this subject.

The secretary laid before the commission request of Mr. William A. Babson, attorney for J. L. Galef, of New York City, for a further extension of time in which to answer complaint of Smith & Wesson (Inc.) in the pending investigation for the purposes of section 316 of the tariff act of 1922, in respect of alleged unfair methods of competition and unfair acts in the importation and sale of revolvers.

After consideration of the foregoing request, it was—

Voted: That upon request of counsel J. L. Galef, an importer of New York City, be allowed until August 5, 1924, to answer the complaint of Smith & Wesson (Inc.) in the pending investigation for the purposes of section 316 of the tariff act of 1922, in respect of alleged unfair methods of competition and unfair acts in the importation and sale of revolvers, and to show cause, if any he has,

why the provisions of said section shall not be applied as requested in said complaint.

The commission proceeded to the further consideration of plans for the conduct of the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the cost of production of butter.

The chief investigator was called into the meeting at this time.

Upon motion by Commissioner Lewis, it was—

Voted: That Mr. George P. Comer, the chief investigator, be added to the list of agents of the commission who shall attend the proposed conference at St. Paul, Minn., in connection with the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter.

Upon motion by Commissioner Glassie, it was—

Voted: That Messrs. George P. Comer, L. B. Zapoleon, Kemper Simpson, O. A. Juve, L. G. Connor, George A. Billings, and C. K. Lewis be authorized to travel to St. Paul, Minn., and return for the purpose of attending a conference to be held in that city in accordance with instructions to be furnished by the commission in respect of methods of conducting the cost inquiries in the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the cost of production of butter.

Commissioner Lewis submitted the following motion—

Moved: That Messrs. L. B. Zapoleon, O. A. Juve, George A. Pond, P. E. McNall, George A. Billings, L. G. Connor, C. K. Lewis, F. H. Shelledy, William J. Kurtz, Kemper Simpson, John N. Torvestad, Marvin C. McNeill, Kenneth L. Stone, Lester C. Riddle, Lawrence Newman, Neal J. Halpin, E. G. Misner be authorized to travel to such places as may be necessary in Minnesota, Wisconsin, Michigan, Ohio, Illinois, Indiana, Iowa, and Nebraska for the purpose of obtaining cost schedules in the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the cost of production of butter.

Commissioner Burgess—

Moved: That the name of Mr. Kemper Simpson be omitted from the list of persons included in the foregoing motion by Commissioner Lewis.

On the motion by Commissioner Burgess the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Burgess, Glassie.

Against the adoption of the motion, Messrs. Marvin, Lewis.

The motion was therefore rejected.

The question being upon the motion submitted by Commissioner Lewis, the motion was agreed to.

Upon motion by Commissioner Glassie it was—

Voted: That Prof. E. G. Misner, of Cornell University, an expert in dairying costs, be requested to come to the offices of the Tariff Commission on July 28, 1924, at the expense of the commission, for a conference in regard to the plans for the pending butter investigation with a view to his attendance also at the proposed conference in the same connection to be held at St. Paul, Minn., on July 31, 1924, and with the further view to his employment in connection with the work of that investigation.

Upon recommendation by the chief investigator, it was—

Voted: That Prof. C. L. Holmes, of the University of Iowa, be requested to attend, at the expense of the Tariff Commission, the conference proposed to be held on July 31, 1924, at St. Paul, Minn., in connection with the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter.

Voted: That the secretary is authorized to arrange for the employment of Prof. P. E. McNall, of the University of Wisconsin, at a rate of compensation not to exceed \$5,200 per annum for service for a period not to exceed two months in the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter.

Voted: That Messrs. L. B. Zapoleon, O. A. Juve, L. G. Connor, George A. Billings, George A. Pond, and P. E. McNall, as crew leaders in the field work in the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter, are each authorized, respectively, to expend not to exceed \$250 for necessary transportation by automobile or other means not available by common carrier, and not to exceed \$50 each for necessary stenographic and other clerical assistance in connection with the field work in the pending butter investigation.

Upon recommendation by the committee on cost schedules the schedules prepared for obtaining costs of production of butterfat and of creamery butter were approved.

Voted: That the secretary is authorized to arrange for the employment of not to exceed 15 temporary clerks for service in connection with the tabulation and other office work incident to the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter.

The plan submitted by the chief of the chemical division and the chief investigator for the conduct of the field work in obtaining cost schedules in the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of vegetable and animal oils and fats, was approved, and it was—

Voted: That Messrs. M. G. Donk, H. H. Newton, H. C. Fisher, and V. A. Roberts are authorized to travel to necessary points in Texas and Oklahoma, and return, on business in connection with the investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of vegetable and animal oils and fats.

Voted: That Messrs. F. W. McSparren, Myron R. Grigg, R. R. Merrill, and G. L. Barry are authorized to travel to necessary points in Georgia, Louisiana, Mississippi, Alabama, Arkansas, and Tennessee, and return, on business in connection with the investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of vegetable and animal oils and fats.

Voted: That Messrs. Frank Talbot, L. S. Baliff, M. C. McNeill, and Benjamin Weissbrod are authorized to travel to necessary points in Alabama, Georgia, North Carolina, South Carolina, and Virginia,

and return, on business in connection with the investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of vegetable and animal oils and fats.

Voted: That Messrs. Dexter North and S. L. Heacock are authorized to travel to necessary points in Pennsylvania, New York, New Jersey, Ohio, Kentucky, Indiana, Illinois, and Missouri, and return, on business in connection with the investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of vegetable and animal oils and fats.

Voted: That Mr. W. I. Streett be substituted for Mr. M. C. McNeill in the designation of agents of the commission to obtain field costs in the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of vegetable and animal oils and fats, and that Mr. Streett be authorized to travel accordingly.

Voted: That the secretary is authorized to arrange with Mr. Crittenden Marriott to review the report prepared by the commission upon the artificial silk industry and to pay Mr. Marriott for his services in this connection not to exceed \$50.

Approved, August 8, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JULY 26, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Also present: Doctor Bernhardt.

The CHAIRMAN. By vote of a majority of the commissioners participating in the preparation of the report to the President in the sugar investigation, this day and date were set for the completion of the report to the President in the pending investigation of the cost of production of sugar and for the submission to the commission of any opinions that any commissioner or commissioners may desire to have transmitted with the report to the President. I should like to ask if the report is completed and if any commissioner or commissioners have a statement of their opinions which they desire to have incorporated in the report ready to be submitted to-day.

Vice Chairman CULBERTSON. May I answer the first question? The first question as to whether the report of the commission is or is not complete is a question for the chairman of this commission to answer. The chairman is the executive head of the commission and is responsible for carrying out the votes of the commission.

The CHAIRMAN. The chairman replies that he does not consider the report completed until the opinions which commissioners desire to have incorporated in the report have been handed in, and he further raises the question whether the report presented at the last meeting on the subject of sugar has been revised or changed or corrected in any way.

Commissioner COSTIGAN. There are, I understand, some slight modifications to be proposed by the chief of the sugar division for the consideration of the commission.

The CHAIRMAN. The chairman will state that the revisions or modifications referred to have not been called to his attention. Thinking that possibly it might have been found necessary to make some modifications or corrections he asked at the opening of this meeting if the report in its completed form was ready for action by the commission.

Commissioner COSTIGAN. The report was adopted at the last meeting. Whether the suggested modifications of it are to be approved by the commission must be determined after they are submitted to the commission this morning.

The CHAIRMAN. The first consideration apparently, then, would be the consideration of any suggested modifications in the report.

Doctor Bernhardt presented the report and stated that with the exception of editorial changes involving correction of grammatical mistakes, the elimination of redundant words, the proper adjustment of punctuation, and the better phrasing of some expressions in the report, there were no changes in the report as adopted; that there were no changes of substance or of meaning. He further explained that the report was in complete form except that the pages had not been numbered and that the cross references in the text had not been inserted.

The changes of importance were explained by Doctor Bernhardt as follows with reference to page numbers indicating the draft of the report as adopted on July 19, 1924:

Page 40. A footnote is added.

Page 67. Reference to the appendix is omitted and data for two additional years are added to the adjacent table.

Page 89. The table based on Doctor Rutter's memorandum upon agricultural costs is replaced by another table based on actual agricultural costs taken from the Cuban schedules.

Page 90. The text is corrected to be made consistent with the changes referred to above made on page 89.

Page 123. The last two lines of text are changed and table following them is replaced by a table covering two pages showing manner of arriving at the results and figures are shown only for the net results, which are the same as in the table thus replaced. A new footnote is substituted for the original footnote.

Page 128. The same sort of change is made by the substitution of a table showing the method of treatment and the net result, with appropriate new footnote.

Page 132. The table is amended by the addition of data for 1918, 1919, and 1920, with an appropriate new footnote.

Page 133. The table is amended to conform with the changes as referred to above on pages 123, 128, and 132.

Each of the changes above indicated was approved by vote of the commission.

The proposed change to add, on page 44, two tables at the bottom of the page covering costs for the first six months of the calendar year 1923, and six-year average from 1917 to 1922, was not approved.

Upon motion by Commissioner Costigan all editorial changes and changes in page numbers were approved, Doctor Bernhardt having assured the commission that such changes did not involve any change of substance or meaning of the report.

Upon motion by Commissioner Costigan, it was—

Voted: That in view of the changes this day approved in the report of the United States Tariff Commission to the President in the investigation (No. 12) of the costs of production of sugar pursuant to the provisions of section 315 of the tariff act of 1922, which was adopted subject to revision on June 21, 1924, the report be, and the same is hereby, approved and adopted in its revised form, together with the confidential section of that report and the appendices thereof, which are also hereby approved and adopted.

The votes of the commissioners on the foregoing resolution were as follows:

In favor of the adoption of the resolution: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the resolution: Messrs. Marvin, Burgess.

The CHAIRMAN. I inquire whether there are any statements or opinions by commissioners that are ready to be submitted in connection with the report?

Commissioner COSTIGAN. In response may I ask whether the chairman and Commissioner Burgess are prepared to submit any opinions?

The CHAIRMAN. I was proposing to state, if I could speak for Mr. Burgess and myself, that we have devoted ourselves assiduously to the preparation of statements which we desire to submit to the President, but that it has been impossible to complete them for presentation to the commission to-day. We have considerable material prepared and in process of preparation, but the final assembling of the material has not yet been completed. We expect to proceed with that work as rapidly as we can.

Commissioner COSTIGAN. Do you care to indicate when it will be reasonably certain that you will be ready?

The CHAIRMAN. I should like to say by the middle or last of next week; but, as I have stated right along, it is practically impossible to set a date for the completion of work of this nature.

Commissioner Costigan stated that findings of fact and recommendations, signed by Vice Chairman Culbertson and Commissioners Lewis and Costigan, upon the data collected by the commission in the sugar investigation, were before the commission ready for transmittal to the President.

The CHAIRMAN. The commission at this meeting to-day has approved certain changes in text and tables and the report in final form to be transmitted to the President is not yet ready.

Upon motion by Commissioner Lewis, it was—

Voted: That, in view of the suggestions by the chairman and Commissioner Burgess that they require more time to complete their statements of opinions, the time fixed by the resolution of the commission adopted on July 2, 1924, and extended by the resolutions of the commission adopted on July 12, 14, and 17, 1924, for the submission to the commission of any opinions that any commissioner or commissioners may desire to have transmitted with the report to the President in the investigation (No. 12) of the costs of production of sugar, be, and the same is hereby, extended until 10.30 o'clock a. m., July 30, 1924.

The votes of the commissioners on the foregoing resolution were as follows:

In favor of the adoption of the resolution: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the resolution: Messrs. Marvin, Burgess.

The CHAIRMAN. I appreciate the evidence, as manifested in the foregoing resolution, of the desire on the part of members of the commission to accommodate those members of the commission who have not yet found it possible to complete the statements which they desire to transmit to the President, and I renew the statement which I have frequently made that I shall proceed with the preparation of my statement with all possible dispatch.

Approved, August 8, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JULY 29, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Voted: That the secretary is authorized to arrange with the Department of Agriculture for the extension of the present employment of Mr. O. A. Juve, special expert accountant, with the Tariff Commission until December 31, 1924.

Voted: That the salary of Mr. O. A. Juve, special expert accountant, be increased from \$3,300 per annum to \$3,600 per annum, effective August 1, 1924.

Voted: That the secretary is authorized to arrange for the extension of the present employment of Mr. Wm. J. Kurtz, special expert accountant, with the Tariff Commission until November 30, 1924.

Voted: That Messrs. Frank L. Brunkow, Paul A. Elke, and Sherman Johnson be authorized to travel to such places as may be necessary in Minnesota, Wisconsin, Michigan, Ohio, Illinois, Indiana, Iowa, and Nebraska, for the purpose of obtaining costs schedules in the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of butter.

Voted: That Messrs. M. G. Donk, F. W. McSparren, Frank Talbot, and Dexter North, as crew leaders in the field work in the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of vegetable and animal oils and fats, are each authorized, respectively, to expend not to exceed \$15 for necessary stenographic and other clerical assistance in connection with the field work in the said investigation.

Voted: That schedules as submitted by the committee on schedules be approved for use in the field work in the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922 in respect of the costs of production of vegetable and animal oils and fats, for obtaining figures of cost of production, respectively, of crushing copra, of refining coconut oil, and of refining cottonseed, peanut, and soy-bean oils.

The secretary laid before the commission a letter from the Acting Secretary of Commerce requesting the cooperation of the Tariff Commission in the preparation of a reply to Senate Resolution No. 256

of June 6, 1924, directed to the Secretary of Commerce in reference to the calf-leather tanning industry, together with a memorandum with reference thereto from the chief of the sundries division.

Upon motion by Commissioner Burgess the papers were referred to Commissioner Glassie for consideration and preparation of a reply.

Prof. E. G. Misner, of Cornell University, who was present in the offices of the commission in response to request in pursuance of the resolution of the commission adopted on July 25, 1924, was called into the meeting for discussion of plans for the conduct of the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922 in respect of the costs of production of butter.

At the conclusion of this conference Professor Misner was excused and withdrew.

After discussion of the possible availability of Professor Misner for service in connection with the work of the commission, the chairman—

Moved: That the secretary be authorized to arrange for the employment of Prof. E. G. Misner as special expert, with compensation at a rate not to exceed \$450 per month for service in connection with the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922 in respect of the costs of production of butter.

Commissioner Costigan—

Moved: That the compensation proposed in the foregoing motion by the chairman be fixed at not to exceed \$400 per month.

Commissioner Burgess—

Moved: As an amendment to Commissioner Costigan's amendment that the compensation proposed in the foregoing motion by the chairman be fixed at not to exceed \$500 per month.

Upon the amendment to the amendment, the votes of the commissioners were as follows:

In favor of the adoption of the amendment to the amendment: Messrs. Marvin, Culbertson, Lewis, Burgess, Glassie.

Against the adoption of the amendment to the amendment: Mr. Costigan.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The question being upon the chairman's motion as amended, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Culbertson, Lewis, Burgess, Glassie.

Against the adoption of the motion: Mr. Costigan.

The motion was therefore agreed to.

The chairman laid before the commission a recommendation from the chief of the textile division that Messrs. A. H. McCarrell and Andrew Coulthart be authorized to travel to cotton mills in Connecticut, Massachusetts, Rhode Island, North Carolina, South Carolina, and Georgia for the purpose of obtaining information of present conditions in the cotton-cloth industry.

It was accordingly—

Voted: That Messrs. A. H. McCarrell and Andrew Coulthart be authorized to travel for a period not to exceed one month to such



places as may be necessary in Connecticut, Massachusetts, Rhode Island, North Carolina, South Carolina, and Georgia and return for the purpose of obtaining information concerning present conditions in the cotton cloth manufacturing industry.

(NOTE.—Commissioner Culbertson was not present when this resolution was considered.)

The chairman laid before the commission an Executive order (No. 3987) dated April 4, 1924, prescribing regulations for the guidance of representatives of the Government in foreign countries with a view to unifying their activities and insuring cooperation and economic efficiency in administration.

The order was referred to a committee consisting of Commissioners Lewis and Glassie for consideration and report to the commission.

Approved, August 8, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

—————  
JULY 30, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The chairman requested, on behalf of himself and Commissioner Burgess, that the meeting set for this date be postponed until 2.30 o'clock p. m. to-morrow, Thursday, July 31, 1924, at which time, he stated, it was the expectation of Commissioner Burgess and himself that the final draft of their report to the President in the sugar investigation would be ready to submit to the commission. He further stated that it would expedite proceedings to postpone the meeting for the purpose mentioned—the final preparation of the draft of their report.

In view of the foregoing statement by Chairman Marvin, Commissioner Costigan—

Moved: That the secretary be, and is hereby, authorized and instructed to transmit to the President at 2.30 o'clock p. m., on July 31, 1924, together with the various papers therein mentioned, a letter in substantially the following form:

MY DEAR MR. PRESIDENT: Pursuant to instructions of the United States Tariff Commission, there is transmitted herewith in accordance with the provisions of section 315 of the tariff act of 1922, (1) the report of the United States Tariff Commission to the President upon the data obtained in the investigation of the differences in costs of production of sugar, including the confidential section of this report and the appendices of the report, numbered 1 to 5 inclusive; (2) the findings of fact and recommendations of the United States Tariff Commission in that investigation; and (3) the individual report (or reports) filed by Chairman Marvin and Commissioner Burgess.

Very respectfully,

UNITED STATES TARIFF COMMISSION,  
By \_\_\_\_\_, *Secretary.*

The PRESIDENT,  
*The White House, Washington.*

Inclosures.

It was, by the chairman—

Moved: That the foregoing motion submitted by Commissioner Costigan lie on the table.

Upon this motion by the chairman the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

The chairman, for the reasons already stated; that is, that the preparation of the report by Commissioner Burgess and himself in the sugar investigation may be expedited—

Moved: That the commission now adjourn until 2.30 o'clock p. m. July 31, 1924.

Upon this motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

The question being upon the motion of instructions to the secretary as submitted by Commissioner Costigan, he amended his motion by the addition of the following clause—

Moved further: That if the individual report (or reports) of Chairman Marvin and Commissioner Burgess shall not be ready for transmittal to the President at the time stated, the foregoing letter shall be changed substantially as follows:

The word "and" shall be inserted between the word "inclusive" and the figure "(2)," the last clause in said letter, which reads as follows: "and (3) the individual report (or reports) filed by Chairman Marvin and Commissioner Burgess" shall be omitted; and in lieu of that clause there shall be inserted in the letter a paragraph reading substantially as follows: "Chairman Marvin and Commissioner Burgess desire to transmit their individual report (or reports) during the present week, and the commission does not object to the transmittal of such individual report (or reports) within that time."

Statement by Commissioner Burgess: I object to the wording of the proposed letter of transmittal, inasmuch as it purports to refer to (1) the report of the United States Tariff Commission and (2) findings of facts and recommendations of the United States Tariff Commission. The facts are that said report and findings of facts are a report and findings of facts by three members, or one-half, of the United States Tariff Commission, namely, Commissioners Culbertson, Lewis, and Costigan, constituting a temporary majority of the commission in the absence, through disqualification, of Commissioner Glassie. I have no objection to a letter of transmittal setting forth the exact facts, namely, that it is a report approved by Commissioners Culbertson, Lewis, and Costigan as members of the Tariff Commission, and setting forth that a separate report is filed signed by Commissioners Marvin and Burgess, also members of the United States Tariff Commission.

Commissioner Culbertson referred to the records of the United States Tariff Commission and stated that they constitute a sufficient reply to Commissioner Burgess's statement.

Chairman MARVIN: I can not vote for the motion by Commissioner Costigan, because the rules of the commission provide that communications sent to the President shall be signed by the chairman of the commission; because the motion contemplates a procedure which is contrary to the usual and regular custom of the commission of transmitting reports to the President through the chairman of the commission; and because I do not admit the authority of three members of the commission to designate a report prepared by them as a report of the United States Tariff Commission.

Commissioner CULBERTSON: I request the chairman to state whether, if the commission authorizes him to do so, he will transmit the report in the words set out in Commissioner Costigan's motion.

The CHAIRMAN: For the reasons that I have stated above, to wit, that a paper signed by three members of the commission is not properly designated a report of the United States Tariff Commission, I would not feel that it is proper for me to sign a letter of transmittal in the particular terms proposed in the motion of Commissioner Costigan, but that I would unhesitatingly sign a letter of transmittal stating exactly the facts in the case.

Commissioner CULBERTSON: I regard the statement of the chairman as a statement that he would violate the rules to which he has just above referred.

The chairman replied that he could not agree that the rules of the commission could be changed by a vote of three commissioners constituting only one-half of the membership of the commission, and that, as administrative officer of the commission, he would endeavor to have the rules observed. The chairman further stated that he did not concede that three commissioners could designate a report approved by them as "the report of the United States Tariff Commission," and direct the chairman of the commission to write a letter to the President thus improperly designating such a report.

The question being upon the motion by Commissioner Costigan as amended by him, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess.

The motion was therefore agreed to.

Upon motion by Commissioner Lewis, it was—

Voted: That the secretary be, and is hereby, authorized and instructed to attach the following certificate, attested under the seal of the commission, to the report of the commission to the President in the investigation (No. 12) of the costs of production of sugar, for the purposes of section 315 of the tariff act of 1922.

This is to certify that the foregoing report was approved and adopted by the United States Tariff Commission on July 20, 1924.

[SEAL.]

\_\_\_\_\_  
Secretary, United States Tariff Commission.

Upon the adoption of the foregoing resolution, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess.

Commissioner Lewis made the following statement:

In voting for the motion of Commissioner Costigan, in which references are made to individual reports of Chairman Marvin and Commissioner Burgess, I wish to disclaim any admission that the statement or statements to be submitted by them are in the nature of reports rather than individual opinions. My reasons for this reservation will be given later.

The report prepared by the chief of the sugar division with tables, charts, appendices, etc., being on the table before the secretary, the chairman asked the commission: "Do I understand that the report in its final and complete form is now before the commission?" Assent being indicated, the chairman requested the secretary to bring the report to his office after the adjournment of the meeting.

The chairman stated that in the absence of further business the commission would stand adjourned.

Commissioner Costigan stated to the chairman that Doctor Bernhardt had been invited to attend the meeting and that if the chairman desired to leave, the report could be subsequently taken to the office of the chairman.

Subsequently, after Chairman Marvin had left the room, upon motion by Commissioner Lewis, Vice Chairman Culbertson presiding, it was—

Voted: That the final copies of the report to be transmitted to the President and to be retained in the commission's files in the investigation (No. 12) in respect of the costs of production of sugar, for the purposes of section 315 of the tariff act of 1922, shall remain in the possession of the secretary of the commission until transmitted to the President.

Upon the foregoing resolution the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the resolution: Mr. Burgess.

Approved, August 8, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JULY 31, 1924.

Present: William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

Commissioner Culbertson made the following statement:

At the meeting of the commission last Saturday I stated that President Coolidge had indicated his approval to my attending the Institute of Politics at Williamstown, Mass., during the month of August. His approval has since been confirmed in writing and he has also advised President Garfield of Williams College to this effect.

Commissioner Culbertson stated also that Chairman Marvin had given him assurance this morning that no advantage would be taken of the absence of any commissioner to dispose of any controversial issue.

After further discussion Commissioner Costigan asked that the minutes of the meeting show that it is the view of the commissioners present that in the absence of the several commissioners during the months of August and September, 1924, controversial questions shall not be voted upon by the commission, excepting such as may arise from unforeseen emergencies.

Commissioner Glassie made the following statement:

The question whether any matter arising in the course of the commission's business shall be considered during the absence of a commissioner is a question which must be dealt with in each instance upon the ordinary principles of fair play and with due regard to the public interest. I am not aware that it has been the practice to take advantage of the absence of one member of the commission by forcing disposition of matters concerning which such absent member is known or understood to have the intention to vote contrary to the views of the three members constituting in his absence a temporary majority. I can not see how such a matter can be reduced to a formula expressing a rule for all cases, whether by motion or otherwise.

Voted: That a committee consisting of Commissioner Glassie and Commissioner Lewis be appointed to consider the motion made by Commissioner Glassie on May 20, 1924, in reference to procedure by the commission after the close of public hearings in certain investigations.

Upon motion by Commissioner Costigan, it was—

Voted: That the following article appearing in the Washington Post of July 31, 1924, without the authorization of the commission, be referred to the committee appointed on July 17, 1924, to investigate the source of various articles appearing in the press:

[Washington Post, July 31, 1924]

COMMISSION TO REFUSE LA FOLLETTE SUGAR DATA

Complete information regarding the status of the investigation of duties on sugar, as requested by Senator La Follette (Rep.), Wisconsin, in an announcement Tuesday, will not be furnished him at this time, according to Thomas O. Marvin, chairman of the Tariff Commission.

It was indicated Senator La Follette will get only such information as is available to anyone, and under the commission's policy its final report and recommendation will be withheld from the public until released by President Coolidge.

Commissioner Glassie

Moved: That the secretary be authorized and directed to issue to the press the following statement:

The United States Tariff Commission is naturally reluctant to enter into newspaper discussion concerning its activities. The official publications, containing its reports as submitted to the President, to the Congress, or to the Houses and committees thereof, supply authentic information for anyone who is sincerely desirous of acquainting himself with the work of the commission or the views of its members upon the serious and difficult questions presented by the statutes with which they have to deal. As recently as June 5, 1924, for example, the commission made a full report to the Senate concerning the commodities upon which applications had been received under the flexible provisions of the tariff act, the investigations instituted, and the present status

thereof, and the commodities upon which applications had been received but concerning which investigations have not been instituted (S. Doc. 142, 68th Cong. 1st sess.) In order to prevent unauthorized statements being imputed to members of the commission, there is, moreover, a clear and recorded understanding to the effect that no commissioner will make statements to the press regarding matters under consideration or any other work of the commission without first submitting such statement to the commission.

Notwithstanding the readily accessible authentic information, there have appeared in some papers from time to time articles containing wholly unfounded statements with respect to the commission's activities under the flexible tariff provisions. Sometimes such articles have been so phrased as to create an impression that the writer was speaking from information obtained from, or was inspired by, persons within the commission itself.

Something more than a year ago a flagrant instance of this kind compelled the commission to issue a public statement denying that certain conclusions reached at a conference with the President was either a victory or a defeat for divergent views within the commission, and stating explicitly that it was not true, as frequently suggested, that the commission was divided into groups, but that each commissioner had acted throughout the commission's deliberations independently and on his own responsibility.

Another flagrant instance of misrepresentation of the commission's activities is to be found in articles signed by William Hard and published in the Washington Times. The commission has authorized and directed its secretary, in its name, to deny the truth of the statements and insinuations made in these articles, and ventures to express the hope that such matter will not be given credence by the public.

The commission thereupon adjourned to meet again at 3 o'clock p. m. to consider the form of a reply to the letter from Senator Robert M. La Follette dated July 29, 1924.

#### AFTERNOON SESSION

The commission reconvened at 3 o'clock p. m.

Present: William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission proceeded to the consideration of a letter from Senator Robert M. La Follette dated July 29, 1924, requesting certain information concerning the investigation (No. 12) in respect of the costs of production of sugar.

Commissioner Costigan submitted the following motion:

Moved: That the commission transmit to Senator Robert M. La Follette, in response to his letter to the chairman of the commission, dated July 29, 1924, the approved minutes of the commission in reference to the sugar investigation, with a statement similar to that in relation to another subject in a letter to Hon. W. A. Oldfield, member of the Committee on Ways and Means, on May 26, 1924, to the effect that the commission deems it highly important to point out that up to the present time the commission has consistently acted on the rule that the transmittal of reports to the President shall not be made public by the commission.

The commission thereupon adjourned to meet again at 10.30 a. m., August 1, 1924, to consider the form of a reply to the letter from Senator Robert M. La Follette, dated July 29, 1924.

Approved, August 8, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

AUGUST 1, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The chairman laid before the commission a letter from Mr. Thomas E. Kelly, who resigned from the commission's staff on July 31, 1924, protesting against deductions of pay for absence from duty charged against him in the commission's records as being unauthorized.

After discussion of the subject Mr. Kelly's letter and a memorandum by the secretary were referred to a committee consisting of Commissioners Lewis and Glassie.

The commission proceeded to the consideration of a letter from Senator Robert M. La Follette, dated July 29, 1924, requesting certain information concerning the investigation (No. 12) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of sugar.

Commissioner Costigan called up his motion submitted at the meeting of the commission on the afternoon of July 31, 1924, and amended it by the addition of a paragraph, as follows:

Moved further: That the secretary be instructed to prepare for transmittal to Senator La Follette a record of the dates of orders and any rulings of the commission, copies of any published rulings, published orders, and statements in the sugar investigation, to and including the date of the commission's latest approved minutes.

After further discussion of the subject Commissioner Costigan requested that a vote be taken on his motion as amended.

The chairman suggested that copies of the motion be supplied to each commissioner, and that a meeting for its consideration be held at 10.30 o'clock a. m. on August 4, 1924.

Commissioner Costigan objected to the postponement.

The suggestion of the chairman was agreed to.

Statement by Commissioner Costigan: "It has long been an understanding in the commission, which I have always approved, that communications to the press concerning the official business of the commission should not be made without the knowledge of all the commissioners. This understanding has been frequently violated. A recent instance in point is the unauthorized article, not publicly contradicted by the commission, appearing in the Washington Post of the morning of July 31, 1924, a copy of which I caused to be inserted in the minutes of the commission's meeting of that date.

"While I am willing to serve on the committee to which questions of publicity have been referred, I feel in duty bound to state that until the commission shall find it possible to enforce a rule with respect to press publicity applicable equally to all commissioners, I must reserve the personal right to the privilege exercised by any other member of the commission of making statements to the press, in any way not inconsistent with the rules of the commission, which appear to be required by the public interest."

Statement by Chairman Marvin: "From a mass of publicity reflecting upon the personnel of the commission and certain features of the commission's work which has occupied a conspicuous place in the columns of the newspapers during the past fortnight, Commissioner Costigan has seen fit to single out a short and innocuous article which appeared in the Washington Post, insert it in the

minutes of the commission meeting of July 31, and introduce into the minutes of August 1 the above statement in regard thereto. The implications of this statement by Commissioner Costigan are that the article referred to is a communication to the press by the chairman concerning the official business of the commission; that the understanding that communications to the press concerning the official business of the commission should not be made without the knowledge of all commissioners has been frequently violated; and that the article which appeared in the Washington Post of July 31 is a recent instance of the violation of this understanding.

"It would have been a simple matter to have ascertained by inquiry at the chairman's office if the chairman had issued any such statement for publication. The facts are that, coincident with the sending to the commission by Senator La Follette of a letter requesting certain information and records, a statement was issued to the press by Senator La Follette elaborating on the contents of the letter and immediately thereafter correspondents called at the chairman's office, personally and by telephone, inquiring about the letter and the action of the commission in regard thereto. To the correspondents who called in person, the chairman stated that the letter would be referred to the commission for consideration and that there was nothing to give out in connection with it until the commission itself made public its action in this connection. To requests over the telephone the chairman made the same statement and in addition thereto called attention to the fact that the statute prohibited the divulging of confidential information, and that, therefore, that part of the commission's records which was considered confidential could not, of course, be divulged. There was no other comment upon the letter and no statement authorized or unauthorized, was issued for publication. The chairman denies responsibility for the article referred to by Commissioner Costigan and for any statement therein purporting to quote him."

Approved, August 8, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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AUGUST 4, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan.

In the absence of a quorum, the commission adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Upon recommendation by the chief of the agricultural division, it was—

Voted: That Mr. Sherman Johnson and Mr. Paul Eke be authorized to use their personal automobiles for transporting the agents of the commission engaged in the field work of the pending butter investigation in Minnesota and Wisconsin and that they be reim-



bursed the actual cost of operating their respective cars for the cost of gasoline and oil actually used and for necessary garage rent.

The commission proceeded to the consideration of a letter from Senator Robert M. La Follette, dated July 29, 1924, requesting certain information concerning the investigation (No. 12) in respect of the costs of production of sugar.

The chairman called up the motion by Commissioner Costigan in reference to this subject, as submitted by him on July 31, 1924, and amended by him on August 1, 1924, and inquired whether he wished to consider it at this time.

After some general discussion the chairman—

Moved: That the question on Commissioner Costigan's motion be divided and that for the second paragraph in said motion, reading as follows:

Moved further: That the secretary be instructed to prepare for transmittal to Senator La Follette a record of the dates of orders and any rulings of the commission, copies of any published rulings, published orders, and statements in the sugar investigation, to and including the date of the commission's latest approved minutes.

there be substituted the following:

Moved: That the secretary be instructed to prepare for transmittal to Senator La Follette, and submit to the commission for approval, a record of the dates of orders and orders, the published rulings of the commission, published orders, preliminary statements of information prepared for use at the public hearings, and the stenographer's reports of the public hearings in the sugar investigation, to and including July 30, 1924.

The chairman submitted the following motion:

Whereas question having been raised as to the participation of Commissioner Glassie in these proceedings, and Commissioner Glassie having requested that the matter be determined by competent authority,

Moved: That a full recital of the matter be prepared and transmitted to the Comptroller General with a request for the earliest possible consideration; and that pending the receipt of the opinion of the Comptroller General there be no further proceedings on this subject.

Upon request by Commissioner Lewis, the foregoing motion went over for further consideration.

Approved, August 8, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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AUGUST 5, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Upon recommendation by the chief of the metals division and the chief investigator, it was—

Voted: That Mr. H. S. De Merritt and Mr. R. S. McKnight be authorized to travel to New York City and vicinity and return for the purpose of obtaining information in respect of the importation and sale of Swiss pattern files.

Upon recommendation by the committee on cost schedules, it was—

Voted: That (1) the schedule prepared for use in obtaining costs of operations of mills engaged in crushing soya beans and in the production of soya-bean products, and (2) the schedule prepared for use in obtaining costs of operations of mills engaged in shelling and crushing peanuts, be, and are hereby, approved for use in the field work of the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of vegetable and animal oils and fats.

The chairman laid before the commission a letter from the President, as follows:

THE WHITE HOUSE,  
Washington, July 24, 1924.

MY DEAR MR. CHAIRMAN: Referring to your letter of July 16 to Mr. Slomp, inclosing a memorandum from the commission regarding the production and importation of cheese, I shall be glad to have the commission investigate at once Swiss cheese and butter.

Very truly yours,

CALVIN COOLIDGE.

THOMAS O. MARVIN,  
*United States Tariff Commission, Washington, D. C.*

After general discussion of the subject, it was—

Voted: That an investigation be instituted for the purposes of section 315 of the tariff act of 1922, in respect of the differences in costs of production of Swiss cheese, the precise scope of said investigation to be determined and a formal order therein to be issued after the advisory board shall have reported upon the scope and plan of such investigation.

Upon motion by Commissioner Glassie, it was—

Voted: That the advisory board be, and is hereby, directed to investigate and report, at the earliest practicable date, upon the proper scope of an investigation for the purposes of section 315 of the Tariff act of 1922, in respect of the foreign and domestic costs of production of those kinds of cheese commonly called Swiss cheese, in respect of which there is at the present time noticeable competition; and

Voted further: That the advisory board, pursuant to rule, draw up a plan for the prosecution of such investigation, together with an estimate of the cost thereof.

The commission proceeded to the consideration of a letter from Senator Robert M. La Follette dated July 29, 1924, requesting certain information concerning the investigation (No. 12) in respect of the costs of production of sugar.

Statement by the chairman: After the disposition of administrative business the chairman stated that the pending business before the commission was the motions made at the meetings of July 31, 1924, and August 1, 1924, which, at the request of Commissioner Lewis, went over for further consideration. The question is on the motion by Commissioner Costigan, a substitute motion by the chairman for the second paragraph of Commissioner Costigan's motion, and a further motion submitted by Chairman Marvin in reference to the application of the proviso in the appropriation act, in connection with which motion it was recited that the motion was made in view of Commissioner Glassie having requested that

the matter be determined by competent authority. This motion having been made under the impression that such a request had been presented by Commissioner Glassie, and Commissioner Glassie's explanation revealing the fact that his statements had been misunderstood, the chairman withdrew the motion.

Commissioner Costigan's motion was taken up for consideration and being divided, upon request of the chairman, into two motions, the question was upon the adoption of the first motion.

By Commissioner COSTIGAN. At yesterday's meeting there was considerable discussion of Commissioner Glassie's right to vote on the motions offered by me and on the substitute offered by Chairman Marvin to the second of those motions. While the question is not devoid of technical legal doubt, I am of the opinion that Commissioner Glassie should not vote on either of the motions specified, because of the provisions of the amendment to the appropriation act, for the present fiscal year applying to the commission's appropriation. In view of this opinion I feel compelled to enter an objection to Commissioner Glassie so voting.

By Commissioner GLASSIE. But for the doubt raised by Commissioner Costigan's objection, which, of course, I desire to treat with entire deference, I should not have supposed it possible to argue that action upon a request by Senator La Follette or by any other individual for disclosure of the commission's minutes and for information as to whether the commission had submitted a report in any investigation to the President, could constitute participation in such investigation. The investigation of the costs of production of sugar, like other investigations for the purposes of section 315 of the tariff act of 1922, is an investigation conducted to assist the President by ascertaining the facts regarding foreign and domestic production costs and the other matters of fact mentioned in subsection (c) as being proper to be taken into account in ascertaining the differences in costs of production. The purpose and nature of such an investigation is to assist the President in performing his duty and exercising his power under section 315, to ascertain, determine, and proclaim such changes in classification or increases or decreases, in rate of duty as may be necessary to equalize the ascertained differences in such costs of production. It is difficult to see how action upon Senator La Follette's request for submission to him of papers or copies of papers in the files of the commission can affect the ascertainment of the differences in costs of production or the ascertainment of any of the matters, such as wages, costs of material, and other items, in costs of production, which may be taken into consideration in ascertaining differences in costs of production. It is difficult to see how action on this request can possibly affect the result or the consequences or the action taken or to be taken in the investigation of the costs of production of sugar. It is not difficult, however, to see that Senator La Follette's request and the action upon that request must definitely establish a controlling practice with respect to the publicity or disclosure to be given to the minutes, records, and files of the commission. The request relates definitely to that subject. It relates to that subject no more and no less than to a request for the same identical records, minutes, and files made six months after a proclamation in the investigation. It establishes

for all time a controlling precedent, and therefore a rule with respect to the submission of the minutes of this commission, unless it should be argued, as I assume it will not be argued, that minutes and other matters may be open to Senator La Follette while closed to everybody else. Therefore, it seems to me personally that action on this request is in no sense whatever a participation in the investigation, and that action upon a like request with regard to the papers in any other investigation would not be a participation in that investigation.

Unfortunately, as I think, the final decision of the legality of any of the actions challenged does not rest with the challenged commissioner. The recent statute to which reference has been made substitutes an absolutely external authority. Any commissioner, therefore, whose action is challenged has, in my judgment, a clear right to have the legal character of his act determined in advance by competent authority. If the circumstances were such that it was absolutely necessary in order to protect the integrity of the records of this commission for me to vote, I should insist upon the question of such action being participation in an investigation being itself determined by competent authority. I feel, however, that much of what Senator La Follette asks can be properly furnished to him and I do not see that there should be any avoidable delay in furnishing him what he is entitled to have. For that reason and not because I accede to the view stated by Commissioner Costigan, notwithstanding the respect I have for his judgment, I am not going to vote on this first motion, reserving to myself, however, full liberty of action with regard to the performance of what I conceive to be my duty.

By Commissioner COSTIGAN: In connection with Commissioner Glassie's statement I wish merely to add at this time that on one occasion Commissioner Burgess, with the knowledge of the commission, submitted to Senator Edge, of New Jersey, certain minutes of the commission. It was reported by Commissioner Burgess that the minutes referred to were shown to Senator Edge in confidence, but I submit that there is no difference in principle between the course pursued by Commissioner Burgess on that occasion and the course now suggested.

By Chairman MARVIN: In respect of the statement by Commissioner Costigan, that there appears to be no difference between the action taken by Commissioner Burgess in connection with certain minutes of the commission and the action that should be taken by the commission in response to the request of Senator La Follette, I desire to point out that the minutes referred to as having been shown to Senator Edge in confidence were minutes recording the action of the commission in regard to an application and before an investigation pursuant to section 315 was ordered; whereas Senator La Follette's request relates to minutes of the commission in connection with an investigation ordered under section 315, in which connection a report has been transmitted to the President, thus making the minutes in the latter case part of the record of the investigation, and, therefore, not subject to disclosure until the President has acted upon the records in the case and upon the report transmitted to him pursuant to statute.

The question being upon the first motion submitted (July 31, 1924), by Commissioner Costigan and reading as follows:

Moved: That the commission transmit to Senator Robert M. La Follette, in response to his letter to the chairman of the commission, dated July 29, 1924, the approved minutes of the commission in reference to the sugar investigation, with a statement similar to that in relation to another subject in a letter to Hon. W. A. Oldfield, member of the Committee on Ways and Means, on May 26, 1924, to the effect that the commission deems it highly important to point out that up to the present time the commission has consistently acted on the rule that the transmittal of reports to the President shall not be made public by the commission.

the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess.

The motion was therefore rejected.

By Commissioner COSTIGAN: In view of the commission's action on the foregoing motion, I request the withdrawal of the second motion submitted by me. If it be not withdrawn it will be necessary for me to vote against both the motion and the substitute motion offered by the chairman. In my judgment, such a motion standing alone constitutes in effect a denial of what I conceive to be a reasonable request of Senator La Follette.

The second motion (August 1, 1924), by Commissioner Costigan was accordingly withdrawn.

The chairman offered the following motion:

Moved: That the secretary be instructed to prepare for transmittal to Senator La Follette, and submit to the commission for approval, a record of the dates of orders and orders, the published rulings of the commission, published orders, preliminary statements of information prepared for use at the public hearings, and the stenographer's minutes of the public hearings in the sugar investigation, to and including July 30, 1924.

The votes of the commissioners upon the foregoing motion were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess.

Against the adoption of the motion: Messrs. Lewis, Costigan.

The motion was therefore rejected.

By Commissioner LEWIS: I am convinced that the minutes regarding the decisions of the commission are, like the minutes of other public bodies, public records save in those instances where particular exigencies of the Government call for a qualified confidence and secrecy under statutes or well-recognized public policies. If the motion should be amended to include the minutes as approved in the sugar investigation, I should vote for it, since there is nothing in these minutes the disclosure of which would be incompatible with the public interest. This motion as it is, in my judgment, amounts to a denial of the legal duties and rights involved with respect to public records. Since the motion purposely excludes this provision, I feel it a public duty to vote "No."

By Commissioner BURGESS: I voted against Commissioner Costigan's motion and voted for the chairman's motion for the reason that Commissioner Costigan's motion introduces a new method of procedure in the matter of the minutes of the commission. In the case of Congressman Oldfield's request referred to in the motion, the question arose as to the propriety of granting his request. This

was entirely different from the present request and involved the giving to him of certain information in the possession of the commission regarding applications for investigations. The question was not decided nor his request complied with until the commission was assured that the Ways and Means Committee, which is recognized as having the right to make such a demand, had delegated that right to members of said committee. In transmitting to Congressman Oldfield the information desired it was transmitted under the pledge of confidence and with a distinct understanding that it was not to be used publicly. A similar request from Senator La Follette as a member of the Senate Finance Committee for a similar purpose would undoubtedly have met with the unanimous approval of the commission, but the subject matter of his request is quite different. The commission has heretofore held that the minutes of their proceedings were Government documents subject to inspection by the proper authorities but not subject to public inspection. Until definite action, after careful deliberation, changes this understanding, I do not feel disposed to be a party to making public such minutes.

In voting for the motion made by the chairman, I do so as being in compliance, to the fullest extent possible, with Senator La Follette's request in giving everything that I feel the commission is warranted in giving to Senator La Follette, or to any other individual citizen of the United States, based upon our past practice and procedure.

By Chairman MARVIN: The chairman desires to state that in his opinion the foregoing vote practically constitutes a denial of the right of the commission to submit to Senator La Follette records in its possession that the commission heretofore has always regarded as proper to submit to authorized parties and to the public on request, and I regret that the vote apparently prevents the commission from complying in the fullest possible manner with the request of Senator La Follette.

By Commissioner COSTIGAN. My dissent from the statement of the chairman will be noted. I have no objection to the chairman or any other member of the commission transmitting to any Member of Congress or any interested party on the outside orders and statements of the commission which have already been publicly distributed.

The secretary laid before the commission a request from Dr. H. G. A. Brauer for an extension for at least one month of his present employment in California in the preparation of reports upon the lemon and olive-oil industries, together with memoranda on such request by the chief investigator and the chief of the agricultural division.

After some discussion of the subject it was, by the chairman—

Moved: That the employment of Dr. H. G. A. Brauer upon his present assignment in California for the preparation of reports upon the lemon and olive-oil industries be extended for one month until August 31, 1924.

Approved, August 8, 1924.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

AUGUST 7, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The chairman stated: I announce for the information of the commission that a report in connection with the sugar investigation signed by myself and Commissioner Burgess was sent to the President on Friday, August 1, 1924. On Monday, August 4, copying of the report was begun and the reading of it for purposes of comparison. That work has been completed, and I submit to the secretary for the use of the commission copy of the report so transmitted.

The commission proceeded to the consideration of a letter from Senator Robert M. La Follette, dated July 29, 1924, requesting certain information concerning the investigation (No. 12) in respect of the costs of production of sugar.

The chairman submitted a draft prepared by him of a suggested reply to Senator La Follette's letter. He submitted also a draft for the same purpose prepared by Commissioner Burgess.

The draft prepared by the chairman was as follows:

HON. ROBERT M. LA FOLLETTE,  
*Senate Office Building, Washington, D. C.*

MY DEAR SENATOR LA FOLLETTE: On August 1 the Tariff Commission instructed me to acknowledge the receipt of your letter of July 29 and to state that your letter would be referred to the commission for consideration.

The commission has given careful consideration to your requests and authorizes the following reply:

In your letter of July 29, you ask (1) that the commission advise you whether or not it has adopted a final report in the investigation of the costs of production of sugar; (2) if the commission has adopted a final report, that you be advised whether or not such report has been submitted to the President; (3) that the commission furnish your office with the minutes and records in the investigation of the cost of production of sugar.

(1) and (2) In response to your first and second inquiries, I am instructed by the commission to state that up to the present time the commission has consistently acted on the rule that no public notice shall be given concerning the commission's action on reports prepared for transmittal to the President, and that the date of such transmittal shall not be made public by the commission.

It appears that information to the effect that reports have been submitted to the President in connection with the sugar investigation has been made public. The commission has not issued any denial of the facts so stated and does not assume that any affirmation of these facts is required.

(3) The request that the Tariff Commission furnish your office with the minutes and records in said investigation has been given careful consideration. In view of the fact that investigations pursuant to the provisions of section 315 are conducted by the Tariff Commission for the purpose of assisting the President to ascertain and determine the differences in the costs of production in the United States and the principal competing countries in order that he may determine what changes in classification or increase or decrease in the rate of duty may be necessary to equalize such ascertained differences in costs of production, the opinion has been entertained heretofore by the commission that all minutes and records that are not made public during the prosecution of the investigation under the provisions of the statute are held for the use and assistance of the President, pending the completion of the investigation and the final disposition of the matter by the President.

Therefore, I am instructed by the commission to forward to you copies of the application of the United States Sugar Association; the orders of the commission in relation to this investigation; statements of information prepared by the commission for use at the public hearings; published rulings of the commission in connection with the investigation; and the stenographic minutes of the hearings.

In transmitting to the President reports in connection with the investigations under section 315, it has been the practice of the commission to submit to the President all data that appeared to be immediate, pertinent, and material, with the information that basic tables and other records in connection with the investigation were held at the office of the commission and were available to him upon request.

All pertinent information and data in connection with the sugar investigation that has not been directly placed before the President is held in the office of the commission for use of the President and subject to his demand. The commission does not feel that it could make public any part of the material so held, at any rate not until the final disposition of the matter by the President and its publication is authorized.

There remains for consideration the following statement contained in your letter: "I am interested to have from the commission all information in its possession that may throw light upon the unusual delay in the publication of the final report in this case."

This investigation of the costs of production of sugar is the most thorough investigation of the subject that has been made by any Government agency. In the field work in Cuba 14 men were engaged in the prosecution of the investigation for over three months; in Porto Rico five men for a total of 277 working days; in Hawaii five men for 380 working days; in Louisiana seven men for 598 working days, and in the beet sugar section seven men for 445 working days.

At the conclusion of the final public hearing, March 28, 1924, the sugar division of the commission's staff, assisted by a large number of accountants and clerks, analyzed and assembled the data for presentation to the commission in the form of a tentative draft of a report. This tentative draft of a report was submitted May 15, 1924. Priority was given by the commission to work in connection with the sugar report and the preparation of the final reports was pushed with all possible dispatch.

The report has not been published by the commission. Reports in connection with investigations pursuant to the provisions of section 315 are submitted to the President upon completion to assist him in determining what changes in classifications or rate of duty are necessary to equalize ascertained differences in costs of production. The commission does not publish such reports until they are released for publication by the President.

Therefore, there has been no unusual delay in the publication of the final report in the sugar investigation.

Respectfully,

-----, *Chairman.*

After general discussion of the subject Commissioner Costigan moved the following amendments to the proposed letter:

In paragraph 6, line 3, strike out the words "In view of the fact" and the rest of the paragraph, and insert in lieu thereof "A motion to comply with this request, so far as the minutes are concerned, failed by a divided vote."

In paragraph 7, strike out the word "Therefore," at the beginning of the first line of the paragraph and in the same line after the word "commission" insert ", however,".

Strike out all of the text from and including the beginning of paragraph 8 down to and including the end of the letter, and insert in lieu thereof: "In reply to your reference to the unusual delay in the publication of the report, I am instructed to say that under the practice of the commission the report of the Tariff Commission in the sugar investigation can be published only after authorization by the President."

The question being upon the adoption of the amendments suggested by Commissioner Costigan, the amendments were agreed to.

Upon motion by Commissioner Costigan it was---

Voted: That the chairman be, and is hereby, authorized and instructed to transmit to Senator Robert M. La Follette a letter in the following form:



Senator ROBERT M. LA FOLLETTE,  
Senate Office Building, Washington, D. C.

MY DEAR SENATOR LA FOLLETTE: On August 1 the Tariff Commission instructed me to acknowledge the receipt of your letter of July 29 and to state that your letter would be referred to the commission for consideration.

The commission has given careful consideration to your requests and authorizes the following reply:

In your letter of July 29 you ask (1) that the commission advise you whether or not it has adopted a final report in the investigation of the costs of production of sugar; (2) if the commission has adopted a final report, that you be advised whether or not such report has been submitted to the President; (3) that the commission furnish your office with the minutes and record in the investigation of the cost of production of sugar.

(1) and (2) In response to your first and second inquiries, I am instructed by the commission to state that up to the present time the commission has consistently acted on the rule that no public notice shall be given concerning the commission's action on reports prepared for transmittal to the President and that the date of such transmittal shall not be made public by the commission.

It appears that information to the effect that reports have been submitted to the President in connection with the sugar investigation has been made public. The commission has not issued any denial of the facts so stated and does not assume that any affirmation of these facts is required.

(3) The request that the Tariff Commission furnish your office with the minutes and records in said investigation has been given careful consideration. A motion to comply with this request so far as the minutes are concerned failed by a divided vote.

I am instructed by the commission, however, to forward to you copies of the application of the United States Sugar Association; the orders of the commission in relation to this investigation; statements of information prepared by the commission for use at the public hearings; published rulings of the commission in connection with the investigation; and the stenographic minutes of the hearings.

In reply to your reference to the unusual delay in the publication of the report, I am instructed to say that under the practice of the commission the report of the Tariff Commission in the sugar investigation can be published only after authorization by the President.

Sincerely yours,

----- Chairman.

Upon motion by Commissioner Glassie, it was---

Voted: That a committee of not exceeding three members, to be appointed by the chairman, shall inquire into and report concerning;

(a) The legal character or status of the minutes of the United States Tariff Commission as official records; and

(b) What general and uniform rule, if any, can be established with respect to making public the whole or any part of said minutes.

The chairman appointed, as members of the committee mentioned in the foregoing resolution, Commissioners Glassie, Lewis, and Costigan.

Upon recommendation of the chief of the chemical division, and the chief investigator, it was---

Voted: That Mr. Dexter North and Mr. S. L. Heacock are authorized to travel to necessary points in Oregon, California, Arizona, and Texas, and return, on business in connection with the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of vegetable and animal oils and fats.

Approved, August 8, 1924.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

AUGUST 8, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The commission resumed the consideration of plans for the field work in Denmark in connection with the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter.

Upon recommendation by the chief investigator, it was—

Voted: That Dr. G. F. Warren be engaged at a salary of \$500 per month, to assist in the butter investigation in Denmark; and that Doctor Warren be advised that his services will be desired and expected by the commission for the minimum of two days a week if practicable, for a month or six weeks, in the examination and analysis of the data collected in the foreign and domestic fields.

It was, by the chairman—

Moved: That Messrs. George P. Comer, G. F. Warren, O. A. Juve, and A. T. Geraci if available, or, if Mr. Geraci be not available, some other suitable accountant or accountants, to be approved by the commission on the recommendation of the secretary and the chief investigator, be authorized to travel to Denmark and return on business in connection with the pending investigation for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter.

The chairman, upon suggestion by Commissioner Glassie, amended his motion to include the name of Mr. A. M. Fox.

The votes of the commissioners upon the foregoing motion were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Glassie.

Against the adoption of the motion: Messrs. Lewis, Costigan.

The motion was therefore rejected.

Commissioner Lewis thereupon moved the adoption of the resolution as originally submitted by the chairman.

The votes of the commissioners upon this motion were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Lewis, Costigan.

Against the adoption of the motion: Mr. Glassie.

The motion was therefore agreed to.

The chairman laid before the commission a memorandum from Dr. P. W. Bidwell, with reference to an unpublished report by a special agent of the Department of Commerce, on the trade of the Philippine Islands in copra and coconut oil.

Doctor Bidwell's memorandum suggested that the commission endeavor to secure a copy of the report from the Department of Commerce for reference in connection with the pending investigation (No. 34) in respect of vegetable and animal oils and fats, with the understanding that the author of the report should be properly respected.

The secretary was instructed to take up with the Department of Commerce the subject referred to in the memorandum by Doctor Bidwell.

The commission proceeded to consider the question of the institution of an investigation for the purposes of section 315 of the tariff act of 1922 in respect of the costs of production of halibut, as re-

ferred to in the letter from the President which was laid before the commission at its meeting on July 25, 1924.

Messrs. Turner, Hopkinson, and Byers of the commission's staff were called in and participated in the discussion.

After general discussion the subject went over for further consideration and the commission adjourned to meet again at 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission met at 2.30 o'clock p. m.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The minutes of the meetings of the commission held on July 17, 18, 21, 22, 25, 29, 31, August 1, 4, 5, and 7, 1924, were read and approved.

The minutes of the meetings of the commission held on July 19, 26, and 30, 1924, were read and approved, Commissioner Glassie not participating.

The secretary laid before the commission request of Smith & Wesson (Inc.), complainant, for extension of time within which to take deposition of Mr. George W. Wickersham as a witness in the pending investigation (No. 1) for the purposes of section 316 of the tariff act of 1922, in respect of alleged unfair acts in the importation and sale of revolvers.

After consideration of the subject it was—

Voted: That the foregoing application by Smith & Wesson (Inc.) be denied without prejudice, and that the papers be referred to Commissioner Glassie for the preparation of an appropriate order and reply to the applicant.

The chairman laid before the commission a memorandum from the chief investigator submitting plans for field work in the pending investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of men's sewed straw hats.

After consideration of the subject it was—

Voted: That Messrs. C. F. Yauch, R. A. Wells, J. A. Bergen, and an accountant to be named later upon recommendation by the secretary and the chief investigator be authorized to travel to Baltimore, Md., Philadelphia, Pa., New York City, N. Y., and vicinity, Norwalk and Danbury, Conn., and Fall River and Amherst, Mass., and return, in connection with the pending investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of men's sewed straw hats, for the purpose of obtaining schedules of the cost of production of such hats.

Commissioner Glassie, to whom was referred on July 29, 1924, communication from the Acting Secretary of Commerce requesting the cooperation of the Tariff Commission in the preparation of a reply to Senate Resolution No. 256 in reference to the calf-leather tanning industry, submitted a draft of a reply to the Secretary of Commerce, which, after consideration, was approved.

Approved, August 14, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

August 9, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The secretary submitted a draft of an order instituting an investigation for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of Swiss cheese, pursuant to the resolution of the commission adopted on August 5, 1924.

After general discussion of the subject, it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION No 39 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSE OF SECTION 315 OF THE TARIFF ACT OF 1922

SWISS CHEESE

The United States Tariff Commission on this 9th day of August, 1924, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the following articles included within the class or kind of articles provided for in paragraph 710 of Title I of said tariff act, namely:

Cheese of the types known as Swiss cheese, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publication are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

----- Secretary.

The commission resumed consideration of the question of the institution of an investigation for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of halibut.

Upon motion by Commissioner Lewis, it was—

Voted: That an investigation be instituted pursuant to rule, for the purposes of section 315 of the tariff act of 1922, in respect of the differences in costs of production of halibut.

The chairman laid before the commission a memorandum from the chief investigator in reference to plans for field work in the United States and in Europe in the investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of Swiss cheese.

After general discussion of the designation of agents of the commission to perform this work, it was, upon motion by Commissioner Lewis—

Voted: That Mr. A. M. Fox be substituted for Mr. George P. Comer among those named in the resolution of the commission adopted on August 8, 1924, designating agents of the commission to travel to Denmark and return on business in connection with the pending investigation (No. 38) in respect to the costs of production of butter; and that after the completion of the work there in that investigation Mr. Fox and such others as may be designated later shall travel to Switzerland, France, and Italy, as may be necessary, on business in connection with the investigation (No. 39) in respect of the costs of production of Swiss cheese.

On the foregoing resolution the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Lewis, Glassie.

Against the adoption of the resolution: Mr. Costigan.

The secretary laid before the commission request of Smith & Wesson (Inc.), complainant in the pending investigation (No. 1) for the purposes of section 316 of the tariff act of 1922, for the designation of a person before whom they might take, on August 19, 1924, in New York City, N. Y., depositions of three witnesses named in said request.

The foregoing request of Smith & Wesson (Inc.) was referred to a committee consisting of Commissioners Lewis, Costigan, and Glassie.

The chairman laid before the commission a letter from the Governor of the Virgin Islands requesting an investigation by the Tariff Commission with a view to the possible removal of an existing tax upon all sugar exported from the Virgin Islands. After general discussion the communication was referred to Commissioner Glassie for the preparation of an appropriate reply.

The secretary laid before the commission a telegraphic request from Mr. Kemper Simpson, requesting authority to employ clerical assistance in connection with his field work in the pending investigation (No. 38) in respect of the costs of production of butter.

It was thereupon—

Voted: That Mr. Kemper Simpson be authorized to expend not to exceed \$25 for necessary stenographic and other clerical assistance in connection with his field work in the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter.

Approved, August 14, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

—————  
AUGUST 11, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

Commissioner Glassie, to whom was referred on August 8, 1924, request of Smith & Wesson (Inc.), complainant, for extension of time within which to take deposition of Mr. George W. Wickersham in the pending investigation (No. 1) for the purposes of section 316

of the tariff act of 1922, in respect of alleged unfair acts in the importation and sale of revolvers, submitted a draft of a reply pursuant to the vote of the commission on August 8, 1924, which draft was approved for transmittal by the secretary; and also submitted a draft of a proposed order upon the same subject.

It was thereupon—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

In re Investigation of alleged unfair methods of competition and unfair acts in the importation and sale of revolvers simulating revolvers of the manufacture of Smith & Wesson (Inc.). Section 316, Docket No. 1

Upon consideration of the motion of Smith & Wesson (Inc.), that its time for taking depositions as now set be enlarged so that it may take the deposition of George W. Wickersham, Esq., it is this 11th day of August, by the United States Tariff Commission, ordered that said motion be, and the same is hereby, denied without prejudice to any further application to take the testimony of the said George W. Wickersham, Esq., either orally before the commission or by a deposition during the progress of the hearing heretofore set for September 29, 1924.

The secretary submitted a draft of an order instituting an investigation for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of halibut, pursuant to the resolution of the commission adopted August 9, 1924.

After general discussion of the subject, it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 40 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

#### HALIBUT

The United States Tariff Commission on this 11th day of August, 1924, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the articles described in paragraph 717 of Title I of said tariff act, namely: Halibut, fresh, frozen, or packed in ice, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

SECRETARY.

The chairman laid before the commission a memorandum from the chief investigator submitting tentative plans for the investigation (No. 40) in respect of the costs of production of halibut.

After discussion of the memorandum, it was, upon motion by Commissioner Lewis—

Voted: That the plans submitted for the conduct of the investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of halibut, be approved with the provision that they shall be enlarged to include investigation of the industry on the Atlantic coast and cost data for at least the last two years available.

The committee, consisting of Commissioners Lewis, Costigan, and Glassie, to which was referred request of Smith & Wesson (Inc.), for an order designating the person before whom depositions might be taken in the pending investigation (No. 1) for the purposes of section 316 of the tariff act of 1922, in respect of alleged unfair acts in the importation and sale of revolvers, reported a draft of an order for that purpose.

It was thereupon—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

In re Investigation of alleged unfair methods of competition and unfair acts in the importation and sale of revolvers simulating revolvers of the manufacture of Smith & Wesson (Inc.). Section 316, Docket No. 1

Upon consideration of the request of Smith & Wesson (Inc.), complainant, it is this 11th day of August, 1924, ordered by the United States Tariff Commission that William J. Dolan, Esq., at the offices of Rogers, Kennedy & Campbell, Pershing Square Building, New York City, N. Y., be, and is hereby, designated as the person before whom the complainant may take the depositions of the following-named persons as witnesses on behalf of the petitioner herein, to wit: Henry S. Miller, 154 Nassau Street, New York City; Robert S. Allyn, 41 Park Row, New York City; J. L. Galef, 75 Chambers Street, New York City; said depositions to be taken on not less than five days' written notice of the time and place of the taking thereof to all parties who have appeared in these proceedings or to their counsel of record.

The secretary called attention to the necessity for making provision for the maintenance of the Berlin headquarters of the commission during the present fiscal year.

It was thereupon—

Voted: That the secretary is authorized to arrange for the proper expenditure by the chief investigator for Central Europe in connection with the maintenance and operation of the Berlin headquarters of the Tariff Commission during the fiscal year beginning July 1, 1924, of not to exceed \$100 for office equipment and supplies; of not to exceed \$75 per month for office rent and light, heat, and janitor service; and necessary expenses for the installation and use of a telephone for official business.

The commission resumed consideration of the proposed extension of the employment of Dr. H. G. A. Brauer for the preparation of reports upon the lemon and olive-oil industries in California.

It was, by Commissioner Glassie—

Moved: That the employment of Dr. H. G. A. Brauer, now engaged in California in the preparation of reports for the Tariff Commission on the lemon and olive-oil industries, be, and is hereby,

extended under the existing terms from July 31, 1924, to August 20, 1924, with the understanding that within that time he shall complete and submit to the commission at its office in Washington full reports upon the subjects upon which he is engaged, as stated above.

The votes of the commissioners on the foregoing motion were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Glassie.

Against the adoption of the motion: Messrs. Lewis, Costigan.

The motion was therefore rejected.

Commissioner Glassie, to whom was referred on August 9, 1924, a communication from the Governor of the Virgin Islands, submitted a draft of a reply, which was approved for transmittal by the chairman.

Approved, August 14, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

—————  
AUGUST 14, 1924.

Present: David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on August 8, 9, and 11, 1924, were read and approved.

The commission resumed consideration of plans for conducting the field work in Europe in the pending investigations (Nos. 38 and 39) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production, respectively, of butter and of Swiss cheese.

Upon motion by Commissioner Burgess, it was—

Voted: That Mr. J. H. Greenhalgh be employed temporarily as special expert accountant, at a salary of \$5,200 per annum, in connection with the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter.

Voted further: That if Mr. Greenhalgh be employed he shall be authorized to travel to Denmark and such other places in Europe as may be necessary in connection with the aforesaid investigation.

On the foregoing resolution the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Lewis, Burgess, Glassie.

Against the adoption of the resolution: Mr. Costigan.

Upon motion by Commissioner Burgess, it was—

Voted: That if Mr. J. H. Greenhalgh be not available for employment in connection with the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter, Mr. Joseph P. Gregory, special expert accountant on the commission's staff, be authorized to travel to Denmark and such other places in Europe as may be necessary in connection with said investigation.

Upon motion by Commissioner Burgess, it was—

Voted: That Mr. George P. Comer, chief investigator, be authorized to travel to Denmark, Switzerland, and such other places in



Europe as may be necessary, and return, in connection with the investigations (Nos. 38 and 39) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production, respectively, of butter and of Swiss cheese.

Upon motion by Commissioner Lewis, it was---

Voted: That Messrs. L. T. Hopkinson, George Byers, Samuel Schoenfeld, and Thomas H. Joyce, of the commission's staff be authorized to travel to Seattle, Wash., Vancouver, British Columbia, Prince Rupert, British Columbia, Ketchikan, Alaska, and such other places as may be necessary, and return, in connection with the investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of halibut.

Voted: That Messrs. R. H. Cragg and Mervyn Braun are authorized to travel to Java, Dutch East Indies, and Manila, Philippine Islands, and return to Washington by way of the Pacific coast, in the continuance of their work in the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of vegetable and animal oils and fats.

Voted: That hereafter additional compensation to employees of the commission assigned to field work in foreign countries shall be limited to those employees receiving compensation at the rate of \$4,000 or less per annum.

Voted: That the secretary is authorized to take such action as may be necessary for the transfer temporarily of Mr. O. A. Juve from the office of the commission in Washington, D. C., to the field service of the commission; and that during the continuance of such transfer the salary of Mr. Juve shall be at the rate of \$5,040 per annum.

Voted: That the recommendations of the chief of the chemical division that acknowledgment of work by the statistical clerks in the preparation of the census of dyes and other synthetic organic chemicals for the year 1923, be published in that report, is not approved.

The secretary laid before the commission a memorandum by Dr. P. W. Bidwell requesting approval of the publication in the *Journal of Economics* of an article by him upon the use of certain graphic charts in the report to the President upon the investigation (No. 33) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of wheat and wheat products.

After discussion of the memorandum it was referred to Commissioner Glassie for consideration and report.

Approved, September 19, 1924.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 12, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess.

The secretary presented a letter from Mr. George Byers of the commission's staff requesting leave of absence without pay for a period of one year from about September 10, 1924, for reasons incident to personal business relations.

After consideration of the subject the secretary was instructed to advise Mr. Byers that the commission could not grant the leave of absence requested, but would accept his resignation without prejudice to his return to the service of the commission at any time in the future when the commission might have opportunity and need to re-engage his services.

The secretary laid before the commission a letter from Mr. Charles F. Yauch in reference to the field work in the pending investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of men's sewed straw hats. In this letter Mr. Yauch recommended that pursuant to plans heretofore considered for the foreign work in this investigation he be authorized to travel to Europe and there cooperate with Mr. Hirsch and Mr. Achenbach in obtaining costs of production in the industry.

It was thereupon---

Voted: That Mr. Charles F. Yauch, chief of the sundries division, be authorized to travel to England, Germany, Italy, and such other places in Europe as may be necessary, and return, in connection with the investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of men's sewed straw hats.

Upon this motion Commissioner Culbertson voted in the negative.

The chairman laid before the commission two communications from Dr. Grinnell Jones of the commission's staff tendering his resignation from his present position and suggesting that he would be available for further service as the commission might desire.

It was thereupon---

Voted: That the resignation of Dr. Grinnell Jones from his present temporary full-time employment with the commission be accepted and that Doctor Jones's services be retained for part-time employment as heretofore.

The chairman called up the report of the advisory board in the investigation (No. 2) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of diethyl barbituric acid, and requested that the report be made the special order of business for the next meeting of the commission.

The chairman requested that the report in the investigation (No. 24) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of print rollers be made the order of business next after the report referred to above in respect of diethyl barbituric acid.

Upon recommendation by the secretary, it was---

Voted: That the expense of \$6.50 by Mr. J. M. Albertson in procuring typewritten copies of reports incident to the field work in Berlin, Germany, in the investigation (No. 26) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of cast polished plate glass be ratified and approved.

Voted: That the expenses, not to exceed \$10, incurred by Mr. George Middleton for typewriting service in Europe incident to the field work in the investigation (No. 32) in respect of lace, for the purposes of section 315 of the tariff act of 1922, be ratified and approved.

Commissioner Culbertson referred to the preparation of a brief to be filed in the Court of Appeals in the District of Columbia in

reply to appeal and brief of the Norwegian Nitrogen Products Co. (Inc.), from the judgment of the Supreme Court of the District of Columbia, in respect of proceedings before the United States Tariff Commission in the investigation (No. 7) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of sodium nitrite; and it was agreed that the brief should be submitted on behalf of the commission and of the commissioners when completed by the committee consisting of Messrs. Glassie and Culbertson.

Voted: That the travel performed on official business by Dr. P. W. Bidwell to Cincinnati, Ohio, Chicago, Ill., and other places, in connection with the investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of vegetable and animal oils and fats, from August 18 to 28, 1924, is hereby ratified and approved.

Voted: That the travel performed on official business by Mr. L. B. Zapoleon to Ottawa, Canada, Detroit, Mich., Chicago, Ill., and other places from August 31 to September 12, 1924, in connection with the pending investigations (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter, and (No. 40) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of halibut, is hereby ratified and approved.

Approved, September 19, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

SEPTEMBER 16, 1924.

Present: Thomas O. Marvin, David J. Lewis, William Burgess. There being no quorum present, the meeting was adjourned.

Approved, September 23, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

SEPTEMBER 19, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on August 14 and September 12, 1924, were read and approved.

Upon suggestion by Commissioner Burgess the commission directed that a notation be entered in the minutes recording the commission's appreciation of the special interest and services of Commissioner Glassie and Mr. McNabb, who interrupted their plans for vacation in order to prepare the brief to be submitted to the Court of Appeals in the District of Columbia in reply to the appeal and brief filed in that court by the Norwegian Nitrogen Products Co. (Inc.), upon the judgment of the Supreme Court of the District of Columbia, in respect of proceedings before the Tariff Commission in the investigation of the costs of production of sodium nitrite.

Upon motion by Commissioner Lewis, from the committee on cost schedules, it was—

Voted: That the form of cost schedule prepared for obtaining costs of production in the pending investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of Swiss cheese, is hereby approved.

The chairman submitted a memorandum from Mr. L. B. Zapoleon of the agricultural division with recommendations in regard to the field work in the pending investigations in respect of costs of production of butter and of Swiss cheese, respectively.

After general discussion of the subject, it was, upon motion by Commissioner Lewis—

Voted: That the secretary and Mr. Zapoleon are instructed to consider the requirements for further conduct of the investigations (Nos. 38 and 39) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production, respectively, of butter and of Swiss cheese, and to submit recommendations thereon for approval by the commission.

The chairman laid before the commission report of the advisory board upon the application (No. 334) of Charles R. Allen, Charleston, S. C., for an investigation for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of sea salt.

Upon consideration of this report, it was—

Voted: That no investigation pursuant to the application of Charles R. Allen, of Charleston, S. C., dated December 18, 1923, under the provisions of section 315 of the tariff act of 1922, with reference to sea salt, be ordered at the present time.

Voted: That the secretary be directed to send a letter to Charles R. Allen, of Charleston, S. C., advising him that after careful consideration of his application for a decrease of the rate of duty on sea salt the commission is of the opinion that the institution of a formal investigation for the purposes of section 315 of Title III of the tariff act of 1922 is not warranted at the present time by the facts developed by the commission's inquiries, and further that the commission will be ready at any time in the future to give further consideration to this subject in the light of such additional information as the applicant may care to submit or that may be otherwise developed.

Upon recommendation by the secretary it was—

Voted: That Mr. L. T. Hopkinson be authorized to expend not to exceed \$30 for stenographic assistance and the purchase of incidental supplies needed in connection with his present assignment to field work in the investigation (No. 40) for the purposes of section 315 of the tariff act of 1922 in respect of the costs of production of halibut.

Upon recommendation by the advisory board in its report dated August 23, 1924, it was—

Voted: That Mr. F. L. Koeh be authorized to make a preliminary field investigation for not to exceed 10 days of the situation in the granite industry as affected by competition with imported granite.

Upon recommendation by the acting chief of the agricultural division in reference to Prof. P. E. McNall, who is now employed in con-

nection with the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922 in respect of the costs of production of butter, it was—

Voted: That Prof. P. E. McNall be retained, if available, for the duration of the investigations (Nos. 38 and 39) for the purposes of section 315 of the tariff act of 1922 in respect of the costs of production of butter and of Swiss cheese, respectively.

Voted further: That Professor McNall be paid at the rate of \$500 per month while in Washington.

Voted further: That Professor McNall be authorized to travel from Madison, Wis., to St. Paul, Minn., and return to Madison in order that he may confer with Mr. Pond at the University of Minnesota, who had charge of the men who gathered the field statistics in the butter investigation in Minnesota.

It was later, upon recommendation by the secretary and the acting chief of the agricultural division—

Voted: That the secretary be authorized to arrange for the employment of three experienced field investigators (probably Messrs. Braun, McKinley, and Washburn) from the Department of Agriculture temporarily for a period not to exceed three months at their present salaries (\$2,800 per annum) for service with the Tariff Commission during the pending investigations (Nos. 38 and 39) for the purposes of section 315 of the tariff act of 1922 in respect of butter and Swiss cheese, respectively.

Voted further: That the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter be completed by a crew consisting of Messrs. Connor, Johnson, Kurtz, Newman, and McNeill, who are now in the field, with the addition of Mr. Braun from the Department of Agriculture.

Voted further: That for the investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of Swiss cheese, there be assigned in the field work Prof. P. E. McNall (if available) to start the work, Messrs. Gregory, Newman, and Kurtz, of the commission's staff, and Messrs. McKinley, Washburn, and Braun, to be obtained from the Department of Agriculture. Mr. McKinley will probably be designated in charge of the field party.

Voted further: That the members of the field parties in the investigations (Nos. 38 and 39) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter and Swiss cheese, respectively, be authorized to incur necessary expenditures for automobile transportation upon the written approval in each case of the chief of the party.

Voted further: That agents of the commission engaged in the field work in the investigations (Nos. 38 and 39) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter and of Swiss cheese, respectively, be authorized to perform such travel as may be necessary therein.

Approved, September 23, 1924.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

SEPTEMBER 23, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess.

The minutes of the meetings of the commission held on September 16 and 19, 1924, were read and approved.

The chairman laid before the commission a letter from the Secretary of Commerce stating that the Department of Commerce would like to have the cooperation of the Tariff Commission in preparing a reply to Senate Resolution 256, Sixty-eighth Congress, first session, in reference to conditions in the calf-leather tanning industry, but that the department would not be able to defray any of the expenses incurred by the commission in that connection.

After discussion of the subject, it was—

Voted: That the commission conduct a brief field investigation of conditions in the calf-leather tanning industry in cooperation with the Department of Commerce, and

Voted further: That Mr. W. D. McKissick be authorized to travel to Chicago, Ill.; Milwaukee and Fond du Lac, Wis.; Detroit, Mich.; Rochester, N. Y.; Newark, N. J.; Boston, Mass.; and such other places in the United States and in Canada as may be necessary to obtain information concerning current conditions in the calf-leather tanning industry, and

Voted further: That Mr. Hirsch and Mr. Achenbach be directed to obtain and forward to the commission information concerning labor costs in Europe in the calf-leather tanning industry.

The chairman laid before the commission a letter from the Michigan-Copper Tariff Committee, requesting an investigation under the provisions of section 702 of the act of September 8, 1910, by the Tariff Commission, in respect of the copper-producing industry.

After a discussion of the subject, it was—

Voted: That the commission investigate, under its general powers, the present situation in the copper-producing industry and that the commission's Tariff Information Survey on that subject be brought up to date.

The commission discussed briefly the record in the investigation (No. 2) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of diethyl barbituric acid and derivatives thereof, but took no final action thereon.

The subject went over for further consideration.

Voted: That the secretary be authorized to arrange for the temporary employment of Prof. George A. Pond, of the University of Minnesota, in connection with the tabulation and analysis of material obtained in the field investigation of the costs of production of butter, and that his compensation be at the rate of \$5,200 per annum while actually employed, and to include necessary transportation expenses to and from Washington.

Approved, September 26, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

SEPTEMBER 26, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on September 23, 1924, were read and approved.

Voted: That the form of cost schedule prepared for obtaining factory costs of production in the pending investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of Swiss cheese, is hereby approved.

Voted: That the secretary is authorized to arrange for the transfer of Mr. Charles F. Yauch to the field service of the commission during his absence in connection with the investigation of European costs of production of men's sewed straw hats.

The commission discussed the record in the pending investigation (No. 2) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of diethyl barbituric acid and derivatives thereof, but took no action thereon, the subject going over for further consideration.

Approved, October 3, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 29, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment passed on July 21, 1924, for the purpose of continuing the public hearing in the investigation (No. 1) of alleged unfair methods of competition and unfair acts in the importation and sale of revolvers simulating revolvers of the manufacture of Smith & Wesson (Inc.), in violation of section 316 of the tariff act of 1922.

After hearing evidence and argument by parties appearing and requesting to be heard the commission announced that the hearing was adjourned until 10 o'clock a. m., September 30, 1924.

Approved, October 3, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 30, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m., pursuant to its order of adjournment passed on September 29, 1924, for the purpose of continuing the public hearing in the investigation (No. 1) of alleged unfair methods of competition and unfair acts in the importation and sale of revolvers simulating revolvers of the manufacture of Smith & Wesson (Inc.), in violation of section 316 of the tariff act of 1922.

After hearing evidence and argument by parties appearing and requesting to be heard the commission announced that the hearing was adjourned until 10.15 o'clock a. m., October 1, 1924.

Approved, October 3, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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OCTOBER 1, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10.15 o'clock a. m. pursuant to its order of adjournment passed on September 30, 1924, for the purpose of continuing the public hearing in the investigation (No. 1) of alleged unfair methods of competition and unfair acts in the importation and sale of revolvers simulating revolvers of the manufacture of Smith & Wesson (Inc.), in violation of section 316 of the tariff act of 1922.

After hearing evidence submitted by all parties appearing and requesting to be heard, and oral argument by counsel, the commission announced that briefs pursuant to rule might be filed until October 22, 1924, by parties interested and that the public hearing in this investigation was closed.

Approved, October 3, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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OCTOBER 2, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess.

The chairman laid before the commission a letter dated September 27, 1924, from the President, requesting certain information in connection with the report submitted to him by the Tariff Commission in the investigation (No. 12) for the purposes of section 315 of the tariff act of 1922 in respect of the costs of production of sugar.

It was thereupon--

Voted: That the six requests contained in the President's letter under date of September 27, 1924, to the commission together with a copy of said letter, be referred to the chief of the sugar division for report thereon, so far as practicable in tabular form, with such references and text only as may be necessary to explain the tables.

Voted: That Dr. E. B. Brossard be requested to cooperate with the chief of the sugar division in the preparation of the material referred to in the foregoing resolution, and that the secretary be requested to furnish such clerical assistance as may be needed in that connection.

Approved, October 7, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.



OCTOBER 3, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, William Burgess.

The minutes of the meetings of the commission held on September 26, 29, 30, and October 1, 1924, were read and approved.

Commissioner Culbertson was requested to prepare a memorandum upon the record in the investigation (No. 1) for the purposes of section 316 of the tariff act of 1922, in respect of alleged unfair acts and practices in the importation and sale of revolvers simulating revolvers of the manufacture of Smith & Wesson (Inc.), together with recommendations in respect of action to be taken by the commission.

Commissioner Culbertson was requested to prepare a memorandum with recommendations for action by the commission upon the application of the Kimberly-Clark Co. for an investigation, for the purposes of section 316 of the tariff act of 1922, in respect of alleged unfair acts and practices in the importation and sale of articles simulating their product, which is marketed under the trade name "Kotex."

The chairman laid before the commission a memorandum dated October 1, 1924, from the acting chief of the agricultural division in reference to field work in the investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of Swiss cheese.

The memorandum was referred to Commissioner Burgess for report thereon.

The chairman laid before the commission a letter dated September 11, 1924, from the chairman of the committee on statistics, National Council of American Cotton Manufacturers, Boston, Mass., requesting the commission to furnish samples of certain classes of imported cotton fabrics.

The letter was referred to the chief of the textile division with instructions to submit to the commission available information in respect of the inquiries in the letter referred to above.

Approved, October 7, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 7, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on October 2 and 3, 1924, were read and approved.

Commissioners Costigan and Glassie did not participate in the approval of these minutes, they having been absent from the meetings to which the minutes relate.

Upon motion by Commissioner Culbertson it was---

Voted: That the chief of the sugar division be directed to submit to the commission not later than October 11, 1924, his report on the data requested in the resolution adopted on October 2, 1924.

Voted further: That Dr. E. B. Brossard, who was requested to cooperate with the chief of the sugar division by supplying the farm costs of beets, be directed to expedite such work and to submit said report on beet costs directly to the commission on or before October 11, 1924.

The votes of the commissioners on the foregoing motion were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Mr. Marvin.

Commissioner Glassie did not participate in the consideration of this resolution.

Commissioner Burgess was not present when this vote was taken.

Statement by Chairman MARVIN. At the meeting of October 2 the commission adopted the following motion:

Voted: That Dr. E. B. Brossard be requested to cooperate with the chief of the sugar division in the preparation of the material referred to in the foregoing resolution, and that the Secretary be requested to furnish such clerical assistance as may be needed in that connection.

This vote of the commission plainly states that Doctor Brossard is instructed to cooperate with the chief of the sugar division "in the preparation of the material referred to in the foregoing resolution." This was a proper course of procedure, as the President's letter is based upon the two reports submitted to him and apparently contemplated that experts participating in the preparation of those reports should assemble the statistical information requested. The present motion completely abandons this proper assignment of duties, and I can not vote for it.

By Commissioner LEWIS. I enter my protest against the correctness of the foregoing statement by the chairman.

Commissioner Culbertson also made a statement in reply.

The chairman laid before the commission a letter from counsel for domestic manufacturers of brierwood pipes requesting that the commission continue the investigation instituted by it for the purposes of section 315 of the tariff act of 1922 in respect of the costs of production of brierwood pipes.

Commissioner Burgess entered the meeting at this time.

The secretary laid before the commission a communication from Mr. Charles F. Yauch in reference to the desirability of his securing, while in Europe, information concerning costs of bleaching of straw braids for use in the manufacture of hats.

After discussion of the above-mentioned letters in reference to brierwood pipes and straw braids, it was—

Voted: That Mr. Charles F. Yauch, while in Europe in the investigation of the costs of production of men's sewed straw hats, be instructed to inquire, without subordinating the work of that investigation, into the feasibility of investigations of the costs of production of brierwood pipes in France, and of the cost of bleaching straw braid, and to report thereon by cable at his earliest convenience, together with an indication of the length of time such investigations, respectively, would require; and that in making this tentative inquiry he may use the schedule heretofore prepared in respect of brierwood pipes, with such modifications as may be required.

Upon motion by Commissioner Lewis, it was—

Voted: That the committee appointed on May 27, 1924, consisting of Commissioners Culbertson and Glassie, be requested to report at as early a date as may be practicable, with their recommendations, upon the record in the investigation (No. 2) for the purposes of section 316 of the tariff act of 1922, in respect of alleged unfair acts and practices in the importation and sale of brierwood pipes.

Commissioner Burgess reported back memorandum dated October 1, 1924, from the acting chief of the agricultural division in reference to field work in the investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of Swiss cheese.

Commissioner Burgess reported that the memorandum was not sufficiently clear to justify definite recommendation.

Mr. Zapoleon, the acting chief of the agricultural division, was thereupon called into the meeting, and, after further discussion of the subject, it was—

Voted: That Mr. L. B. Zapoleon be authorized to travel to such places in Ohio, Wisconsin, and elsewhere as may be necessary in connection with the field work in the investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of Swiss cheese.

The chairman laid before the commission a memorandum dated October 6, 1924, from the acting chief of the agricultural division recommending that Mr. E. L. Oliver, of Chicago, Ill., be invited to come to the offices of the Tariff Commission at Washington for a conference with respect to his availability for service on the technical staff of the commission.

After a discussion of the subject, it was—

Voted: That Mr. E. L. Oliver be requested to come to the offices of the commission at Washington for a conference in connection with the pending investigation in respect of the costs of production of Swiss cheese, and with a view to his possible employment upon the technical staff of the commission, his actual and necessary expenses for transportation and subsistence incident to the trip be paid from the appropriation for the commission if he be not employed.

Voted: That the employment of Prof. P. E. McNall be continued with salary at the rate of \$5,200 per annum, and that the secretary be authorized to transfer Mr. McNall to the field service of the commission and assign him to the office at the port of New York.

Voted: That there be transmitted to the President the report prepared by the Tariff Commission in respect of discriminations against American railroads through the effect of Australian regulations for customs valuations and through Canada's treaty provisions regarding direct shipment of duty favored imports, together with the Tariff Commission's recommendations pursuant to the provisions of section 317 of the tariff act of 1922.

Voted: That Mr. G. M. Youngman be authorized to travel to New York City and return for a period not to exceed two weeks to obtain information concerning imported fabrics of wool and prices thereon.

Voted: That Mr. Bruce McKinley, Mr. Lewis E. Long, and Mr. G. E. Braun (loaned by the Department of Agriculture) be authorized to travel to such places in Pennsylvania, New York, Ohio, Illi-

nois, Wisconsin, and elsewhere as may be necessary in connection with the field work in the United States in the pending investigations (Nos. 38 and 39) for the purposes of section 315 of the tariff act of 1922 of the costs of production of butter and Swiss cheese, respectively.

Voted: That the questionnaire and schedule, prepared for use in obtaining information in cooperation with the Department of Commerce as the basis of a reply to Senate Resolution No. 256, Sixty-eighth Congress, first session, in reference to the calf-leather tanning industry, be approved.

Commissioner Glassie reported back, with recommendations of approval, an article prepared by Dr. P. W. Bidwell upon the use of certain graphic charts in the commission's report to the President upon the costs of production of wheat and wheat products.

It was thereupon—

Voted: That publication of the above-mentioned article be approved.

The secretary laid before the commission a letter from Dr. Grinnell Jones requesting approval by the commission of his acceptance of invitations to deliver before the Rochester section and the Buffalo section of the American Chemical Society during February, 1925, addresses similar to that delivered by him before the Providence section in January, 1924.

It was thereupon—

Voted: That Dr. Grinnell Jones be authorized to deliver the addresses referred to in the above-mentioned communication.

Approved, October 14, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

—————  
OCTOBER 9, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The secretary submitted for consideration, as requested by the commission, a draft of a letter to the President requesting him to give further consideration to the estimates submitted by the commission to the Bureau of the Budget for necessary expenditures during the fiscal year 1926.

After consideration of the letter it was approved for transmittal by the chairman.

The secretary submitted a memorandum from the chief of the textile division suggesting that Mr. A. H. McCarrell of that division, or Mr. H. H. Waters of the New York office, be instructed to obtain certain samples and prices of imported cotton fabrics to be considered in connection with the letter from the National Council of American Cotton Manufacturers.

Upon consideration of the memorandum it was—

Voted: That Mr. H. H. Waters of the New York office be directed to obtain the information referred to in the foregoing memorandum.

Commissioner Burgess stated that he understood there might be an opportunity to obtain additional or better office room for the commission's New York office in the Customhouse Building at New

York, and that it might be advisable for him to visit the collector of customs there in that connection.

It was thereupon—

Voted: That Commissioner William Burgess is authorized to travel to New York City and return in connection with possible readjustment of office room for the New York office of the commission.

The chairman laid before the commission a letter from the President under date of October 8, 1924, requesting the commission to incorporate in its reply to his letter of September 27, 1924, in reference to the report of the commission in the investigation of the costs of production of sugar, information concerning payments by factories on account of sugar beets up to October 1, 1924.

During the discussion of this letter Doctor Brossard and Doctor Bernhardt were called in to the meeting. At the conclusion of the discussion Doctor Brossard was instructed to obtain from the Department of Agriculture such pertinent data of the character specified as might be available.

The secretary laid before the commission a letter from Dr. John R. Turner tendering his resignation as chief economist on the staff of the commission to take effect as of September 4, 1924.

The secretary explained that Doctor Turner had applied for accrued leave of absence with pay from September 4 to 27, 1924, and had been paid on September 1 and September 15 for want of any definite indication of his absence or intention to resign.

It was by Commissioner Glassie—

Moved: That the resignation of Dr. John R. Turner as chief economist on the staff of the Tariff Commission be accepted as of September 27, 1924.

As a substitute for the foregoing motion Commissioner Costigan—

Moved: That the resignation of Dr. John R. Turner as chief economist on the staff of the Tariff Commission be accepted as of September 15, 1924.

Upon the substitute motion by Commissioner Costigan the votes of the commissioners were as follows:

In favor of the adoption of the substitute motion: Mr. Costigan.

Against the adoption of the substitute motion: Messrs. Marvin, Culbertson, Lewis, Burgess, Glassie.

The substitute motion was therefore rejected.

The question reverting to the original motion by Commissioner Glassie, the motion was agreed to.

Approved, October 14, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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OCTOBER 10, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The chairman laid before the commission a letter from counsel for Victor Chemical Works requesting permission to file a brief before the commission in the investigation (No. 1) for the purposes of sec-

tion 315 of the tariff act of 1922, in respect of the differences in costs of production of oxalic acid.

After discussion of the request, upon motion by Commissioner Culbertson, seconded by Commissioner Glassie, it was—

Voted: That the secretary be instructed to notify the parties of record appearing in the investigation (No. 1) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of oxalic acid, that the Victor Chemical Works, upon its application, is granted 20 days in which to file a brief in said investigation to be served upon other parties of record, and that such other parties of record are granted 15 days additional in which they may file reply briefs.

The commission resumed consideration of the record in the investigation (No. 2) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of diethyl barbituric acid and derivatives thereof.

After discussion of the subject it was—

Voted: That the chief of the chemical division be instructed to submit additional information concerning prices of imported barbital.

Commissioner Culbertson, as requested by the commission at its meeting on October 3, 1924, submitted recommendation for action by the commission upon the application of Kimberly-Clark Co. and the Cellucotton Products Co., for an investigation for the purposes of section 316 of the tariff act of 1922, in respect of alleged unfair acts in the importation and sale of articles simulating their product, which is marketed under the trade name "Kotex," as follows:

(1) That no action be taken at the present time in this case pursuant to the provisions of section 315 and that action so far as this section is concerned be suspended.

(2) That the commission issue an order instituting a proceeding in this case under the provisions of section 316; that in said order a return day be fixed on which those interested in the unfair acts of competition complained of may file their reply to the complaint; and that copies of the complaint in this case be mailed immediately to such owners, importers, consignees, or agents as the commission may be able to obtain the names of.

(3) That a report to the President be prepared recommending action under subdivision (f) of section 316 and that a draft order restraining importation of the products complained of be prepared and transmitted with such report.

After discussion of the subject, it was—

Voted: That an investigation be instituted for the purposes of section 316 of the tariff act of 1922, and that a formal order be prepared for approval by the commission, in respect of alleged unfair acts in the importation and sale of articles simulating the product of Kimberly-Clark Co., and Cellucotton Products Co., which are marketed under the trade name "Kotex."

Upon recommendation by the secretary, it was—

Voted: That the temporary employment of Mr. T. H. Joyce, special expert accountant on the staff of the commission, be extended under existing terms from August 31 to December 31, 1924.

The secretary was requested to prepare for the commission a list of investigations for the purposes of section 315 of the tariff act of 1922, in which the field work and public hearings have been completed, and which are now before the commission for final disposition and showing the dates upon which such investigations were finally submitted to the commission.

Approved, October 14, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 11, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The chairman laid before the commission a letter from Dr. Thomas Walker Page requesting permission to inspect a manuscript prepared by him while a member of the Tariff Commission in 1917 in reference to commercial relations between the United States and Canada.

The secretary was instructed to arrange for the loan of the manuscript to Doctor Page.

Dr. Joshua Bernhardt, chief of the sugar division, and Dr. E. B. Brossard, appeared to report in response to the resolutions of the commission adopted on October 2 and 8, 1924, in reference to letters from the President dated, respectively, September 27, 1924, and October 8, 1924.

Doctor Bernhardt presented a report in respect of the several inquiries contained in the President's letter of September 27, 1924, except that relating to the costs of producing sugar beets and that relating to the proportion of sugar produced by States in the United States above the Cuban cost plus \$1.23.

Doctor Brossard submitted to the commission tabulated material pertinent to the President's request in his letter of September 27, 1924, in respect of the cost of producing sugar beets.

After some general discussion, the commission adjourned with the understanding that the subject would be further considered at a meeting to be held at 10.30 o'clock a. m. on Wednesday, October 15, 1924.

Approved, October 14, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 14, 1924

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on October 7, 9, and 10, 1924, were read and approved.

The minutes of the meeting of the commission held on October 11, 1924, were read and approved, Commissioner Glassie not participating.

The chairman submitted the following list of investigations upon which hearings have been held and which are now awaiting final action by the commission, with a list of committees appointed to prepare tentative findings of facts for consideration by the commission:

Investigations awaiting action by the commission: Wall pockets, paintbrush handles, casein, print rollers, oxalic acid, logwood extract, barbital, potassium chlorate, phenol, cresylic acid, linseed oil, cotton hosiery, cotton warp-knit fabric and cotton gloves, taximeters, brierwood pipes.

#### ASSIGNMENTS TO COMMITTEES

- Wall pockets: Commissioners Lewis and Glassie.
- Paintbrush handles: Commissioners Culbertson and Burgess.
- Casein: Commissioners Culbertson and Glassie.
- Print rollers: Commissioners Lewis and Burgess.
- Oxalic acid: Commissioners Culbertson, Lewis, Costigan, and Glassie.
- Logwood extract: Commissioners Culbertson, Lewis, Costigan, and Glassie.
- Barbital: Commissioners Culbertson, Lewis, Costigan, and Glassie.
- Potassium chlorate: Commissioners Culbertson, Lewis, Costigan, and Glassie.
- Phenol: Commissioners Culbertson, Lewis, Costigan, and Glassie.
- Cresylic acid: Commissioners Culbertson, Lewis, Costigan, and Glassie.
- Linseed oil: Commissioners Culbertson, Lewis, Costigan, and Glassie.
- Brierwood pipes: Commissioners Culbertson and Glassie.

The chairman appointed a committee consisting of Commissioners Costigan, Burgess, and Glassie to report to the commission for its consideration a summary of the facts indicated by the evidence with reference thereto and of questions arising thereon, together with tentative findings which in their judgment are warranted by the evidence, in the pending investigation (No. 15) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of cotton hosiery.

The chairman appointed a committee consisting of Commissioners Culbertson, Lewis, and Glassie to report to the commission for its consideration a summary of the facts indicated by the evidence with reference thereto and of questions arising thereon, together with tentative findings which in their judgment are warranted by the evidence, in the pending investigations (Nos. 13 and 14) for the purposes of section 315 of the tariff act of 1922, in respect of cotton warp-knit fabrics and cotton gloves made of warp-knit fabric.

The secretary submitted requests dated October 11 and 13, 1924, from counsel for Victor Chemical Works withdrawing their request for permission to file a brief in the investigation (No. 1) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of oxalic acid.

Upon consideration of these communications, it was—

Voted: That the resolution of the commission adopted on October 10, 1924, concerning permission for the filing of briefs in the investi-



gation (No. 1) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of oxalic acid, be, and the same is hereby, rescinded.

Upon request of the chairman it was agreed that the meeting of the commission set for 10.30 o'clock a. m. October 15, 1924, for the purpose of further considering the reply to be made to the President's letters of September 27 and October 8, 1924, in reference to the sugar investigation, shall be held at 2.30 o'clock p. m. on that date.

The secretary, pursuant to the resolution of the commission adopted on October 10, 1924, submitted a draft of an order instituting an investigation for the purposes of section 316 of the tariff act of 1922, in respect of alleged unfair acts and practices in the importation of certain articles.

Whereupon it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

UNITED STATES TARIFF COMMISSION

In re investigation of alleged unfair methods of competition and unfair acts in the importation and sale of sanitary napkins tending to mislead intending purchasers of sanitary napkins of the manufacture of Kimberly-Clark Co. and Cellucotton Products Co. and marketed under the trade name of "Kotex." Section 316, Docket No. 3

Upon consideration of the complaint under oath filed on the 18th day of April, 1924, by Kimberly-Clark Co. and Cellucotton Products Co., it is this 14th day of October, 1924, ordered:

1. That an investigation pursuant to the provisions of section 316 of Title III of the tariff act of 1922, be, and the same is hereby, instituted in respect of alleged unfair methods of competition and unfair acts in violation of said section in the importation and sale of sanitary napkins in such manner as to confuse or mislead the public into purchasing such imported articles as and for the products of the complainants, Kimberly-Clark Co. and Cellucotton Products Co., marketed under the trade name "Kotex."

2. That notice be, and the same is hereby, given to Swantex Products Corporation, of New York, N. Y., and to all other persons, firms, and corporations, concerned as owners, importers, consignees, agents, or otherwise in the alleged unfair methods of competition and unfair acts in the importation and sale of said articles, that they and each of them will be afforded an opportunity to answer said complaint on or before the 10th day of November, 1924, and show, in writing under oath, cause, if any they have, why the provisions of said section 316 of the tariff act of 1922 should not be applied in respect of said alleged unfair methods of competition and unfair acts in the importation and sale of the articles complained of.

3. That notice be, and the same is hereby, given that a public hearing in said investigation will be held at the office of the United States Tariff Commission, Washington, D. C., at 10 o'clock a. m. on the 18th day of November, 1924, at which hearing the said Kimberly-Clark Co. and Cellucotton Products Co., Swantex Products Corporation, and all other persons, firms, and corporations concerned as owners, importers, consignees, agents, or otherwise in the alleged unfair methods of competition and unfair acts in the importation and sale of said articles will be afforded an opportunity to be present, to offer evidence, and to be heard concerning said alleged unfair methods of competition and unfair acts in the importation and sale of said articles constituting the subject matter of this investigation.

4. That public notice of said investigation and of said public hearing shall be given by publishing a copy of this order once a week for two successive weeks, the latest of said publications to be made at least five days before said 10th day of November, 1924, in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department

of Commerce, copies of which said publication are obtainable from the Superintendent of Documents, Government Printing Office, in Washington, D. C.; also by posting a copy of this order for 20 days prior to said 10th day of November, 1924, at the principal office of the Tariff Commission in the city of Washington, D. C., and at the office of the Tariff Commission at the port of New York; and

5. That notice of said investigation and of said public hearing shall also be given by mailing, registered postage prepaid, a copy of this order, certified by the secretary of the commission under its seal, to the complainants herein, to Swantex Products Corporation, and to such other persons, firms, and corporations as may be concerned in the subject matter thereof and whose names and addresses are or shall become known to the secretary of the Tariff Commission before the return day thereof.

By the United States Tariff Commission.

THOMAS O. MARVIN, *Chairman*.

Approved, October 28, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

OCTOBER 15, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The commission proceeded to consider the report of the chief of the sugar division submitting material requested by the President in his letters of September 27 and October 8, 1924, in connection with the commission's report in the sugar-cost investigation.

Doctor Bernhardt, chief of the sugar division, was called in to the meeting to make such explanations as might be necessary in connection with his report.

Commissioner Burgess proceeded to propound to Doctor Bernhardt questions which he said were intended to clarify the atmosphere with respect to his conversation with Doctor Bernhardt and why the requests made by him as a commissioner were not complied with in the tabular statement of figures which he thought should be presented. He asked that the secretary take down the replies which should be made by Doctor Bernhardt.

Commissioner Lewis requested Commissioner Burgess to explain his object in this method of procedure.

Commissioner Burgess replied that the questions to be asked by him would show his objective as they were developed, and that he would make no statement in advance of the answers, which he desired to have taken down by the secretary.

After further discussion and upon motion by Commissioner Lewis it was—

Voted: That the questions to be propounded by Commissioner Burgess and the answers thereto by Doctor Bernhardt be not taken down by the secretary.

The votes of the commissioners on the foregoing resolution were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess.

By Commissioner Lewis. There is no objection to questions by Mr. Burgess to Doctor Bernhardt or to answers thereto in the usual manner of conducting the commission's business in accordance with

its usual procedure, and Mr. Burgess is invited to present such questions for answer by Doctor Bernhardt.

By Commissioner BURGESS. I am ready to ask Doctor Bernhardt certain questions which I want recorded. In view of the above resolution, by which I am refused permission to formally interrogate Doctor Bernhardt, the chief of the sugar division, and to have my questions and his answers recorded, I wish noted on the record at this point the following statement and questions which I proposed to have Doctor Bernhardt answer in the presence of the commission; namely:

On October 2, 1924, I introduced the following motion, which was unanimously adopted:

Voted: That the six requests contained in the President's letter under date of September 27, 1924, to the commission, together with a copy of said letter, be referred to the chief of the sugar division for report thereon so far as practicable in tabular form, with such references and text only as may be necessary to explain the tables.

The following motion was then made by Commissioner Culbertson and unanimously adopted:

Voted: That Dr. E. B. Brossard be requested to cooperate with the chief of the sugar division in the preparation of the material referred to in the foregoing resolution and that the secretary be requested to furnish such clerical assistance as may be needed in that connection.

Doctor BERNHARDT:

1. Do you consider the report just submitted to the commission as being in compliance with the above resolution?

2. Did you permit Doctor Brossard to cooperate with you in the preparation of the material in this report?

3. Did Doctor Brossard offer to cooperate with you in the preparation of this report?

4. Did you accept or refuse such offer?

5. Have you cooperated with Doctor Brossard in the preparation of this report?

6. Immediately after the meeting of October 2, I called you into my office and asked you if you had the material to promptly comply with the resolution; namely, to put in tabular form the desired information. At that time you replied that you had. I then requested that you prepare the tables in the clearest and most simple manner, showing the differences in costs of production between Cuba and the various United States areas on the basis of the crop year and the calendar year. Do you consider your report responsive to this request?

7. Who instructed you to prepare the report in the manner in which you have prepared it?

8. Did you have a copy of the President's letter before you when you prepared the report?

9. Does not the President's letter state that, "There is, however, a wide conflict of opinion between the commission over the question at issue"? In the preparation of your report, did you take into consideration the evident desire of the President to secure all the facts around which there was a conflict of opinion and did you use or take into account the material contained in the commission's files referred to in the report by the chairman and myself?

10. If the President desired information going into the fundamental questions discussed in both reports, why did you not endeavor, under the commission's resolution, to comply with this request?

It was not in any captious spirit that I endeavored to put these questions, and have them answered for the record, but for the purposes of exactness, and that I would not again throw myself open to the willful misrepresentation of statements made by me and claimed by the maker as being for the purpose of delaying action by the commission.

I offer the following motion:

Moved: That Doctor Bernhardt, chief of the sugar division, be directed to prepare, as rapidly as possible, answers to the inquiries made by the President in tabular form as indicated by the various blank tables submitted herewith.

By Commissioner BURGESS: I make this motion for the sole purpose of presenting to the President all the data in tabular form about which he desires information.

After further discussion of the subject the following statement was made:

By Chairman MARVIN: The vice chairman has indicated a desire to obtain a common ground upon which the response to the President's inquiries can be formulated. In the interest of that common ground for the report to the President I offer the following motions:

Moved: That the report to the President in response to his letter of September 27, 1924, which refers to "the two reports" submitted to him, be based upon tables contained in the "Report to the President by Commissioners Marvin and Burgess," as well as upon document A, document B, and document C, upon which the memorandum to the commission prepared by the chief of the sugar division is based.

Moved: That the tables referred to in the following motions be based on both of the two reports submitted to the President and the basic material therefor in connection with the investigation of the costs of production of sugar.

#### INQUIRY NO. 1

Moved: That in answer to inquiry 1 of the President's letter of September 27, 1924, requesting tables showing the differences in production costs between Cuban production and United States production over averages of various recent periods, 1921-22-23, tables be prepared showing (a) comparisons of costs for the crop years; (b) comparisons of costs for the calendar years referred to; and (c) comparisons, in addition to Cuban and total United States costs, of Cuban costs with costs of the separate sugar-producing regions of the United States.

#### INQUIRY NO. 2

Moved: That the answer to inquiry 2 present in tabular form (a) comparisons of costs for the crop years, and (b) comparisons of costs for the calendar years, for a six-year period and for various recent periods.

## INQUIRY NO. 4

Moved: That the answer to inquiry 4—what proportions of the Hawaiian, Louisianian, Porto Rican, and beet production separately for different years show a cost more than 1.23 cents above Cuban sugar—present cost comparisons (a) on the crop-year basis, and (b) on the calendar-year basis.

## INQUIRY NO. 5

Moved: That the answer to inquiry 5—data as to different States in the Union in respect to beet sugar—present cost data on (a) the crop-year basis, and (b) the calendar-year basis.

## INQUIRY NO. 6

Moved: That the answer to inquiry 6 include comparisons on the basis of costs of production of raw sugar and that the table including transportation costs present transportation costs to a common market, as New York, for instance.

Approved, December 4, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 16, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Mr. R. U. Delapenha appeared before the commission to request action upon the application of R. U. Delapenha & Co. (Inc.) for an investigation under the provisions of section 316 of the tariff act of 1922 of alleged unfair acts and practices in the importation and sale of olive oil.

After a short discussion of the subject with Mr. Delapenha the commission assured him that it would act upon the application in question as promptly as might be found to be practicable.

The commission resumed consideration of the report to be submitted to the President in response to his letters of September 27 and October 8, 1924, in reference to the commission's report in the sugar-cost investigation.

Commissioner Glassie withdrew from the meeting and took no part in the commission's consideration of this subject.

Upon motion by Commissioner Costigan; submitted as a substitute for the motions of Commissioners Marvin and Burgess on October 15, 1924, it was—

Voted: That the secretary of the commission be instructed to send to the President the following letter:

OCTOBER 16, 1924.

MY DEAR MR. PRESIDENT: The Tariff Commission instructs me to say that, in response to your letter of September 27, the commission has prepared with promptitude a reply which is virtually complete, and which, in the judgment of the commission, incorporates data adequately responsive to your respective inquiries.

However, on October 15, 1924, Commissioners Marvin and Burgess submitted to the commission motions requesting the preparation of further detailed statistical matter, the scope of which is indicated by copies of the motions hereto attached. These data include (1) data already presented in the commission's original report and opinion, or now ready for transmittal to the President, (2) and data, deemed by the commission not relevant or responsive to your request, some of which, according to the commission experts, can probably not be obtained and the remainder of which can not be prepared in less than two months and will, in the main, be of a character misleading with respect to the actual competitive sugar situation. In the judgment of the commission the new data called for by these motions are unnecessary for a decision in the sugar investigation.

For these reasons the commission does not feel that it can assume the responsibility for the delay necessitated by the preparation of the data requested in the motions submitted by Commissioners Marvin and Burgess. The commission would, therefore, report that it can promptly transmit its reply to your letter of September 27, and that in its judgment the data referred to in the motions of Commissioners Marvin and Burgess, in so far as not covered by the former reports and by the report which is now virtually ready to transmit, have not been requested by the President and are not essential to any decision under the law. Nevertheless, if you regard the new data as essential and request its preparation, the commission will, to the best of its ability, comply with your desires and instruct its staff to prepare such new data. The necessity the commission is under for thus seeking a further indication of your wishes is regretted.

Respectfully yours,

UNITED STATES TARIFF COMMISSION.  
By \_\_\_\_\_, Secretary.

The PRESIDENT,  
*The White House.*

On the foregoing resolution the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the resolution: Messrs. Marvin, Burgess.

By Chairman MARVIN. I have no objection to the submission to the President of any inquiry that any commissioner or group of commissioners deems desirable to submit to him. My objection to the letter is the assumption that the letter is written for and on behalf of the tariff commission; that it is an expression of the views of a group of commissioners, and should be signed by them as a group or individually. I do not agree that the data called for by the motions referred to in the proposed letter are unnecessary or unresponsive to the inquiry of the President; nor do I believe that the inclusion of the data requested will cause delay in the full and proper presentation of the facts desired by the President.

In connection with the above motion Commissioner Burgess stated that he was opposed to the letter addressed to the President couched in the language used.

First. Because it expresses the sentiment of three commissioners only; namely, Messrs. Culbertson, Lewis, and Costigan and does not express the views of Messrs. Marvin and Burgess.

Second. Because the statements made do not, in my opinion, convey a true statement of facts.

Third. Because I believe the statements submitted by Doctor Bernhardt are not responsive to the President's request for information.

Fourth. Because I deem it essential to answer the President's letter in the spirit of fairness and completeness. All the tables and facts should be submitted and not only a fragmentary part thereof.

Fifth. I deny that giving substantially the figures requested by me would take more than a few days to tabulate and would not require two months, or anything approaching that time, to prepare.

Sixth. I protest again against the infringement of the rules of the commission directing the secretary to sign this letter addressed to the President as the rules, unanimously adopted by the commission, direct that all communications from the commission to the President, Senators, and Representatives should be signed by the chairman. This does not infringe upon the right of any commissioner, or set of commissioners, to address the President but such communications should be signed by the individual members thus communicating to the President.

Approved, December 4, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 17, 1924.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The secretary laid before the commission a cablegram from the chief investigator, Mr. Geo. P. Comer, from Paris, France, suggesting that Mr. J. J. Ernster be assigned to assist Mr. C. F. Yauch in connection with the investigation of the costs of production of men's sewed straw hats in Italy.

After discussion of the subject, it was—

Voted: That the recommendation of the chief investigator that Mr. Ernster be assigned to assist Mr. C. F. Yauch in procuring costs of production of men's sewed straw hats in Italy be approved, subject to consultation with Mr. Achenbach at Berlin headquarters.

The secretary called attention to the fact that the report upon the artificial silk industry was in galley proof, that Mr. Crittenden Marriott at the request of the commission had submitted in writing a review of the report, and that it was desired to submit the report for publication to representatives of the industry for criticism.

The secretary was instructed to refer the papers in question to Doctor Mixter of the economics division with the request that he go over them with the author of the report and submit a memorandum thereon.

The secretary laid before the commission chapters 6, 7, 8, and 9 of the report in process of preparation upon the broad silk industry. Chapters 6, 7, and 8 were revised copies and chapter 9, relating to prices, was submitted for the first time. The four chapters were referred to Commissioner Culbertson for consideration and report.

Upon recommendation by the chief of the textile division, it was—

Voted: That Mr. George Middleton be authorized to travel to Norwalk, Bridgeport, New York City, Camden, Reading, and such other points in the States of Connecticut, New York, New Jersey, and Pennsylvania, as may be necessary to obtain additional information required in the pending investigation (No. 32) for the purposes

of section 315 of the tariff act of 1922, in respect of the costs of production of lace.

Upon recommendation by the secretary it was--

Voted: That Mr. H. L. Lourie, who is now in New York City, be authorized to spend such time, not to exceed one week, as may be necessary to obtain additional information concerning the marketing of butter and Swiss cheese, and that he be allowed \$4 per diem and necessary incidental expenses during the period devoted to this work.

Upon recommendation by the chief of the textile division it was--

Voted: That Mr. T. D. L. Menchion be authorized to travel to New York City, and return, for a period not to exceed three days for the purpose of obtaining information concerning imports and prices of cotton fabric gloves in connection with the pending investigation (No. 14) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of gloves made of warp-knit fabric.

Approved; October 28, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 21, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

By the CHAIRMAN. I call the attention of the commission to some administrative matters that I think should receive some attention. The secretary will please read the memorandum which I sent him. On October 20, 1924.

The secretary read the memorandum, as follows:

Please have Mr. Newton report to my office to assist in the preparation of statistical matter required in connection with the report to the President in response to his letter for additional information in the sugar investigation. I shall want Mr. Newton to call for such additional clerical assistance as he may need.

The secretary thereupon, at the request of the chairman, stated that prior to the receipt of the foregoing memorandum Doctor Bernhardt, chief of the sugar division, had stated to him that Mr. Newton had come to Doctor Bernhardt with blank forms indicating the data which he was instructed by Doctor Brossard to obtain from the files of the sugar division; and that Doctor Bernhardt further stated that he told Mr. Newton this work should not be considered as part of the work for which he was withdrawn, at the direction of the commission, from the vegetable oils investigation and that he should explain this fact to Mr. DeLong, and that pending more definite instructions he, Doctor Bernhardt, could not furnish material for the purpose indicated. Doctor Bernhardt stated that he made this report to the secretary for his information in the event that the situation might be otherwise presented to him.

Shortly thereafter the memorandum from the chairman above cited was received by the secretary and immediately called to the attention of Mr. Newton, who was requested to report to the chair-



man. About a half hour later Mr. Newton requested the secretary to arrange for Mr. Newton to have the assistance of Accountants Ballif, Halpin, McNeill, and Stone, and of probably five or six clerks from the statistical division to assist in the work which he was requested to do by the chairman, and which would probably take a week or more to complete. The secretary immediately sent word to the accountants named to report to Mr. Newton and requested Miss Stewart to render Mr. Newton such assistance as he required.

The chairman then requested the secretary to read the following memorandum addressed to the commission under date of October 20, 1924, by Doctor Bernhardt:

The following accountants state that they have been requested by Doctor Brossard to obtain certain cost records of the sugar investigation in connection with certain work which Doctor Brossard is preparing: Mr. Newton, Mr. McNeill, Mr. Halpin, Mr. Ballif, Mr. Stone.

The above accountants have been engaged in the butter and oil investigations since July 31 or thereabouts.

The sugar division has had no direction from the commission (or in fact from any commissioner, the chairman, the secretary, or Doctor Brossard), relating to the matter. Inasmuch as rather an unusual procedure is here involved, to wit:

(1) The preparation by some one outside the sugar division of material relating properly to the sugar division;

(2) Distribution in somewhat wholesale fashion of confidential cost records of the sugar investigation which have been in the files of the sugar division for over a year and one-half—

It seems to me that some written direction should be given to the sugar division by the commission or its responsible officer.

The secretary stated that this morning the chairman had instructed him to request Doctor Bernhardt to furnish Mr. Newton, from the files of the sugar division, such information and material as Mr. Newton might require in the work to which he was assigned by the chairman.

By the CHAIRMAN. The work that I desired to have done required the assistance of some of the accountants who had conducted investigations on behalf of the commission, or in certain fields in connection with the sugar investigation. Under date of July 25, I believe, some of these men, probably most of them, if not all of them, had been assigned to work in connection with the butter investigation. The butter investigation has been given precedence by the commission at the special request of the President, and it appeared to be the peculiar situation of having one investigation that was requested by the President and assignment of certain men to aid in the preparation of the material, followed later by a request from the President for further information in regard to the sugar investigation, the preparation of information in response to that request making it necessary to employ the services of some of the men assigned to the butter investigation, and the question as to whether they could be taken off temporarily from the butter investigation—it might be for an hour or so, it might be for a half a day, it might be for longer; the time certainly would not be very great—to assist in the preparation of material required to answer the President's request. It seemed to me that it was proper to have these men so assigned for this temporary work and I requested the secretary to see that their services were made available.

When the attention of Mr. Zapoleon, head of the agricultural division, was called to the request, he spoke briefly to me about it and I told him as the information in regard to the Denmark butter costs had not been distributed for work in the commission, that I could see no real cause for delay in the preparation of the butter report if three or four men were temporarily assigned to secure the information needed to respond to the President's request in connection with the work on sugar. This morning I received the following memorandum from Mr. Zapoleon, which I will ask to have read:

The chairman has requested the detail, from the butter investigation, of Accountants Stone, Halpin, and McNeill. These men, with three others, are now engaged upon the tabulation of creamery costs, particularly of the centralizers which they covered. The butter investigation, the chairman informs me, has precedence by reason of the fact that it was made by order of the President. It is my understanding that the sugar investigation possesses equal importance. Since the desired detail of one-half the accountants engaged thereon will correspondingly delay the work on butter, at its weakest point, I inquired regarding the duration, and have been informed, by various persons that it will require three weeks, three days, three hours.

The chairman left this matter to my discretion, and we wish to be helpful. However, I have no authority to make a prolonged detail from the butter investigation, less to delay it. The importance of the sugar work is also recognized. In view of these conditions, instructions are desired.

By the CHAIRMAN (continuing). The memoranda that have been received from the head of the sugar division and the head of the agricultural division bring up what seems to me to be an important question as to whether a member of the commission can secure without delay information in the possession of the commission and information which he requires in the performance of his duty as a commissioner. The obstacles that have been put in the way of assigning men to do work requested by the chairman of the commission may not seriously delay the work that has been undertaken, but they have caused at least a temporary delay and have resulted in confusion among those members of the staff who were requested to secure the information. They do not know just how to proceed. Access to information was refused, for a while at least, and I raise the question as to whether the files of the commission are open to commissioners or whether when he sends properly authorized people to secure facts from the files in the possession of the commission heads of divisions can deny access to that information. I add that it would be advisable to call in this morning at the meeting Doctor Bernhardt, Doctor Brossard, and Mr. Newton and see what has actually occurred during the last 24 hours and see if there is some proper way out of the difficulty.

By Commissioner Lewis. I object to that course for the present.

By the CHAIRMAN: The secretary will please call in the men I have mentioned.

By Commissioner Lewis. These requests for instructions from the commission were suggested to both these gentlemen by myself. I was advised of their difficulties when this request was made upon them by Commissioner Marvin without authority of the commission. I advised them under the circumstances to file a memorandum for instructions from the commission. Now, I have two objections which can be very, very briefly stated to this course of Commissioner Marvin. The first is that it assumes that the staff of

the commission is under the command of individual commissioners. The staff of the commission is under the command of the commission. Second, there was an evident purpose to ignore the sugar division and supplant it. The sugar division represents the methodical processes and utterance of this commission on the subject of sugar, particularly with relation to its factory production and the effort of any member of the commission to supplant the sugar division by setting up some other instrumentality to take its records and make whatever reports it pleases is disorganizing in the very highest degree, not less disorganizing than it would be to ask Mr. Clark to take possession of the papers and data and files and make a report in the chemical division, or ask Mr. DeLong to undertake like service in the metals division. In that path lies utter anarchy and destruction. I shall vote against either the assignment of men, unless further and different information is provided, or the assignment under any circumstances now disclosed of authority to any outside persons for the purpose of invading the sugar division to do the work that Doctor Bernhardt is qualified to do by experience, by character, and under the methodical instructions of the commission.

By Chairman MARVIN. The statement just made by Mr. Lewis reveals apparently the fact that a request by one commissioner for information he required in the performance of his duty as a commissioner was held up at Mr. Lewis's request—

By Commissioner LEWIS. Was opposed rather by another commissioner and instructions asked for.

By Chairman MARVIN (continuing). Mr. Lewis further states that the response to the chairman's request for preparation of material by Mr. Newton and accountants and clerks to assist him is analogous to requiring men not associated in any way with the work of the one division to undertake preparation of work in an entirely different division. I desire to call attention to the fact that the men who were asked to look up certain matters in connection with the sugar investigation for the chairman were men who have participated throughout the sugar investigation in various sugar regions that have been investigated by the commission. Mr. Newton had an important part in the beet-sugar investigation. Mr. Ballif investigated costs of production in Hawaii and did some work on Cuban cost figures. Mr. Halpin worked on Hawaiian costs; Mr. McNeill on beet-sugar costs; Mr. Stone on Louisiana costs. These men secured or cooperated in securing the basic material for the regions mentioned. There can be no question whatsoever that it is the right of a member of the commission to secure information from men who actually participated in an investigation ordered by the commission. Back of the tabulations submitted to the commission by the head of the sugar division is the basic material secured by accountants assigned to the investigation. The men whose assistance I requested were men who secured the basic material and were in a position to give information in regard to the sugar investigation having had months of experience in that work.

After further discussion—

By Vice Chairman CULBERTSON. The chairman is invited to submit to the commission any request for information or assistance that he may desire and it will be given, so far as I am concerned, most

careful and thoughtful consideration in its relation to the other work of the commission.

By the CHAIRMAN. The suggestion of the vice chairman in effect is that the chairman as a member of the commission can not obtain information which he deems necessary in the performance of his duties unless his requests meet with the approval of the commission. In my opinion a commissioner is entitled to access to all information in the possession of the commission and is entitled to the assistance of the experts of the staff when such assistance is necessary.

After further general discussion and upon motion by Commissioner Lewis, it was—

Voted: That in response to the memoranda and requests for instructions submitted under date of October 20, 1924, by Doctor Bernhardt, the chief of the sugar division, and by Mr. Zapoleon, the acting chief of the agricultural division, the commission orders members of the staff to await instructions from the commission and not to depart from their present assignments by the commission until otherwise ordered.

The votes of the commissioners on the foregoing resolution were as follows:

In favor of the adoption of the resolution: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the resolution: Mr. Marvin.

Commissioner Glassie did not vote on this resolution.

After further discussion it was, upon motion by Vice Chairman Culbertson—

Voted: That in view of the statements by the chairman that Doctor Brossard is devoting time to the preparation of general data on sugar upon the chairman's individual request, Doctor Brossard be instructed to give precedence and his undivided attention until completed to the preparation of the sugar beet costs called for in the President's letters of September 27 and October 8, 1924.

The votes of the commissioners on the foregoing resolution were as follows:

In favor of the adoption of the resolution: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the resolution: Mr. Marvin.

Commissioner Glassie did not vote on this resolution.

By the CHAIRMAN. Doctor Brossard was instructed by the chairman to proceed with the preparation of material requested by the commission and when he had time to do so without interference with work requested by the commission to report to the chairman data in connection with the sugar investigation which the chairman desired to have. I understand that there has been no interruption of Doctor Brossard's work by any request that I have made.

By Commissioner LEWIS. I call attention to the circumstance that the tables presented by Mr. Brossard in reply to the requests for information from the President are not accompanied by the necessary explanatory text and that Doctor Brossard's attention has been called to this deficiency for more than a week.

The chairman laid before the commission request of counsel for J. L. Galef for extension of time within which briefs might be filed in the investigation (No. 1) for the purposes of section 316 of the

tariff act of 1922, in respect of alleged unfair practices in the importation and sale of revolvers.

The secretary presented also a verbal request by counsel for Smith & Wesson (Inc.) that they be granted any extension of time for filing briefs in the above-mentioned case that might be granted by the commission to any other party in that investigation.

It was thereupon—

Voted: That Smith & Wesson (Inc.) and J. L. Galef, parties of record in the investigation (No. 1) for the purposes of section 316 of the tariff act of 1922, in respect of alleged unfair practices in the importation and sale of certain revolvers be, and are hereby, granted an extension of time from October 22 to November 1, 1924, for filing briefs before the commission in said investigation.

The commission considered briefly the application of R. U. Delapenha & Co. for investigation of alleged unfair practices in the importation and sale of olive oil.

After a brief discussion, it was agreed that the subject be made the special order of business for consideration at a meeting of the commission to be held at 10.30 o'clock a. m. on October 22, 1924.

Commissioner Culbertson, to whom had been referred on October 17, 1924, the manuscript of chapters 6, 7, 8, and 9 of the report in preparation upon the broad-silk industry, reported upon the status of the entire report.

After a general discussion of the subject, it was—

Voted: That Dr. Thomas Walker Page be requested to read chapters 1, 8, 9, and 10 of the commission's forthcoming report on the broad-silk industry with a view especially to the possible printing of chapter 9 (prices in the silk industry) as a separate pamphlet in advance of the publication of the report as a whole.

It was also—

Voted: That the secretary is authorized to make such arrangements as may be necessary to secure the services of Doctor Page in connection with the completion of the manuscript of the commission's report on the broad-silk industry.

Commissioner Culbertson, for the committee appointed on February 27, 1924, to submit recommendations for action by the commission in connection with the pending investigation (No. 4) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of casein, reported that the committee recommended that the commission enter an order that no action was warranted on the record before the commission in this investigation.

It was agreed that this report should be made a special order of business for the meeting of the commission to be held on October 24, 1924.

Commissioner Culbertson, from the committee appointed to report upon investigations in respect of subjects comprised within the chemical schedule of the tariff act, reported that he had prepared a draft of a final report in the linseed-oil investigation and that copies of it would be distributed to members of the commission for their consideration.

Upon motion by Commissioner Glassie, it was—

Voted: That the personnel committee is respectfully requested to draw up a list of the vacancies existing in the several divisions of the commission's staff, indicating the nature of the function, the salary

attached to the office, the names and qualifications of the applicants for each of said offices. In the list of vacancies, the committee may include any position which, although not heretofore existing, should, in their judgment, be created in order to secure an adequate and well-balanced staff personnel.

Approved, October 28, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

OCTOBER 22, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The secretary reported that the Bureau of the Budget had just requested, by telephone, that the commission indicate how its estimates of expenditures for the fiscal year 1926 should be rearranged if an additional amount of \$50,000 should be added to the total heretofore allocated by the President for such estimates.

The secretary submitted a proposed readjustment of the estimates on the suggested basis and the subject was referred to the chairman and the secretary jointly to act for the commission.

The commission proceeded to the consideration of the application of R. U. Delapenha & Co. (Inc.), for an investigation under the provisions of section 316 of the tariff act of 1922 in respect of alleged unfair acts and practices in the importation and sale of olive oil.

After discussion of the subject, it was, by Chairman Marvin—

Moved: That an investigation pursuant to the provisions of section 316 of the tariff act of 1922, be instituted in respect of alleged unfair acts and practices in the importation and sale of olive oil; and that a public hearing in such investigation be held at the earliest practicable date.

As a substitute for the foregoing motion, it was, by Commissioner Lewis—

Moved: That the recommendations contained in the advisory board's report of October 17, 1924, upon the application of R. U. Delapenha & Co. (Inc.) and others for relief from alleged unfair competition in the importation and sale of olive oil be adopted.

These motions went over for further consideration.

Approved, October 28, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

OCTOBER 23, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The secretary submitted a list of investigations by the Tariff Commission under the provisions of section 315 of the tariff act of 1922, in which public hearings have been completed.

The secretary reported that the Bureau of the Budget had approved the addition of \$50,000 in the estimates for the Tariff Commission for the fiscal year 1926.

The secretary submitted a letter from Mr. F. A. Pearson, of New York State College of Agriculture, Cornell University, Ithaca, N. Y., under date of October 10, 1924, as follows:

I am writing to learn if it would be possible to have Mr. Brossard and Mr. Connor visit Cornell and talk to our agricultural economics and farm-management seminar on the sugar and wool tariffs from the standpoint of the Tariff Commission.

After a discussion of the subject it was—

Voted: That the secretary inform the writer of the foregoing letter that it is not practicable at the present time for the commission to accede to the suggestion made in his communication.

The commission resumed consideration of the application of R. U. Delapenha & Co. (Inc.) and others for an investigation pursuant to the provisions of section 316 of the tariff act of 1922, in respect of alleged unfair acts and practices in the importation and sale of olive oil.

Commissioner Lewis withdrew the motion submitted by him on October 22, 1924, as a substitute for the motion by Chairman Marvin and in lieu thereof—

Moved: That the application of R. U. Delapenha & Co. (Inc.) and others for an investigation pursuant to the provisions of section 316 of the tariff act of 1922, in respect of alleged unfair acts in the importation and sale of olive oil, together with the report of the chief of the agricultural division and the affirming and dissenting reports of the advisory board thereon, be referred to the Secretary of State for his consideration, and that further action by the commission upon the said application be suspended for the time being.

Upon this substitute motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

The substitute motion was therefore rejected.

The question reverting upon the motion submitted on October 22 by Chairman Marvin, the votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

By Commissioner GLASSIE. I am constrained to record my dissent from and protest against the action of the commission, because I am persuaded that the commission is under a statutory duty to make such investigation as will result in a full presentation of the facts involved when by inquiry after complaint or upon initiative there are facts before it constituting a prima facie case showing that the acts in question have established what constitute unfair methods of competition or unfair acts in importation unlawful under section 316, and when, as is here indicated by the staff, the facts, if proved, would constitute an infraction of that statute. In my judgment there is no discretion to refuse to act unless the commission finds

either that the alleged facts are not true or that the facts which have been ascertained do not constitute a violation of the law. In the log case, though that was under section 315, the point was made that the refusal to proceed with the investigation would substantially preclude the President from exercising his powers under section 315. The opinion of the Attorney General affirming the minority view was expressly grounded on the point that such refusal would prevent the President from exercising the powers delegated to and charged upon him by section 315. The commission, of course, is at liberty to hold that a case is not made out either in fact or in law; but I do not understand that the commission by this action takes a position that the acts complained of are not in fact done, or do not in fact produce the consequence alleged, or that it undertakes to negative in advance any factual matter which would arise in the investigation, or that it holds in advance that the facts if proved would not constitute a violation of the law, yet it effectively puts an end to the investigation. With regard to the question of cost, I think it is only necessary to point out that the commission has proceeded upon a construction of this statute that contemplates that complaining parties may be required to establish their cases, and to call attention to the recent unanimous order of the commission instituting an investigation in the matter of "Kotex."

By Commissioner COSTIGAN. The substitute motion, if adopted, would not necessarily have had the effect of terminating proceedings under the complaint; nor do I regard the commission's nonaction of this day as having such effect. The substitute motion was responsive to the recommendations of the majority of the commission's advisory board, including the chief of the legal division. It also appears from a memorandum handed to the commission by the chief of the legal division that the petitioners may apply for relief from the alleged injury under the provisions of the food and drugs act.

By Commissioner GLASSIE. I said nothing with regard to the substitute motion, but I now say that there is no power in the Tariff Commission simply to transfer the files in a complaint under section 316 to the Secretary of State, because the Secretary of State can not perform the functions of the Tariff Commission under section 316, and the proposal carried no recommendation of any kind of action and no indication of any view with respect to the facts or the law; nor do I concede that in a case where the commission will not hold that the facts are not true or that the law is not as claimed it can refuse to proceed in the performance of its duty because it conceives that the party may have relief of some kind under a statute which the commission has no power to construe or administer.

Commissioner Glassie submitted a draft of a letter which he had been requested to prepare in reply to a communication from Senator Ellison D. Smith, of South Carolina, in reference to the application of Charles R. Allen for an investigation for the purposes of section 315 of the tariff act of 1922, in respect of the duty on sea salt.

The letter was approved for transmittal.

Approved, October 28, 1924.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.



OCTOBER 24, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The chairman laid before the commission two reports prepared under the provisions of section 317, Title III, of the tariff act of 1922, for submission to the President, being (1) a report of tariff and trade relations with Morocco, and (2) a supplement to the memoranda on French tariff discriminations transmitted to the President in June, 1923.

The foregoing reports were approved for transmittal to the President in the absence of any later objection thereto by any member of the commission.

The chairman laid before the commission a letter dated October 23, 1924, from the President returning the commission's letter to him of October 16, 1924, in the sugar investigation and a separate communication to him of October 17, 1924, from Commissioners Marvin and Burgess upon the same subject. The President's letter was as follows:

THE WHITE HOUSE,  
Washington, October 23, 1924.

GENTLEMEN: I beg to acknowledge your letter of October 16. I have also received a separate communication from two members of the commission.

I was, of course, greatly in hopes that in requesting purely statistical information there would need to be no division in the commission. It appears, however, there is this division of opinion as to whether the statistical material in the hands of the commission fully presents the facts and as to whether the form in which it is proposed to present it also correctly represents the situation. I can see no other way for me to obtain all the facts than to request that they should be presented in both alternatives and that while the commission should present now such data as they have now available, it should proceed to obtain the further facts which are deemed necessary by the two members.

I think the commission will realize the difficulty of my position where there is a division of this character and the obligation upon me to have full information before taking grave steps involving the welfare of so many people. Both communications are therefore recommitted in the hope that the commission may also reach an agreement.

Very truly yours,

CALVIN COOLIDGE.

UNITED STATES TARIFF COMMISSION,  
Washington, D. C.

By Commissioner LEWIS. I wish to have noted the fact that the commission was not made acquainted with the contents of the communication by Commissioners Marvin and Burgess to the President on this subject and did not know such a communication had been sent until now advised by the President, and was therefore unaware of its contents.

By Chairman MARVIN. The letter of the President apparently contains two suggestions for the consideration and action of the commission: First, that the commission may present now such data as they have now available; second, that it should proceed to obtain the further facts which are deemed necessary by two members of the commission.

Upon request by Commissioner Lewis the foregoing communication from the President was made the special order of business for a meeting of the commission to be held at 2.30 o'clock p. m. this day.

Commissioner Burgess stated that in view of the receipt of the foregoing communication from the President he would renew his motion of October 15, 1924, in a modified form, as follows:

Moved: That Doctor Bernhardt, chief of the sugar division, conjointly with Dr. E. B. Brossard be directed to prepare as rapidly as possible answers to the inquiries made by the President in tabular form as indicated by the various blank tables submitted herewith.

By Commissioner BURGESS. I renew this motion with the additional feature, because of the fact that in answering the question to the commission Doctor Bernhardt stated that it would take at least two months to answer some of the queries propounded in the blank tables. I am convinced that this is not a fact, and that all the material asked for by me in this motion can be prepared within a very short time.

The chairman stated that he would later renew his motion which was submitted by him originally on October 15, 1924.

The commission thereupon adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The commission resumed consideration of the communication from the President as laid before the commission at the session held this morning.

The chairman submitted again his motion of October 15, 1924:

As a substitute for the motion submitted by Commissioner Burgess at the meeting this morning, it was, by Commissioner Costigan—

Moved: That in compliance with the letter of the President on October 23, 1924, the sugar division, under the direction of its chief, is hereby instructed to prepare with expedition and submit to the commission at the earliest practicable date the material requested by Commissioners Marvin and Burgess in their respective motions of October 15, 1924;

Moved further: That Doctor Brossard, who has been in charge of the investigation of the costs of growing sugar beets, is hereby instructed to prepare for the sugar division such of the material requested as relates to the sugar beet costs, and that Mr. Fox be temporarily assigned for general assistance to the sugar division to aid, under the direction of the chief of the sugar division, in the preparation of such material.

Chairman Marvin offered an amendment to the foregoing motion by Commissioner Costigan, as follows:

In line 5 of the second paragraph strike out the words "under the direction of the chief of the sugar division."

The votes of the commissioners were as follows:

In favor of the adoption of the amendment: Messrs. Marvin, Burgess.

Against the adoption of the amendment: Messrs. Culbertson, Lewis, Costigan.

The amendment was therefore rejected.

The question being upon the motion as submitted by Commissioner Costigan, the votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan, Burgess.

Against the adoption of the motion: Mr. Marvin.

The motion was therefore agreed to.

By Chairman MARVIN. I can not vote for the substitute motion offered by Commissioner Costigan unamended, as it has been the custom of the commission in assigning economists to assist commodity divisions to make such assignments without limitation or restrictions.

Upon motion by Commissioner Lewis, in view of the disposition of the subject by the adoption of the foregoing resolution, the pending motion submitted by Chairman Marvin was laid on the table.

Upon motion by Vice Chairman Culbertson, it was—

Voted: That Doctor Bernhardt of the sugar division submit to the commission Saturday, October 25, at 2.30 p. m., in form for transmittal to the President, the statistical tables, with explanatory data, prepared by him in response to the President's letter of September 27.

Voted further: That the statistical tables on beet costs, completed in accordance with the President's request of October 8, be submitted by Doctor Brossard to the commission in form for transmittal to the President on Saturday, October 25, at 2.30 p. m.

The votes of the commissioners on the foregoing resolution were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess.

It was by Chairman Marvin moved: That all orders inconsistent with a full compliance with the requests of the President in his letters of September 27, October 8, and October 23, be and are hereby revoked.

Commissioner Costigan stated that he felt obliged to vote against the foregoing motion because he knew of no orders of the commission inconsistent with a full compliance with the requests of the President in his respective letters.

By Chairman MARVIN. The chairman points to the record to show that by vote of the commission assistance which he had requested from experts who participated in the sugar investigation was denied. The above motion was offered with a view to the removal of the prohibition of that necessary assistance.

The question being upon the foregoing motion by Chairman Marvin, the votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess.

Against the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

The motion was therefore rejected.

By Chairman MARVIN. I do not feel bound by any vote of three commissioners that interferes with my duties as a member of the commission. I shall ask for the assistance of such experts or clerks

of the commission's staff as I deem necessary fully to comply with the requests of the President, and to perform my sworn duty as a member of the Tariff Commission.

Approved, December 4, 1924.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

OCTOBER 25, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan.

The commission met at 2.30 o'clock p. m. to proceed, pursuant to its resolution of October 24, 1924, to consider material submitted by the chief of the sugar division, by Doctor Brossard, in pursuance of the letter of October 23, 1924, from the President with reference to the investigation of the costs of production of sugar.

Doctor Bernhardt, chief of the sugar division, and Dr. E. B. Brossard submitted statistical tables pursuant to the commission's resolution adopted on October 24, 1924.

Commissioner Culbertson reported to the commission that he and Commissioner Burgess in an interview this morning with the secretary to the President were informed that the President desired all of the material to be furnished by the commission in response to his letters of September 27, October 8 and 23, 1924, be submitted at one time.

The subject thereupon went over for further consideration.

Approved, December 4, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 28, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on October 14, 17, 21, 22, and 23, 1924, were read and approved.

The reading of the minutes of the meetings of the commission held, respectively, on October 15, 16, 24, and 25, 1924, was deferred.

By the CHAIRMAN. I call attention to a memorandum, signed "E. P. Costigan," in which reference is made to a letter alleged to have been sent to the chairman by Mr. Hirsch and in connection with which the following peremptory requests are made:

(a) That the chairman submit forthwith to the commission said letter written to him as chairman of the commission by Mr. Hirsch, dated November 28, 1923; also his reply thereto and any additional correspondence on the subject.

(b) The chairman is further requested to state in writing for the records of the commission why he failed to bring the letter of Mr. Hirsch of November 28, 1923, addressed to him as chairman of the commission, to the attention of the commission.

By Commissioner COSTIGAN. My only objection to the chairman's statement is that the requests are referred to as "peremptory."

By Chairman MARVIN: In response to these requests I call to the attention of the commission a letter addressed as follows: "Hon. Thomas O. Marvin, 2701 Connecticut Avenue, Washington, D. C., U. S. A." The letter was registered; the registry number is 24,928. I also call to the attention of the commission that across the top of the first page of this letter, which is dated Brussels, November 28, 1923, are these words, which are underscored: "Personal and confidential." In response to this letter from Mr. Hirsch I stated that whereas he had marked his letter personal and confidential I was not certain as to what attention officially could be given to it, and stated that at the first opportunity I would ask the commission to call to Washington its representatives in the foreign field so that their work and their problems and any matters of interest which they deemed necessary to call to the attention of the commission could be taken up. My letter in reply was dated December 11, 1923.

By Commissioner COSTIGAN: For a fuller explanation of the chairman's statement I request that a copy of my memorandum of October 24, 1924, to which the chairman has this day made response, be incorporated in the minutes. I submit that regardless of the form of the letter from Mr. Hirsch to the chairman, the information communicated to the chairman was of a character of which the commission should have had prompt notice. Such a conclusion, of course, does not require a breach of confidence with respect to the source of any information which the commission, in the discharge of its duties, was entitled to receive.

The memorandum referred to above is as follows:

OCTOBER 24, 1924.

Memorandum for the chairman:

A copy of a letter addressed to the United States Tariff Commission from Mr. Gilbert Hirsch dated Paris, October 15, 1924, was placed on my desk yesterday. Two paragraphs of this letter read as follows:

"The most practical consideration for a man making and directing investigations for the Tariff Commission abroad, is to have the full confidence of the foreign governments and business men in the integrity of the United States Tariff Commission. On November 28, 1923, I wrote Mr. Marvin, chairman of the commission, that there was no such confidence because one of the members of the commission, Mr. William Burgess, was known over here as a man who used official investigations as a screen from behind which to spy upon the secrets of commercial competitors.

"I wrote Mr. Marvin that he could make any use of the letter he desired. No doubt he has brought it to the attention of the commission before this, I have never had any report given to me as to the result."

The letter referred to not having been brought to the attention of the commission so far as the undersigned is concerned, the request is made—

(a) That the chairman submit forthwith to the commission said letter written to him as chairman of the commission by Mr. Hirsch dated November 28, 1923, also his reply thereto and any additional correspondence on the subject.

(b) The chairman is further requested to state in writing for the records of the commission why he failed to bring the letter of Mr. Hirsch of November 28, 1923, addressed to him as chairman of the commission to the attention of the commission.

E. P. COSTIGAN.

By Commissioner GLASSIE. Inasmuch as Commissioner Costigan's request was to submit to the commission certain correspondence supposed to be in existence, I feel constrained to say upon the facts that have been brought out here that I do not wish to be understood as agreeing to the proposition that the chairman or anybody else is under an obligation to violate a confidence and disclose, without

the consent of the writer of the letter, information or statements which the writer has expressly put under the seal of confidence. For my part I have no desire to attempt to require that the chairman should disclose to me the letter addressed to him at his house and marked "Personal and confidential."

Approved, October 31, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

OCTOBER 30, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The secretary laid before the commission a letter dated October 18, 1924, to the chairman from Mr. Ralph Whitehouse, tendering his resignation from the staff of the commission as of October 1, 1924.

The secretary reported that Mr. Whitehouse had left the office of the commission on September 30, 1924, without permission to be absent and without indication of his intention to do so, and no communication had been received from him until the receipt of the letter referred to above.

After discussion it was by Commissioner Lewis—

Moved: That Mr. Ralph Whitehouse be removed for cause from the service of the United States Tariff Commission as of September 30, 1924.

As a substitute for the foregoing motion Chairman Marvin—

Moved: That the resignation of Mr. Ralph Whitehouse be accepted as of September 30, 1924.

Upon suggestion by Commissioner Burgess it was agreed that action upon the foregoing two motions should be suspended for the time being and that the secretary should communicate with Mr. Ralph Whitehouse to the effect that he would be afforded opportunity to show cause why, in view of his departure without authorization by or notice to the Tariff Commission, he should not be dropped from the commission's service as of September 30, 1924.

The secretary laid before the commission a letter from Dr. Thomas Walker Page, who stated therein that he would be willing to read and assist in the revision of chapters 1, 8, 9, and 10 of the manuscript report on the broad silk industry for the sum of \$250.

It was thereupon—

Voted: That the secretary is authorized to accept for the commission the offer of Dr. Thomas Walker Page to review and assist in the completion of certain chapters in the commission's forthcoming report on the broad silk industry and to pay him \$250 for such services from funds available for the expenses of the commission.

Commissioner Costigan referred to the report upon "Cattle Industries of Canada and the United States," which had been prepared in the agricultural division and which had not been read by members of the commission.

Commissioner Costigan was requested to take up the subject with the chief of that division for consideration and report thereon to the commission.

The secretary reported that the manuscript of the report on cotton small wares, which had been prepared in the textile division, had been revised in accordance with suggestions by Dr. Thomas Walker Page and others, and was ready for final publication, and the secretary was authorized to have the material transmitted to the printer for that purpose.

Upon recommendation by the chief of the textile division, it was—

Voted: That Mr. Earlbert E. Barnes be authorized to travel to Philadelphia, Pa., and Camden, N. J., and return, for a period not to exceed one week, for the purpose of assisting Mr. George Middleton in obtaining information concerning domestic costs of production of lace in connection with the pending investigation (No. 32) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of lace.

Upon recommendation by the acting chief of the agricultural division, it was—

Voted: That the secretary is authorized to arrange for the temporary appointment of a clerk at Madison, Wis., to assist in the tabulation and verification of costs of production schedules obtained in the pending investigation of the costs of production of Swiss cheese, and that such clerk be authorized to perform such travel as may be necessary for the proper discharge of the specified duties.

Approved, November 11, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 31, 1924.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on October 28, 1924, were read and approved.

The chairman laid before the commission a notice by attorneys for the National Council of American Importers and Traders (Inc.), of the intended submission of a motion in the Court of Appeals in the District of Columbia on November 3, 1924, for the granting of permission to said National Council of American Importers and Traders (Inc.), to file a brief *amicus curiae* in the case of United States of America *ex rel.* Norwegian Nitrogen Products Co. (Inc.), appellant, *v.* United States Tariff Commission et al., appellees.

Upon consideration of the subject it was referred to the committee heretofore appointed, consisting of Commissioners Glassie and Culbertson, for appropriate action.

The chairman laid before the commission a letter from Dr. H. G. A. Brauer suggesting his employment for work of the United States Tariff Commission in Australia.

The letter was referred for consideration with other questions relating to the general reorganization of the personnel of the commission.

The secretary laid before the commission correspondence with Mr. Gilbert Hirsch relative to Mr. Hirsch's tender of his resignation from the staff of the commission.

After discussion of the subject the secretary was instructed to communicate with Mr. Hirsch in Paris and with Mr. Achenbach in Berlin and request them, respectively, to come to the offices of the commission in Washington at the earliest practicable date.

The secretary submitted a communication from Mr. Edwin Schoenrich tendering his resignation as a member of the staff of the commission in order that he might accept appointment in the consular branch of the Foreign Service under the Department of State.

It was thereupon—

Voted: That the resignation of Mr. Edwin Schoenrich, special expert on the staff of the Tariff Commission, be accepted to take effect at the close of business on November 5, 1924.

Upon recommendation by the chief of the chemical division, it was—

Voted: That Mr. C. R. De Long and Mr. Stacey L. Heacock be authorized to travel to Philadelphia, Pa., New York City and Buffalo, N. Y., for the purpose of obtaining additional information in reference to the costs of crushing and refining vegetable oils in connection with the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of vegetable and animal oils and fats.

The commission resumed consideration of the record in the investigation (No. 2) for the purposes of section 315 of the tariff act of 1922, in respect of the differences in costs of production of diethylbarbituric acid and derivatives thereof.

The draft of report to be submitted to the President was considered and after discussion was adopted for transmittal subject to final approval and signature by the members of the commission.

Approved, November 11, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

NOVEMBER 4, 1924.

Present: Thomas O. Marvin, Edward P. Costigan.

There being no quorum present the meeting adjourned.

Approved, November 11, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

NOVEMBER 6, 1924.

Present: Thomas O. Marvin, Edward P. Costigan, William Burgess.

There being no quorum present the meeting adjourned.

Approved, November 11, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*



NOVEMBER 7, 1924.

Present: Thomas O. Marvin, William Burgess, Henry H. Glassie.  
There being no quorum present the meeting adjourned.  
Approved, November 11, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

NOVEMBER 11, 1924.

Present: Thomas O. Marvin, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on October 30 and 31, November 4, 6, and 7, 1924, were read and approved.

The secretary reported that the report of the Tariff Commission to the President in the investigation (No. 2) for the purposes of section 315 of the tariff act of 1922, in respect of the differences in costs of production of diethylbarbituric acid and derivatives thereof, had been sent to the President with a letter of transmittal on November 6, 1924.

The secretary reported that in response to cablegrams sent on October 31, 1924, to Mr. Gilbert Hirsch in Paris, France, and to Mr. Frederick Achenbach in Berlin, Germany, replies had been received from them, respectively, as follows:

From Mr. Hirsch by radiogram dated Paris, November 4, 1924—

Impossible. Sorry. Let Burgess explain.

From Mr. Achenbach by cablegram dated Berlin, November 6, 1924—

Sailing November 28, Roosevelt.

After discussion, it was, by Commissioner Glassie—

Moved: That Mr. Gilbert Hirsch be summarily removed from service with the commission for insubordination, as of November 4, 1924, the date of the radiogram sent by him from Paris.

It was agreed that consideration of the foregoing motion should be deferred until the meeting of the commission on November 14, 1924.

Upon recommendation by the acting chief of the agricultural division, it was—

Voted: That Mr. George A. Pond, of the University of Minnesota, be employed for a period not to exceed one week in the aggregate with compensation at the rate of \$3,800 per annum for special services for the commission to be rendered at the University of Minnesota in connection with the pending investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of Swiss cheese.

The chairman laid before the commission a report of the chief of the textile division upon a communication from the chairman of the committee on statistics, National Council of American Cotton Manufacturers, requesting the commission to furnish samples of certain classes of imported cotton fabrics, which communication had been referred by the commission on October 3, 1924, to the chief of the textile division.

After discussion of the request and the report submitted, it was agreed that the material contained in the report should be included in the annual report of the commission in connection with reference to the commission's report to the Senate upon the cotton cloth industry. (S. Doc. 150, 68th Cong., 1st sess.)

The secretary laid before the commission a memorandum from Mr. W. D. McKissick of the sundries division requesting permission to accept an invitation extended to him to attend the annual meeting of the Tanners' Council of America, in Cincinnati, Ohio, on November 19 and 20, 1924, as the guest of the council.

After discussion and reference to Commissioner Costigan and the secretary as a committee, it was—

Voted: That Mr. W. D. McKissick be authorized to travel to Cincinnati, Ohio, and return, for the purpose of obtaining information in reference to the calf leather and other tanning industries.

The secretary laid before the commission a letter from Dr. Grinnell Jones, who explained that he would be available to come to Washington on official business for the period November 21 to 24, 1924, inclusive, with special reference to the investigation of the costs of production of vegetable oils.

It was thereupon—

Voted: That if the services of Dr. Grinnell Jones be needed during the present month at the offices of the commission in Washington he be authorized to travel from Boston, Mass., to Washington, D. C., and return, for that purpose.

The secretary laid before the commission a radiogram from Mr. Charles F. Yauch in response to instructions sent him in pursuance of the resolution adopted by the commission on October 7, 1924, in respect of the feasibility of conducting in Europe investigations of the costs of production of brierwood pipes and of the cost of bleaching straw braid for men's sewed straw hats. The radiogram referred to was as follows:

Bleaching can be worked with hats without much delay two weeks Italy, two England. Pipes two weeks France, some work England. Total time all eight weeks, Ernster assisting.

YAUCH.

After discussion, it was—

Voted: That Mr. Charles F. Yauch be instructed to procure while in Europe, information concerning the costs of production of brierwood pipes and of the cost of bleaching straw braid for men's sewed straw hats.

Upon recommendation by the secretary, it was—

Voted: That the expenses, not to exceed \$5, incurred by Mr. A. T. Geraci in paying the transportation expenses of an interpreter in connection with the investigation in Italy of the costs of production of Swiss cheese, are hereby approved.

Voted: That Mr. Bruce McKinley, in charge of the field party gathering information of domestic costs of production in the Swiss cheese investigation, be authorized to rent, at a cost not to exceed \$5 per day, room for office work in connection with the said investigation.

Approved, December 4, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 13, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie

Commissioner Glassie submitted a draft of a letter which he had been requested to prepare in reply to the communication from the chairman of the committee on statistics, National Council of American Cotton Manufacturers, as referred to in the minutes of the meetings of the commission held on October 3, and November 11, 1924, requesting the commission to furnish information concerning imports of certain classes of cotton fabrics.

The letter as submitted was approved for transmittal.

Commissioner Lewis, as chairman of the committee on personnel, submitted a report in reference to existing vacancies in the staff of the commission.

After discussion of the subject, it was, upon motion by Commissioner Lewis—

Voted: That Dr. D. R. Dewey be requested to come to the offices of the Tariff Commission in Washington for a conference with the commission in reference to the selection of a chief economist and that the necessary expenses of Doctor Dewey in this connection and compensation at the rate of \$20 per day be paid from funds available for the expenses of the commission.

Voted: That Mr. Anthony B. Kenkel be offered probational appointment as special expert on the staff of the Tariff Commission for service in the division of preferential tariffs with compensation at the rate of \$2,400 per annum.

After further discussion the commission adjourned to meet again at 2.30 o'clock p. m. for the purpose of resuming consideration of material to be transmitted to the President in reply to his letters of September 27, and October 8 and 23, 1924, in reference to the commission's investigation of the cost of the production of sugar.

## AFTERNOON SESSION

The commission met again at 2.30 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The commission resumed consideration of material to be transmitted to the President in reply to his letters of September 27, and October 8 and 23, 1924, in reference to the commission's investigation of the costs of production of sugar.

Doctor Bernhardt, chief of the sugar division, and Mr. A. M. Fox were called in to the meeting for consultation.

The chairman submitted a draft of material prepared by himself and Commissioner Burgess for transmittal to the President in further reply to his letters of September 27, and October 8 and 23, 1924.

After further discussion the subject went over for further consideration at a meeting to be held at 10 o'clock a. m. November 14, 1924.

Approved, December 4, 1924.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

NOVEMBER 14, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The commission met pursuant to adjournment on November 13, for the further consideration of the report to be submitted to the President in reply to his letter of October 23, 1924, in reference to the investigation of the costs of production of sugar.

In compliance with a request by the chairman the hour of meeting was postponed from 10 o'clock to 10.30 a. m.

The secretary laid before the commission a letter from the President as follows:

THE WHITE HOUSE,  
Washington, November 14, 1924.

GENTLEMEN: Will you please transmit to me at once the information which I have requested from the commission and which has been prepared by Commissioners Marvin and Burgess, and also the information which you represented to me in a letter of October 16th would be ready at once, in relation to the investigation on the question of the sugar tariff?

Very truly yours,

CALVIN COOLIDGE.

UNITED STATES TARIFF COMMISSION,  
Washington, D. C.

By the CHAIRMAN. Yesterday I submitted the information which the President asked in his letter of October 23 be prepared and sent to him in answer to inquiries in a previous letter, dated September 27, and reported that we were ready to transmit the material to the President with the report referred to in a letter of the commission to the President, under date of October 16, in which it was stated that the report was virtually ready to transmit. I asked the President if he desired to have submitted to him the material which we had ready in answer to his inquiries and the material which the commission had said to him was ready to submit to him.

By Commissioner COSTIGAN. I desire to ask Chairman Marvin and Commissioner Burgess whether any other material is expected from the sugar division or Mr. Fox or Doctor Brossard.

By Commissioner BURGESS. My response to that is that the report that we had ready was submitted in its complete form yesterday.

By Commissioner COSTIGAN. The reason for my inquiry is that I was advised yesterday by the head of the sugar division that some additional material responsive to the requests of Commissioners Marvin and Burgess would be submitted to the commission for its consideration this morning.

By the CHAIRMAN. In response to inquiries, Doctor Bernhardt and Mr. Fox, who were requested to prepare this material, stated that all of the data indicated by Messrs. Marvin and Burgess as necessary to respond to the requests of the President have been completed and turned in. We submitted our complete report to the commission at the meeting on Thursday afternoon, November 13, with the request that it be sent to the President with the replies that had been prepared and which the President had been informed were ready to transmit to him.

By Commissioner COSTIGAN. In view of the statements by Commissioners Marvin and Burgess, and in view of the fact that the proceedings at the commission's meeting on yesterday afternoon were not recorded, I desire to place in the records of this meeting of the commission the following recitals of fact:

At yesterday afternoon's commission meeting, at about 3.30 p. m., Chairman Marvin offered to the commission, on behalf of himself and Mr. Burgess, two copies of a statement then for the first time presented by them for transmittal to the President in response to the President's letters to the commission of September 27, October 8, and October 23, 1924.

It developed during the discussion at the meeting that in tendering their statement Commissioners Marvin and Burgess insisted upon their right to have the commission dispense with the preparation of certain material requested by them in their motions of October 15, 1924, which the President apparently also requested in his letter to the commission of October 23, 1924.

It is already of record that the commission in its letter to the President of October 16, 1924, advised the President that certain portions of the material, request for which was thus in effect abandoned by Commissioners Marvin and Burgess on November 13, 1924, could probably not be compiled within a period short of two months. Moreover, on November 7, 1924, Doctor Bernhardt and Mr. Fox, special experts of the commission, who were in charge of the preparation of the requested material, joined in a written statement to the commission containing the following reference to the data now no longer requested by Commissioners Marvin and Burgess:

The other material, preparation of which was ordered by the commission, will require considerable time for completion.

In consequence of these developments, it will be noted that it was not until the afternoon of November 13, 1924, that the commission was advised of the waiver by Commissioners Marvin and Burgess of their request for a portion of their previous requests, and that even on that date—indeed, until this morning when the President's letter of this date was received—nothing appeared to indicate that such waiver had been communicated by Commissioners Marvin and Burgess to the President in connection with the President's request to the commission.

After some further discussion it was, by Chairman Marvin—

Moved: That the statistical data and other material deemed necessary by members of the commission in response to the President's inquiries be transmitted to the President on or before Monday, November 17, 1924, at 2 o'clock p. m.

Vice Chairman Culbertson submitted the following motion as a substitute for the foregoing motion by Chairman Marvin—

Moved: That the secretary is directed to transmit to the President not later than 2 o'clock p. m., on Monday, November 17, 1924, the Tariff Commission's supplemental report on sugar in response to the letters of the President dated September 27, October 8, and October 23, and the alternative views with statistical data and other material filed on November 13 by Commissioners Marvin and Burgess, and that the letter of transmittal shall be in the following language:

MY DEAR MR. PRESIDENT:

The commission transmits herewith, in response to your letters of September 27, October 8, and October 23, 1924, its supplemental report on sugar and the alternative views with statistical data and other material submitted by Chairman Marvin and Commissioner Burgess upon the same subject.

Respectfully yours,

UNITED STATES TARIFF COMMISSION,  
By \_\_\_\_\_, Secretary.

By the CHAIRMAN: The chairman states that he deems it is not necessary for him to comment on the substitute motion offered by the vice chairman. Its intent and purport are evident.

The chairman thereupon—

Moved: That the first paragraph of the foregoing motion by the vice chairman and the proposed letter of transmittal be stricken out and the following inserted in lieu thereof—

That the information prepared by Commissioners Marvin and Burgess and by Commissioners Culbertson, Lewis, and Costigan, in response to the inquiries of the President be transmitted not later than Monday, November 17, at 2 o'clock p. m., and that it be accompanied with the following letter of transmittal:

MY DEAR MR. PRESIDENT:

There is submitted herewith as requested by you in your letter of November 14 the information requested from the commission, which has been prepared by Commissioners Marvin and Burgess, and the information prepared by Commissioners Culbertson, Lewis, and Costigan, in response to those inquiries.

Respectfully,

Chairman.

The votes of the commissioners on the foregoing substitute motion by the chairman were as follows:

In favor of the adoption of the substitute motion: Mr. Marvin.

Against the adoption of the substitute motion: Messrs. Culbertson, Lewis, Costigan.

Commissioner Burgess did not vote on this motion.

The motion was therefore rejected.

The question being upon the substitute motion as submitted by Vice Chairman Culbertson the votes of the commission thereon were as follows:

In favor of the adoption of the substitute motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the substitute motion: Messrs. Marvin, Burgess.

The amendment in the nature of a substitute was therefore agreed to.

The question being upon the original motion as amended, the motion is agreed to.

By Commissioner BURGESS. I again call attention to the fact that ordering the secretary to send this letter of transmittal to the President is not in accordance with the rules unanimously adopted by the full commission.

Vice Chairman Culbertson called attention to the fact that the letter is to be signed by the commission and not by the secretary.

Commissioner Lewis called further attention to the circumstance that on a similar occasion the chairman, acting consistently with his view, declined to sign a letter adopted and approved by the commission and not in accordance with his opinion in the matter.

Commissioner BURGESS. It was adopted and approved by a majority of the commission acting in the absence of Mr. Glassie. I further disapprove of the action and of the letter emphasizing the differences within the commission and of the continued purpose to put before the public the fact that a majority of three members out of five constitutes the action of the commission as a whole.

Doctor Bernhardt, chief of the sugar division, submitted to the commission two tables numbered, respectively, revision of Table 6 and Table 7.

By Commissioner COSTIGAN. Please have the record show that at 12.10 o'clock p. m. this date the chief of the sugar division and Mr. Fox presented to the commission an additional Table No. 7 and a revision of Table 6, with some textual comment, to be treated as a portion of the material offered to the commission on November 13 by Chairman Marvin and Commissioner Burgess in response to the President's request for information pursuant to the motions of Chairman Marvin and Commissioner Burgess on October 15, 1924.

By Chairman MARVIN. As I understand the facts in the case the Table No. 7 submitted to-day is in all important respects identical with the Table No. 5 submitted by Mr. Burgess and myself on November 13. The only difference that I am aware of is the addition of footnotes which Doctor Bernhardt and Mr. Fox were requested to supply.

By Commissioner COSTIGAN. Please have the record show that the chairman has also indicated that he wishes to consider the table before determining whether it will be incorporated in the material to be transmitted to the President.

By the CHAIRMAN. If, as I believe, Table No. 7 is identical in all important respects with Table No. 5 already submitted, it necessarily follows that it is the desire of Commissioner Burgess and myself that it be "incorporated in the material to be submitted to the President."

By Commissioner BURGESS. When I joined in the presentation of this statement yesterday I thought it was complete, and I did not know that the sugar division or Doctor Fox were going to make any changes or supplemental material to go in and from a casual glance at the two documents I see no material change, only additional footnotes segregating the general footnote that was put in at the bottom of the other table and also an addition to the heading that was not asked for.

Approved, December 4, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 17, 1924.

Present: William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

Vice Chairman Culbertson submitted a draft of a supplemental report to the President in the sugar investigation in response to the President's letters of September 27, October 8 and 23, 1924.

Commissioner Burgess stated that a report by Chairman Marvin and himself on the same subject would be ready for transmittal to the President at 2 o'clock p. m. to-day.

It was thereupon, upon motion by Vice Chairman Culbertson—

Voted: That the commission hereby approves for transmittal to the President its supplemental report on sugar prepared in response to the President's letters of September 27, October 8 and 23, 1924,

consisting of 50 pages and 4 exhibits and that the secretary is directed to certify under the seal of the commission the adoption of said report.

The votes of the commissioners upon the foregoing resolution were as follows:

In favor of the adoption of the resolution: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the resolution: Mr. Burgess.

By Vice Chairman Culbertson. The early purpose, urged particularly by Mr. Burgess, in planning the response to the President's letter of September 27 was to prepare a single body of statistical fact which could be signed by all members of the commission. I was in hearty accord with this purpose. The action of Messrs. Marvin and Burgess yesterday and to-day, however, has made a common statistical report impossible.

On October 25 Mr. Burgess and I, after a conference with Mr. Slomp at the White House, joined in initialing the following memorandum:

In conference to-day with Mr. Slomp, he stated, in interpretation of the President's letter to the commission of October 23—

(1) That data "now available" need not be sent to the President at once and that if it were sent he would probably hold it until other data arrived before submitting the whole to the President;

(2) That such data as the commission has to submit to the President in response to his letters of September 27, October 8, and October 23, be submitted in one single report.

Our purpose was on the basis of the resolutions offered by Messrs. Marvin and Burgess on October 15 and referred to by the President in his letter of October 23 to have prepared in alternative forms the data which the President desired. On November 13, however, Messrs. Marvin and Burgess submitted a statement with statistical data supporting their original position in the sugar case and announced their willingness to waive the preparation of some 12 of the tables referred to in their motions of October 15, the preparation of which would require considerable time. It was these incompletable tables which would contain the alternative information deemed necessary by Commissioners Costigan and Lewis as well as myself.

On November 14, without previously consulting the commission, Mr. Marvin conferred with the President, and stated the readiness of Mr. Burgess and himself to report in response to the President's letters. Unauthorized he indicated that the other members of the commission were also ready to report. Immediately following his visit the following letter was received from the President:

THE WHITE HOUSE,  
Washington, November 14, 1924.

GENTLEMEN: Will you please transmit to me at once the information which I have requested from the commission, and which has been prepared by Commissioners Marvin and Burgess, and also the information which you represented to me in a letter of October 16 would be ready at once, in relation to the investigation on the question of the sugar tariff.

Very truly yours,

CALVIN COOLIDGE.

UNITED STATES TARIFF COMMISSION,  
Washington, D. C.



The action of Messrs. Marvin and Burgess therefore has made impossible—

(a) The submission of a common body of statistical fact in alternative forms in response to the President's letters of September 27, October 8, and October 28.

(b) Their presentation in their statement of yesterday of partial and misleading data forces upon the commission the necessity of commenting and discussing the statistical data which has been prepared.

By Commissioner Burgess. The statement just made by Vice Chairman Culbertson is, I regret to say, misleading and is not the whole truth. My original purpose and desire in making the motion October 15 was to answer the President's letter in alternative statistical tables based on the original data, but worked out in detail by the methods used by the two groups of commissioners. It was, however, deemed unnecessary by Commissioner Marvin and myself to complete the tables based on the "calendar year" because of the difficulties set forth by Doctor Bernhardt. Doctor Bernhardt, for the first time, on October 30 informed us that the "calendar-year" figures used by him in the preparation of the report for the three commissioners were based upon the detailed "crop-year" figures and tabulations and that the "calendar-year" figures had been used only in the preparation of the final tables, and because of this fact he was able to answer only the President's questions Nos. 1 and 2 so far as the "calendar years" were concerned, and that if he attempted to work out in detail the figures in answer to questions 4 and 5 on the "calendar-year" basis it would take a very long time so to do and might prove an impossible task. Commissioner Culbertson evidently knew this fact at the time of our conversation with Mr. Slomp, as he expressed himself as being quite sure that the tabulations could not be made within a reasonable time.

Subsequent events go further to prove this statement and the knowledge on the part of Commissioner Culbertson that the report could not be completed within the week.

Commissioner Culbertson left the city and did not return until the 13th of November. Commissioner Lewis was also necessarily out of the city for some days, and election intervening November 4, Commissioners Marvin and Costigan were the only members in the city that day. On November 6 and November 7, the regular meeting days, only Commissioners Marvin, Burgess, and Glassie were present, and on November 11 Commissioners Marvin, Costigan, Burgess, and Glassie were present. (No quorum for sugar business.) Thus November 13 was the first day when a quorum was present for the transaction of sugar business.

It is true that the report submitted on the 13th was dated November 7. A partial report, including the first page, dated November 7, was submitted by Doctor Bernhardt and Mr. Fox to Commissioners Marvin and Burgess on the 7th; the balance of the report, however, was not submitted until the 12th, but still bearing on the first page the date of November 7.

The further fact that a large part, if not all, of the 50-page supplement presented by the three commissioners was in the process of preparation between October 25 and November 14 indicated

clearly that the three commissioners had no intention of joining in a "single body of statistical facts."

Further, the last line of the memorandum initialed by Commissioners Culbertson and Burgess, namely, "be submitted in one single report," did not mean that the five commissioners would join in one single report. The fact that Commissioner Culbertson stated that the report of the three commissioners was "now available" as in the first paragraph of the memorandum just quoted by Commissioner Culbertson (which report would probably be held by Mr. Slemp until the balance of the report came to his desk), indicates very clearly that the phrase contained in the last line of the memorandum written by Commissioner Culbertson, namely, "be submitted in one single report," simply meant that the two reports would be transmitted at one and the same time.

The President's letter of October 23 directs that the commission "should proceed to obtain the further facts which are deemed necessary by the two members." Although I would have liked to see the alternative tables completely filled out, neither Commissioner Marvin nor myself deemed figures based on the "calendar year" to be necessary to complete a satisfactory answer to the President's questions, and because of the fact that the figures were not immediately available, according to Doctor Bernhardt's statement, it was deemed advisable by the two commissioners to complete and submit to the President such data as they "deemed necessary" in compliance with his request.

So far as I am concerned, the answers were completed as far as it was possible to complete them, and the understanding between Mr. Slemp, Commissioner Culbertson, and myself was carried out in good faith.

By Chairman MARVIN. As I was not present at the meeting when Vice Chairman Culbertson submitted the above statement, I take this opportunity of recording my dissent from the conclusions therein drawn.

The monthly report of the sugar division for October, 1924, signed "Joshua Bernhardt, Chief, Sugar Division," states that "a memorandum was submitted to the commission under date of October 10 containing the necessary data to reply to the President's request." The minutes of the commission's meeting for October 11, 1924, record that "Doctor Bernhardt presented a report in respect of the several inquiries contained in the President's letter of September 27, 1924, except of that relating to the costs of producing sugar beets and that relating to the proportion of sugar produced by States in the United States above the Cuban cost plus \$1.23. Doctor Brossard submitted to the commission tabulated material pertinent to the President's request in his letter of September 27, 1924, in respect of the cost of producing sugar beets."

At the meeting of October 15 the commission proceeded to consider the report of the sugar division, and Commissioner Burgess offered a motion "that Doctor Bernhardt, chief of the sugar division, be directed to prepare, as rapidly as possible, answers to the inquiries made by the President in tabular form as indicated by the various blank tables submitted herewith."

After discussion of the motion offered by Mr. Burgess, Chairman Marvin made the following statement: "The vice chairman has indicated a desire to obtain a common ground upon which the response to the President's inquiries can be formulated. In the interest of that common ground for the report to the President, I offer the following motions:

Moved: That the report to the President in response to his letter of September 27, 1924, which refers to the two reports submitted to him, be based upon tables contained in "Report to the President by Commissioners Marvin and Burgess," as well as upon Document A, Document B, and Document C, upon which the memorandum to the commission prepared by the chief of the sugar division is based.

Moved: That the tables referred to in the following motions be based on both of the two reports submitted to the President and the basic material therefor in connection with the investigation of the costs of production of sugar.

Moved: That in answer to inquiry 1 of the President's letter of September 27, 1924, requesting tables showing the differences in production costs between Cuban production and United States production over averages of various recent periods, 1921-22 and 1921-22-23, tables be prepared showing (a) comparisons of costs for the crop years; (b) comparisons of costs for the calendar years referred to; and (c) comparisons, in addition to Cuban and total United States costs, of Cuban costs with costs of the separate sugar producing regions of the United States.

Moved: That the answer to inquiry 2, present in tabular form (a) comparisons of costs for the crop years and (b) comparisons of costs for the calendar years, for a six-year period and for various recent periods.

Moved: That the answer to inquiry 4—what proportions of the Hawaiian, Louisianian, Porto Rican, and beet production separately for different years show a cost more than 1.23 cents above Cuban sugar—present cost comparisons (a) on the crop year basis, and (b) on the calendar year basis.

Moved: That the answer to inquiry 5—data as to different States in the Union in respect to beet sugar—present cost data on (a) the crop year basis, and (b) the calendar year basis.

Moved: That the answer to inquiry 6 include comparisons on the basis of costs of production of raw sugar and that the table including transportation costs present transportation costs to a common market, as New York, for instance.

These motions were submitted in order that the report to the President in response to the requests contained in his letter of September 27, 1924, might present cost comparisons adequately representative of the views of all commissioners. The chairman regarded the motions as necessary because the report submitted by the chief of the sugar division strictly limited cost comparisons in response to the President's inquiries to data contained exclusively in the report submitted to the President by Commissioners Culbertson, Lewis, and Costigan, and entirely ignored the alternative views of Commissioners Marvin and Burgess. The motion offered by Commissioner Burgess had in view the same objective, namely, the submitting to the President of cost comparisons on the basis of crop

years and calendar years in order that the views of all members of the commission might be presented adequately in the report to be submitted to the President in response to his letter of September 27.

The meeting of October 15 adjourned without action upon the motion submitted by Commissioner Burgess or the motion submitted by Commissioner Marvin.

At the meeting of October 16 the commission resumed consideration of the report to be submitted to the President, and Commissioner Costigan submitted as a substitute for the motions of Commissioners Marvin and Burgess the following motion: "That the secretary of the commission be instructed to send to the President the following letter:

OCTOBER 16, 1924.

MY DEAR MR. PRESIDENT: The Tariff Commission instructs me to say that in response to your letter of September 27, the commission has prepared with promptitude a reply which is virtually complete, and which, in the judgment of the commission, incorporates data adequately responsive to your respective inquiries.

However, on October 15, 1924, Commissioners Marvin and Burgess submitted to the commission motions requesting the preparation of further detailed statistical matter, the scope of which is indicated by copies of the motions hereto attached. These data include (1) data already presented in the commission's original report and opinion, or now ready for transmittal to the President, (2) and data deemed by the commission not relevant or responsive to your request, some of which, according to commission experts, can probably not be obtained and the remainder of which can not be prepared in less than two months and will, in the main, be of a character misleading with respect to the actual competitive sugar situation. In the judgment of the commission the new data called for by these motions are unnecessary for a decision in the sugar investigation.

For these reasons the commission does not feel that it can assume the responsibility for the delay necessitated by the preparation of the data requested in the motions submitted by Commissioners Marvin and Burgess. The commission would, therefore, report that it can promptly transmit its reply to your letter of September 27, and that in its judgment the data referred to in the motions of Commissioners Marvin and Burgess, in so far as not covered by the former reports and by the report which is now virtually ready to transmit, have not been requested by the President and are not essential to any decision under the law. Nevertheless, if you regard the new data as essential and request its preparation, the commission will, to the best of its ability, comply with your desires and instruct its staff to prepare such new data. The necessity the commission is under for thus seeking a further decision of your wishes is regretted.

Respectfully,

Secretary.

The PRESIDENT.

The White House.

Commissioner Costigan's motion was adopted. Commissioners Culbertson, Lewis, and Costigan voting in the affirmative and Commissioners Marvin and Burgess in the negative.

It is apparent, therefore, that the plan submitted by Commissioners Marvin and Burgess "to prepare a single body of statistical fact which could be signed by all members of the commission," with which purpose Vice Chairman Culbertson says in the above statement that he was "in hearty accord," was defeated by the action taken by Commissioners Culbertson, Lewis, and Costigan, as recorded above, and was not made impossible by "action of Messrs. Marvin and Burgess," as asserted by Vice Chairman Culbertson.

It might be added that the three commissioners, Messrs. Culbertson, Lewis, and Costigan, being a majority of the five commissioners participating in the sugar investigation, could at any time have ordered the preparation by the sugar division of any or all of the data requested in the motions of Commissioners Marvin and Burgess that would, in their opinion, have made it possible to present to the President "a single body of statistical fact which could be signed by all members of the commission." But instead of voting with Commissioners Marvin and Burgess for the preparation of this data, they voted for the substitute motion offered by Commissioner Costigan and, under date of October 16, 1924, informed the President that "the commission has prepared with promptitude a reply which is virtually complete, and which, in the judgment of the commission, incorporates data adequately responsive to your respective inquiries." They also informed the President that the data requested by Commissioners Marvin and Burgess "include (1) data already presented in the commission's original report and opinion, or now ready for transmittal to the President, (2) and data, deemed by the commission not relevant or responsive to your request, some of which, according to commission experts, can probably not be obtained and the remainder of which can not be prepared in less than two months and will, in the main, be of a character misleading with respect to the actual competitive sugar situation. In the judgment of the commission the new data called for by these motions are unnecessary for a decision in the sugar investigation." The letter to the President under date of October 16, 1924, also stated that "the commission would, therefore, report that it can promptly transmit its reply to your letter of September 27, and that in its judgment the data referred to in the motions of Commissioners Marvin and Burgess, in so far as not covered by the former reports and by the report which is now virtually ready to transmit, have not been requested by the President and are not essential to any decision under the law."

It is evident, therefore, where responsibility rests for the failure to prepare promptly data requested by Commissioners Marvin and Burgess. It was not until a request was received from the President for the information deemed necessary by the two commissioners that an order for the preparation of the data could be obtained. When the chief of the sugar division reported on October 27 that certain of the data would require considerable time to prepare, he and Mr. Fox, who had been directed by the commission to cooperate with him, were instructed to omit such requests contained in Commissioner Burgess's motion and were instructed that the preparation of data on the basis of calendar years would not be necessary as the calendar year basis of cost comparisons was already presented in the report submitted by the chief of the sugar division and approved by Commissioners Culbertson, Lewis, and Costigan.

Reference to the minutes of the commission's meeting of November 21 will show that the endeavor of the chairman to secure the assistance of experts who participated in the sugar investigation in the preparation of data deemed necessary for an adequate response to the inquiries of the President in order that the views of all commissioners might be presented in the report under preparation, was

obstructed by the adoption, by the votes of Commissioners Culbertson, Lewis, and Costigan, of the following motion :

That in response to the memoranda and requests for instructions submitted under date of October 20, 1924, by Doctor Bernhardt, the chief of the sugar division, and by Mr. Zapoleon, the acting chief of the agricultural division, the commission orders members of the staff to await instructions from the commission and not to depart from their present assignments by the commission until otherwise ordered.

The above recital of the proceedings of the commission demonstrates that Commissioners Marvin and Burgess made every effort to secure a full presentation of the alternative views of the commission in order that the report to be submitted to the President might present the data deemed necessary by all members of the commission.

Approved, December 4, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest :

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 18, 1924.

Present: William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m., pursuant to its published order adopted on October 14, 1924, setting this date for a public hearing in the investigation (No. 3) of the alleged unfair methods of competition, and of all other facts in relation to unfair acts in the importation and sale of sanitary napkins tending to mislead intending purchasers of sanitary napkins of the manufacture of Kimberly-Clark Co. and Cellucotton Products Co., and marked under the trade name "Kotex," under the provisions of section 316 of the tariff act of 1922.

After receiving evidence submitted by all parties interested and requesting to be heard, the commission announced that briefs could be filed by interested parties until December 9, 1924, and that this hearing was concluded.

Approved, December 4, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest :

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 20, 1924.

Present: David J. Lewis, Edward P. Costigan, William Burgess. There being no quorum present the meeting adjourned.

Approved, December 4, 1924.

THOMAS O. MARVIN, *Chairman*.

Attest :

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 21, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Dr. D. R. Dewey, of the Massachusetts Institute of Technology, was present in response to the request of the commission in accordance with its resolution adopted on November 13, 1924.

The commission conferred with Doctor Dewey in regard to the selection of a chief economist and the appointment of other economists whose services may be required in connection with the work of the commission.

After a general discussion it was agreed that Doctor Dewey upon his return to Boston would submit to the commission a list of persons whom he might regard as qualified for the economic work of the commission.

Voted: That Mr. L. B. Zapoleon be authorized to travel for not more than one week to such points as may be necessary in the States of Pennsylvania and New York, and return, to obtain information concerning the need of obtaining in those States agricultural costs in connection with the pending investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of Swiss cheese.

Voted: That permission be granted to Dr. L. G. Connor to have published in the Boston Transcript, of Boston, Mass., and in the Textile World, of New York City, two articles prepared by him on the subjects of the wool situation and current tendencies in sheep breeding, upon the understanding that the articles shall not relate to the tariff and that the manuscripts be submitted to the commission for approval prior to their publication.

Approved, December 4, 1924.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

NOVEMBER 25, 1924.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Upon recommendation by the chief investigator, it was—

Voted: That Mr. Marvin C. McNeill, accountant, be authorized to travel to New York City, and return, for the purpose of obtaining additional information from creamery companies in connection with the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter.

Upon recommendation by the chief of the chemical division, it was—

Voted: That Mr. Harry H. Newton, accountant, be authorized to travel to New York City and Buffalo, N. Y., and Philadelphia, Pa., and return, on business in connection with the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of vegetable and animal oils and fats.

Upon recommendation by the acting chief of the agricultural division, it was—

Voted: That the temporary employment of Mr. William J. Kurtz be extended until December 10, 1924.

Commissioner Glassie reported that he had prepared and submitted to members of the commission copies of a tentative draft of a report by the commission to the President, with a confidential

criticisms, and the volume, as a whole, will permanently testify to the value of his efficient services.

The secretary laid before the commission a communication from Mr. Mervyn Braun tendering his resignation as an accountant in the service of the commission, to take effect as soon as he can be relieved from the work upon which he is now engaged in connection with the pending investigation in reference to vegetable oils.

Voted: That the secretary is authorized to accept the resignation of Mr. Mervyn Braun as submitted to the commission.

Voted: That Dr. Grinnell Jones be authorized to travel from Boston, Mass., to Washington, D. C., and return, on official business in connection with the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of vegetable and animal oils and fats.

The chairman laid before the commission a report from the advisory board upon the results of the investigation conducted by the Tariff Commission in cooperation with the Department of Commerce in reference to the calf leather tanning industry.

Voted: That the secretary be authorized to negotiate with Mr. Robert Vorfeld for his employment, temporarily until June 30, 1925, as a special expert on the staff of the Tariff Commission, and allocation to grade 4 of the professional and scientific service, with assignment to the division of preferential tariffs.

The commission agreed to meet at 10.30 o'clock a. m. on January 21, 1925, for the purpose of continuing the consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of linseed oil.

Approved, January 23, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary*

JANUARY 21, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil.

After general discussion, the subject went over for further consideration.

Approved, January 23, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JANUARY 22, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The commission considered the draft of a report upon the results of the investigation conducted by the commission in cooperation with the Department of Commerce at the request of the Secretary



of Commerce, in reference to the calf-leather tanning industry, the subject of Senate Resolution 256 of June 6, 1924.

After discussion and amendment the report was ordered to be transmitted to the Secretary of Commerce.

Approved, January 27, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JANUARY 23, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The minutes of the meetings of the commission held on January 20 and 21, 1925, were read and approved.

Voted: That the secretary be authorized to negotiate with Mr. Louis A. Rufener with a view to his employment by the commission in grade 4 of the professional and scientific service and assignment as economist in the metals division of the commission's staff with entrance salary at the rate of \$3,800 per annum.

The secretary laid before the commission a communication from the chief of the statistical division submitting charges against Mrs. Mary P. Fairfield, a clerk in that division, and recommending that Mrs. Fairfield be removed from the service of the commission.

After consideration of the subject it was—

Voted: That Mrs. Mary P. Fairfield be notified of the charges presented against her by the chief of the statistical division and be given opportunity to answer the same in writing within five days if she so desires, but that if she prefers to seek employment elsewhere by the 1st of March, 1925, she may do so.

The chairman laid before the commission a report from the advisory board in reference to an application for an investigation under the provisions of section 315 of the tariff act of 1922, with respect to woolen cards (textile machinery).

After consideration of the subject, it was—

Voted: That Mr. H. S. DeMeritt be authorized to travel for not to exceed three weeks, to Philadelphia, Pa.; New York, N. Y.; Hartford and other points necessary in Connecticut; Boston, and other points necessary in Massachusetts; Libson Falls, Me., and return, for the purpose of obtaining information in connection with the production and importation of woolen cards.

Approved, January 27, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JANUARY 27, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on January 22 and 23, 1925, were read and approved.

The chairman laid before the commission memoranda from the chief of the division of ceramics, the chief of the division of prefer-

ential tariffs, and the acting chief of the agricultural division, respectively, in reference to reallocation of office space for those divisions.

Upon motion, it was—

Voted: That a committee consisting of the secretary, the chief investigator, and the chief economist be appointed for the purpose of determining questions relating to the allocation of space among the several staff divisions, with authority to make such readjustment of office space from time to time as may be required for the most efficient conduct of the work of the commission.

Voted: That the expense of \$1.20, incurred at Dairen, Manchuria, by Mr. Chester H. Penning, in August, 1924, for printing in the Chinese language schedules used in obtaining costs of production of certain vegetable oils in connection with the pending investigation (No. 34) on that subject, be, and the same is hereby, ratified and approved.

The secretary laid before the commission a draft of a tariff information survey on pins, together with a suggestion from the acting chief of the metals division that the draft be submitted to representatives of the trade for comment and criticism.

The draft was referred to Commissioner Costigan with the understanding that if found by him to be acceptable in form and contents it be referred in accordance with the foregoing suggestion.

Hon. Daniel A. Reed, a member of the House of Representatives, from the State of New York, together with a delegation of representatives of the fishing industry of New York, Pennsylvania, and Ohio, appeared before the commission and presented statements in support of an application for an investigation for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of certain fish—ciscoes or Lake Erie herring, and blue pike.

The commission adjourned to meet again at 2 o'clock p. m. for the purpose of continuing its consideration of the linseed oil report.

#### AFTERNOON SESSION

The commission reconvened at 2 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie,

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil.

Mr. C. R. DeLong, chief of the chemical division, and Mr. A. M. Fox and Dr. P. W. Bidwell, of the economics division, were called into the meeting during the discussion.

After general discussion the subject went over for further consideration.

Approved, January 29, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JANUARY 29, 1925.

Present: Thomas O. Marvin, David J. Lewis, Edward P. Costigan, William Burgess.

The minutes of the meeting of the commission held on January 27, 1925, were read and approved.

Voted: That Mrs. Theda Hainsworth, office draftsman, be transferred from the statistical division to the economics division.

The commission adjourned to meet again at 2.15 o'clock p. m. for the purpose of continuing its consideration of the linseed oil report.

## AFTERNOON SESSION

The commission reconvened at 2.15 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil.

Mr. C. R. De Long, chief of the chemical division, and Mr. A. M. Fox and Dr. P. W. Bidwell, of the economics division, were called into the meeting during the discussion.

After general discussion, the subject went over for further consideration.

Approved, February 3, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JANUARY 30, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The chairman laid before the commission a reply submitted by Mrs. Mary P. Fairfield to the charges preferred against her by the chief of the statistical division on January 23, 1925.

The charges and reply were referred to a committee consisting of Commissioners Lewis and Glassie.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil.

Mr. C. R. De Long, chief of the chemical division, and Dr. P. W. Bidwell, of the economics division, were called into the meeting during the discussion.

After general discussion the subject went over for further consideration.

Approved, February 3, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JANUARY 31, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil.

Mr. C. R. De Long, chief of the chemical division, and Dr. P. W. Bidwell of the economics division, were called into the meeting during the discussion.

After general discussion the subject went over for further consideration.

Approved, February 6, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

FEBRUARY 3, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on January 29 and 30, 1925, were read and approved.

Voted: That the travel on official business performed by Dr. F. R. Rutter from Seattle, Wash., to San Francisco, Calif., on December 12, 1924, in connection with the investigation of certain vegetable oils, for the purposes of section 315 of the tariff act of 1922, be, and is hereby, authorized and approved.

Commissioners Lewis and Glassie, as a committee appointed to inquire into charges of insubordination made against Mrs. Mary P. Fairfield, reported, after inquiry, that in their judgment Mrs. Fairfield had committed acts of disrespect toward her superior officers, the chief of the statistical division and the secretary of the commission, and recommended that Mrs. Fairfield be suspended without pay for one month commencing on February 1, 1925.

It was thereupon—

Voted: That the report of the committee appointed to inquire into charges of insubordination on the part of Mrs. M. P. Fairfield, clerk in the statistical division of the commission's staff, be, and is hereby, approved; and that Mrs. Fairfield be, and is hereby, suspended without pay for one month commencing on February 1, 1925.

The commission thereupon adjourned to meet again at 2.30 o'clock p. m.

## AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, David J. Lewis, William Burgess, Henry H. Glassie.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil.

Mr. C. R. De Long, chief of the chemical division, was called into the meeting during the discussion.

After general discussion the subject went over for further consideration.

The commission agreed to meet at 10.30 o'clock a. m. February 4, 1925, for the purpose of continuing the discussion of the linseed-oil report.

Approved, February 6, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 4, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Henry H. Glassie.

Pursuant to agreement, the commission met for further consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil.

The chairman announced the sudden death of Mr. F. W. McSparren, of the chemical division of the commission's staff and after a brief statement of the causes of the unfortunate event and a brief allusion to the faithful and efficient services of Mr. McSparren requested, as a mark of respect, that the commission adjourn. The request was agreed to unanimously, and the chairman was requested to send a letter of condolence to Mr. McSparren's mother.

Approved, February 6, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 5, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil.

Mr. C. R. DeLong, chief of the chemical division, and Dr. P. W. Bidwell, of the economics division, were called into the meeting during the discussion.

After general discussion the subject went over for further consideration.

Approved, February 6, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 6, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on January 31 and February 3, 4, and 5, 1925, were read and approved.

The chairman laid before the commission a memorandum signed by the chief investigator, the acting chief of the agricultural division, and Mr. A. M. Fox, of the division of economics, in reference to the desirability of requesting Dr. G. F. Warren, of the New York State College of Agriculture, to come to the offices of the commission for consultation in connection with the analysis of information obtained by the commission in the butter investigation.

After consideration of the subject, it was—

Voted: That Dr. G. F. Warren be requested to come to the offices of the commission in Washington for consultation with regard to the pending investigation of the costs of production of butter, and that he be paid for such services at the rate of \$20 per day and be reimbursed for his necessary traveling expenses from Ithaca, N. Y., to Washington, D. C., and return.

The commission proceeded to the consideration of a communication from Cushman, Bryant, and Darby, attorneys for Smith & Wesson (Inc.), in the investigation (No. 1) for the purposes of section 316 of the tariff act of 1922, in reference to alleged unfair methods of competition and unfair acts in the importation and sale of revolvers simulating revolvers of the manufacture of Smith & Wesson (Inc.), which communication submitted alleged newly discovered evidence intended to show that the unfair competition complained of was still continuing.

This submitted evidence consisted of an affidavit and accompanying exhibits.

After consideration of the subject, it was—

Voted: That the affidavit and exhibits submitted by Cushman, Bryant, and Darby on behalf of Smith & Wesson (Inc.), under date of January 21, 1925, be returned with the following statement:

The United States Tariff Commission finds itself unable to accept at this stage of the proceedings said affidavit and exhibits, the same being in the nature of ex parte evidence submitted after the close of the public hearing. The applicant is advised that if the subject matter of said affidavit and exhibits is a material part of the evidence which it wishes to submit to the commission, it is informed that it is at liberty to make a formal application to that effect and that a copy of such application should be furnished to all parties of record in the investigation.

If the parties of record stipulate or otherwise consent that such evidence may be received by the commission without hearing, or opportunity for cross-examination, the same will be accordingly received. In the absence of such stipulation or consent the applicant is at liberty to make formal application for a supplemental hearing for the purpose of submitting such evidence, whereupon the commission will consider and determine the legal propriety of granting such application.

Approved, February 10, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

FEBRUARY 10, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on February 6, 1925, were read and approved.

The commission discussed informally sundry subjects of administrative business, but took no action thereon.

The commission resumed consideration of the report to be submitted to the President in the linseed oil investigation and agreed to meet again at 2.30 o'clock p. m. to continue such consideration.

## AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil.

Mr. C. R. De Long, chief of the chemical division, and Dr. P. W. Bidwell, of the economics division, were called into the meeting during the discussion.

After general discussion the subject went over for further consideration.

Approved, February 13, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

FEBRUARY 11, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil.

Mr. C. R. De Long, chief of the chemical division, and Dr. P. W. Bidwell, of the economics division, were called into the meeting during the discussion.

After general discussion the subject went over for further consideration.

Approved, February 13, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

FEBRUARY 12, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The chairman laid before the commission a memorandum from the advisory board in regard to the procurement of costs of production in the halibut fishing industry on the Atlantic coast.

After consideration of the subject, it was—

Voted: That Mr. L. T. Hopkinson and an accountant be authorized to travel to Gloucester, Mass., and such other places along the Atlantic coast as may be necessary, for the purpose of obtaining

costs of production in the halibut fishing industry, in connection with the pending investigation (No. 40) of that subject, for the purposes of section 315 of the tariff act of 1922.

Approved, February 17, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

FEBRUARY 18, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The secretary laid before the commission a communication from Mr. Earlbert E. Barnes tendering his resignation to take effect as of January 31, 1925, and his request that he be granted leave of absence with pay, on account of illness, for the month of January.

Voted: That the secretary be authorized to allow Mr. Earlbert E. Barnes leave of absence with pay, on account of illness, for the month of January, 1925, and to accept his resignation as of January 31, 1925.

The secretary laid before the commission a communication from Messrs. Barnes, Wilson, and Halstead, entering their appearance as attorneys by substitution for certain parties interested in the pending investigation (No. 20) for the purposes of section 315 of the tariff act of 1922, in respect of smokers' articles of synthetic phenolic resin, together with a consent to such substitution by Messrs. De Vries and Doherty, attorneys originally of record for said parties.

After discussion of the communication, the subject went over for further consideration.

The secretary laid before the commission a communication from Cashiko Machine Co. stating that they wished to withdraw their application for the purposes of section 315 of the tariff act of 1922 with reference to card clothing (textile machinery).

After discussion of the subject the communication from Cashiko Machinery Co. was referred to Commissioner Glassie as a committee to prepare a reply for consideration by the commission.

The chairman laid before the commission a number of summary tables submitted by the advisory board in connection with the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter.

Upon motion, it was—

Voted: That the tabulations submitted this date and those to be submitted, together with the necessary text, be, and are hereby, adopted, subject to necessary corrections, as the basis of the preliminary statement to be issued by the commission to interested parties in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of butter.

Approved, February 17, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.



FEBRUARY 17, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on February 12 and 13, 1925, were read and approved.

The secretary laid before the commission a memorandum from the chief investigator, the acting chief of the agricultural division, and Mr. L. T. Hopkinson, of the fisheries section, in reference to the procurement of costs of production in the halibut fishing industry on the Atlantic coast.

After discussion of the subject, it was—

Voted: That Mr. Thomas H. Joyce and Mr. Samuel Schoenfeld, accountants, be authorized to travel with Mr. L. T. Hopkinson to Gloucester, Mass., and such other points on the Atlantic coast as may be necessary pursuant to the resolution of the commission adopted on February 12, 1925, for the purpose of obtaining information with reference to the costs of production of halibut.

Upon suggestion by the chairman, it was agreed that at the meeting of the commission to be held on February 20, 1925, the commission would take up for consideration the disposition of pending applications and other business under the provisions of section 315 of the tariff act of 1922.

Voted: That the secretary be authorized to request Mr. Louis A. Rufener and Mr. H. C. Parmelee to come to the offices of the commission for a conference in reference to the appointment of an economist for assignment to the metals division of the commission's staff, and to pay their necessary traveling expenses from funds available for the expenses of the commission.

The commission agreed to meet again at 2.30 o'clock to continue the consideration of the linseed oil report.

## AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, Henry H. Glassie.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil.

Mr. C. R. De Long, chief of the chemical division, and Dr. P. W. Bidwell, of the economics division, were called into the meeting during the discussion.

After general discussion the subject went over for further consideration.

Approved, February 19, 1925.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 19, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess.

The minutes of the meeting of the commission held on February 17, 1925, were read and approved.

Voted: That the assignment of Mr. Louis B. Zapoléon as acting chief of the agricultural division of the commission's staff be, and is hereby, rescinded; that Mr. L. B. Zapoléon be reassigned as special expert in the agricultural division, and allocated to an appropriate grade with salary at the rate of \$4,000 per annum; that Mr. Oscar A. Juve be assigned, until otherwise directed, as acting chief of the agricultural division, and that during such assignment his salary, until otherwise ordered, be increased to the rate of \$4,200 per annum; and that the changes herein directed shall take effect immediately.

Upon the foregoing motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan, Burgess.

Against the adoption of the motion: Mr. Marvin.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil.

Mr. C. R. De Long, chief of the chemical division, and Dr. P. W. Bidwell of the economics division, were called into the meeting during the discussion.

After general discussion the subject went over for further consideration.

Approved, February 24, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 20, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Hon. Sydney Anderson, a Member of the House of Representatives from the State of Minnesota, appeared before the commission and submitted informally a statement in reference to pending applications for investigation by the Tariff Commission pursuant to the provisions of section 315 of the tariff act of 1922, in respect of the duty on macaroni and related products.

After general discussion of the subject Mr. Anderson withdrew.

The commission called into the meeting Dr. G. F. Warren, Mr. George P. Comer, and Mr. A. M. Fox for conference relative to the substance and form of the preliminary statement of information to be issued by the commission in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in reference to the costs of production of butter.

During the discussion, it was—

Voted: That the summary statement of information concerning costs of production of butter in Denmark, now being prepared in connection with the pending investigation of the costs of production

of butter, be issued and made available to interested parties as soon as completed.

At the conclusion of the foregoing discussion, the chairman called attention to the fact that this date had been set aside for the consideration of applications for investigations and other business under the provisions of section 315 of the tariff act of 1922.

The chief investigator reported that, because of the pressure of work in the butter investigation the chief investigator's office and the advisory board had not been able to complete the summary of information on pending applications, but that this material was in process of preparation and would be passed to the commission through the advisory board as soon as practicable, possibly by February 24, 1925.

It was thereupon agreed that the business set for consideration at this meeting be laid over until the next meeting of the commission.

Approved, February 24, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 24, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on February 19 and 20, 1925, were read and approved.

Voted: That Mr. Harry L. Lourie, now in New York City on leave of absence, be authorized to spend such time as may be necessary to obtain there information concerning prepared citron, macaroni, pitted cherries, and related articles, and that he be allowed necessary expenses for travel and subsistence while so employed.

The chief investigator submitted a verbal report, together with memoranda in regard to pending applications before the commission, under the provisions of section 315 of the tariff act of 1922, in reference, respectively, to caustic cleaned magnesite, earthen and china tableware, bent-wood chairs, cork insulation.

After general discussion by the commission the chief investigator was instructed to have these subjects submitted to the advisory board for the preparation of reports thereon to the commission.

The chief investigator thereupon withdrew.

Commissioner Culbertson was not present during the foregoing discussion.

Commissioner Costigan submitted the following motion:

Whereas it is the intention of the commission to transmit to the President prior to March 4, 1925, the commission's report and findings in the linseed oil investigation in order that all commissioners who have participated in the investigation may join in such report and findings,

Moved: That Wednesday, February 25, 1925, is hereby fixed as the date so far as practicable for the completion of the commission's report and for its adoption by the commission, and a meeting of the commission, for such completion and adoption, shall be held at 10.30 o'clock in the morning of that day.

Moved further: That Saturday, February 28, 1925, is fixed as the date for filing with the secretary of the commission the opinion of the commission, or, in case of division of views among the commissioners with respect to their findings, for filing such opinions as they may individually desire to have transmitted to the President.

Moved further: That, unless otherwise ordered, the secretary is instructed to transmit such commission's report and such opinion or opinions of the commission or commissioners to the President on or before March 3, 1925.

After general discussion of the motion the votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

The motion was therefore rejected.

Upon motion by Commissioner Glassie, it was—

Voted: That a meeting of the Tariff Commission be held at 2.30 o'clock p. m. this day for the purpose of resuming consideration of the report to be submitted to the President in the investigation of the costs of production of linseed oil, and that the special order of business for such meeting be the confidential portion of said report.

Mr. L. A. Rufener was called into the meeting for conference with the commission in regard to his availability for appointment as economist on the staff of the commission to be assigned to the metals division.

At the conclusion of the conference Mr. Rufener withdrew.

The commission adjourned to meet again at 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil.

Mr. C. R. De Long, chief of the chemical division, and Dr. P. W. Bidwell, of the economics division, were called into the meeting during the discussion.

Mr. De Long reported that a revised draft of the confidential report was in course of preparation, but not ready for resubmission to the commission.

The commission proceeded with the consideration of the non-confidential section of the report and after some discussion the subject went over for further consideration.

Approved, March 6, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 26, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

By common consent the regular meeting for this day was waived in order that the commissioners might severally continue their consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil.

Approved, March 6, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

FEBRUARY 27, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

By common consent the regular meeting for this day was waived in order that the consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil, might be continued severally by the commissioners.

Approved, March 6, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 3, 1925.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil.

Mr. C. R. De Long, chief of the chemical division, was called into the meeting during the discussion.

After some discussion of the report the commission adjourned to meet again at 3.30 o'clock p. m.

AFTERNOON SESSION

The commission reconvened at 3.30 o'clock p. m.

Present: Thomas O. Marvin, William S. Culbertson, David J. Lewis, Edward P. Costigan, William Burgess, Henry H. Glassie.

Mr. C. R. De Long, chief of the chemical division, was called into the meeting.

The commission resumed and concluded consideration of the report to be submitted to the President in the investigation (No. 18) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of linseed oil; the main section of the report and the confidential section were adopted and were thereupon signed by the several members of the commission.

Commissioner Costigan thereupon submitted the following motion: Whereas the published rules of the Tariff Commission provide "The findings of the commission and of the members thereof shall be in writing and shall be transmitted, together with the record, certified by the secretary under the seal of the commission, to the President for his action under the law."

Moved: That the report of the commission in the linseed oil investigation be transmitted to the President in accordance therewith.

The chairman submitted the following motion as a substitute for the foregoing motion by Commissioner Costigan:

Moved: That the precedent established in transmitting to the President the reports of the Tariff Commission in the wheat investigation, the sodium nitrite investigation, the barium dioxide investigation, the barbital (or veronal) investigation, and the oxalic acid investigation be followed in the transmission of the report in the linseed oil investigation.

Commissioner Costigan made the point of order that the substitute motion submitted by the chairman was in violation of the rules of the commission.

The point of order was overruled by the chairman, because the motion submitted by him was in accordance with the precedents established by the commission.

The question being upon the substitute motion submitted by the chairman, the votes of the commissioners thereon were as follows:

In favor of the adoption of the substitute motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the substitute motion: Messrs. Culbertson, Lewis, Costigan.

The substitute motion was therefore rejected.

The question reverting to the motion submitted by Commissioner Costigan, the votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

The motion was therefore rejected.

Upon motion by Commissioner Costigan, it was thereupon

Voted: That the secretary be directed to deliver to the President of the United States the report of the United States Tariff Commission in the investigation with respect to linseed oil, consisting of the letter of transmittal, the main section authenticated by the signatures of the six commissioners, the confidential section authenticated by the signatures of the six commissioners, and the statements with respect to the application of data and findings lodged by the respective commissioners over their respective signatures.

The secretary reported that the manuscript of the report on vegetable fibers other than cotton, which had been prepared in the textile division, was ready for final publication, and the secretary was authorized to have the material transmitted to the printer for that purpose.

Approved, March 10, 1925.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

MARCH 6, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on February 24, 26, and 27, 1925, were read and approved.

Voted: That the official travel necessarily performed by Mr. H. L. DeMeritt in visiting certain places in the States of Maine and Rhode Island in addition to travel authorized by the resolution of the commission adopted on January 23, 1925, be, and are hereby, ratified and approved.

Voted: That Mr. Laurence G. Newman and Mr. Marvin O. McNeill be authorized to travel to such points as may be necessary in the States of New York and Pennsylvania to obtain additional information in regard to the factory costs of production of Swiss cheese in connection with the pending investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, on that subject.

The chairman laid before the commission a letter from the State Department under date of February 21, 1925, in regard to the desirability of instituting negotiations with the Government of Canada pursuant to the provisions of paragraph 1700 of the tariff act of 1922, with a view to securing the removal of customs duties upon lumber imported from the United States into Canada.

The commission directed that the foregoing communication be referred to the chief of the legal division and the chief of the preferential tariffs division of the commission's staff for report thereon to the commission.

The chairman laid before the commission a communication from Mr. John R. Rafter, attorney for certain parties of record in the investigation (No. 2) for the purposes of section 316 of the tariff act of 1922, in respect of alleged unfair acts and practices in the importation and sale of brierwood pipes, requesting information as to the disposition of that proceeding.

In the absence of Commissioners Culbertson and Glassie, to whom, as a committee, this subject had been referred previously, the chairman referred the communication from Mr. Rafter to Commissioner Costigan.

Commissioner Burgess was requested to inquire into the need for additional personnel in the New York office and to make such recommendations as he might find to be appropriate.

The secretary laid before the commission a letter from Mr. George C. Davis, representing applicants for an investigation for the purposes of section 315 of the tariff act of 1922, in reference to certain clays imported into the United States, in which communication Mr. Davis requested the opportunity to appear before the commission and present his views upon the authority of the President under section 315 to make changes in classification by separating articles subject to a single duty under the tariff act.

The secretary was instructed to suggest to Mr. Davis that he submit his views upon this subject in the form of a memorandum for consideration by the commission in connection with the application now pending in reference to the clays referred to in Mr. Davis's letter.

The secretary laid before the commission a memorandum from the chief investigator and the acting chief of the division of economics, suggesting that the record in the butter investigation would be in condition to warrant the setting of April 14, 1925, as the date for the public hearing to be held in that investigation.

After general discussion of the subject it was—

Voted: That a public hearing in the investigation (No. 38) under the provisions of section 315 of Title III of the tariff act of 1922, heretofore ordered in respect to butter, be held at 10 o'clock a. m. on April 21, 1925, at the office of the United States Tariff Commission, in the city of Washington, D. C.; and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation and by posting for 30 days prior to said April 21, 1925, a copy of said notice at the principal office of the commission and in the office of the commission at the port of New York.

Approved, March 10, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MARCH 10, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on March 3 and 6, 1925, were read and approved.

Voted: That Mr. C. R. DeLong be authorized to travel to Wilmington, Del., and to New York City, Buffalo, and to such other places as may be necessary in the State of New York, in connection with investigations relating to the production and importation of acetaldehyde and paracetaldehyde, sodium silicofluoride, synthetic methyl alcohol, and related subjects.

The chairman laid before the commission communications from Mrs. Mary P. Fairfield, tendering her resignation from the service of the commission.

It was thereupon—

Voted: That the secretary be authorized to accept the resignation of Mrs. Mary P. Fairfield from the service of the commission as of March 5, 1925.

Voted: That the secretary be authorized to send by cablegram a message to Mr. J. J. Ernster requesting him to come to Washington for conference.

Upon suggestion by the chairman, applications with respect to the following subjects were made the special order of business for a meeting of the commission to be held at 10.30 o'clock a. m. on Thursday, March 12, 1925.

Under section 315 of the tariff act of 1922: Earthen and china tableware, magnesite, bentwood chairs, cork insulation.

Under section 316 of the tariff act of 1922: Alleged unfair practices in the importation and sale of olive oil.

The commission discussed the record in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of potassium chlorate.



After some discussion it was agreed that this subject should be the special order of business at the meeting of the commission to be held at 10.30 o'clock a. m. on Friday, March 13, 1925, with a view to the preparation of a report of findings therein to be submitted to the President.

Approved, March 13, 1925.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

MARCH 12, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

It was, by Commissioner Glassie—

Moved: That Mr. D. W. Clayton be employed as special expert on the staff of the commission, allocated to grade 5 with salary at the rate of \$ per annum, and be assigned to the transportation division, such appointment and assignment to take effect forthwith.

The secretary reported the receipt of a cablegram from Mr. John J. Ernster from Luxemburg, stating that he would come at once to Washington for conference as requested pursuant to the resolution of the commission adopted on March 10, 1925.

Commissioner Glassie, to whom was referred on February 18, 1925, a letter from the Cashiko Manufacturing Co., submitted to the commission a draft of a reply to that communication. The draft was considered and approved for transmittal.

The chairman laid before the commission reports by the advisory board upon applications for investigations with respect to the following subjects:

Under section 315 of the tariff act of 1922: Earthen and china tableware, magnesite, bentwood chairs, cork insulation.

Under section 316 of the tariff act of 1922: Alleged unfair practices in the importation and sale of olive oil.

The commission proceeded to the consideration of these reports in the order stated.

Mr. George P. Comer and Mr. A. M. Fox were called into the meeting during the discussion.

After discussion of the report with respect to earthen and china tableware, it was referred to a committee consisting of Commissioners Costigan and Glassie, who were requested to draft and submit to the commission, if practicable, at a meeting to be held on March 17, such order as may seem warranted in the premises.

After consideration of the record and report of the advisory board in reference to magnesite, it was—

Voted: That the commission proceed with the investigation (No. 29) heretofore, on August 11, 1923, instituted for the purposes of section 315 of the tariff act of 1922, with respect to magnesite and magnesite brick; that further proceedings in the investigation be confined to crude magnesite and caustic calcined magnesite; and that the advisory board be directed to prepare and submit to the commission plans for the further conduct of said investigation.

The remaining reports under consideration relating, respectively, to cork insulation, bentwood chairs, and olive oil, went over for further consideration.

Approved, March 17, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 13, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on March 10, 1925, were read and approved.

The commission proceeded to the consideration of the report to be submitted to the President in the investigation (No. 6) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of potassium chlorate.

Mr. Chester H. Penning, of the chemical division, was called into the meeting during the discussion.

During the consideration of the subject, it was—

Voted: That an economist be assigned to assist in the preparation of the report to be submitted to the President in the investigation (No. 6) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of potassium chlorate.

After further discussion the subject went over for further consideration.

Upon motion by Commissioner Burgess, it was—

Voted: That Mr. A. M. Fox be promoted from grade 4 of the professional and scientific service, to grade 5 of the same service, with salary at the rate of \$5,200 per annum.

Upon the foregoing resolution Commissioner Costigan voted in the negative.

The chairman laid before the commission a letter from Mr. John R. Rafter representing certain parties of record interested in the pending investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of men's sewed straw hats, requesting that an early date be set for a public hearing in that investigation.

The chairman submitted at the same time a memorandum on this subject by the acting chief of the division of economics, the chief investigator, and the chief of the sundries division.

After consideration of the subject the chairman was requested to confer with members of the advisory board with a view to ascertaining the practicability of setting an early date for a public hearing in this investigation.

Approved, March 17, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 16, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

Mr. Alfred P. Dennis having been appointed by the President a member of the United States Tariff Commission, with the advice and consent of the Senate, appeared and having duly qualified by taking the prescribed oath of office entered upon his duties as a member of the commission.

Approved, March 24, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 17, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Alfred P. Dennis.

The minutes of the meetings of the commission held on March 12 and 13, 1925, were read and approved.

The commission proceeded to the consideration of the motion submitted on March 12, 1925, by Commissioner Glassie, in reference to the proposed employment of Mr. D. W. Clayton.

Upon motion by Commissioner Culbertson, as a substitute for the motion submitted by Commissioner Glassie, it was—

Voted: That the secretary be authorized to arrange, if practicable, for the employment of Mr. Donald W. Clayton, by reinstatement in the classified civil service as a clerk in grade 5 of the clerical, administrative, and fiscal service, with salary at the rate of \$2,000 per annum, effective forthwith, and that Mr. Clayton be assigned for duty in the transportation division of the commission's staff.

Commissioner Costigan, from the committee appointed on March 12, 1925, in reference to the form of order to be adopted with reference to a proposed investigation with respect to earthen and china tableware, submitted tentative drafts of such an order which, after general discussion, were recommitted to the committee for further consideration.

The chairman laid before the commission reports from the advisory board upon applications for investigations, pursuant to the provisions of section 315 of the tariff act of 1922, in reference, respectively, to woolen cards and pig iron.

Upon the suggestion of the chairman pig iron was added to the list of subjects included in similar reports as listed in the minutes of the proceedings of the commission on March 12, 1925.

A committee consisting of Commissioners Culbertson, Burgess, and Dennis was appointed to consider and report to the commission upon the feasibility of ascertaining the differences in costs of production of pig iron and of magnesite, for the purposes of section 315 of the tariff act of 1922, through the comparison of domestic costs of production with prices of imported pig iron and magnesite.

The commission considered the pending application and advisory board report in respect of alleged unfair acts in the importation and sale of olive oil.

Upon motion by Commissioner Dennis, it was—

Voted: That the subject of alleged unfair acts in the importation and sale of olive oil be made the special order of business to be considered at the meeting of the commission to be held on March 19, 1925.

Approved, March 24, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 19, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

Upon recommendation by Commissioner Dennis, in accordance with the resolution adopted by the commission on March 30, 1923, it was—

Voted: That the salary of Mrs. May C. Stancill, stenographer assigned to the office of Commissioner Dennis, be increased to the rate of \$2,000 per annum, effective March 16, 1925.

The commission resumed consideration of the report by the advisory board with respect to a proposed investigation in reference to earthen and china tableware, under the provisions of section 315 of the tariff act of 1922.

Commissioner Costigan, on behalf of the committee appointed on March 12, 1925, submitted a tentative draft of an order for the institution of such an investigation.

After discussion of the subject, it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 41 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

TABLE, KITCHEN, AND TOILET CHINA AND EARTHENWARE

The United States Tariff Commission on this 19th day of March, 1925, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the following articles included within the class or kind of articles provided for in paragraphs 211 and 212 of Title I of said tariff act, namely:

Table, kitchen, and toilet earthenwares and crockery wares (including household or domestic, hotel, restaurant, and similar wares), composed of a non-vitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware, plain white, plain yellow, plain brown, plain red, or plain black, not painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner; or painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner.

Table, kitchen, and toilet china, porcelain, and other vitrified wares (including household or domestic, hotel, restaurant, and similar wares), composed of a vitrified nonabsorbent body which, when broken, shows a vitrified or vitreous, or semivitrified or semivitreous fracture, plain white, or plain brown, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner; or painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, being wholly or in part the growth or product of the United States, and of and with respect to like or

similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

JOHN F. BETHUNE, *Secretary.*

Commissioner Burgess did not participate in the vote upon the foregoing resolution.

The chairman laid before the commission communications from Mr. Thomas F. Gleason, of New York City, requesting opportunity to appear before the commission for a conference in reference to the situation in the macaroni industry as affected by the tariff, and stating that he would come to the commission's offices for that purpose on March 20.

The chairman called attention to the fact that a report heretofore submitted to the commission by the preferential tariffs division upon alleged discriminations by the Government of Finland against the commerce of the United States is still before the commission for consideration.

The chairman laid before the commission a proposed draft of a report to be submitted to the President in the investigation (No. 4) for the purposes of section 815 of the tariff act of 1922, with respect to the costs of production of casein.

Commissioner Costigan was designated in the place of former Commissioner Lewis to serve on the committee appointed to consider the form of the report to be submitted to the President in the casein investigation.

The commission proceeded to the consideration of the special order of business set for this meeting, which was the subject of alleged unfair acts in the importation and sale of olive oil.

The chief investigator and the chief of the legal division were called into the meeting during the discussion.

After general discussion of the subject, it was, upon motion by Commissioner Costigan—

Voted: That a committee be appointed by the chairman to confer with the Secretary of State in regard to possible steps which may be taken through diplomatic channels for the purpose of eliminating alleged unfair practices in the packing and branding of olive oil.

The chairman appointed as members of the committee authorized in the foregoing resolution, Commissioners Glassie, Costigan, and Dennis.

Commissioner Burgess reported that he had, as requested by the commission on March 6, 1925, investigated the needs for additional

personnel in the New York office of the commission, and upon his recommendation it was—

Voted: That Messrs. John H. Hughes, Albert G. Baer, and Daniel J. O'Connor be appointed as clerks in the office of the Tariff Commission at the port of New York, each with salary at the rate of \$1,860 per annum.

Approved, March 24, 1925.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

MARCH 20, 1925.

Present: Thomas O. Marvin, William S. Culbertson, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The chairman announced that representatives of the macaroni industry were present and desired to confer with members of the commission in regard to the pending applications heretofore submitted by the National Macaroni Manufacturers' Association and the American Macaroni Manufacturers' Association for an investigation pursuant to the provisions of section 815 of the tariff act of 1922, with respect to the differences in costs of production of macaroni.

The commission thereupon adjourned and Mr. Frank L. Zerega, president; Mr. George S. Connell, secretary; Mr. Thomas H. Toomey, chairman tariff committee; and Mr. Thomas F. Gleason, attorney, conferred informally with the members of the commission and presented information concerning the production and importations of macaroni and related products.

Approved, March 27, 1925.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

MARCH 24, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meetings of the commission held on March 16, 17, and 19, 1925, were read and approved.

Voted: That Mr. Frederick L. Koch be authorized to travel to New York City and Trenton, N. J., and return for a period not to exceed 10 days for the purpose of obtaining information in connection with the pending investigation (No. 41) for the purposes of section 815 of the tariff act of 1922, in respect of the costs of production of china and earthenware.

The chairman laid before the commission a communication from Granite Mills of Fall River, Mass., by James A. Sinclair, treasurer, under date of March 16, 1925, stating that the application submitted by said Granite Mills under date of March 5, 1925, for investigation for the purposes of section 815 of the tariff act of 1922, in respect of the costs of production of fine cotton cloths, was submitted to the commission through error, and requesting that said application be returned to the applicant.

After discussion of the subject, it was—

Voted: That pursuant to the request submitted by Granite Mills of Fall River, Mass., the secretary be authorized to return to said Granite Mills the application submitted under date of March 5, 1925, by said mills for an investigation pursuant to the provisions of section 315 of the tariff act of 1922, in respect of the costs of production of fine cotton cloths, and that the secretary retain a copy of said application in the files of the commission.

The chairman laid before the commission a report from the advisory board dated March 7, 1925, upon application by Dupont & Co. for an investigation for the purposes of section 315 of the tariff act of 1922, in respect of strontium nitrate.

The chairman laid before the commission a report from the advisory board dated March 14, 1925, upon applications by Charlton Mills and others, for an investigation for the purposes of section 315 of the tariff act of 1922, in respect of fine cotton cloths.

Upon suggestion by the chairman and upon motion by Commissioner Burgess, it was—

Voted: That the foregoing report from the advisory board in respect of fine cotton cloths be referred back to the advisory board for amendment of the title to comport with the subject of the applications covered thereby, and for the omission of the name of Granite Mills as an applicant in view of the return this day to Granite Mills of their application.

The chairman laid before the commission a communication from the commercial attaché of the Royal Italian Embassy submitting representations in regard to a certain importation into the United States of cigars from Italy, with particular reference to the customs and revenue duties assessed thereon, and inquiring whether the situation thus presented would warrant the exercise of the commission's functions under the provisions of section 315 of the tariff act of 1922, with a view to a reduction of the customs duty applicable to the type of cigars indicated.

After discussion of the subject and on motion by Commissioner Burgess, it was—

Voted: That the rules of the commission for the disposition of applications under the provisions of section 315 of the tariff act of 1922, be suspended, and that a committee be appointed to consider and report to the commission upon the foregoing communication from the commercial attaché of the Royal Italian Embassy.

The chairman named Commissioners Burgess and Dennis as members of the committee authorized by the foregoing resolution.

Commissioner Culbertson on behalf of the committee appointed on March 17, 1925, in connection with the preparation of plans for the pending investigations (Nos. 9 and 29) in respect of pig iron and magnesite, for the purposes of section 315 of the tariff act of 1922, submitted a memorandum by the chief of the legal division upon the feasibility of determining the differences in costs of production for the purposes of said section in the absence of direct investigation of original sources.

The chairman laid before the commission a report dated March 20, 1925, from the advisory board upon suggested plans for the conduct of the pending investigation (No. 29) for the purposes of section 315 of the tariff act of 1922, in respect of magnesite.

After discussion of the subject and upon motion by Commissioner Culbertson, it was—

Voted: That the members of the staff of the tariff commission engaged upon work in connection with the pending investigations for the purpose of section 315 of the tariff act of 1922, with reference to pig iron and magnesite, respectively, be instructed to proceed with the preparation of preliminary statements embodying therein information obtained through representatives of the Treasury Department and of the Commerce Department and from other sources of expert information available in this country.

The secretary reported that pursuant to the resolution of the commission adopted on March 17, 1925, request for authority for the employment of Mr. D. W. Clayton by reinstatement in the classified civil service had been submitted to the Civil Service Commission, which had advised in reply that Mr. Clayton had no civil-service status which, under the law, would permit of his employment through civil-service channels.

Voted: That the secretary be authorized to negotiate with Mr. Arthur L. Faubel, formerly employed as economist on the staff of the commission, for his services temporarily as special expert with compensation at a rate not to exceed \$500 per month, in connection with the pending investigation (No. 41) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of china and earthen ware.

Approved, March 27, 1925.

THOMAS O. MARVIN, *Chairman*

Attest:

JOHN F. BETHUNE, *Secretary*

MARCH 26, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

Voted: That the official travel performed by Dr. F. R. Rutter from Seattle, Wash., to San Francisco, Calif., from December 12 to December 16, 1924, in connection with the pending investigation in respect of the costs of production of certain vegetable oils, is hereby ratified and approved.

The secretary laid before the commission a communication from Charlton Mills, of Fall River, Mass., by James A. Sinclair, treasurer, under date of March 24, 1925, stating that the applications submitted by the Charlton, Granite, and Osborn Mills, under date of March 4 and 5, 1925, for investigation for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of fine cotton cloths, were submitted to the commission through error, and requesting that said applications be returned.

It was thereupon—

Voted: That pursuant to the request submitted by Charlton Mills, of Fall River, Mass., the secretary be authorized to return the applications submitted under date of March 4, 1925, by said Charlton Mills and Osborn Mills for an investigation pursuant to the provisions of section 315 of the tariff act of 1922, with respect to the costs of production of fine cotton cloths, and that the secretary retain copies of said applications in the files of the commission.



The secretary submitted a memorandum from Mr. George H. Parater, chief of the transportation division, under date of March 26, 1925, in reference to the proposed employment of Mr. Donald W. Clayton as an assistant in that division.

Mr. Parater was called into the meeting and made a supplemental statement with reference to the subject of the above-mentioned memorandum:

After discussion of the subject, the chairman—

Moved: That Mr. D. W. Clayton be continued in the employment of the commission for a period of six months with salary at the rate of \$2,000 per annum, and be assigned to service in the transportation division.

Upon motion by Commissioner Glassie, it was—

Voted: That the secretary is instructed to inquire of the Comptroller General whether or not the commission is authorized to pay salary to Mr. Donald W. Clayton after March 4, 1925, under his prior appointment as clerk to commissioner.

The secretary called attention to that portion of the regulations prescribed for making periodically, twice each year, efficiency ratings of employees of the commission, which requires the appointment of a board of review in connection with the adjustment of such efficiency ratings.

After discussion of the subject, it was—

Voted: That the secretary, the chief investigator, and the chief of the division of economics, are appointed members of the board of review in connection with the preparation of efficiency ratings of employees of the commission.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 6) for the purposes of section 815 of the tariff act of 1922, in respect of the costs of production of potassium chlorate.

Mr. C. R. DeLong, chief of the chemical division, Mr. A. M. Fox and Mr. C. W. Mixer of the economics division, were called into the meeting during the discussion.

After general discussion the subject went over for further consideration.

Approved, March 27, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 27, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meetings of the commission held on March 20, 24, and 26, 1925, were read and approved.

The chairman laid before the commission an application from Mr. Paul M. Tyler for reemployment by the commission.

The chairman suggested that the salary of Mr. F. M. Leonard, acting chief of the metals division of the commission's staff, be increased to \$4,600 per annum, and that Mr. Tyler be reemployed and assigned to the metals division with compensation at the rate of \$4,500 per annum.

It was, by Commissioner Costigan—

Moved: That Mr. F. M. Leonard be promoted to the position of chief of the metals division with compensation at the rate of \$4,500 per annum.

It was, by the chairman—

Moved: That Mr. Paul M. Tyler be reemployed as special expert on the staff of the Tariff Commission with compensation at the rate of \$4,500 per annum and assigned to the metals division.

Upon motion by Commissioner Burgess consideration of the foregoing motion by the chairman was postponed until April 10, 1925.

Commissioner Costigan asked that his motion might go over without prejudice for consideration at the same time, April 10, 1925.

The chairman laid before the commission advisory board reports upon applications heretofore submitted for investigations for the purposes of section 315 of the tariff act of 1922, in regard, respectively, to glue, edible gelatine, and strontium nitrate.

The commission proceeded to the consideration of the report of the advisory board in reference to glue.

Mr. George P. Comer, the chief investigator, Mr. A. M. Fox, the acting chief of the economics division, and Mr. C. R. DeLong, the chief of the chemical division, were called in during the discussion.

After general discussion the subject went over for further consideration.

The members of the staff present thereupon withdrew.

Commissioner Glassie, from the committee appointed on March 19, 1925, to confer with the Secretary of State in regard to possible steps which may be taken through diplomatic channels in reference to alleged unfair practices in the importation of olive oil, submitted a draft of a letter to be delivered to the Secretary of State by the committee at a conference to be held with him on March 28, 1925.

Upon consideration of the proposed draft, the letter was approved for transmittal as indicated.

Commissioner Burgess reported that in complying with the request of the commission in its resolution adopted on March 6, 1925, with reference to the investigation of the needs for additional employees in the office of the commission at the port of New York, he had found it necessary to travel to New York and return.

It was thereupon—

Voted: That the official travel performed by Commissioner Burgess on March 17 to 19, 1925, inclusive, upon administrative business in connection with the maintenance of the office of the commission at the port of New York, be, and is hereby, ratified and approved.

Approved, March 31, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 31, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meeting of the commission held on March 27, 1925, were read and approved.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 6) for the purposes of section 315 of the tariff act of 1922 in respect of the costs of production of potassium chlorate.

Mr. C. B. DeLong, chief of the chemical division, was called into the meeting during the discussion.

After general discussion the subject went over for further consideration.

The chairman laid before the commission a memorandum from the chief investigator and other members of the advisory board in reference to the completion of the work in the investigation of the costs of production of men's sewed straw hats and the fixing of a date for the public hearing therein.

After discussion of the subject it was—

Voted: That Mr. Eben M. Whitcomb be authorized to spend two or three days in New York City in cooperation with Mr. Waters, of the New York office, for the purpose of obtaining additional information concerning imports of men's sewed straw hats.

It was also—

Voted: That a public hearing in the investigation (No. 37) under the provisions of section 315 of the tariff act of 1922, heretofore ordered in respect of men's sewed straw hats, be held at 10 o'clock a. m., May 4, 1925, at the office of the United States Tariff Commission, in the city of Washington, D. C.; and that public notice thereof be given pursuant to rule by publication, as specified in said order of investigation, and by posting for 30 days prior to said May 4, 1925, a copy of said notice at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

The chairman called attention to the pendency of investigations concerning, respectively, cast polished-plate glass and gold leaf, which are before the commission and ready for the issuance of preliminary statements of information and the fixing of dates for public hearings.

After discussion of the subject it was, upon motion by Commissioner Glassie, tentatively—

Voted: That May 11, 1925, be tentatively fixed for a public hearing in the investigations (Nos. 8 and 26) under the provisions of section 315 of the tariff act of 1922 heretofore ordered in respect of mirror plates and cast polished-plate glass.

Voted: That May 18, 1925, be tentatively fixed for a public hearing in the investigation (No. 36) under the provisions of section 315 of the tariff act of 1922, heretofore ordered in respect of gold leaf.

Upon motion by Commissioner Glassie, it was further—

Voted: That consideration of the preliminary statements of information to be issued in the investigations (Nos. 8, 26, and 36) in reference, respectively, to mirror plates, cast polished-plate glass, and gold leaf, be the special order of business at the meeting of the commission to be held at 10.30 o'clock a. m. on April 7, 1925.

The secretary laid before the commission a communication from Mr. Ray S. McKnight, special expert accountant on the staff of the commission, tendering his resignation to take effect as of February 15, 1925.

Commissioner Costigan thereupon submitted the following motion: Whereas the published rules of the Tariff Commission provide "The findings of the commission and of the members thereof shall be in writing and shall be transmitted, together with the record, certified by the secretary under the seal of the commission, to the President for his action under the law."

Moved: That the report of the commission in the linseed oil investigation be transmitted to the President in accordance therewith.

The chairman submitted the following motion as a substitute for the foregoing motion by Commissioner Costigan:

Moved: That the precedent established in transmitting to the President the reports of the Tariff Commission in the wheat investigation, the sodium nitrite investigation, the barium dioxide investigation, the barbital (or veronal) investigation, and the oxalic acid investigation be followed in the transmission of the report in the linseed oil investigation.

Commissioner Costigan made the point of order that the substitute motion submitted by the chairman was in violation of the rules of the commission.

The point of order was overruled by the chairman, because the motion submitted by him was in accordance with the precedents established by the commission.

The question being upon the substitute motion submitted by the chairman, the votes of the commissioners thereon were as follows:

In favor of the adoption of the substitute motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the substitute motion: Messrs. Culbertson, Lewis, Costigan.

The substitute motion was therefore rejected.

The question reverting to the motion submitted by Commissioner Costigan, the votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Lewis, Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

The motion was therefore rejected.

Upon motion by Commissioner Costigan, it was thereupon—

Voted: That the secretary be directed to deliver to the President of the United States the report of the United States Tariff Commission in the investigation with respect to linseed oil, consisting of the letter of transmittal, the main section authenticated by the signatures of the six commissioners, the confidential section authenticated by the signatures of the six commissioners, and the statements with respect to the application of data and findings lodged by the respective commissioners over their respective signatures.

The secretary reported that the manuscript of the report on vegetable fibers other than cotton, which had been prepared in the textile division, was ready for final publication, and the secretary was authorized to have the material transmitted to the printer for that purpose.

Approved, March 10, 1925.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

MARCH 6, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on February 24, 26, and 27, 1925, were read and approved.

Voted: That the official travel necessarily performed by Mr. H. L. DeMeritt in visiting certain places in the States of Maine and Rhode Island in addition to travel authorized by the resolution of the commission adopted on January 23, 1925, be, and are hereby, ratified and approved.

Voted: That Mr. Laurence G. Newman and Mr. Marvin C. McNeill be authorized to travel to such points as may be necessary in the States of New York and Pennsylvania to obtain additional information in regard to the factory costs of production of Swiss cheese in connection with the pending investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, on that subject.

The chairman laid before the commission a letter from the State Department under date of February 21, 1925, in regard to the desirability of instituting negotiations with the Government of Canada pursuant to the provisions of paragraph 1700 of the tariff act of 1922, with a view to securing the removal of customs duties upon lumber imported from the United States into Canada.

The commission directed that the foregoing communication be referred to the chief of the legal division and the chief of the preferential tariffs division of the commission's staff for report thereon to the commission.

The chairman laid before the commission a communication from Mr. John R. Rafter, attorney for certain parties of record in the investigation (No. 2) for the purposes of section 316 of the tariff act of 1922, in respect of alleged unfair acts and practices in the importation and sale of brierwood pipes, requesting information as to the disposition of that proceeding.

In the absence of Commissioners Culbertson and Glassie, to whom, as a committee, this subject had been referred previously, the chairman referred the communication from Mr. Rafter to Commissioner Costigan.

Commissioner Burgess was requested to inquire into the need for additional personnel in the New York office and to make such recommendations as he might find to be appropriate.

The secretary laid before the commission a letter from Mr. George C. Davis, representing applicants for an investigation for the purposes of section 315 of the tariff act of 1922, in reference to certain clays imported into the United States, in which communication Mr. Davis requested the opportunity to appear before the commission and present his views upon the authority of the President under section 315 to make changes in classification by separating articles subject to a single duty under the tariff act.

The secretary was instructed to suggest to Mr. Davis that he submit his views upon this subject in the form of a memorandum for consideration by the commission in connection with the application now pending in reference to the clays referred to in Mr. Davis's letter.

The secretary laid before the commission a memorandum from the chief investigator and the acting chief of the division of economics, suggesting that the record in the butter investigation would be in condition to warrant the setting of April 14, 1925, as the date for the public hearing to be held in that investigation.

After general discussion of the subject it was—

Voted: That a public hearing in the investigation (No. 38) under the provisions of section 315 of Title III of the tariff act of 1922, heretofore ordered in respect to butter, be held at 10 o'clock a. m. on April 21, 1925, at the office of the United States Tariff Commission, in the city of Washington, D. C.; and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation and by posting for 30 days prior to said April 21, 1925, a copy of said notice at the principal office of the commission and in the office of the commission at the port of New York.

Approved, March 10, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 10, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meetings of the commission held on March 3 and 6, 1925, were read and approved.

Voted: That Mr. C. R. DeLong be authorized to travel to Wilmington, Del., and to New York City, Buffalo, and to such other places as may be necessary in the State of New York, in connection with investigations relating to the production and importation of acetaldehyde and paracetaldehyde, sodium silicofluoride, synthetic methyl alcohol, and related subjects.

The chairman laid before the commission communications from Mrs. Mary P. Fairfield, tendering her resignation from the service of the commission.

It was thereupon—

Voted: That the secretary be authorized to accept the resignation of Mrs. Mary P. Fairfield from the service of the commission as of March 5, 1925.

Voted: That the secretary be authorized to send by cablegram a message to Mr. J. J. Ernster requesting him to come to Washington for conference.

Upon suggestion by the chairman, applications with respect to the following subjects were made the special order of business for a meeting of the commission to be held at 10.30 o'clock a. m. on Thursday, March 12, 1925.

Under section 315 of the tariff act of 1922: Earthen and china tableware, magnesite, bentwood chairs, cork insulation.

Under section 316 of the tariff act of 1922: Alleged unfair practices in the importation and sale of olive oil.

The commission discussed the record in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of potassium chlorate.

After some discussion it was agreed that this subject should be the special order of business at the meeting of the commission to be held at 10.30 o'clock a. m. on Friday, March 13, 1925, with a view to the preparation of a report of findings therein to be submitted to the President.

Approved, March 13, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 12, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

It was, by Commissioner Glassie—

Moved: That Mr. D. W. Clayton be employed as special expert on the staff of the commission, allocated to grade 5 with salary at the rate of \$ per annum, and be assigned to the transportation division, such appointment and assignment to take effect forthwith.

The secretary reported the receipt of a cablegram from Mr. John J. Ernster from Luxemburg, stating that he would come at once to Washington for conference as requested pursuant to the resolution of the commission adopted on March 10, 1925.

Commissioner Glassie, to whom was referred on February 13, 1925, a letter from the Cashiko Manufacturing Co., submitted to the commission a draft of a reply to that communication. The draft was considered and approved for transmittal.

The chairman laid before the commission reports by the advisory board upon applications for investigations with respect to the following subjects:

Under section 315 of the tariff act of 1922: Earthen and china tableware, magnesite, bentwood chairs, cork insulation.

Under section 316 of the tariff act of 1922: Alleged unfair practices in the importation and sale of olive oil.

The commission proceeded to the consideration of these reports in the order stated.

Mr. George P. Comer and Mr. A. M. Fox were called into the meeting during the discussion.

After discussion of the report with respect to earthen and china tableware, it was referred to a committee consisting of Commissioners Costigan and Glassie, who were requested to draft and submit to the commission, if practicable, at a meeting to be held on March 17, such order as may seem warranted in the premises.

After consideration of the record and report of the advisory board in reference to magnesite, it was—

Voted: That the commission proceed with the investigation (No. 29) heretofore, on August 11, 1923, instituted for the purposes of section 315 of the tariff act of 1922, with respect to magnesite and magnesite brick; that further proceedings in the investigation be confined to crude magnesite and caustic calcined magnesite; and that the advisory board be directed to prepare and submit to the commission plans for the further conduct of said investigation.

The remaining reports under consideration relating, respectively, to cork insulation, bentwood chairs, and olive oil, went over for further consideration.

Approved, March 17, 1925.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

MARCH 13, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on March 10, 1925, were read and approved.

The commission proceeded to the consideration of the report to be submitted to the President in the investigation (No. 6) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of potassium chlorate.

Mr. Chester H. Penning, of the chemical division, was called into the meeting during the discussion.

During the consideration of the subject, it was—

Voted: That an economist be assigned to assist in the preparation of the report to be submitted to the President in the investigation (No. 6) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of potassium chlorate.

After further discussion the subject went over for further consideration.

Upon motion by Commissioner Burgess, it was—

Voted: That Mr. A. M. Fox be promoted from grade 4 of the professional and scientific service, to grade 5 of the same service, with salary at the rate of \$5,200 per annum.

Upon the foregoing resolution Commissioner Costigan voted in the negative.

The chairman laid before the commission a letter from Mr. John R. Rafter representing certain parties of record interested in the pending investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of men's sewed straw hats, requesting that an early date be set for a public hearing in that investigation.

The chairman submitted at the same time a memorandum on this subject by the acting chief of the division of economics, the chief investigator, and the chief of the sundries division.

After consideration of the subject the chairman was requested to confer with members of the advisory board with a view to ascertaining the practicability of setting an early date for a public hearing in this investigation.

Approved, March 17, 1925.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.



MARCH 16, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

Mr. Alfred P. Dennis having been appointed by the President a member of the United States Tariff Commission, with the advice and consent of the Senate, appeared and having duly qualified by taking the prescribed oath of office entered upon his duties as a member of the commission.

Approved, March 24, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 17, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Alfred P. Dennis.

The minutes of the meetings of the commission held on March 12 and 13, 1925, were read and approved.

The commission proceeded to the consideration of the motion submitted on March 12, 1925, by Commissioner Glassie, in reference to the proposed employment of Mr. D. W. Clayton.

Upon motion by Commissioner Culbertson, as a substitute for the motion submitted by Commissioner Glassie, it was—

Voted: That the secretary be authorized to arrange, if practicable, for the employment of Mr. Donald W. Clayton, by reinstatement in the classified civil service as a clerk in grade 5, of the clerical, administrative, and fiscal service, with salary at the rate of \$2,000 per annum, effective forthwith, and that Mr. Clayton be assigned for duty in the transportation division of the commission's staff.

Commissioner Costigan, from the committee appointed on March 12, 1925, in reference to the form of order to be adopted with reference to a proposed investigation with respect to earthen and china tableware, submitted tentative drafts of such an order which, after general discussion, were recommitted to the committee for further consideration.

The chairman laid before the commission reports from the advisory board upon applications for investigations, pursuant to the provisions of section 315 of the tariff act of 1922, in reference, respectively, to woolen cards and pig iron.

Upon the suggestion of the chairman pig iron was added to the list of subjects included in similar reports as listed in the minutes of the proceedings of the commission on March 12, 1925.

A committee consisting of Commissioners Culbertson, Burgess, and Dennis was appointed to consider and report to the commission upon the feasibility of ascertaining the differences in costs of production of pig iron and of magnesite, for the purposes of section 315 of the tariff act of 1922, through the comparison of domestic costs of production with prices of imported pig iron and magnesite.

The commission considered the pending application and advisory board report in respect of alleged unfair acts in the importation and sale of olive oil.

Upon motion by Commissioner Dennis, it was—

Voted: That the subject of alleged unfair acts in the importation and sale of olive oil be made the special order of business to be considered at the meeting of the commission to be held on March 19, 1925.

Approved, March 24, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 19, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

Upon recommendation by Commissioner Dennis, in accordance with the resolution adopted by the commission on March 30, 1923, it was—

Voted: That the salary of Mrs. May C. Stancill, stenographer assigned to the office of Commissioner Dennis, be increased to the rate of \$2,000 per annum, effective March 16, 1925.

The commission resumed consideration of the report by the advisory board with respect to a proposed investigation in reference to earthen and china tableware, under the provisions of section 315 of the tariff act of 1922.

Commissioner Costigan, on behalf of the committee appointed on March 12, 1925, submitted a tentative draft of an order for the institution of such an investigation.

After discussion of the subject, it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION No. 41 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

TABLE, KITCHEN, AND TOILET CHINA AND EARTHENWARE

The United States Tariff Commission on this 19th day of March, 1925, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the following articles included within the class or kind of articles provided for in paragraphs 211 and 212 of Title I of said tariff act, namely:

Table, kitchen, and toilet earthenwares and crockery wares (including household or domestic, hotel, restaurant, and similar wares), composed of a non-vitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware, plain white, plain yellow, plain brown, plain red, or plain black, not painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner; or painted, colored, tinted, stained, enameled, gilded, printed, ornamented, or decorated in any manner.

Table, kitchen, and toilet china, porcelain, and other vitrified wares (including household or domestic, hotel, restaurant, and similar wares), composed of a vitrified nonabsorbent body which, when broken, shows a vitrified or vitreous, or semivitrified or semivitreous fracture, plain white, or plain brown, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner; or painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, being wholly or in part the growth or product of the United States, and of and with respect to like or

similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

JOHN F. BETHUNE, *Secretary*.

Commissioner Burgess did not participate in the vote upon the foregoing resolution.

The chairman laid before the commission communications from Mr. Thomas F. Gleason, of New York City, requesting opportunity to appear before the commission for a conference in reference to the situation in the macaroni industry as affected by the tariff and stating that he would come to the commission's offices for that purpose on March 20.

The chairman called attention to the fact that a report heretofore submitted to the commission by the preferential tariffs division upon alleged discriminations by the Government of Finland against the commerce of the United States is still before the commission for consideration.

The chairman laid before the commission a proposed draft of a report to be submitted to the President in the investigation (No. 4) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of casein.

Commissioner Costigan was designated in the place of former Commissioner Lewis to serve on the committee appointed to consider the form of the report to be submitted to the President in the casein investigation.

The commission proceeded to the consideration of the special order of business set for this meeting, which was the subject of alleged unfair acts in the importation and sale of olive oil.

The chief investigator and the chief of the legal division were called into the meeting during the discussion.

After general discussion of the subject, it was, upon motion by Commissioner Costigan—

Voted: That a committee be appointed by the chairman to confer with the Secretary of State in regard to possible steps which may be taken through diplomatic channels for the purpose of eliminating alleged unfair practices in the packing and branding of olive oil.

The chairman appointed as members of the committee authorized in the foregoing resolution, Commissioners Glassie, Costigan, and Dennis.

Commissioner Burgess reported that he had, as requested by the commission on March 6, 1925, investigated the needs for additional

personnel in the New York office of the commission, and upon his recommendation it was—

Voted: That Messrs. John H. Hughes, Albert G. Baer, and Daniel J. O'Connor be appointed as clerks in the office of the Tariff Commission at the port of New York, each with salary at the rate of \$1,860 per annum.

Approved, March 24, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MARCH 20, 1925.

Present: Thomas O. Marvin, William S. Culbertson, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The chairman announced that representatives of the macaroni industry were present and desired to confer with members of the commission in regard to the pending applications heretofore submitted by the National Macaroni Manufacturers' Association and the American Macaroni Manufacturers' Association for an investigation pursuant to the provisions of section 315 of the tariff act of 1922, with respect to the differences in costs of production of macaroni.

The commission thereupon adjourned and Mr. Frank L. Zerega, president; Mr. George S. Connell, secretary; Mr. Thomas H. Toomey, chairman tariff committee; and Mr. Thomas F. Gleason, attorney, conferred informally with the members of the commission and presented information concerning the production and importations of macaroni and related products.

Approved, March 27, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MARCH 24, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meetings of the commission held on March 16, 17, and 19, 1925, were read and approved.

Voted: That Mr. Frederick L. Koch be authorized to travel to New York City and Trenton, N. J., and return for a period not to exceed 10 days for the purpose of obtaining information in connection with the pending investigation (No. 41) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of china and earthenware.

The chairman laid before the commission a communication from Granite Mills of Fall River, Mass., by James A. Sinclair, treasurer, under date of March 16, 1925, stating that the application submitted by said Granite Mills under date of March 5, 1925, for investigation for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of fine cotton cloths, was submitted to the commission through error, and requesting that said application be returned to the applicant.

After discussion of the subject, it was—

Voted: That pursuant to the request submitted by Granite Mills of Fall River, Mass., the secretary be authorized to return to said Granite Mills the application submitted under date of March 5, 1925, by said mills for an investigation pursuant to the provisions of section 315 of the tariff act of 1922, in respect of the costs of production of fine cotton cloths, and that the secretary retain a copy of said application in the files of the commission.

The chairman laid before the commission a report from the advisory board dated March 7, 1925, upon application by Dupont & Co. for an investigation for the purposes of section 315 of the tariff act of 1922, in respect of strontium nitrate.

The chairman laid before the commission a report from the advisory board dated March 14, 1925, upon applications by Charlton Mills and others, for an investigation for the purposes of section 315 of the tariff act of 1922, in respect of fine cotton cloths.

Upon suggestion by the chairman and upon motion by Commissioner Burgess, it was—

Voted: That the foregoing report from the advisory board in respect of fine cotton cloths be referred back to the advisory board for amendment of the title to comport with the subject of the applications covered thereby, and for the omission of the name of Granite Mills as an applicant in view of the return this day to Granite Mills of their application.

The chairman laid before the commission a communication from the commercial attaché of the Royal Italian Embassy submitting representations in regard to a certain importation into the United States of cigars from Italy, with particular reference to the customs and revenue duties assessed thereon, and inquiring whether the situation thus presented would warrant the exercise of the commission's functions under the provisions of section 315 of the tariff act of 1922, with a view to a reduction of the customs duty applicable to the type of cigars indicated.

After discussion of the subject and on motion by Commissioner Burgess, it was—

Voted: That the rules of the commission for the disposition of applications under the provisions of section 315 of the tariff act of 1922, be suspended, and that a committee be appointed to consider and report to the commission upon the foregoing communication from the commercial attaché of the Royal Italian Embassy.

The chairman named Commissioners Burgess and Dennis as members of the committee authorized by the foregoing resolution.

Commissioner Culbertson on behalf of the committee appointed on March 17, 1925, in connection with the preparation of plans for the pending investigations (Nos. 9 and 29) in respect of pig iron and magnesite, for the purposes of section 315 of the tariff act of 1922, submitted a memorandum by the chief of the legal division upon the feasibility of determining the differences in costs of production for the purposes of said section in the absence of direct investigation of original sources.

The chairman laid before the commission a report dated March 20, 1925, from the advisory board upon suggested plans for the conduct of the pending investigation (No. 29) for the purposes of section 315 of the tariff act of 1922, in respect of magnesite.

After discussion of the subject and upon motion by Commissioner Culbertson, it was—

Voted: That the members of the staff of the tariff commission engaged upon work in connection with the pending investigations for the purpose of section 315 of the tariff act of 1922, with reference to pig iron and magnesite, respectively, be instructed to proceed with the preparation of preliminary statements embodying therein information obtained through representatives of the Treasury Department and of the Commerce Department and from other sources of expert information available in this country.

The secretary reported that pursuant to the resolution of the commission adopted on March 17, 1925, request for authority for the employment of Mr. D. W. Clayton by reinstatement in the classified civil service had been submitted to the Civil Service Commission, which had advised in reply that Mr. Clayton had no civil-service status which, under the law, would permit of his employment through civil-service channels.

Voted: That the secretary be authorized to negotiate with Mr. Arthur L. Faubel, formerly employed as economist on the staff of the commission, for his services temporarily as special expert with compensation at a rate not to exceed \$500 per month, in connection with the pending investigation (No. 41) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of china and earthen ware.

Approved, March 27, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 26, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

Voted: That the official travel performed by Dr. F. R. Rutter from Seattle, Wash., to San Francisco, Calif., from December 12 to December 16, 1924, in connection with the pending investigation in respect of the costs of production of certain vegetable oils, is hereby ratified and approved.

The secretary laid before the commission a communication from Charlton Mills, of Fall River, Mass., by James A. Sinclair, treasurer, under date of March 24, 1925, stating that the applications submitted by the Charlton, Granite, and Osborn Mills, under date of March 4 and 5, 1925, for investigation for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of fine cotton cloths, were submitted to the commission through error, and requesting that said applications be returned.

It was thereupon—

Voted: That pursuant to the request submitted by Charlton Mills, of Fall River, Mass., the secretary be authorized to return the applications submitted under date of March 4, 1925, by said Charlton Mills and Osborn Mills for an investigation pursuant to the provisions of section 315 of the tariff act of 1922, with respect to the costs of production of fine cotton cloths, and that the secretary retain copies of said applications in the files of the commission.

The secretary submitted a memorandum from Mr. George H. Parater, chief of the transportation division, under date of March 26, 1925, in reference to the proposed employment of Mr. Donald W. Clayton as an assistant in that division.

Mr. Parater was called into the meeting and made a supplemental statement with reference to the subject of the above-mentioned memorandum:

After discussion of the subject, the chairman—

Moved: That Mr. D. W. Clayton be continued in the employment of the commission for a period of six months with salary at the rate of \$2,000 per annum; and be assigned to service in the transportation division.

Upon motion by Commissioner Glassie, it was—

Voted: That the secretary is instructed to inquire of the Comptroller General whether or not the commission is authorized to pay salary to Mr. Donald W. Clayton after March 4, 1925, under his prior appointment as clerk to commissioner.

The secretary called attention to that portion of the regulations prescribed for making periodically, twice each year, efficiency ratings of employees of the commission, which requires the appointment of a board of review in connection with the adjustment of such efficiency ratings.

After discussion of the subject, it was—

Voted: That the secretary, the chief investigator, and the chief of the division of economics, are appointed members of the board of review in connection with the preparation of efficiency ratings of employees of the commission.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 6) for the purposes of section 815 of the tariff act of 1922, in respect of the costs of production of potassium chlorate.

Mr. C. R. DeLong, chief of the chemical division, Mr. A. M. Fox and Mr. C. W. Mixer of the economics division, were called into the meeting during the discussion.

After general discussion the subject went over for further consideration.

Approved, March 27, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 27, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meetings of the commission held on March 20, 24, and 26, 1925, were read and approved.

The chairman laid before the commission an application from Mr. Paul M. Tyler for reemployment by the commission.

The chairman suggested that the salary of Mr. F. M. Leonard, acting chief of the metals division of the commission's staff, be increased to \$4,600 per annum, and that Mr. Tyler be reemployed and assigned to the metals division with compensation at the rate of \$4,500 per annum.

It was, by Commissioner Costigan—

Moved: That Mr. F. M. Leonard be promoted to the position of chief of the metals division with compensation at the rate of \$4,500 per annum.

It was, by the chairman—

Moved: That Mr. Paul M. Tyler be reemployed as special expert on the staff of the Tariff Commission with compensation at the rate of \$4,500 per annum and assigned to the metals division.

Upon motion by Commissioner Burgess consideration of the foregoing motion by the chairman was postponed until April 10, 1925.

Commissioner Costigan asked that his motion might go over without prejudice for consideration at the same time, April 10, 1925.

The chairman laid before the commission advisory board reports upon applications heretofore submitted for investigations for the purposes of section 315 of the tariff act of 1922, in regard, respectively, to glue, edible gelatine, and strontium nitrate.

The commission proceeded to the consideration of the report of the advisory board in reference to glue.

Mr. George P. Comer, the chief investigator, Mr. A. M. Fox, the acting chief of the economics division, and Mr. C. R. DeLong, the chief of the chemical division, were called in during the discussion.

After general discussion the subject went over for further consideration.

The members of the staff present thereupon withdrew.

Commissioner Glassie, from the committee appointed on March 19, 1925, to confer with the Secretary of State in regard to possible steps which may be taken through diplomatic channels in reference to alleged unfair practices in the importation of olive oil, submitted a draft of a letter to be delivered to the Secretary of State by the committee at a conference to be held with him on March 28, 1925.

Upon consideration of the proposed draft, the letter was approved for transmittal as indicated.

Commissioner Burgess reported that in complying with the request of the commission in its resolution adopted on March 6, 1925, with reference to the investigation of the needs for additional employees in the office of the commission at the port of New York, he had found it necessary to travel to New York and return.

It was thereupon—

Voted: That the official travel performed by Commissioner Burgess on March 17 to 19, 1925, inclusive, upon administrative business in connection with the maintenance of the office of the commission at the port of New York, be, and is hereby, ratified and approved.

Approved, March 31, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MARCH 31, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meeting of the commission held on March 27, 1925, were read and approved.



The commission resumed consideration of the report to be submitted to the President in the investigation (No. 6) for the purposes of section 315 of the tariff act of 1922 in respect of the costs of production of potassium chlorate.

Mr. C. B. DeLong, chief of the chemical division, was called into the meeting during the discussion.

After general discussion the subject went over for further consideration.

The chairman laid before the commission a memorandum from the chief investigator and other members of the advisory board in reference to the completion of the work in the investigation of the costs of production of men's sewed straw hats and the fixing of a date for the public hearing therein.

After discussion of the subject it was—

Voted: That Mr. Eben M. Whitcomb be authorized to spend two or three days in New York City in cooperation with Mr. Waters, of the New York office, for the purpose of obtaining additional information concerning imports of men's sewed straw hats.

It was also—

Voted: That a public hearing in the investigation (No. 37) under the provisions of section 315 of the tariff act of 1922, heretofore ordered in respect of men's sewed straw hats, be held at 10 o'clock a. m., May 4, 1925, at the office of the United States Tariff Commission, in the city of Washington, D. C.; and that public notice thereof be given pursuant to rule by publication, as specified in said order of investigation, and by posting for 30 days prior to said May 4, 1925, a copy of said notice at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

The chairman called attention to the pendency of investigations concerning, respectively, cast polished-plate glass and gold leaf, which are before the commission and ready for the issuance of preliminary statements of information and the fixing of dates for public hearings.

After discussion of the subject it was, upon motion by Commissioner Glassie, tentatively—

Voted: That May 11, 1925, be tentatively fixed for a public hearing in the investigations (Nos. 8 and 26) under the provisions of section 315 of the tariff act of 1922 heretofore ordered in respect of mirror plates and cast polished-plate glass.

Voted: That May 18, 1925, be tentatively fixed for a public hearing in the investigation (No. 36) under the provisions of section 315 of the tariff act of 1922, heretofore ordered in respect of gold leaf.

Upon motion by Commissioner Glassie, it was further—

Voted: That consideration of the preliminary statements of information to be issued in the investigations (Nos. 8, 26, and 36) in reference, respectively, to mirror plates, cast polished-plate glass, and gold leaf, be the special order of business at the meeting of the commission to be held at 10.30 o'clock a. m. on April 7, 1925.

The secretary laid before the commission a communication from Mr. Ray S. McKnight, special expert accountant on the staff of the commission, tendering his resignation to take effect as of February 15, 1925.

It was thereupon—

Voted: That the secretary be authorized to accept the resignation of Mr. Ray S. McKnight as tendered by him.

Approved, April 3, 1925.

THOMAS O. MARVIN, *Chairman.*

— Attest:

JOHN F. BETHUNE, *Secretary.*

APRIL 2, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

Commissioner Burgess stated that after a conference with a representative of the Treasury Department relative to the low invoice values and suspected undervaluation of chinaware imported from Germany, a meeting of interested customs officials and others was held in New York City on April 1, 1925; it being deemed advisable by said Treasury representative and Commissioner Burgess that Mr. F. L. Koch and Mr. Frederick Achenbach attend this meeting, Commissioner Burgess requested them so to do, Mr. Koch being in New York at the time.

It was, upon motion by Commissioner Burgess—

Voted: That the official travel performed by Mr. Frederick Achenbach to New York City, and return, for the purpose of attending the meeting of the customs officials and others in connection with the investigation of conditions in Germany with reference to the china and porcelain industry of that country is hereby ratified and approved.

The votes of the commissioners on the foregoing resolution were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the resolution: Mr. Culbertson.

Commissioner Costigan did not vote.

The commission resumed and concluded consideration of the report to be submitted to the President in the investigation (No. 6) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of potassium chlorate; the main section of the report and the confidential section were adopted and were thereupon signed by the several members of the commission.

Mr. C. R. De Long, chief of the chemical division, was called in during the discussion.

Approved, April 7, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

APRIL 3, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The minutes of the meeting of the commission held on March 31, 1925, were read and approved.

The secretary laid before the commission a memorandum from the chief investigator, the chief of the accounting division, and the acting chief of the agricultural division, recommending that an accountant be sent to New York City to verify information compiled by the Phenix Cheese Co., in connection with the investigation of the costs of production of Swiss cheese.

After consideration of the subject, it was—

Voted: That Mr. L. G. Newman be authorized to travel to New York City, and return, for the purpose of completing and verifying factory costs of the Phenix Cheese Co. in the investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of Swiss cheese.

The secretary laid before the commission a memorandum from the chief investigator, the chief of the accounting division, and the chief of the metals division, recommending certain field work in connection with the investigations, respectively, of pig iron and magnesite.

After discussion of the subject, it was—

Voted: That Mr. F. M. Leonard and Mr. R. R. Merrill be authorized to travel to Philadelphia, Pa., New York City, and Boston, Mass., and such other points en route as may be necessary, and return, for the purpose of obtaining information in the investigations (Nos. 9 and 29) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of pig iron and magnesite, respectively.

The chairman laid before the commission reports from the advisory board on applications for the purposes of section 315 of the tariff act of 1922, in reference, respectively, to rag rugs, Japanese rice-straw rugs, and scientific instruments.

Upon suggestion by the chairman the reports referred to were added to the list of reports set out in the minutes of the meeting of the commission held on March 12, 1925, as part of the unfinished business before the commission.

The chairman laid before the commission a report from the legal division and the preferential tariffs division upon certain questions involved in the investigation (No. 1) for the purposes of section 316 of the tariff act of 1922, with respect to alleged unfair acts in the importation and sale of revolvers.

The report was referred for consideration to a committee consisting of Commissioners Culbertson and Glassie.

The commission proceeded to the consideration of a draft of the preliminary statement of information obtained in the investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of men's sewed straw hats.

Messrs. George P. Comer, A. M. Fox, P. W. Bidwell, and Charles F. Yauch, were called into the meeting during the consideration of the subject.

After discussion and amendment of the draft, it was approved for publication to all interested parties.

Approved, April 7, 1925.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

APRIL 7, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meetings of the commission held on April 2 and 3, 1925, were read and approved.

Upon suggestion by the chairman the special order of business set for this meeting was postponed, being consideration of drafts of preliminary statements to be issued to interested parties in the investigations of costs of production, respectively, of mirror plates, cast polished plate glass, and gold leaf.

The chairman laid before the commission a memorandum from the chief of the preferential tariffs division requesting that Mr. H. L. Lourie, of the agricultural division, be assigned temporarily, for about a week, to assist the preferential tariffs division in the preparation of data with respect to Spanish discriminations against American trade.

The recommendation was approved by the commission.

The secretary laid before the commission a telegram and letter dated April 6, 1925, from Mr. J. R. Rafter, attorney for certain parties interested in the investigation (No. 14) for the purposes of section 315 of the tariff act of 1922, with respect to cotton warp knit fabric gloves, and requesting that in view of certain decisions by the Board of General Appraisers in regard to the classification of such gloves, the Tariff Commission take no further action in said investigation pending the decision by the Court of Customs Appeals upon such question, and requesting a hearing before the commission on this subject.

After discussion of the communications above cited, they were referred to a committee consisting of Commissioners Glassie and Costigan for the preparation of a draft of a reply, it being the sense of the commission that the investigation should be proceeded with in due course and that Mr. Rafter be advised that the commission might later ask him to submit a memorandum on the subject.

The chairman laid before the commission a draft of the preliminary statement of information to be issued to interested parties in the investigation (No. 36) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of gold leaf.

The secretary laid before the commission correspondence with the Personnel Classification Board in regard to the allocation of the position occupied by Mr. A. M. Fox as acting chief of the economics division, pursuant to the resolution of the commission adopted on March 13, 1925. In its letters the Personnel Classification Board stated that it could not approve the allocation of this position to grade 5 of the professional and scientific service other than temporarily under the circumstances.

After discussion of the subject, it was, by Commissioner Culbertson--

Moved: That the Tariff Commission hereby creates, in addition to the position of chief economist, the position of chief of the economics division, which shall be coordinate with the commodity divisions, legal division, accounting, and other divisions of the staff.

Commissioner Culberston also—

Moved: That Mr. A. Manuel Fox be appointed chief of the economics division of the commission's staff and be allocated to grade 5 of the professional and scientific service, with salary at the rate of \$5,200 per annum.

After general discussion the foregoing two motions went over for further consideration.

During the discussion Commissioner Culbertson called attention to the resolution of the commission adopted on May 20, 1923, designating the chief economist ex officio chairman of the advisory board and designating the chief investigator ex officio vice chairman of the advisory board, and requested the secretary to call that resolution to the attention of the chief investigator and the acting chief of the economics division.

The secretary laid before the commission correspondence with the Civil Service Commission in relation to the designation of Mr. Eben M. Whitcomb as assistant chief investigator on the staff of the Tariff Commission.

The Civil Service Commission stated that it could not approve of this designation for Mr. Whitcomb without qualification by competitive examination, in view of the understanding between the two commissions as embodied in correspondence and conferences which occurred in April and May, 1917, in regard to the selection of employees of the Tariff Commission.

The correspondence was referred to Commissioner Culbertson and the secretary as a committee for consideration and preparation of a report thereon to the commission.

Upon suggestion by the chairman it was agreed that the commission would meet at 10:30 o'clock a. m. April 8, 1925, for consideration of such further organization as may be necessary in connection with the carrying on of the commission's work in Europe.

The chairman laid before the commission a memorandum from the chief of the preferential tariffs division requesting the assignment of a clerk in that division and suggesting that Mr. Robert B. Meeds, now employed temporarily as a clerk in the agricultural division, be assigned permanently as a clerk in the preferential tariffs division.

The secretary was requested to ascertain the eligibility of Mr. Meeds for employment as suggested in the memorandum referred to above.

The chairman laid before the commission a copy of the decision on April 6, 1925, by the Court of Appeals of the District of Columbia, in the case of the United States of America ex rel. Norwegian Nitrogen Products Co., appellant, v. United States Tariff Commission et al.

After discussion of the subject Commissioner Glassie was requested to prepare a draft of a statement to be issued to the public in reference to the work of the commission as affected by this decision.

Approved, April 9, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

APRIL 8, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The commission proceeded to the consideration of the special order of business set for this meeting, which was the further organization of the work of the commission in Europe.

After discussion of the subject it went over for further consideration.

Commissioner Costigan, on behalf of the committee appointed at the meeting of the commission on April 7, 1925, submitted a draft of a reply to communications received from Mr. John R. Rafter, attorney for certain parties interested in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to cotton gloves made of warp-knit fabric.

The proposed reply as submitted was approved by the commission.

Voted: That Mr. Warren N. Watson be authorized to travel to Baltimore, Md., and return for the purpose of obtaining information in regard to the production of dyes and other synthetic organic chemicals.

Approved, April 17, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

APRIL 9, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meeting of the commission held on April 7, 1925, were read and approved.

Voted: That Mr. Robert B. Meeds, temporary clerk, be transferred to the preferential tariffs division.

Upon motion by Commissioner Burgess, it was—

Voted: That pending the appointment of a chief economist, Mr. A. Manuel Fox be designated as acting chairman of the advisory board.

The votes of the commissioners on the foregoing resolution were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Burgess, Glassie, Dennis.

Against the adoption of the resolution: Messrs. Culbertson and Costigan.

The commission resumed consideration of the further organization of the work of the commission in Europe.

Commissioner Glassie submitted the following motions:

Moved: (1) That the title of the office of "Chief Investigator in Central Europe" be, and the same is hereby changed to "Representative of the United States Tariff Commission."

Moved: (2) That there is hereby created in the commission's foreign field organization the office of foreign field economist, the incumbent of which shall be located in the same city with the main headquarters for foreign investigations.

Moved: (3) That the salary of the foreign field economist shall be at the rate of \$5,000 per annum, with the usual per diem and

traveling expense when traveling from said headquarters on official business.

Moved: (4) That there shall be attached to the main European headquarters an expert accountant, who shall, in addition to the usual qualifications, have a colloquial command of the German language.

During the discussion of these motions Commissioner Culbertson submitted as a substitute therefor, the following motion:

Moved: That the headquarters of the United States Tariff Commission at Berlin, Germany, be continued with Mr. Frederick Achenbach in charge; and

Moved further: That an economist to represent the United States Tariff Commission in Europe, to be designated later, be located at Brussels, Belgium, and receive his instructions from the commission in Washington.

On the foregoing motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Culbertson, Costigan, Dennis.

Against the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

The motion was therefore rejected.

The question thereupon reverting to the first motion submitted by Commissioner Glassie, it was—

Voted: That the title of the office of "Chief investigator in central Europe" be and the same is hereby changed to "Representative of the United States Tariff Commission."

The votes of the commissioners on the foregoing resolution were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Burgess, Glassie, Dennis.

Against the adoption of the resolution: Messrs. Culbertson, Costigan.

Commissioner Costigan stated that after the vote was taken on the foregoing resolution two members of the commission indicated that in voting therefor it was not to be understood that the resolution contemplated any change in the status of Mr. Achenbach.

The question thereupon being upon the second motion submitted by Commissioner Glassie, as follows:

Moved: That there is hereby created in the commission's foreign field organization the office of foreign field economist, the incumbent of which shall be located in the same city with the main headquarters for foreign investigations.

The votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Against the adoption of the motion: Messrs. Culbertson, Costigan, Dennis.

The motion was therefore rejected.

The question thereupon being upon the third motion submitted by Commissioner Glassie, as follows:

Moved: That the salary of the foreign field economist shall be at the rate of \$5,000 per annum, with the usual per diem and travel-

ing expense when traveling from said headquarters on official business.

Commissioner Costigan made the point of order that the motion was not in order inasmuch as the position referred to therein did not exist.

The point of order was sustained.

The question thereupon being upon the fourth motion submitted by Commissioner Glassie, as modified by him during the discussion, it was—

Voted: That there shall be attached to the headquarters now at Berlin an expert accountant who shall, in addition to the usual qualifications, have a colloquial command of the German language.

Upon motion by Commissioner Burgess, it was—

Voted: That the headquarters of the United States Tariff Commission now located in Berlin, Germany, be removed to Brussels, Belgium, and that, in addition to the representative of the commission in charge, an economist be appointed to be attached to that office as foreign field economist, with salary at the rate of \$5,000 per annum.

On the foregoing resolution the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Burgess, Glassie, Dennis.

Against the adoption of the resolution: Messrs. Culbertson, Costigan.

Upon motion of Commissioner Costigan, it was—

Voted: That Vice Chairman Culbertson and Commissioner Dennis be designated as a committee to consider with Mr. Hoover, Secretary of Commerce, the development of liaisons with the Department of Commerce in the foreign work of the Tariff Commission.

Upon motion by Commissioner Burgess, it was—

Voted: That all expense accounts of representatives, agents, and employees of the United States Tariff Commission traveling in Europe on official business shall, until otherwise ordered, be presented for approval to the representative of the United States Tariff Commission having his headquarters in Brussels.

Voted further: That copies of all letters, reports, and other communications on official business from representatives, agents, and employees of the United States Tariff Commission in Europe on official business shall be filed at the headquarters of the representative of the United States Tariff Commission at Brussels.

Voted further: That all letters, reports, and other communications on official business from employees stationed permanently in Europe, other than those from the foreign field economist, shall be submitted to the representative of the United States Tariff Commission having his headquarters in Brussels for approval before being forwarded.

Voted further: That all letters, reports, and other communications from the representatives, agents, and employees of the commission in Europe shall be addressed to the United States Tariff Commission. The introductory paragraph of every such communication shall specify the person from whom in each instance the instructions being acted upon were received.



Commissioner Glassie submitted the following motion:

Moved: That the official files now in the office of Mr. Ernster in Luxemburg shall be transferred to the headquarters now in Berlin, hereafter to be at Brussels.

Moved further: That Mr. Ernster shall be attached to the headquarters now at Berlin and hereafter to be at Brussels, and shall report to the commission through said headquarters.

Moved further: That Mr. Ernster shall be entitled to the usual per diem and traveling expenses when traveling from the said headquarters on official business.

Moved further: That the salary of Mr. Ernster shall be increased by the amount of \$300 per annum beginning May 1, 1925.

After discussion of the subject, the motion went over for further consideration.

Upon motion by Commissioner Burgess, it was—

Voted: That a committee be appointed to confer with the diplomatic officials of the State Department in reference to certain suggestions as to the availability of Mr. John J. Ernster for service on business of the Tariff Commission in France.

The chairman appointed Commissioners Burgess and Dennis as members of the committee authorized in the foregoing resolution.

Approved, April 17, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

APRIL 10, 1925.

Present: Thomas O. Marvin, William Burgess, Henry H. Glassie. There being no quorum present the meeting adjourned.

Approved, April 17, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

APRIL 14, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, Henry H. Glassie.

The commission proceeded to the consideration of the draft of the preliminary statement of information to be issued to interested parties in the investigation pursuant to the provisions of section 315 of the tariff act of 1922 with respect to the costs of production of gold leaf.

The chief investigator and the acting chief of the economics division were called into the meeting during the discussion.

After discussion of the subject the draft was approved, and upon motion by Commissioner Glassie, it was—

Voted: That a public hearing in the investigation (No. 36) under the provisions of section 315 of the tariff act of 1922, heretofore ordered in respect to gold leaf, be held at 10 o'clock a. m. May 18, 1925, at the office of the United States Tariff Commission in the

city of Washington, D. C.; and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation and by posting for 30 days prior to said May 18, 1925, a copy of said notice at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

The commission proceeded to the consideration of the draft of the preliminary statement of information to be issued to interested parties in the investigations pursuant to the provisions of section 315 of the tariff act of 1922 with respect to the costs of production of mirror plates and cast polished plate glass.

Messrs. P. W. Bidwell and J. M. Albertson were called into the meeting during the discussion.

After discussion of the subject the draft of the statement was recommitted to the advisory board for amendment.

The chairman laid before the commission a report from the advisory board upon the application for an investigation pursuant to the provisions of section 315 of the tariff act of 1922 with respect to certain fresh fish caught in Lake Erie. Upon the suggestion of the chairman the foregoing report was added to the list of reports enumerated in the minutes of the meeting of the commission held on March 12, 1925.

Approved, April 17, 1925.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

APRIL 16, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The secretary laid before the commission a letter from the Comptroller General transmitting his decision that the position heretofore held by Mr. Donald W. Clayton as clerk to former Commissioner David J. Lewis ceased to exist concurrently with the termination of Mr. Lewis's service as a member of the commission and that salary to Mr. Clayton under his appointment to that position therefore could not be paid subsequent to March 4, 1925.

The secretary laid before the commission a communication from Mr. Henry H. Waters, in charge of the office of the commission at New York, advising that Mr. Daniel J. O'Connor, whose transfer to that office was authorized on March 19, 1925, has declined such appointment, and recommending that the transfer of Mr. Alfred T. O'Hara of the Department of Commerce be authorized.

Upon motion by Commissioner Burgess, it was—

Voted: That Mr. Alfred T. O'Hara be appointed as a clerk in the office of the Tariff Commission at the port of New York, with salary at the rate of \$1,860 per annum.

The secretary laid before the commission a memorandum from the chief of the chemical division to the effect that Dr. Grinnell Jones would be available for service in Washington during the week beginning April 20, 1925, and recommending that Doctor Jones be authorized to come to Washington at that time for service in con-

nection with the completion of the rough draft of the preliminary statement of information to be issued in the pending investigation concerning vegetable oils.

It was thereupon—

Voted: That Dr. Grinnell Jones be authorized to travel from Cambridge, Mass., to Washington, D. C., and return, upon official business in connection with the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, in respect of vegetable and animal oils and fats.

The chairman laid before the commission the motion submitted on March 27, 1925, by Commissioner Costigan and by the chairman, consideration of which had been postponed.

After discussion of the subjects matter of these motions, the question being upon the motion submitted by Commissioner Costigan as follows:

Moved: That Mr. F. M. Leonard be promoted to the position of chief of the metals division with compensation at the rate of \$4,500 per annum.

the votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Mr. Costigan.

Against the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Commissioner Dennis did not vote on this motion.

The motion was therefore rejected.

The question being upon the motion submitted by Chairman Marvin, as amended upon the suggestion of Commission Glassie, it was—

Voted: That Mr. Paul M. Tyler be reemployed as special expert on the staff of the Tariff Commission with compensation at the rate of \$3,800 per annum, and be assigned to the metals division.

Upon motion by the chairman, it was—

Voted: That the salary of Mr. F. M. Leonard, acting chief of the metals division of the commission's staff, be, and is hereby, increased from \$3,800 to \$4,600 per annum, effective April 16, 1925.

The chairman gave notice of his intention to move at some later date that the salary of Mr. P. M. Tyler, whose employment was this day authorized at the rate of \$3,800 per annum, be increased to \$4,500 per annum.

The chairman laid before the commission a memorandum from the chief investigator and the chief of the ceramics division in regard to organization of the field work in the pending investigation in regard to china and earthenware.

After discussion of the subject, it was—

Voted: That Mr. F. L. Koch and two accountants from the commission's staff be authorized to visit American pottery plants in Syracuse, N. Y., and Coshocton, Ohio, for the purpose of investigating cost-accounting methods employed in the pottery industry, in connection with the preparation of schedules of costs of production for use in the pending investigation (No. 41) for the purposes of section 315 of the tariff act of 1922, with respect to china and earthenware.

It was also—

Voted: That the secretary is authorized to negotiate with competent certified public accountants known to be familiar with the keeping of accounts in the pottery industry, with a view to obtaining the

services of an accountant who has had experience in cost accounting in that industry, in connection with the pending investigation (No. 41) for the purposes of section 315 of the tariff act of 1922, in respect of china and earthenware.

The commission proceeded to the consideration of the reports from the advisory board upon applications for an investigation with respect to glue and edible gelatin, respectively, for the purposes of section 315 of the tariff act of 1922.

The chief investigator and the acting chief of the economics division were called into the meeting during the discussion.

After discussion of the subject and upon motion by Commissioner Burgess, the report in reference to glue was recommitted to the advisory board for further consideration.

After further discussion—and upon motion by Commissioner Glassie the report in reference to edible gelatin was recommitted to the advisory board with instructions to report it back to the commission, if practicable, at the same time that its report on glue is reported back.

Approved, April 28, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

APRIL 17, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meetings of the commission held on April 8, 9, 10, and 14, 1925, were read and approved.

The chairman laid before the commission a communication from Mr. George W. Armstrong, president of the Texas Steel Co., Fort Worth, Tex., requesting to be heard by the commission on May 1, 1925, on behalf of dealers in steel products, in regard to the necessity for an increase in the duty on steel.

Upon motion by Commissioner Dennis, it was—

Voted: That the chairman be authorized to inform Mr. Armstrong that members of the commission would confer with him informally on May 1, 1925, as requested in his letter of April 14, 1925; and that the metals division be instructed to prepare, prior to said conference, such data as may be available in reference to the iron and steel industry.

On the foregoing resolution Commissioner Costigan did not vote.

The secretary laid before the commission a communication from the Public Printer in reference to further use of the type for the Dictionary of Tariff Information.

After discussion of the subject it was—

Voted: That the secretary is authorized to have printed and bound for the commission a second edition of the Dictionary of Tariff Information with necessary corrections.

The commission adjourned to meet again at 2.30 o'clock p. m.

## AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The commission proceeded to the consideration of the advisory board reports upon applications for investigations pursuant to the provisions of section 315 of the tariff act of 1922, with respect to strontium nitrate, bent-wood chairs, and rag rugs, and rice-straw rugs, respectively.

The chief investigator and the acting chief of the economics division were called into the meeting during the discussion.

After discussion of the several reports they went over for further consideration.

Approved, April 28, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

APRIL 21, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its published order adopted on March 6, 1925, setting this date for a public hearing in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of butter.

After hearing evidence by all parties appearing and requesting to be heard, the commission announced that the hearing was adjourned until 10 o'clock a. m. April 22, 1925.

Approved, April 28, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

APRIL 22, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment passed on April 21, 1925, for the purpose of continuing the hearing in the investigation (No. 38) of the differences in costs of production of and of all other facts in relation to butter, under the provisions of section 315 of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard in respect of the costs of production of butter the commission announced that the hearing was closed and that briefs might be filed by interested parties until May 11, 1925.

Approved, April 28, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

APRIL 23, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Alfred P. Dennis.

Voted: That Mr. Arthur L. Faubel, whose employment in connection particularly with foreign work of the pending investigation with respect to china and earthenware was authorized, be assigned to the field service of the commission with official station at Berlin (later Brussels) headquarters.

The chairman laid before the commission a memorandum from members of the advisory board in reference to suggested field work in connection with the preliminary investigation of pending applications for investigations for the purposes of section 315 of the tariff act of 1922 with respect to glue and edible gelatin.

After discussion of the subject it was upon motion by Commissioner Dennis—

Voted: That Mr. C. R. De Long be authorized to travel for not to exceed 10 days to Philadelphia, Pa.; New York, N. Y.; Boston, Mass.; and such other intermediate or near-by points as may be necessary and return for the purpose of obtaining information concerning production, imports, and consumption of glue and edible gelatin.

The chairman laid before the commission reports from the advisory board, heretofore under consideration, upon applications for investigations for the purposes of section 315 of the tariff act of 1922, with respect to strontium nitrate, bent-wood chairs, rag rugs, Japanese rice-straw rugs, scientific instruments, and certain lake fish, respectively.

The commission proceeded to the consideration of the report with reference to strontium nitrate.

After discussion of the subject and upon motion by Commissioner Dennis, it was—

Voted: That no investigation under the provisions of section 315 of Title III of the tariff act of 1922, with reference to strontium nitrate, be ordered at the present time.

Voted: That the secretary be directed to send a letter to the du Pont de Nemours Co. advising them that after careful consideration of the application for an increase in the rate of duty on strontium nitrate, the commission is of opinion that the institution of a formal investigation for the purposes of section 315 of Title III of the tariff act of 1922, is not warranted at the present time by the facts developed by the commission's inquiries, and further that the commission will be ready at any time in the future to give further consideration to this subject in the light of such additional information as the applicant may care to submit or that may be otherwise developed.

The commission proceeded to the consideration of the advisory board report in reference to bent-wood chairs.

After consideration of the subject and upon motion by Commissioner Burgess, it was—

Voted: That the following order be adopted by the United States Tariff Commission:

## INVESTIGATION No. 42 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

## BENT-WOOD CHAIRS

The United States Tariff Commission on this 23d day of April, 1925, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the following articles included within the class or kind of articles provided for in paragraph 410 of Title I of said tariff act, namely:

Bent-wood chairs being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks, in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Upon the foregoing resolution Commissioner Costigan did not vote, and Commissioner Culbertson was not present when the vote was taken.

Approved, April 28, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

APRIL 24, 1925.

Present: Thomas O. Marvin, William S. Culbertson, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The chairman laid before the commission advisory board reports in reference, respectively, to scientific instruments, rag rugs, Japanese rice straw rugs, and certain lake fish, coming over from the previous meeting.

Upon motion by Commissioner Costigan, it was—

Voted: That an investigation be, and is hereby, instituted by the Tariff Commission under its general powers, in reference to the production, importation, consumption, and other features of the scientific instrument industry.

The commission resumed consideration of the advisory board report with reference to rag rugs.

The chief investigator, the acting chief of the economics division, and the chief of the textile division were called into the meeting during the discussion.

After discussion of the subject and upon motion by Commissioner Burgess, it was—

Voted: That the recommendations contained in the report of the advisory board under date of March 18, 1925, in reference to an investigation for the purposes of section 315 of the tariff act of 1922, with respect to rag rugs, be, and are hereby, approved.

On the foregoing resolution the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Burgess, Glassie, Dennis.

Against the adoption of the resolution: Messrs. Culbertson, Costigan.

Upon motion by Commissioner Burgess, it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission—

INVESTIGATION NO. 43 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922-

RAG RUGS

The United States Tariff Commission on this 24th day of April, 1925, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the following articles included within the class or kind of articles provided for in paragraph 1022 of Title I of said tariff act, namely:

Rag rugs being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

The commission proceeded to consider the report of the advisory board in reference to Japanese rice straw rugs.

After discussion of the subject it went over for further consideration.

It was agreed that the special order of business at the next meeting of the commission should be the consideration of the advisory board report in reference to proposed investigation for the purposes of section 315 of the tariff act of 1922, in respect of certain lake fish, and the formulation of a report to be submitted to the President in the investigations (Nos. 13 and 14) for the purposes of section



315 of the tariff act of 1922, in respect of the costs of production of cotton warp-knit fabric and gloves made thereof.

The chairman laid before the commission a draft of a report to be submitted to the President pursuant to the provisions of section 317 of the tariff act of 1922, with respect to alleged discriminations by the Government of Spain against the importation of American red gum lumber.

After consideration the report was approved by the commission for transmittal to the President and was thereupon signed by the several commissioners.

Approved, April 28, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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APRIL 28, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meetings of the commission held on April 16, 17, 21, 22, 23, and 24, 1925, were read and approved.

The committee consisting of Commissioners Glassie, Costigan, and Dennis laid before the commission a draft of a letter and accompanying statement prepared for transmittal to the Secretary of State, in reference to alleged unfair acts and practices on the part of Italian exporters of olive oil to the United States.

After consideration of this subject the proposed letter and memorandum were approved, with amendments.

Upon motion by Commissioner Glassie, it was—

Voted: That Mr. E. J. Borton be requested to come from Dayton, Ohio, to Washington, D. C., for the purpose of a conference with the members of the Tariff Commission in regard to the organization of the pending investigation (No. 41) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of china and earthenware; and that the secretary be authorized to reimburse Mr. Borton for his actual and necessary traveling expenses for the trip.

Upon motion by the chairman, it was—

Voted: That Commissioner Dennis is appointed a member of the committee on personnel.

The following statement to be entered in the minutes was made:

By Commissioner BURGESS. My attention has been called to the minutes of the commission of May 23, 1924, which read as follows:

Commissioner Burgess did not vote upon the foregoing resolution. He stated that he withheld his vote and would refrain from participation in an investigation for the purposes of section 315 of the tariff act of 1922, in respect of butter or other dairy products, inasmuch as he is the owner of a farm on which he produces such articles, from the sale of which he receives financial returns.

This was an abbreviated and incomplete minute of what I stated at the time. In addition to the above, I said that my dairy stock at my home farm consisted of three Jersey cows for the family requirements of milk, cream, and butter; that possibly two or three pounds of butter in excess of the family needs might have been

produced and sold, and if so, I had a financial interest in the production of butter to that extent, but that I was not aware that such was the case. Since making the above statement, I have been informed that no butter has been sold from the farm for the past five years.

The above extract from the minutes, together with the statements made by Commissioners Glassie and Marvin, were submitted to the Comptroller General, who expressed his opinion that interest sufficient to disqualify a member from participating in an investigation must be—

Special, direct, and pecuniary in the subject matter of the investigation, and the intentment is such interest as would be predominant and likely to influence judgment.

In view of the above, I felt it my duty to sit with the other commissioners at the hearing held April 21 and 22 at the offices of the commission on the subject of butter.

Approved, May 5, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

— --  
APRIL 30, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

Upon motion by the chairman, it was—

Voted: That Miss Cornelia Notz be authorized to perform her duties at her home for a period of not to exceed two weeks.

Upon motion by Commissioner Burgess, it was—

Voted: That Mr. A. M. Fox is appointed chief of the economic division, and that he be promoted to Grade 5 of the professional and scientific service, with salary at the rate of \$5,200 per annum.

The votes of the commissioners on the foregoing resolution were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Burgess, Glassie, Dennis.

Against the adoption of the resolution: Mr. Costigan.

The secretary reported to the commission upon the status of certain clerks who were employed temporarily in connection with the pending investigations with respect to butter and Swiss cheese.

It was thereupon—

Voted: That the secretary be authorized to arrange, through civil-service channels, for the probational appointment of Messrs. Robert E. Meeds, Albert J. T. Meurer, and Charles A. Carter.

Commissioner Burgess submitted a request that the report to be submitted by the commission to the President in the investigation with respect to paintbrush handles be taken up for consideration at an early date.

The commission proceeded to consideration of the report from the advisory board upon applications for an investigation for the purposes of section 315 of the tariff act of 1922, with respect to certain lake fisheries.

The chief investigator, the chief of the economics division, and Mr. L. T. Hopkinson, fisheries expert, were called into the meeting during the discussion.

After discussion of the subject it was, upon motion by Commissioner Glassie—

Voted: That the United States Tariff Commission deems it inadvisable to institute at this time an investigation for the purposes of section 315 of the tariff act of 1922, with respect to the fishing industry in the Great Lakes.

It was, upon motion by Commissioner Glassie, also—

Voted: That under the general powers of the commission an investigation is ordered of the important commercial fisheries of the Great Lakes and of other lakes, the products of which compete with those of the Great Lakes; special attention to be given to ciscoes, blue pike, sauger, whitefish, yellow pike, pickerel, trout, and perch.

Upon suggestion by Commissioner Dennis, the commission discussed the question of further consideration of applications heretofore received for investigation under the provisions of section 315 of the tariff act of 1922, with respect to the duty upon game birds.

Upon motion by Commissioner Burgess, it was—

Voted: That applications for investigation for the purposes of section 315 of the tariff act of 1922, with respect to the duty upon game birds, be further considered by the commission and be added to the list of subjects now before the commission as unfinished business.

Approved, May 5, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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MAY 1, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

Upon suggestion by the chairman the reading of the minutes of the meeting of the commission held on April 28, 1925, was postponed.

The chairman laid before the commission a memorandum from the chief of the textile division recommending the reemployment of Miss Evelina P. Kean as special expert and her assignment to the textile division.

Upon suggestion by Commissioner Burgess the memorandum was referred to the personnel committee for consideration.

Approved, May 5, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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MAY 4, 1925.

Present: Thomas O. Marvin, Edward P. Costigan.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its published order adopted on March 31, 1925, setting this date for a public hearing in the investigation (No. 37) of the differ-

ences in costs of production of, and of all other facts in relation to men's sewed straw hats, under the provisions of section 315 of the tariff act of 1922.

Pursuant to its published notice dated April 21, 1925, in compliance with the application of the National Association of Men's Straw Hat Manufacturers of America, the hearing was adjourned until 10 o'clock a. m., May 14, 1925.

Approved, May 8, 1925.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

MAY 5, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meetings of the commission held on April 28, 30, and May 1, 1925, were read and approved.

The chairman laid before the commission a draft of a report to be submitted to the President, under the provisions of section 317 of the tariff act of 1922, upon discriminations against the commerce of the United States by the Australian government through the operation of its tariff by-laws.

Dr. B. B. Wallace, chief of the preferential tariffs division, was called in to the meeting during the discussion.

After discussion of the subject the report was approved for transmittal to the President and was thereupon signed by the several commissioners.

The chairman laid before the commission memoranda from the chief of the accounting division and from the chief of the economics division, in reference to the proposed employment of a special accountant for service in connection with the field work in the pending investigation with reference to china and earthenware.

The chief investigator and the chief of the economics division were called in during the discussion.

After discussion of the subject and upon motion by Commissioner Glassie, it was—

Voted: That the secretary be, and is hereby, authorized to negotiate with Mr. E. J. Borton, of Dayton, Ohio, for his services as special expert accountant, with salary at a rate not to exceed \$500 per month, in connection with the pending investigation (No. 41) for the purposes of section 315 of the tariff act of 1922, with respect to china and earthenware.

Commissioners Burgess and Dennis did not vote on the foregoing resolution.

Voted: That the employment of Mr. Godfrey E. Braun be extended until May 31, 1925, in connection with the pending investigation in reference to costs of production of Swiss cheese.

Approved, May 8, 1925.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

MAY 7, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The chairman laid before the commission a draft of the report to be submitted to the President upon the commission's investigation (No. 14) for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of cotton warp-knit gloves in the United States and in competing foreign countries.

After discussion of the subject it went over for further consideration.

Approved, May 12, 1925.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

MAY 8, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meetings of the commission held on May 4 and 5, 1925, were read and approved.

The commission proceeded to the consideration of the designation of members of the staff to be assigned to the field work in the pending investigation with respect to china and earthenware.

The chairman laid before the commission a memorandum on this subject from the chief investigator, chief of the accounting division, and chief of the ceramics division.

After discussion of the subject, it was, upon motion by Commissioner Glassie—

Voted: That Mr. H. F. Barker and Mr. V. A. Roberts be assigned as accountants in the preliminary field work in connection with the pending investigation (No. 41) for the purposes of section 315 of the tariff act of 1922, with respect to china and earthenware.

It was also—

Voted: That Messrs. F. L. Koch, J. M. Albertson, E. J. Borton, H. F. Barker, and V. A. Roberts be authorized to visit American pottery plants in Syracuse, N. Y., and Coshocton, Ohio, for the purpose of investigating cost accounting methods employed in the pottery industry, in connection with the preparation of schedules of costs of production for use in the pending investigation (No. 41) for the purposes of section 315 of the tariff act of 1922, with respect to china and earthenware.

Upon motion by Commissioner Glassie, it was—

Voted: That the commission proceed as soon as practicable to inquire into the qualifications of Mr. John N. Torvestad of the accounting division.

The chairman laid before the commission two statistical tables designated, respectively, as 1-A and 1-B, substituted for Table 1 in the draft of the report to be submitted to the President in the investigation with respect to the costs of production of cotton warp-knit gloves.

Approved, May 12, 1925.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

MAY 9, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The commission resumed consideration of the draft of a report to be submitted to the president in the investigation (No. 14) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of cotton gloves made of wrap-knit fabric.

The chief of the economics division, the chief of the textile division, and Mr. T. D. L. Menchion, of the textile division, were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Approved, May 12, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MAY 12, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meetings of the commission held on May 7, 8, and 9, 1925, were read and approved.

The chairman laid before the commission a memorandum from the advisory board in reference to plans for the conduct of the investigation of the scientific instrument industry, pursuant to the resolution of the commission adopted on April 23, 1925.

After discussion of the subject and upon motion by Commissioner Costigan, it was—

Voted: That Mr. Paul M. Tyler and Mr. Benjamin Wall be authorized to travel to Philadelphia, Pa., New York, N. Y., Boston, Mass., and such intermediate places as may be necessary, and return, for the purposes of obtaining information in connection with the pending investigation of the scientific instrument industry.

The chairman laid before the commission a memorandum from the chief investigator and the chief of the textile division with reference to field work in the pending investigation with respect to the costs of production of rag rugs.

After discussion of the subject, it was—

Voted: That Mr. D. W. Alexander, Mr. William J. Dedicott, and Mr. Myron Grigg, be authorized to travel to Carlisle, Pa., for the purpose of testing the proposed schedule of costs of production of rag rugs in connection with the pending investigation (No. 43) of that subject; and that, if the schedule be found satisfactory for the purposes intended they be authorized to travel to Philadelphia, and other places in Pennsylvania; Newark, Millville, and other places in New Jersey; and to Astoria, Syracuse, and other places in New York, for the purpose of ascertaining costs of production of rag rugs.

The chairman laid before the commission a memorandum from the chief of the ceramics division recommending the employment of a special expert familiar with chemical glassware, optical glass and instruments, and other scientific articles, to be assigned to the ceramics division.

The memorandum and recommendation were referred to the committee on personnel.

The secretary laid before the commission a memorandum from Mr. Dexter North requesting, on account of ill health, leave of absence without pay for about three and one-half months beginning about the middle of June. The secretary also laid before the commission a memorandum from Mr. H. A. Kopp requesting, on account of ill health, leave of absence without pay for three months beginning about June 12, 1925.

After discussion of the subject, it was---

Voted: That the secretary is authorized to grant leave of absence without pay to Mr. Dexter North and to Mr. Herman A. Kopp, respectively, as requested in the foregoing memoranda, in so far as the same may be compatible with the proper dispatch of the public business.

The secretary laid before the commission a typewritten brief submitted by Mr. Cornelius A. Parker, one of the parties of interest appearing as of record at the public hearing held on April 21, 1925, in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of butter, at the close of which hearing permission was granted to all parties interested to file printed briefs.

The secretary was instructed to inform Mr. Parker that his brief would be accepted by the commission if he would furnish the requisite number of additional mimeographed or printed copies for official use by the commission and to be served upon other parties interested in the investigation.

The chairman laid before the commission a draft of a preliminary statement of information intended to be issued to interested parties in the pending investigations for the purposes of section 315 of the tariff act of 1922, with respect to mirror plates and plate glass.

The draft was referred to a committee consisting of Commissioners Costigan and Glassie with the request that if practicable it be reported back to the commission for consideration on May 15, 1925.

The commission resumed consideration of the report to be submitted to the President in the pending investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of cotton gloves made of warp knit fabric.

Messrs. Comer, Fox, Clark, Menchion, and Blachly of the commission's staff were called into the meeting during the discussion.

After discussion of the subject, it went over for further consideration.

Approved, May 19, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MAY 14, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment of May 4, 1925, for the purpose of continuing the public hearing in the investigation (No. 37) of the

differences in costs of production of, and of all other facts in relation to, men's sewed straw hats, under the provisions of section 315 of Title III of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard the commission announced that the hearing was adjourned until 10 o'clock a. m., May 15, 1925.

Approved, May 19, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MAY 15, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment passed on May 14, 1925, for the purpose of continuing the hearing in the investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of men's sewed straw hats.

After hearing evidence by all parties appearing and requesting to be heard the commission announced that the hearing was adjourned until 10 o'clock a. m., May 16, 1925.

Approved, May 19, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MAY 16, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment passed on May 15, 1925, for the purpose of continuing the hearing in the investigation (No. 37) of the differences in costs of production of and of all other facts in relation to men's sewed straw hats, under the provisions of section 315 of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard in respect of the costs of production of men's sewed straw hats the commission announced that the hearing was closed, and that briefs might be filed by interested parties until June 6, 1925.

Approved, May 19, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.



MAY 18, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its published order adopted on April 14, 1925, setting this date for a public hearing in the investigation (No. 36) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of gold leaf.

After hearing evidence by all parties appearing and requesting to be heard the commission announced that the hearing was adjourned until 10 o'clock a. m., May 28, 1925, and that briefs might be filed by interested parties until June 4, 1925.

Approved, May 21, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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MAY 19, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meetings of the commission held on May 12, 14, 15, and 16, 1925, were read and approved.

The secretary stated that Vice Chairman William S. Culbertson had requested him to inform the commission that Mr. Culbertson had entered, on May 18, upon his duties as envoy extraordinary and minister plenipotentiary of the United States to Rumania, and had resigned as a member of the United States Tariff Commission as of May 17, 1925.

Commissioner Costigan, on behalf of the committee to which was referred on May 12 a draft of a preliminary statement to be issued to interested parties in the pending investigations with respect to mirror plates and plate glass, reported the draft with amendments.

After discussion of the subject and upon motion by the chairman, the draft was referred back to the committee for consideration.

Upon motion by Commissioner Glassie, it was—

Voted: That the secretary be authorized to arrange for the employment of Miss Evelina P. Kean as special expert for three months beginning July 1, 1925, with salary at the rate of \$2,400 per annum, to be assigned to the textile division in Grade 2 of the professional and scientific service.

The chairman laid before the commission a communication from the President under date of May 14, 1925, transmitting an application from the State game warden of Maryland for a reduction in the duty on imported game birds.

The commission proceeded to the consideration of the application referred to in the President's communication.

During the discussion the chief investigator and Dr. P. W. Bidwell, of the commission's staff, were called into the meeting.

After consideration of the subject and upon motion by Commissioner Burgess, it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 41 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

LOB-WHITE QUAIL

The United States Tariff Commission on this 19th day of May, 1925, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the following articles included within the class or kind of articles provided for in paragraph 711 of Title I of said tariff act, namely, live bob-white quail, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate, on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the Commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

In voting for the foregoing resolution, Commissioner Costigan stated that he did so, interpreting the President's letter as a request for an investigation by the commission of the costs of production of game birds.

Upon motion by Commissioner Burgess, it was—

Voted: That the salary of Miss Ruth M. Ridgway, stenographer assigned heretofore to Commissioner Culbertson, be continued without change until May 31, 1925.

The secretary having heretofore called attention to the expiration of the temporary employment of Mr. A. B. Kenkel, of the preferential tariffs division, it was—

Voted: That the secretary be authorized to arrange for the retention of Mr. A. B. Kenkel for service in his present position for a temporarily further period not to exceed six months from May 17, 1925.

Approved, May 26, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MAY 21, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meeting of the commission held on May 18, 1925, were read and approved.

The chairman laid before the commission memoranda from the chief investigator with reference to preliminary field work in the pending investigation with respect to the duty on bob-white quail.

After consideration of the subject, it was—

Voted: That Dr. P. W. Bidwell, Mr. Harry L. Lourie, and Mr. L. G. Newman, be authorized to travel to Richmond and Windsor Shades, Va., and return, for the purpose of obtaining information in connection with the investigation (No. 44) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of bob-white quail; and that they be authorized to incur such expense as may be necessary for transportation by automobile or otherwise when transportation by common carrier is not available.

The secretary laid before the commission a memorandum by the acting chief of the metals division and the chief investigator recommending the employment of Prof. John L. Bray, of Purdue University, during the summer months for special work in connection with work under the metals division of the commission's staff.

During the discussion of this subject the acting chief of the metals division was called into the meeting.

After discussion of the subject, it was—

Voted: That the secretary be authorized to negotiate with Prof. John L. Bray for his services as special expert, grade 4, professional and scientific service, with entrance salary at the rate of \$3,800 per annum, for a period not to exceed three months, to be assigned to the metals division.

Upon motion by the chairman, it was—

Voted: That the salary of Mr. Paul M. Tyler, special expert in the metals division, be, and is hereby, increased from \$3,800 per annum to \$4,400 per annum, effective May 16, 1925.

The secretary laid before the commission a memorandum from the acting chief of the metals division and the chief investigator in reference to the need for certain information in connection with the knitting machine industry.

After consideration of the subject, it was—

Voted: That Mr. H. S. DeMeritt be authorized, while on leave of absence, to spend not to exceed four days on official duty in New York City for the purpose of obtaining from the customhouse information concerning recent importations of knitting machines.

The secretary laid before the commission a memorandum from the chief of the textile division recommending a reprint of the commission's report on "100 Imported Cotton Cloths."

After consideration of the subject, it was—

Voted: That the secretary is authorized to have printed for distribution 500 additional copies of Tariff Information Survey I-3a entitled "100 Imported Cotton Cloths," with such corrections as may be necessary.

The chairman appointed Commissioner Costigan as a committee to give special attention to the preparation and presentation to the commission of a draft report in the pending investigation (No. 36) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of gold leaf.

The chairman appointed Commissioner Dennis as a committee to give special attention to the preparation and presentation to the commission of a draft report in the pending investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of men's sewed straw hats.

The chairman laid before the commission a report dated May 20, 1925, from the advisory board upon application for an investigation under the provisions of section 315 of the tariff act of 1922, with respect to the costs of production of black and silver fox skins.

Upon suggestion by the chairman this report was made the special order of business of a meeting of the commission to be held on May 22, 1925.

The chairman laid before the commission a revised report from the advisory board under date of April 22, 1925, upon applications for investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of cotton cloth dutiable under paragraphs 903 and 906 of that act.

Upon motion by the chairman, it was—

Voted: That the advisory board be instructed to report to the commission as promptly as may be practicable upon applications for investigation under the provisions of section 315 of the tariff act of 1922, with respect to the costs of production of granite.

Approved, May 26, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MAY 22, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The chairman laid before the commission a memorandum from the chief investigator recommending that Mr. Arthur L. Faubel be authorized to travel to Syracuse, N. Y., and Trenton, N. J., for the purpose of familiarizing himself with the conditions of production in the pottery industry of the United States.

During the discussion of the subject, it was, by Commissioner Costigan—

Moved: That the action of the United States Tariff Commission in authorizing, on March 24, 1925, the employment of Mr. Arthur L. Faubel as special expert in connection with the pending investigation with respect to costs of production of china and earthen ware be, and is hereby, rescinded.

In submitting the foregoing motion the following statement was made:

By Commissioner COSTIGAN: It appears from the recommendation, signed by the chief investigator and Mr. Faubel, that Mr. Faubel is not familiar with conditions of production in the pottery industry in the United States. This information is in the nature

of a surprise to me and I must record the fact that I voted for Mr. Faubel's employment under misapprehension as to his expert qualifications.

By Chairman MARVIN: I must record my vote against the motion submitted by Commissioner Costigan, because Mr. Faubel, as I understood his assignment to duty, was not employed as a pottery expert, but as an economist to assist in the conduct of the investigation as is the custom of the commission wherever possible in its investigations to associate with the commodity experts and accountants a man of economic training and experience. It was in this capacity, that is, as an economist, that Mr. Faubel was selected by the commission for service in connection with this investigation.

The question being upon the motion submitted by Commissioner Costigan, the votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Mr. Costigan.

Against the adoption of the motion: Messrs. Marvin and Glassie. Commissioner Dennis did not vote.

The motion was therefore rejected.

Upon motion by Chairman Marvin, it was—

Voted: That Mr. Arthur L. Faubel be authorized to travel to Syracuse, N. Y., and Trenton, N. J., and return in connection with the pending investigation with respect to china and earthenware.

On the foregoing resolution the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Glassie, Dennis.

Against the adoption of the resolution: Mr. Costigan.

The commission proceeded to consideration of a report from the advisory board upon an application for investigation under the provisions of section 315 of the tariff act of 1922, with respect to the costs of production of black and silver fox skins.

The chief investigator, the chief of the economics division, and the chief of the sundries division were called into the meeting during the discussion.

After discussion of the subject, it was, by Chairman Marvin—

Moved: That an investigation be instituted by the Tariff Commission for the purposes of section 315 of the tariff act of 1922, with respect to costs of production of black or silver fox skins, dressed or undressed.

Upon request by Commissioner Costigan the motion went over for further consideration at the next regular meeting of the commission.

Approved, May 26, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

MAY 26, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meetings of the commission held on May 19, 21, and 22, 1925, were read and approved.

Voted: That Mr. Frederick L. Koch be authorized in connection with his present field trip to travel also to Trenton, N. J., on official business in connection with the pending investigation (No. 41) for the purposes of section 315 of the tariff act of 1922, with respect to china and earthen ware.

The chairman called up the motion submitted by him at the meeting of the commission on May 22, 1925, for the institution of an investigation for the purposes of section 315 of the tariff act of 1922, with respect to black and silver fox skins.

After discussion of the subject, it went over for further consideration.

The secretary reported verbally upon the cost of a reprint edition of 500 copies of the Tariff Information Survey entitled "100 Imported Cotton Cloths."

After discussion of the subject, it was—

Voted: That the resolution of the commission adopted on May 21, 1925, for a reprint of the Tariff Information Survey entitled "100 Imported Cotton Cloths" be, and the same is hereby, rescinded.

The secretary laid before the commission a cablegram from Mr. Frederick Achenbach stating that the headquarters of the commission now located in Berlin, Germany, would be transferred to, and opened in, Brussels, Belgium, on June 1, 1925, pursuant to the directions of the commission heretofore received.

The chairman laid before the commission a draft of a report to be submitted to the President in the investigation (No. 13) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of cotton warp-knit fabric.

After discussion of the subject, it was, upon motion by Commissioner Glassie—

Voted: That the draft of the report in the investigation (No. 13) for the purposes of section 315 of the tariff act of 1922, with respect to cotton warp-knit fabric, be referred to the advisory board with instructions to arrange the essential material in conformity with the approved plan of commission reports to the President, to have the text read by Miss Williams and by an economist to be assigned for that purpose, and to report the draft back to the commission with all possible dispatch.

Approved, June 5, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MAY 28, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The commission met in the hearing room at 10 o'clock a. m., pursuant to its order of adjournment passed on May 18, 1925, for the purpose of continuing the hearing in the investigation (No. 36) of the differences in costs of production of, and of all other facts in relation to, gold leaf, under the provisions of section 315 of the tariff act of 1922.

After hearing evidence by all parties appearing and requesting to be heard in respect of the costs of production of gold leaf, the

commission announced that the hearing was closed, and that the date for the filing of briefs heretofore set as June 4, 1925, was extended to June 15, 1925.

Approved, June 2, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

MAY 29, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, William Burgess, Henry H. Glassie, Alfred P. Dennis.

The secretary laid before the commission a memorandum from the chief investigator requesting further instructions as to whether or not the communication from Mr. Benjamin C. Marsh to the President dated April 25, 1925, and referred to the Tariff Commission, should be considered as an application for the purposes of section 315 of the tariff act of 1922.

After consideration of the subject, it was, upon motion by Commissioner Costigan—

Voted: That the chief investigator be instructed, in response to his inquiry of May 27, 1925, to treat the letter from Mr. Benjamin C. Marsh to the President, under date of April 25, 1925, as an application for the purposes of section 315 of the tariff act of 1922, in respect of each of the subjects mentioned in the letter.

Commissioner Costigan submitted the following motion:

Moved: That the commission take immediate and active steps to clear its congested docket of investigations under sections 315 and 316 of the tariff act of 1922.

Moved further: That to this end (except that during periods of recess or unavoidable delay in completing reports in Group I, consideration may be given to investigations in Groups II and III) precedence be given by the commission to pending investigations in the following order:

1. Investigations ready, or substantially ready, for the consideration of final reports:

Cotton warp-knit fabric. (No. 13.)

Cotton fabric gloves. (No. 14.)

Butter. (No. 38.) (Given precedence pursuant to President's request.)

Straw hats. (No. 37.) (Advanced.)

Cotton hosiery. (No. 15.)

Logwood extract. (No. 5.)

Print rollers. (No. 24.)

Taximeters. (No. 25.)

Phenol. (No. 21.)

Cresylic acid. (No. 22.)

Kotex. (No. 3, sec. 316.)

Gold leaf. (No. 36.)

2. Investigations in which preliminary statements of information should be promptly issued and public hearings held before summer:

Polished plate glass and mirror plates. (Nos. 26 and 8.)

Logs. (No. 35.)

Vegetable and animal oils and fats. (No. 34.)

Lace. (No. 32.)

Swiss pattern files. (No. 10.)

Swiss cheese. (No. 39.)

Halibut. (No. 40.)

Synthetic phenolic resin. (No. 19.)

Smokers' articles of synthetic phenolic resin. (No. 20.)

III. Investigations in which action or final reports have been particularly delayed:

Wall pockets. (No. 16.)

Paintbrush handles. (No. 11.)

Brierwood pipes. (No. 2, sec. 316.)

Revolvers. (No. 1, sec. 316.)

Casein. (No. 4.)

Rare sugars. (No. 30.)

Amino acids and salts. (No. 31.)

Artificial flowers. (No. 17.)

Metallic magnesium, etc. (No. 28.)

In submitting the foregoing motion the following statement was made:

By Commissioner COSTIGAN: The Tariff Commission's investigational work under the provisions of sections 315 and 316 of the tariff act of 1922 is not well organized nor is it being systematically conducted. More than two and one-half years have elapsed since those sections became law. In that period about 430 applications dealing with about 200 different commodities have been filed with the commission. The commission has ordered about 47 investigations. Of these but 8 have been concluded by the commission, although in about 25 cases public hearings have been held and the investigations concluded so far as interested parties are concerned—a number of such cases having been finally submitted to the commission from one to two years ago.

The commission has transmitted only eight reports to the President, who has issued proclamations based on six of them. Many pending applications have been passed by month after month, while other and later applications have been more or less arbitrarily selected and pressed. In departing from the chronological basis of ordering and concluding investigations, importance has not been made the substitute test. Trivial inquiries have at times been given right of way over major subjects. In other words, the commission has been much more efficient in initiating investigations than in concluding them, although the commission's services will ultimately be judged by results rather than by preliminary activities. As one noteworthy consequence, much information which the commission has assembled becomes or is tending to become obsolete for the purposes of the law.

Economy, efficiency, and general wisdom require the adoption by the commission of a more effective program. The foregoing motion is therefore presented to correct the present situation so far as practicable by putting the docket of the commission in shape for prompt and conclusive action. If decisively handled, the congestion of the docket can be substantially relieved before the commission's summer adjournment. The adoption of such a policy is rendered particularly imperative by reports which indicate that a vacancy on



the commission will occur in the near future through the resignation of one of the four members of the present commission who participated in those investigations. In that event it may be doubtful whether the commission's findings in those investigations will have much weight with the President, unless those cases are reopened with much ensuing delay. Findings by three out of six commissioners—particularly if the three are not in agreement—may possibly not be considered satisfactory.

By Commissioner GLASSIE: It has been the practice for commissioners from time to time to place upon the formal minutes of the commission a brief statement of the reasons for their respective votes, especially when the vote happened to be contrary to the action taken by the majority. This practice is manifestly subject to abuse. Several commissioners have deprecated it; none more than Commissioner David J. Lewis, who frequently expressed the view that it should be curtailed if not altogether abandoned.

However that may be, that practice affords no warrant for inserting in the minutes in connection with a motion a preliminary statement of the individual view of the proponent accompanied by ex parte recitals of fact. A notation in the minutes of a commissioner's grounds for his vote was intended to make a permanent record and to serve as a justification for his action in the event of its being afterwards questioned. But in the case of a motion not yet acted on, what purpose can be accomplished by such an insertion in the minutes?

If it is a question of persuading or convincing the other members of the commission, surely a commissioner's view becomes no more persuasive or convincing because it is inserted in the formal minutes. It has never been the practice to do this. Nor is there any apparent reason or occasion for doing so. If, on the other hand, the matter is supposed to express the general view of the members of the commission, insertion in the minutes in advance of their action seems even more superfluous.

Since then the insertion of such a statement can serve no purpose of argument or persuasion, what is its purpose? Clearly it can have no other purpose than to make a record. But what is the occasion for making a record?

Obviously a practice such as this must give rise to no little inconvenience. For if the proponent of one motion encumbers the minutes with an argumentative statement, the same privilege must be accorded every commissioner offering a motion. Moreover, if a commissioner making a motion can insert in the minutes an argument prepared in advance in support of his motion, it is no less clear that all the other commissioners must be accorded the opportunity of inserting in the minutes a statement of their views accompanied by such recitals of fact as they deem necessary.

These considerations make it necessary, in my judgment, that the statement proposed to be inserted should be examined with care. It will be found, I think, that the action so elaborately proposed constitutes nothing new, for the commission is already proceeding upon a system which accomplishes everything that this motion could possibly accomplish. Pursuant to instructions, the chief investigator keeps the commission advised as to the status of all investiga-

tions. Such a statement was submitted on April 29, 1925. It gives the status of all investigations ordered (exclusive of those reported to the President); but it not only lists them as this motion does but it also supplies comments likely to assist the commission in shaping its program for the consideration of those investigations. To that extent, at any rate, it is more helpful than the motion now proposed.

It can not be overlooked that the statement accompanying the motion makes certain general and sweeping allegations. Can they be established? It is broadly asserted, for instance, that the commission's investigational work is "not being systematically conducted." This is a very broad charge and should not be made without an effort at least to substantiate it. What is offered for that purpose? A statement to the effect that out of 430 applications dealing with about 200 different commodities the commission has ordered 47 investigations of which but 8 have been concluded, although in about 25 cases public hearings have been held and investigations concluded—so far as interested parties are concerned.

But how do these facts prove that the commission's investigational work under sections 315 and 316 has not been systematically conducted? Apart from the misconception created by the recital of 430 applications, the studious contrast drawn between the large number of applications and the small number of reports is no proof that the situation is the result of a lack of system; it may be asked whether there are not other reasons. For example, the draft report in cotton warp-knit fabric was regularly brought into the commission meetings for at least two weeks before it could be taken up because of the fact that certain commissioners stated that they had not had time to give the report the study necessary for its discussion.

It is a well-known and, indeed, obvious fact (excluding the log investigation) that the commission transmitted only eight reports to the President. It is also true that "pending applications" have been passed by month after month. But when it is asserted that others have been "more or less arbitrarily selected and pressed," we observe again the sort of statement that should not be put forth without some attempt at least to support it. What applications have been "more or less arbitrarily selected and pressed" and by whom? Surely the commissioner who makes such a statement must feel under an obligation to specify. Let us examine another statement. It is asserted that "in departing from the chronological basis of ordering and concluding investigations, importance had not been made the substitute test." Here are two assertions each of which requires substantiation. In order to depart from the chronological basis, a chronological basis must once have existed. When was such a basis established and by whom? And if relative importance had not been made the basis of ordering and concluding investigations, where is the evidence of that fact? What are the instances in which the relative importance of the subjects has been ignored?

It said further: "Trivial inquiries have at times been given right of way over major subjects." That is rather a strong charge. May we inquire what are the trivial inquiries and what are the major subjects? Here again specification would seem to be a necessary concomitant of assertion.

The ostensible purpose of this motion is to correct the situation by putting the docket of the commission in shape for prompt and conclusive action. But the docket of the commission is in just as good shape now as it would be if this motion were adopted. The passage of the motion will not turn one wheel toward the effective disposition of the commission's business. What will turn the wheel is work on the part of the commissioners.

Like most general statements, this motion and the accompanying statement sweep into one mass things which have no necessary relation. The allegations of fact will not bear close scrutiny. One may question, for example, the statement that butter (concerning which it is carefully noted that precedence was given pursuant to the President's request) is ready or practically ready for final report. The staff are at work on the organization of the evidentiary matter. The commission can not proceed with the consideration of a final report until the staff's work has been completed.

The same may be said concerning straw hats, the hearing in which was concluded on May 16, 1925, and in respect of which, as the proponent of the motion knows, no report or tentative draft has yet been received from the staff. The same is true of gold leaf, the hearing of which was concluded on May 28, 1925. To say that the gold-leaf investigation is ready or substantially ready for consideration of the final report is to state something which must be known exclusively by the proponent of the motion.

With respect to the third class of investigations, concerning which it is broadly stated that action for final reports have been "particularly delayed," the motion, like the statement, involves itself in no little vagueness. Each of the matters here listed stands on its own bottom, and the circumstances under which reports have not been made in these cases are well known. Space does not permit a detailed examination. It may suffice to point out by way of illustration that no report has been made in the wall-pockets investigation because of a consensus of opinion that the subject was not one in which it seemed advisable to report a production-cost difference requiring a duty increase, with resort to the basis of American selling price, and yet the data, such as they were, pointed to no other conclusion. So again in the casein investigation. It was agreed, if not voted by the commission, that the evidence did not warrant a conclusion one way or another. The matter, therefore, is not one of which disposition remains to be made. The question whether in any case a report to the effect indicated should be made to the President is a matter of policy upon which the commissioners in general have not seemed prepared to express a final opinion.

On this point it may be observed that the view expressed by the proponent of this motion has always been that an application should in no event be denied, but that the applicant should only be notified, even when the commission had definitely decided to proceed no further, that the facts known at the present time would not warrant the institution of the formal investigation. If this view be sound, it applies a fortiori to investigations already instituted and in which a mass of facts, more or less relevant, have been collected. For if the commission, in order to keep its hold on the subject matter, is never to declare a case closed by dismissing an application, it surely

can not declare it closed by dismissing the investigation. What advantage then will be accomplished by suggesting some merely formal action in respect of investigations such as wall pockets and casein?

With respect to revolvers, one may question whether it can be said that it has been particularly delayed. The staff made an elaborate study of this case, followed by a voluminous report which indicates a sharp difference in opinion. Is the proponent ready to pass upon the questions thus raised?

It is not to be forgotten when allegations of want of system of this kind are sought to be spread upon the minutes, that every commissioner has always enjoyed full liberty at any time to bring before the commission any subject on which he thinks the commission ought to act. He may even do this without having prepared himself by a study of the subject to assist the commission, appraising the evidence or reaching just and fair conclusions upon it. In view, then, of the inaccuracy of the supposed facts, the meaninglessness of the motion as a serious effort toward expediting the commission's business, one is necessarily at a loss to comprehend the purpose to spread upon the minutes matter which constitutes a sweeping charge against the organization and prosecution of the commission's work.

One might at least have imagined that wholesale complaint of that kind would have been hazarded only by one who could claim a diligence above his fellows. Since the whole effect, if not the object, can only be to record in perpetuum memoriam their suggestions of want of system, arbitrary preference of trivial inquiries over major investigations, and the like, I deem it necessary to place this memorandum also on the minutes.

By the CHAIRMAN: In preparation for work by the commission under the provisions of sections 315, 316, 317, and 318 of the tariff act of 1922 the chairman on September 19, 1922, appointed the following committee on procedure to draw up a course of action, rules, and regulations: -

Committee on procedure: William S. Culbertson, Edward P. Costigan, David J. Lewis.

On March 13, 1923, Commissioner Glassie was added to this committee.

This committee reported on October 20, 1922. The rules and regulations were adopted and copies were printed in the sixth annual report and supplied to the public. The work of the commission has proceeded in accordance with this program prepared by the committee on procedure and adopted by the commission. If the work of the commission has not been well organized or systematically conducted, no attempt has been made by the committee on procedure, of which Commissioner Costigan is a member, to improve the system or propose amendments to the rules and regulations.

However, a resolution was presented by Commissioner Glassie providing for the consideration and expedition of applications and reports. Although this resolution was brought up several times, final action upon it could not be obtained. The only course open, therefore, was to proceed in accordance with the regulations previously adopted.

Applications have been referred, as the rules require, to the chief economist and the chief investigator, and preliminary investigations

have been conducted under the direction of the chief investigator, as required by the rules. The preliminary reports of the commodity divisions are then referred to the advisory board, and their reports are submitted to the chairman, and by him submitted to the commission. The commission then considers the advisability of instituting an investigation, authorizes field trips for its experts and accountants, analyzes the data secured in the field investigation, approves the public statement of information, and sets a date for a public hearing. Prior to or following the public hearing the chairman refers the subject to a committee, usually of two commissioners, to supervise the preparation of the report to the President. In accordance with this program the following committees were appointed:

- Wall pockets, Commissioners Lewis and Glassie.
- Paint-brush handles, Commissioners Culbertson and Burgess.
- Casein, Commissioners Culbertson and Glassie.
- Print rollers, Commissioners Lewis and Burgess.
- Logwood extract, phenol, cresylic acid, Commissioners Culbertson, Lewis, Costigan, Glassie.
- Cotton hosiery, Commissioners Costigan, Burgess, Glassie.
- Cotton warp-knit fabric and cotton gloves, Commissioners Culbertson, Lewis, Glassie.
- Brierwood pipes, Commissioners Culbertson and Glassie.
- Kotex, Commissioners Lewis and Glassie.
- Revolvers, Commissioners Culbertson and Glassie.
- Gold leaf, Commissioner Costigan.
- Men's sewed straw hats, Commissioner Dennis.

The commission is well aware that in some instances these committees have not reported. In other cases, by vote of the commission, certain reports were made the special order of business and were held before the commission until such as the commission agreed to act upon were disposed of. An instance of this kind was the report on sugar. By vote of the commission on May 23, 1924, this subject was made the special order of business for May 26, 1924, and on May 26 the following motion, submitted by Commissioner Costigan, was adopted:

Moved: That the Tariff Commission continue its consideration of the record and report in the sugar investigation (No. 12) at meetings to be held at 10.30 a. m. thereon each Monday, Wednesday, and Saturday hereafter until the commission's report to the President is ready for transmittal.

The practice of the commission to set aside all other business until the completion of special reports, as in the case of the sugar report, has prevented action on other reports which have been submitted to the commission.

The attention of the commission is called to the fact that on April 3, 1924, the following order was adopted:

Voted: That the first order of business at the meeting of the commission to be held on April 4, 1924, shall be the consideration and, as far as may be practicable, the final disposition of the commission's reports to be transmitted to the President on the following subjects in the order named, in respect of all of which articles investigations for the purposes of section 315 of the tariff act of 1922 have been concluded: Wall pockets, paint-brush handles, oxalic acid, diethylbarbituric acid, barium dioxide, logwood extract, and potassium chlorate, and that the same shall continue to be the first order of business until their final disposition; and

Voted further: That the next order of business shall be the consideration and, as far as may be practicable, the final disposition of the following subjects, as to each of which investigations have been ordered for the purpose of section 316 of the tariff act of 1922: Revolvers, briar-wood pipes.

This order illustrates the course which has been pursued by the commission.

In the statement accompanying the pending motion by Mr. Costigan, it is asserted that "The Tariff Commission's investigational work under the provisions of sections 315 and 316 of the tariff act of 1922 is not well organized, nor is it being systematically conducted." In an effort, apparently, to correct the alleged disorganization of the commission's work and to propose a plan by which it may be systematically conducted, Mr. Costigan has moved that precedence be given by the commission to pending investigations in the following order:

- Cotton warp-knit fabric. (No. 13.)
- Cotton fabric gloves. (No. 14.)
- Butter. (No. 38.) (Given precedence pursuant to President's request.)
- Straw hats. (No. 37.)
- Cotton hosiery. (No. 15.)
- Logwood extract. (No. 5.)
- Print rollers. (No. 24.)
- Taximeters. (No. 25.)
- Phenol. (No. 21.)
- Cresylic acid. (No. 22.)
- Kotex. (No. 3, Sec. 316.)
- Gold leaf. (No. 36.)

The attention of the commission is called to the fact that the method proposed by Mr. Costigan for the correction of alleged errors in the commission's methods is the identical method which has been pursued by the commission and that some of the subjects referred to in his motion have already been made, at the request of the chairman, the special order of business. As an evidence of this fact it is sufficient to point merely to the order adopted by the commission on April 3, 1924, which is recited above. The course outlined in the order of April 3, 1924, has been consistently followed by the commission up to the present time, and the commission is now engaged in concluding its consideration of reports made the special order of business in accordance with the identical plan now proposed by Mr. Costigan. There remains for final disposition by the commission of the most recent special order adopted the following reports: Cotton warp-knit fabric, cotton fabric gloves, revolvers.

The chairman has announced that on the completion of these reports other pending investigations would immediately be taken up, including straw hats, gold leaf, and butter. The chairman has also announced that he would call up the report on print rollers as soon as the business of the commission would permit.

At a meeting of the commission on November 13, 1923, after consideration of a statement prepared for the press in connection with the investigation of the cost of production of wheat, Mr. Costigan moved that the statement be issued simultaneously with the press notice announcing the investigation. In this statement for the

press, referred to in Mr. Costigan's motion, was the significant sentence: "The commission has a well-defined course of procedure." If it is true that the commission had a "well-defined course of procedure" in November, 1923, and no material changes in procedure have been made since that date, how is it that in May, 1925, the "commission's investigational work is not well organized," as now asserted by Mr. Costigan?

The commission has been conducting its work in a systematic manner and is still so conducting it. Under date of January 8, 1925, the commission took the following action:

Voted: That after the disposition of the report now under consideration in the linseed oil investigation, the commission shall proceed next to the consideration of the reports to be submitted to the President in the investigations in reference, respectively, to potassium chlorate, gloves made of cotton warp-knit fabric, cotton warp-knit fabric, revolvers.

In accordance with this order the commission has completed and submitted to the President its reports on linseed oil and potassium chlorate, and is now engaged in the preparation of the final report on cotton warp-knit gloves and warp-knit fabric. Since the resignation of Vice Chairman Culbertson, the committee on revolvers consists only of Commissioner Glassie, who has, to the chairman's knowledge, devoted much time to the consideration of the revolver report and will be prepared to present the report to the commission for consideration on the conclusion of pending work.

While the present order of business is awaiting completion, there is nothing to gain by the adoption of a new order of business. In accordance with the commission's custom, which, up to the present time has been approved by all of the commission, a list of subjects should be, and will be, presented, designed to expedite the preparation of reports in pending investigations.

By Commissioner COSTIGAN: It is not my intention to engage at this time in any controversy with other commissioners. After consideration and after hearing read the somewhat lengthy comments of Commissioners Marvin and Glassie, I feel that I am justified in reaffirming both my motion and my statement of May 29, which are self-explanatory. Although I reserve the right, after reading the respective comments of Commissioners Marvin and Glassie, to file a supplemental statement, my present impression is that such further statement will be unnecessary. So far as facts recited by Chairman Marvin have any bearing, I consider them confirmatory rather than contradictory of my original statement.

Commissioner Dennis, on behalf of the committee, to whom was referred on March 24, 1925, a communication from the Royal Italian Embassy in regard to the duty upon cigars imported from Italy, reported that the committee had conferred with the commercial attaché of that embassy, and recommended that a communication be addressed to him stating that no authority for modifying the existing rates of duty existed except under the provisions of section 315 of the tariff act of 1922.

After discussion of the subject the recommendation of the committee was approved.

The secretary laid before the commission a report from the board of review in reference to proposed adjustments of salaries and classification ratings of employees of the commission.

The report was referred to a committee consisting of the chairman and Commissioners Costigan and Glassie.

Upon motion by Commissioner Dennis, it was—

Voted: That the salary of Mr. H. H. Waters, in charge of the office of the commission at the port of New York, be increased from \$3,800 to \$4,500 per annum, effective June 1, 1925.

The secretary laid before the commission a memorandum from the chief investigator with reference to the need for obtaining from New York certain information in connection with the investigation with respect to quail.

Voted: That Mr. Harry L. Lourie be authorized to travel to New York City and return on official business in connection with the pending investigation (No. 44) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of bob-white quail.

The secretary laid before the commission a memorandum from the chief investigator and the chief of the economics division, in reference to field work in the pending investigation with respect to scientific instruments.

After discussion of the subject, it was—

Voted: That Dr. C. W. Mixer is authorized to travel to New York and return on official business in connection with the pending investigation under the general powers of the commission with respect to scientific instruments.

On the foregoing resolution the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Burgess, Glassie.

Commissioners Costigan and Dennis did not vote.

Approved, June 5, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JUNE 2, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meeting of the commission held on May 28, 1925, were read and approved.

By Chairman MARVIN: The Chair calls attention to the resignation on June 1, 1925, of Mr. Burgess, the second resignation of a commissioner within a few weeks, and that he desires to record the regret of the commission at the severance of associations and relationships that have, he believes, been agreeable and helpful; and that in view of the fact of there being at present vacancies on the commission leaving four acting commissioners, the Chair ventures to express the hope that the commission's work may continue to progress with as much expedition as possible in order that pending reports may be completed and submitted to the President prior to the usual summer vacation.



The chairman laid before the commission a letter dated May 29, 1925, from the secretary to the President transmitting, with request for the commission's suggestions thereon, a letter dated May 28, 1925, to the President from the Secretary of State with reference to the provisions of paragraph 1700 of the tariff act of 1922.

The foregoing communication and accompanying papers were referred to the preferential tariffs division.

The chairman laid before the commission the motion submitted by Commissioner Costigan on May 29, 1925, in reference to disposition of business before the commission.

After discussion of the subject, it was, upon motion by Commissioner Dennis—

Voted: That consideration of the motion submitted by Commissioner Costigan on May 29, 1925, and the subject matter of that motion, be postponed.

Upon the foregoing resolution the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Glassie, Dennis.

Against the adoption of the resolution: Mr. Costigan.

Voted: That the commission proceed with the consideration of the drafts of the reports to be submitted to the President in the pending investigations in reference to cotton warp-knit fabric and gloves made of cotton warp-knit fabric, respectively.

Upon motion by Commissioner Costigan, it was—

Voted: That the salary of Miss Ruth M. Ridgway, stenographer heretofore assigned to Commissioner Culbertson, be continued without change until June 15, 1925.

Upon motion by Commissioner Dennis, it was—

Voted: That the salary of Mrs. Edith M. Streett, stenographer heretofore assigned to Commissioner Burgess, be continued without change until June 15, 1925.

The commission considered the draft of the report to be submitted to the President in the investigation (No. 13) for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of cotton warp-knit fabric.

After discussion of the subject it went over for further consideration. Commissioner Glassie was requested to complete the draft of the report and submit it for final consideration.

The secretary laid before the commission a memorandum from the chief investigator with reference to field work in pending investigations relating, respectively, to bob-white quail and china and earthenware.

Voted: That Mr. H. L. Lourie, who is now in New York on official business, be authorized to travel also to Milbrook, N. Y., Forked River, N. J., Harrisburg, Pa., and such other places in New York, New Jersey, Massachusetts, Connecticut, and Pennsylvania as may be necessary, and return, for the purposes of obtaining information in connection with the pending investigation with reference to bob-white quail.

Voted: That Dr. P. W. Bidwell, and L. G. Newman be authorized to travel to Bristol and Amston Lake, Conn., Milbrook, N. Y.,

Forked River, N. J., and such other places in Connecticut, New York, New Jersey, and Massachusetts as may be necessary, and return, in connection with the pending investigation with respect to bob-white quail.

Voted: That Messrs. F. L. Koch, A. L. Faubel, E. J. Borton, H. F. Barker, and V. A. Roberts be authorized to travel, via New York City, to Belgium, England, Germany, Czechoslovakia, and Holland, and return, on official business in connection with the pending investigation (No. 41) for the purposes of section 315 of the tariff act of 1922, with respect to china and earthenware.

On the foregoing resolution Commissioner Costigan voted in the negative as to the authorization for Mr. Faubel.

Voted: That the secretary is authorized to make arrangements for the appointment of a special disbursing agent to accompany the commission's agents authorized by resolution this day to travel to certain countries in Europe in connection with the pending investigation (No. 41) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of china and earthenware.

Voted: That until otherwise ordered by the commission Mr. F. L. Koch be placed in charge of the party this day authorized to travel to certain countries in Europe in connection with the investigation (No. 41) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of china and earthenware.

Upon motion by Commissioner Costigan, it was—

Voted: That the secretary is authorized to arrange for the transfer temporarily of Mr. F. L. Koch, Mr. H. F. Barker, and Mr. V. A. Roberts to the field service of the commission during their absence in Europe in connection with the investigation of the costs of production of china and earthenware.

Voted: That the compensation of employees of the commission receiving salary at the rate of \$4,000 or less per annum, who are sent on temporary official duty to Europe shall, until otherwise directed by vote of the commission, be increased, respectively, at the rate of \$720 per annum during their actual presence in Europe.

Voted: That Dr. P. W. Bidwell be designated as economist stationed at the headquarters of the Tariff Commission at Brussels, Belgium, effective September 15, 1925.

Upon the foregoing resolution Commissioner Costigan voted in the negative.

The following statement was made by Commissioner Costigan: My only reason for voting against the designation of Doctor Bidwell is that it appears from the discussion that it is the intention of the commission to allow Doctor Bidwell compensation in excess of the \$5,000 fixed for the salary of the economist to cover his expense in moving to Brussels.

Approved, June 5, 1925.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

JUNE 3, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The commission proceeded to the consideration of adjustments of classification and salaries of employees of the commission.

After discussion of the subject, it went over for further consideration.

Approved, June 16, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest :

JOHN F. BETHUNE, *Secretary.*

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JUNE 4, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The chairman laid before the commission a report of the advisory board upon the manuscript of a report entitled "The Relation of the Cattle Industries of Canada and the United States," prepared by Dr. L. G. Connor, of the agricultural division, and on January 6, 1925, referred by the commission to the advisory board for report thereon.

After consideration of the subject, it was, by Commissioner Marvin—

Moved: That the report entitled "The Relation of the Cattle Industries of Canada and the United States" be approved and that the secretary be authorized to arrange to have the same printed as a Tariff Commission publication.

The secretary laid before the commission a memorandum from the acting chief of the metals division in regard to the need for additional information in connection with the marketing of imported pig iron.

After discussion of the subject, it was—

Voted: That Mr. C. H. Strand and Mr. R. R. Merrill are authorized to travel to New York City and return for a period of not to exceed 10 days for the purpose of obtaining information in connection with the pending investigation (No. 9) for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of pig iron.

The commission resumed consideration of adjustments of classification and salaries of employees of the commission.

After discussion of the subject, it went over for further consideration.

Approved, June 16, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest :

JOHN F. BETHUNE, *Secretary.*

JUNE 5, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The minutes of the meetings of the commission held on May 26, 29, and June 2, 1925, were read and approved.

Commissioner Glassie made the following report:

Pursuant to the commission's request I have taken charge of the preparation of the official draft of the report to the President on warp knit fabric, for the consideration of the commission, and I report the draft and lay it before the commission and ask that the committee be discharged.

It was, by Commissioner Dennis—

Moved: That the draft submitted by Commissioner Glassie of the report to the President in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of cotton warp knit fabric, be approved and transmitted to the President.

After discussion of the subject, it went over for further consideration.

Approved, June 16, 1925.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

JUNE 6, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The commission resumed consideration of adjustments of classification and salaries of employees of the commission.

During the discussion of the subject, it was, by the chairman—

Moved: That Dr. E. B. Brossard be transferred from the agricultural division to the economics division, and that his salary be increased from \$4,000 to \$4,500 per annum.

After discussion of the motion, it went over for further consideration.

Upon motion by the chairman, it was—

Voted: That the position of secretary to commissioner is hereby created, such position to be classified in grade 6 of the clerical, administrative, and fiscal service, and each case of original assignment shall carry the minimum salary of that grade: *Provided*, That such salary may be changed by order of the commission upon recommendation of the commissioner to whom such secretary is assigned, to a rate not exceeding the rate of \$2,400 per annum. All persons now assigned as secretaries to commissioners are hereby appointed to the position as secretary to commissioner, and their salaries are hereby fixed at the rate of \$2,400 per annum.

On the foregoing resolution Commissioner Costigan voted in the negative.

Voted: That the classification and salaries of the following employees are hereby changed, as indicated opposite their respective names, to date from and including June 16, 1925:

Name	From—		To—		In-crease
	Grade	Salary	Salary	Grade	
Lourie, H. L.	Professional and scientific, 4.	\$3, 800	\$4, 000		\$200
Middleton, George	do.	3, 800	4, 000		200
Walker, M. R.	do.	3, 800	4, 000		200
Watson, W. N.	do.	3, 800	4, 000		200
Yauch, C. F.	do.	3, 800	4, 200		400
Connor, L. G.	Professional and scientific, 3.	3, 500	3, 800	Professional and scientific, 4.	300
Ferguson, A. F.	do.	3, 300	3, 500		200
Hopkinson, L. T.	do.	3, 300	3, 600		300
Blachly, C. D.	do.	3, 300	3, 600		300
Albertson, J. M.	do.	3, 000	3, 200		200
Alexander, D. W.	do.	3, 000	3, 200		200
Connors, A.	do.	3, 000	3, 100		100
Cragg, R. H.	do.	3, 000	3, 200		200
Lewis, C. K.	do.	3, 000	3, 200		200
Penning, C. H.	do.	3, 000	3, 200		200
Stewart, Stella	do.	3, 000	3, 200		200
Talbot, F.	Professional and scientific, 2.	2, 900	3, 000	Professional and scientific, 3.	100
Wells, R. A.	do.	2, 800	3, 000	do.	200
Shelley, F. H.	do.	2, 700	2, 900		200
Allen, R. E.	do.	2, 500	2, 600		100
Bahr, C. W.	do.	2, 500	2, 800		300
Donohoe, J. M. P.	do.	2, 500	2, 600		100
Peterson, R. E. K.	do.	2, 500	2, 700		200
Moore, L. W.	Clerical, administrative, and fiscal, 9.	3, 000	3, 200		200
Williams, M.	Clerical, administrative, and fiscal, 7.	2, 800	2, 900		100
Geraei, A. T.	do.	2, 500	2, 700		200
Schoenfeld, S.	do.	2, 500	2, 800		300
Gregory, J. P.	Clerical, administrative, and fiscal 6.	2, 300	2, 500	Clerical, administrative, and fiscal, 7.	200
Van Casteel, G.	do.	2, 100	2, 200		100
Ballif, L. S.	Clerical, administrative, and fiscal, 5.	2, 300	2, 500	Clerical, administrative, and fiscal, 7.	200
Barker, H. F.	do.	2, 300	2, 500	do.	200
Connolly, E. V.	do.	2, 300	2, 400	Clerical, administrative, and fiscal, 6.	100
Donahoe, M. T.	do.	2, 300	2, 400	do.	100
Getzendauner, F.	do.	2, 300	2, 400	do.	100
Cary, E. L.	do.	2, 300	2, 400	do.	100
O'Neill A. M.	do.	2, 300	2, 400	do.	100
Thode, A. R.	do.	2, 300	2, 400	do.	100
Stancill, M.	do.	2, 000	2, 400	do.	400
Rice, C.	do.	2, 300	2, 400	do.	100
Claurini, F. R.	do.	2, 100	2, 300		200
DeShay, J. D.	do.	2, 100	2, 300		200
Grigg, M. R.	do.	2, 100	2, 400	Clerical, administrative, and fiscal, 7.	300
Guinn, R. S.	do.	2, 100	2, 200		100
Halpin, N. J.	do.	2, 100	2, 400	Clerical, administrative, and fiscal, 7.	300
Merrill, R. R.	do.	2, 100	2, 300		200
Newman, L. G.	do.	2, 100	2, 500	Clerical, administrative, and fiscal, 7.	400
Riddle, L. C.	do.	2, 100	2, 200		100
Stone, K. L.	do.	2, 100	2, 300		200
Wall, B.	do.	2, 100	2, 300		200
Dedicott, W. J.	do.	2, 100	2, 300		200
Roberts, V. A.	do.	1, 800	2, 100		240
Strett, W. I.	do.	1, 800	2, 000		140
Swihart, C. E.	Clerical, administrative, and fiscal, 4.	1, 860	1, 980		120
Weissbrod, B.	do.	1, 740	1, 860		120
Bode, R.	do.	1, 680	1, 740		60
Bowman, L. T.	do.	1, 680	1, 740		60
Crockett, E.	do.	1, 680	1, 740		60
Garland, C. M.	do.	1, 680	1, 800		180
Hockensmith, B.	do.	1, 680	1, 740		60
Harbin, E. L.	do.	1, 680	1, 800		120
Opdyke, M.	do.	1, 680	1, 740		60
Braswell, E.	Clerical, administrative, and fiscal, 3.	1, 680	1, 740		60
Reece, A. L.	do.	1, 680	1, 740		60
Murphy, F. M.	do.	1, 600	1, 620		60
Bodenhamer, J. A.	do.	1, 500	1, 500		60
Charleton, F. I.	do.	1, 500	1, 620		120
Enson, L. C.	do.	1, 500	1, 500		60
Felts, B. A. U.	do.	1, 500	1, 500		60

Name	From—		To—		In-crease
	Grade	Salary	Salary	Grade	
Greenfield, H. E.	Clerical, administrative, and fiscal, 3.	\$1,500	\$1,620		\$120
Gries, B. M.	do.	1,500	1,620		120
Starr, I. W.	do.	1,500	1,560		60
Landy, L. H.	Clerical, administrative, and fiscal, 2.	1,440	1,500		60
Mahoney, E. B.	do.	1,440	1,500		60
Meenehan, M. V.	do.	1,440	1,560	Clerical, administrative, and fiscal, 3.	120
Miller, W. G.	do.	1,440	1,500		60
Taylor, Pauline	do.	1,440	1,500		60
Herbert, J.	do.	1,320	1,440		120
Hagan, T.	Clerical, administrative, and fiscal, 1.	1,200	1,320		120
Walker, Herbert	Custodial 3.	1,080	1,140		60
Contee, John	do.	1,020	1,140		120
Fricke, G.	Field	2,700	2,800		100
Naughton, E. V.	do.	1,560	1,620		60

Approved, June 16, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JUNE 9, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Alfred P. Dennis.

The chairman laid before the commission a report submitted by Commissioner Glassie acting as a committee, being draft of a report to the President in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of gloves made of cotton warp-knit fabric.

After discussion of the subject it went over for further consideration.

The chairman laid before the commission a report from the advisory board upon application for an investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of granite.

Messrs. G. P. Comer, A. M. Fox, and F. L. Koch, of the staff, were called in to the meeting during the discussion.

It was, by the chairman—

Moved: That an investigation be instituted for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of granite, rough and hewn, for monumental purposes.

The motion went over for further consideration.

Voted: That a committee be appointed by the chairman to confer with the Secretary of State in regard to the feasibility of conducting an investigation in Sweden for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of granite.

The chairman appointed as members of the committee authorized in the foregoing resolution, Commissioners Costigan and Dennis.

Approved, June 16, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JUNE 10, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The commission resumed consideration of the pending motion by Commissioner Dennis, that the draft of the report to be submitted to the President in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of cotton warp-knit fabric, be approved and transmitted to the President.

After discussion of the subject the motion was agreed to with the understanding that the report should be transmitted with any appended statements submitted for that purpose by individual commissioners.

Upon motion by Commissioner Dennis, the commission proceeded to consider the draft of the report to be submitted to the President in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to differences in costs of production of gloves made of cotton warp-knit fabric.

After discussion of the subject, it went over for further consideration.

Approved, June 16, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JUNE 11, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

The commission resumed and concluded consideration of the draft of the report to be submitted to the President in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of gloves made of cotton warp-knit fabric.

After discussion of the subject, and upon motion by Chairman Marvin, it was—

Voted: That the report in the investigation, for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of gloves made of cotton warp-knit fabric, with accompanying statements by individual commissioners, be transmitted to the President.

It was, by Chairman Marvin—

Moved: That Mr. L. B. Zapoleon be appointed agricultural economist in grade 5 of the professional and scientific service with salary at the rate of \$5,200 per annum, and be assigned to the agricultural division.

After discussion of the subject the motion went over for further consideration.

Approved, June 16, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JUNE 12, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis.

Voted: That Dr. C. O. Townsend be authorized to travel to Orangeburg and such other places as may be necessary in South Carolina, and return, without expense to the Tariff Commission, for the purpose of conferring with persons interested in the growing of sugar cane in that State.

Upon motion by Chairman Marvin, it was—

Voted: That Commissioners Costigan and Glassie be authorized to travel on administrative business of the Tariff Commission to such places in Europe as may be necessary, and return.

Commissioner Glassie submitted the final corrected draft of the report to be submitted to the President in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to costs of production of gloves made of cotton warp-knit fabric.

He also submitted a draft of a proclamation to accompany the report.

In accordance with the resolution of the commission adopted on June 11, 1925, the report was thereupon signed for transmittal to the President.

The commission resumed consideration of the motion submitted on June 11, 1925, by the chairman, relative to the appointment of Mr. L. B. Zapoleon as agricultural economist.

After discussion of the subject the motion was agreed to.

Approved, June 16, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JUNE 16, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie.

The minutes of the meetings of the commission held on June 3, 4, 5, 6, 9, 10, 11, and 12, 1925, were read and approved.

Commissioner Costigan, on behalf of the committee appointed by resolution of the commission on June 9, 1925, to confer with the Secretary of State in regard to the feasibility of conducting an investigation in Sweden with respect to the costs of production of granite, reported that a letter on this subject had been dispatched to the State Department, but that no reply had been received.

The chairman laid before the commission a report from the advisory board dated May 19, 1925, with respect to application for an investigation under the provisions of section 315 of the tariff act of 1922, with reference to costs of production of spring clothes pins.

The chairman laid before the commission a report from the advisory board under date of June 12, 1925, submitting a revised plan for conducting the pending investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of bent-wood chairs.

Upon motion by the chairman the first two paragraphs of the proposed plan were approved and, it was—



Voted: That Mr. F. H. Smith be authorized to travel to New York, N. Y., and return, for a period of about 10 days in connection with the execution of the approved plan in the pending investigation with respect to the costs of production of bent-wood chairs.

The chairman laid before the commission a report from the advisory board under date of June 12, 1925, submitting a plan for conducting the pending investigation of fresh-water fisheries, under the general powers of the commission.

Upon motion by Commissioner Glassie, it was—

Voted: That the plan submitted by the advisory board for the investigation of fresh-water fisheries under the general powers of the commission be, and is hereby, approved subject to such modifications and orders as the commission may hereafter make.

Voted further: That Mr. L. T. Hopkinson be authorized to travel to Ottawa, Canada, and return, for the purpose of conferring with officials of the Canadian Government, after having first made the necessary arrangements through the State Department.

Voted further: That Mr. Hopkinson be requested to submit for the consideration of the commission, the names of two or more persons regarded as fish experts, and competent to assist in the work proposed in the fourth paragraph of the plan above referred to; and

Voted further: That the chief of the accounting division be requested to submit to the commission the names of three accountants for possible assignment to work in the fresh-water fisheries investigation.

The chairman laid before the commission a report from the advisory board relative to plans for further work in the pending investigation relative to costs of production of bobwhite quail.

Upon motion by Commissioner Glassie, it was—

Voted: That the plan submitted by the advisory board for the investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of bobwhite quail be, and is hereby, approved subject to such modifications and orders as the commission shall hereafter make.

Voted: That Mr. H. L. Lourie and Mr. L. G. Newman be authorized to travel to Harrisburg, Pa., and vicinity; Baltimore and Free-land, Md.; Pascagoula, Miss.; and Brownsville, Austin, San Antonio, Laredo, and other points in Texas, and return, on official business in connection with the pending investigation with respect to the costs of production of bobwhite quail.

Voted further: That Mr. Lourie and Mr. Newman be authorized in connection with the above-mentioned travel to incur such expenses as may be necessary, not to exceed \$100 each, for transportation by automobile or other special conveyance where such transportation can not be obtained by common carriers.

The chairman laid before the commission a report from the advisory board, under date of June 16, 1925, submitting draft of a preliminary statement of information to be issued to interested parties in the pending investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of logs of fir, spruce, cedar, or western hemlock, and suggesting that a date be set for the public hearing in said investigation.

After discussion of the subject it went over for further consideration.

The chairman presented a report from Commissioner Dennis on behalf of the personnel committee, which contained the following recommendations—

That the salary of Mr. A. M. Fox be increased from \$5,200 to \$6,000 per annum; that Mr. E. B. Brossard be transferred to the economics division, with salary at the rate of \$4,500 per annum; that the salary of Mr. W. I. Streett, of the accounting division, be increased to \$2,100 per annum; that Mrs. S. J. Bergner be transferred from grade 3 clerical, administrative and fiscal service, to grade 1, professional and scientific service, with salary at the rate of \$2,000 per annum; and that Miss Ridgway and Mrs. Streett, heretofore secretaries to commissioners, be continued in their present status until June 30, 1925.

Upon motion by the chairman, it was—

Voted: That the salary of Mr. A. M. Fox, chief of the economics division, be increased from \$5,200 to \$6,000 per annum, effective June 16, 1925.

On the foregoing resolution the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Glassie.

Against the adoption of the resolution: Mr. Costigan.

Upon motion by the chairman, it was—

Voted: That Mr. E. B. Brossard be transferred to the economics division and that his salary be increased from \$4,000 to \$4,400 per annum, effective June 16, 1925.

On the foregoing resolution the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Glassie.

Against the adoption of the resolution: Mr. Costigan.

Upon motion by the chairman, it was—

Voted: That the salary of Mr. W. I. Streett be increased from \$1,860 to \$2,100 per annum, effective June 16, 1925.

Commissioner Costigan did not vote on the foregoing resolution.

Upon motion by the chairman, it was—

Voted: That Mrs. S. J. Bergner be reclassified in grade 1 of the professional and scientific service, with salary increased from \$1,860 to \$2,000 per annum, effective June 16, 1925.

On the foregoing resolution the votes of the commissioners were as follows:

In favor of the adoption of the resolution: Messrs. Marvin and Glassie.

Against the adoption of the resolution, Mr. Costigan.

Upon motion by the chairman, it was—

Voted: That the salaries of Miss Ruth M. Ridgway and Mrs. E. M. Streett, stenographers formerly assigned to commissioners, be continued without change until June 30, 1925.

Upon motion by Commissioner Costigan, it was—

Voted: That the secretary is authorized to have printed as a Tariff Commission publication the Tariff Information Survey, on tops and yarns of wool and mohair.

Voted: That Dr. L. G. Connor be authorized to travel to Philadelphia, Pa.; New York, N. Y.; Boston, Mass.; and near-by points en route, and return, for the purpose of obtaining information concerning carpet wools, mohair, and analogous subjects.

Commissioners Costigan and Glassie were appointed a committee to supervise the preparation of material for the ninth annual report of the Tariff Commission covering the fiscal year ending June 30, 1925.

Voted: That the secretary is authorized to submit, through the Bureau of the Budget, estimates of appropriations for the Tariff Commission for the fiscal year 1927, in the sum of \$1,000,000.

Approved, June 25, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JUNE 18, 1925.

Present, Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie.

Voted: That Dr. P. W. Bidwell be authorized to proceed to his official station as economist at the headquarters of the Tariff Commission in Brussels, Belgium, and to travel via New York City and Antwerp.

The commission resumed consideration of the motion submitted by Chairman Marvin on June 4, 1925, as follows:

Moved: That the report entitled "The relation of the cattle industries of Canada and the United States" be approved and that the secretary be authorized to arrange to have the same printed as a Tariff Commission publication.

During the discussion it was agreed that the title of the report should be changed to "Cattle industries of the United States and Canada."

After discussion of the subject, it was—

Voted: That the secretary is authorized to have printed as a Tariff Commission publication the report on the Cattle industries of the United States and Canada.

The report on the costs of production of sugar beets in Michigan was taken up for further consideration and sundry suggestions looking toward its revision and clarification were made with a view to expediting the printing of the report.

Upon motion by Chairman Marvin, it was—

Voted: That the following order of business be adopted in connection with pending investigations and for the purpose of expediting the submittal of reports to the President and that the subjects be taken up approximately in the following order: Print rollers, cotton hosiery, paintbrush handles, taximeters, men's sewed straw hats, gold leaf, butter.

Upon the foregoing resolution Commissioner Costigan did not vote.

Upon motion by Commissioner Glassie, it was—

Voted: That the draft of the report in the cotton hosiery investigation as heretofore submitted be referred to the advisory board with directions to have the report read and recast by an economist

in conformity with the outlined plan heretofore used by the commission, and to have the draft read by the editorial division and when the revision of the report shall have been approved by the advisory board to have the same mimeographed and submitted to the commission.

Upon motion by Commissioner Glassie, it was—

Voted: That the consideration of the report to be submitted to the President in the pending investigation with respect to the costs of production of print rollers be set for the meeting of the commission to be held on June 23, 1925.

Upon motion by Commissioner Glassie, it was—

Voted: That Mr. Oscar B. Ryder be designated as an economist and be transferred from the textile division to the economics division.

Voted: That the secretary is authorized to arrange to assign Mr. H. A. Kopp, now on leave of absence without pay, to perform such part-time service as may be practicable and to carry him in duty and pay status during such time or times as he may be actually engaged in the performance of such service.

Voted: That Mr. D. W. Alexander be authorized to travel to New York City, and return, and from New York City to such places in New York and Pennsylvania and return to New York City as may be necessary on business in connection with the pending investigation of the costs of production of rag rugs; and that he be authorized to purchase at an expense not to exceed \$50 samples of imported rag rugs as may be necessary.

Approved, June 25, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JUNE 22, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis, Albertus H. Baldwin.

Hon. Albertus Hutchinson Baldwin having taken the oath of office prescribed by law, entered upon his duties as a member of the Tariff Commission.

Upon motion by Commissioner Dennis, it was—

Voted: That the resolution adopted on June 16, 1925, in reference to the pending investigation with respect to bobwhite quail is hereby amended to read as follows:

Voted: That Mr. H. L. Lourie and Mr. L. T. Newman be authorized to travel to Baltimore and Freeland, Md.; Harrisburg, Pa., and vicinity; Frankfort, and other places in Kentucky; Springfield and other places in Illinois; Pratt, Hutchinson, and other places in Kansas; Pascagoula, Miss.; and Brownsville, Austin, San Antonio, Laredo, and other places in Texas, and return, as may be necessary, on official business in connection with the pending investigation with respect to the costs of production of bobwhite quail.

The commission proceeded to the consideration of a draft of a preliminary statement to be issued to parties interested in the investigation (No. 35) for the purposes of section 315 of the tariff

act of 1922, with respect to the costs of production of logs of fir, spruce, cedar, and western hemlock.

Messrs. G. P. Comer, A. M. Fox, and F. H. Smith of the staff were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Approved, June 30, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JUNE 23, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis, Albertus H. Baldwin.

The commission proceeded to the consideration of a draft of a preliminary statement to be issued to parties interested in the investigation (No. 35) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of logs of fir, spruce, cedar, or western hemlock.

Messrs. G. P. Comer, A. M. Fox, and F. H. Smith of the staff were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

The secretary was authorized to make such arrangements as may be necessary and practicable for holding a public hearing during the first week in August, in Bellingham or Seattle, Wash., by the Tariff Commission in the investigation (No. 35) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of logs of fir, spruce, cedar, or western hemlock.

The chairman laid before the commission a report dated June 18, 1925, by the advisory board, with respect to plans for an investigation by the Tariff Commission with respect to the granite industry.

After discussion the report went over for further consideration at the next meeting of the commission.

The chairman stated that he was advised by the chief of the economics division that the draft of the report to be submitted to the President in the investigation with respect to the costs of production of print rollers was not ready to be submitted to the commission, but that the draft of the report to be submitted to the President in the investigation with respect to the cost of production of men's sewed straw hats may be ready for submission to the commission by June 25.

The chairman laid before the commission a report dated June 18, 1925, by the advisory board upon the pending application for an investigation for the purposes of section 315, of the tariff act of 1922, with respect to the costs of production of glue and edible gelatin.

The chairman laid before the commission a memorandum from the chief investigator and the chief of the economics division in reference to the desirability of having a member of the Tariff Commission accompany Mr. Hopkinson to Ottawa, Canada, in connection with the conference to be held with officials of the Canadian Gov-

ernment concerning the pending investigation of the fresh-water fisheries.

The chairman laid before the commission a memorandum dated June 18, 1925, from the chief of the economics division in reference to the need for additional economists on the staff and additional assistance in the editorial section.

After the discussion, it was, upon motion by Commissioner Baldwin—

Voted: That the secretary is authorized to arrange for the employment of Mr. Crittenden Marriott as a special expert on the staff of the commission with allocation in grade 8 of the clerical, administrative, and fiscal service.

Upon motion by Commissioner Glassie, it was—

Voted: That the allocation of the position held by Miss Martha Williams be changed from grade 7 to grade 8 of the clerical, administrative, and fiscal service without change in salary.

The secretary reported to the commission a memorandum from the chief of the accounting division in reference to the assignment of accountants in connection with the investigation of fresh-water fisheries.

After discussion of the subject, it was—

Voted: That Messrs. Samuel Schoenfeld, Thomas H. Joyce, and John A. Nye of the accounting division be assigned to work in the fresh-water fisheries investigation.

Approved, June 30, 1925.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

JUNE 25, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis, Albertus H. Baldwin.

The minutes of the meetings of the commission held on June 16 and 18, 1925, were read and approved.

Upon motion by Commissioner Dennis, it was—

Voted: That the several resolutions adopted at the meeting of the commission held on June 16, 1925, in reference to the salaries and classification of Mr. A. M. Fox, Mr. E. B. Brossard, Mr. W. I. Streett, and Mrs. S. J. Bergner, respectively, be, and the same are hereby, approved and ratified.

Voted: That a committee to consist of the chairman and Commissioners Glassie and Dennis be appointed on the preparation of estimates of appropriations for the Tariff Commission.

Upon motion by the chairman, it was—

Voted: That Commissioner Baldwin be designated as a committee to supervise preparation of drafts of reports to be submitted to the President in the investigations in reference to the costs of production, respectively, of print rollers, and taximeters.

Upon motion by the chairman, it was—

Voted: That the salary of Dr. P. W. Bidwell, as economist assigned to the Tariff Commission headquarters in Brussels, shall be at the rate of \$5,200 per annum, effective on the date of his entrance upon duty at said headquarters.

Upon the foregoing resolution Commissioner Costigan voted in the negative.

In connection with his vote on the foregoing resolution the following statement was made:

By Commissioner Costigan. "I vote in the negative because it appears that the increase in Doctor Bidwell's salary is designed to help defray family expenses to be incurred because of the trip abroad."

Commissioner Dennis, on behalf of the committee appointed on June 9, 1925, to confer with the Secretary of State in regard to the feasibility of conducting an investigation in Sweden with respect to the costs of production of granite, laid before the commission a letter from the State Department indicating that such an investigation in Sweden would be inadvisable at this time, in the view of the Department of State.

Upon motion by Commissioner Glassie, it was—

Voted: That the advisory board be requested to report to the commission with respect to the feasibility of conducting an investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of granite, without an actual inspection of books of account in Sweden.

Commissioner Dennis laid before the commission a memorandum from the chief of the transportation division in regard to the need for assistance in that division.

After discussion of the subject it was, by Commissioner Costigan—

Moved: That Mr. H. E. Greenfield be transferred to the transportation division of the commission's staff.

Upon request of the chairman the foregoing motion went over for further consideration.

Upon motion by Commissioner Costigan it was—

Voted: That Mr. Henry Schultz be invited to come to the office of the commission for a conference with respect to his possible employment by the commission.

The chairman laid before the commission a communication from the secretary of state of the State of Wisconsin, transmitting a joint resolution adopted by the Legislature of the State of Wisconsin, requesting the President to increase the duties on imported eggs and dairy products.

After discussion of the subject it was—

Voted: That the resolution of the Legislature of the State of Wisconsin received as transmitted to the Tariff Commission by the Secretary of State of the State of Wisconsin, under date of June 16, 1925, be entered in the records of the commission as an application for the purposes of section 315 of the tariff act of 1922, with respect to the articles named in said resolution, to wit, dairy products, especially eggs, butter, and cheese.

The secretary reported that arrangements had been completed for the use of proper space for the holding in Bellingham or Seattle, Wash., of a public hearing in the pending investigation (No. 35) with respect to the costs of production of logs of fir, spruce, cedar, or western hemlock.

Upon motion by Commissioner Glassie, it was—

Voted: That Chairman Marvin, Commissioner Costigan, and Commissioner Dennis, all or any two of whom may exercise all the

powers and authority hereby conferred, are hereby designated, authorized, and directed to hold a public hearing in the pending investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of logs of fir, spruce, cedar, or western hemlock, and for that purpose to proceed to Seattle or Bellingham, Wash., and there to hold and conduct said public hearing, at which all parties interested shall have reasonable opportunity to be present, to offer evidence, and to be heard with respect to the subject matter of said investigation; and to that end said commissioners, and each of them, are authorized to sign and issue subpoenas, to administer oaths and affirmations, to examine witnesses, to take testimony, and to receive evidence.

Voted further: That such commissioners designated as aforesaid, be, and they are hereby, authorized and empowered, pursuant to the provisions of section 706 of Title VII of the revenue act of September 8, 1916, to exercise all and singular, the powers thereby conferred, including the right of access to and the right to copy any document, paper, or record, pertinent to the subject matter under investigation, in the possession of any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation, and shall have power to summon witnesses, take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association to produce books or papers relating to any matter pertaining to such investigation.

Voted: That a public hearing in the investigation (No. 35) under the provisions of section 315 of the tariff act of 1922, heretofore ordered in respect of logs of fir, spruce, cedar, or western hemlock, be held at 10 o'clock a. m., August 4, 1925, by the United States Tariff Commission at the Federal building in Seattle, Wash., and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation, and by posting for 30 days prior to said August 4, 1925, a copy of said notice at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

Approved, June 30, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JUNE 26, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin.

Voted: That the secretary is authorized to have printed, for distribution to interested parties, the preliminary statement of information obtained by the Tariff Commission in the pending investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of certain vegetable oils.

Voted: That the secretary is authorized to negotiate with Dr. Grinnell Jones and Dr. Frank R. Rutter, for their respective services in connection with the completion of the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of certain vegetable oils.



The commission proceeded to the consideration of the draft of the report to be submitted to the President in the pending investigation (No. 36) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of gold leaf.

During the discussion Mr. Myron R. Walker, of the metals division, was called into the meeting.

After discussion of the subject it went over for further consideration.

Approved, June 30, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JUNE 30, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis, Albertus H. Baldwin.

The minutes of the meetings of the commission held on June 22, 23, 25, and 26, 1925, were read and approved.

Upon motion by Commissioner Dennis, it was—

Voted: That the salary of Mrs. E. M. Streett, formerly assigned as secretary to commissioner, be continued without change until July 15, 1925.

The secretary reported that the Personnel Classification Board had returned with its approval the several proposed allocations of employees of the commission as submitted to that board in accordance with the resolutions of the commission adopted, respectively, on June 6, 12, and 16, 1925, except in the following cases:

Name	Position	Proposed allocation	Approved allocation
Zapoleon, L. B. ....	Senior economic analyst (agricultural economist).	Professional and scientific, 5.	Professional and scientific, 4.
O'Neill, Agnes. ....	Secretary to commissioner.	Clerical, administrative, and fiscal, 6.	Clerical, administrative, and fiscal, 5.
Carey, Esther. ....	do. ....	do. ....	Do.
Thode, Adell. ....	do. ....	do. ....	Do.
Stancill, Mao. ....	do. ....	do. ....	Do.
Connolly, E. V. ....	Principal clerk. ....	do. ....	Do.
Donahoe, M. T. ....	Chief stenographer. ....	do. ....	Do.
Bergner, Sophie. ....	Junior economic analyst. ....	Professional and scientific, 1.	Clerical, administrative, and fiscal, 4.

Upon motion by the chairman, it was—

Voted: That the action of the Personnel Classification Board disapproving the proposed reclassification of certain employees of the Tariff Commission be referred to a committee consisting of Commissioners Glassie and Dennis, the chairman to be ex officio a member of the committee.

The secretary, as chairman of the committee on allocation of office space, stated that the committee had prepared for issue an order making changes in allocations of space assigned to certain divisions of the staff.

After discussion of the subject, it was—

Voted: That the proposed reallocation of office space as referred to in the report of the secretary be referred to a committee consisting of Commissioners Costigan, Glassie, and Dennis.

The commission proceeded to the consideration of the draft of a preliminary statement to be issued to parties interested in the investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

Messrs. G. P. Comer, A. M. Fox, and L. T. Hopkinson were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Upon motion by Commissioner Glassie, it was---

Voted: That Chairman Marvin, Commissioner Costigan, and Commissioner Dennis, all or any two of whom may exercise all the powers and authority herein conferred, are hereby designated, authorized, and directed to hold a public hearing in the pending investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut, and for that purpose to proceed to Seattle, Wash., and there to hold and conduct said public hearing, at which all parties interested shall have reasonable opportunity to be present, to offer evidence, and to be heard with respect to the subject matter of said investigation; and to that end said commissioners, and each of them, are authorized to sign and issue subpoenas, to administer oaths and affirmations, to examine witnesses, to take testimony, and to receive evidence.

Voted further: That such commissioners designated as aforesaid be, and they are hereby, authorized and empowered, pursuant to the provisions of section 706 of Title VII of the revenue act of September 8, 1916, to exercise all and singular the powers thereby conferred, including the right of access to and the right to copy any document, paper, or record pertinent to the subject matter under investigation, in the possession of any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation, and shall have power to summon witnesses, take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association to produce books or papers relating to any matter pertaining to such investigation.

Voted: That a public hearing in the investigation (No. 40) under the provisions of section 315 of the tariff act of 1922, heretofore ordered in respect of halibut, be held at 10 o'clock a. m., August 10, 1925, by the United States Tariff Commission at the Federal Building in Seattle, Wash., and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation, and by posting for 30 days prior to said August 10, 1925, a copy of said notice at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

Voted: That Chairman Marvin, Commissioner Costigan, Commissioner Dennis, Mr. A. M. Fox, Mr. F. H. Smith, Mr. L. T. Hopkinson, Mr. J. B. Colburn, Miss A. M. O'Neill, and Mrs. Mae C. Stancill are authorized to travel to Seattle, Wash., and other places as may be necessary, and return, on official business incident to the public hearings to be held as heretofore ordered in the investigations of the costs of production, respectively, of logs of fir, spruce, cedar, or western hemlock, and of halibut.

The commission adjourned to meet again at 2.30 o'clock p. m.

## AFTERNOON SESSION

The commission reconvened at 2,30 o'clock p. m.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis, Albertus H. Baldwin.

The commission resumed consideration of the draft of a preliminary statement to be issued to parties interested in the investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

Messrs. G. P. Comer, A. M. Fox, and L. T. Hopkinson were called into the meeting during the discussion.

After discussion of the subject, it went over for further consideration.

Approved, July 3, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JULY 1, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Alfred P. Dennis, Albertus H. Baldwin.

The commission resumed and completed its consideration of the preliminary statement to be issued for the use of interested parties in connection with the pending investigation with respect to the costs of production of logs of fir, spruce, cedar, or western hemlock.

The statement was thereupon returned to the advisory board for the incorporation of adopted amendments.

It was, by Commissioner Costigan—

Moved: That, in conformity with the practice of the commission, the President be requested to authorize the commission to publish the reports submitted to him by the commission and its members in its investigation of the costs of production of sugar.

Upon request of the chairman the consideration of this motion went over until the meeting of the commission to be held on July 2, 1925.

Commissioner Costigan tendered to the respective members of the commission for their consideration a draft of a suggested addition to be incorporated at the conclusion of the text on page 30 of the typewritten prefatory statement of the commission in the sugar-beet investigation in connection with the commission's report in that investigation heretofore authorized to be printed.

Commissioner Costigan, in presenting this draft, stated that if the commission did not approve the addition of such a statement to the commission's report in that investigation he desired to reserve the right to file similar qualifying comments when adding his signature to the report.

The commission thereupon adjourned until 3 o'clock p. m.

## AFTERNOON SESSION

The commission reconvened at 3 o'clock p. m.

Present: Thomas O. Marvin, Edward P. Costigan, Alfred P. Dennis, Albertus H. Baldwin.

The commission proceeded to the consideration of a draft of the report to be submitted to the President in the investigation (No. 37)

for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of men's sewed straw hats.

Messrs. C. F. Yauch and R. A. Wells, of the sundries division, were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Approved, July 10, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JULY 2, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis, Albertus H. Baldwin.

The draft of the preliminary statement to be issued for the use of interested parties in connection with the pending investigation of the costs of production of logs of fir, spruce, cedar, or western hemlock, was laid before the commission as finally revised and was approved.

Voted: That the secretary is authorized to arrange for the proper expenditure in connection with the maintenance and operation of the Brussels headquarters of the Tariff Commission during the fiscal year ending June 30, 1926, of not to exceed \$600 for office rent, including janitor service; \$100 for necessary office equipment and supplies; \$100 for purchase and installation of necessary heating stoves; and reasonable and necessary cost for installation and maintenance of electric light service and telephone for official use.

The commission resumed consideration of the draft of the report to be submitted to the President in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of men's sewed straw hats.

Approved, July 10, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JULY 3, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis, Albertus H. Baldwin.

Upon motion by the chairman it was—

Voted: That Commissioner Dennis be designated as a committee of one on publicity in relation to activities of the Tariff Commission.

The secretary reported that the Department of Commerce and other departments and government establishments had issued orders excusing from duty at 1 o'clock this day, all employees who could be spared from their work.

It was thereupon—

Voted: That the secretary be authorized to excuse from duty after 1 o'clock p. m. this day, all employees of the Tariff Commission who can be spared from their work without detriment to the public interest.

Upon request of the chairman consideration of the material tendered by Commissioner Costigan on July 1, for incorporation in the commission's report in the sugar-beet investigation went over until the meeting of the commission to be held on Tuesday, July 7, 1925.

Upon motion by Commissioner Costigan, it was—

Voted: That in connection with the preliminary statement of information authorized on July 2, to be issued for the use of interested parties in the pending investigation with respect to the costs of production of logs, there be prepared two additional graphs to be marked, respectively, "Graph 1-a" and "Graph 2-a," and numbered, respectively, as pages 13-a and 16-a of said preliminary statement; and that these additional two graphs indicate, respectively, domestic and Canadian cumulative cost of log production covered by this investigation for 1923 (interest not included).

Approved, July 10, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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JULY 7, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis, Albertus H. Baldwin.

Upon request by the chairman, the motion submitted by Commissioner Costigan on July 1, 1925, in reference to the publication of the commission's report to the President in the investigation of sugar, went over until the meeting of the commission to be held on July 9, 1925.

The commission resumed and completed its consideration of a preliminary statement to be issued for the use of parties interested in the investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

Messrs. A. M. Fox and L. T. Hopkinson were called into the meeting during the discussion.

On motion by the chairman the statement as completed was approved.

The commission resumed consideration of a draft of the report to be submitted to the President in the investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of men's sewed straw hats.

Messrs. A. M. Fox, P. W. Bidwell, C. F. Yauch, and R. A. Wells were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

The commission thereupon adjourned to meet again at 3 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 3 o'clock p. m.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis, Albertus H. Baldwin.

The commission resumed consideration of a draft of the report to be submitted to the President in the investigation (No. 37) for the

purposes of section 315 of the tariff act of 1922, with respect to the costs of production of men's sewed straw hats.

Messrs. A. M. Fox, P. W. Bidwell, C. F. Yauch, and R. A. Wells were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Approved, July 10, 1925.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

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JULY 8, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis, Albertus H. Baldwin.

The commission resumed consideration of the draft of the report to be submitted to the President in the investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of men's sewed straw hats.

After discussion of the subject it went over for further consideration.

The commission thereupon adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin.

The commission resumed consideration of the draft of the report to be submitted to the President in the investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of men's sewed straw hats.

After discussion of the subject it went over for further consideration.

Approved, July 10, 1925.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

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JULY 9, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis, Albertus H. Baldwin.

Voted: That the secretary is authorized to accept the resignation of Mr. L. B. Zapolon to take effect at the close of business on July 31, 1925.

Voted: That the secretary is authorized to approve, subject to the regulations, applications for leave of absence without pay as follows:

By Miss Martha Williams for about 40 days.

By Mr. Kemper Simpson for about 25 days.

By Mrs. Marjorie Freeman for about 4 months.

Commissioner Glassie submitted a draft of a report in the pending investigation of alleged unfair practices in the importation and sale of certain revolvers, the report consisting of two parts: First, a statement of the proceedings and the facts, together with the law applicable to the facts; and second, the formal findings and recommendations of the commission.

After consideration of the report above mentioned, it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

In re investigation of alleged unfair methods of competition and unfair acts in the importation and sale of revolvers, simulating revolvers of the manufacture of Smith & Wesson (Inc.). Section 316, Docket No. 1

1. Ordered, That the report in the aforesaid investigation considered by the commission at its meeting on July 9, 1925, and consisting of a statement of the case and opinion, and formal findings and recommendations be, and the same is hereby, approved and adopted as the opinion, findings, and recommendations of the United States Tariff Commission in the investigation for the purposes of section 316 of the tariff act of 1922, with respect to alleged unfair methods of competition and unfair acts in the importation and sale of revolvers, simulating revolvers of the manufacture of Smith & Wesson (Inc.).

2. Ordered further, That Tuesday, July 14, 1925, be, and the same is hereby, set as the date for the filing of the report, opinion, findings, and recommendations of the United States Tariff Commission in the aforesaid investigation; and

3. Ordered further, That the secretary of the commission be, and he is hereby, authorized and directed to mail or deliver, when so filed, copies of the findings in said investigation to the importers or consignees of the articles in respect of which the findings in said investigation show violation of section 316 of the tariff act of 1922.

It was also, upon motion by Commissioner Glassie—

Voted: That the secretary be authorized and directed to send to all parties of record, as far as practicable, copies of the findings of the commission in the investigation of alleged unfair practices in the importation and sale of certain revolvers.

The commission thereupon adjourned until 3 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 3 o'clock p. m.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis, Albertus H. Baldwin.

The commission resumed consideration of the draft of the report to be submitted to the President in the investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of men's sewed straw hats.

Messrs. P. W. Bidwell, C. F. Yauch, and R. A. Wells were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Approved, July 14, 1925.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

JULY 10, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis, Albertus H. Baldwin.

The minutes of the meetings of the commission held on July 1, 2, 3, 7, and 8, 1925, were read and approved.

Voted: That Mr. W. N. Watson be authorized to travel to Boston and Fall River, Mass., New York City and vicinity, and Wilmington, Del., and return, for the purpose of obtaining information in regard to the cost of dyes used in various articles of clothing and textiles.

The commission proceeded to the consideration of the motion submitted by Commissioner Costigan on July 1, as follows:

Moved: That, in conformity with the practice of the commission, the President be requested to authorize the commission to publish the reports submitted to him by the commission and its members in its investigation of the costs of production of sugar.

After consideration the motion was withdrawn by Commissioner Costigan, by unanimous consent, and upon motion submitted in lieu thereof by Commissioner Costigan, it was—

Voted: That the following letter be transmitted to the President:

JULY 10, 1925.

The PRESIDENT,

*White Court, Swampscott, Mass.*

DEAR MR. PRESIDENT: The Tariff Commission at a meeting held on July 10, adopted a motion, the substance of which was that the President be requested to inform the commission if he is prepared at the present time to authorize the publication of the commission's reports (except data submitted confidentially) transmitted in the commission's investigation of sugar. Implicit in that request is the assumption that a refusal might be based on reasons of public policy unknown to members of the commission.

If your approval is given, the material which would be published, unless reasons to the contrary develop, may be listed as follows:

Findings of fact and recommendations of the United States Tariff Commission, July 31, 1924.

Report of the United States Tariff Commission, July 31, 1924.

Appendices accompanying the report, July 31, 1924.

Report to the President by Commissioners Marvin and Burgess, August 1, 1924.

Appendix to report to President by Commissioners Marvin and Burgess.

Supplemental report to the President in response to inquiries of September 27, October 8, and October 23, 1924, by Commissioners Marvin and Burgess, November 14, 1924.

Supplemental report on sugar of the United States Tariff Commission in response to the letter of the President dated September 27, 1924, November 17, 1924.

Exhibits accompanying the supplemental report on sugar of the United States Tariff Commission, November 17, 1924.

Finding of the President on customs duties on sugar, June 16, 1924.

When the motion above mentioned was considered by the commission it was suggested by one member of the commission that in view of the closing sentence in your findings of June 15, 1925, you may possibly desire to withhold publication of the commission's data until satisfied that there will be no reconsideration of your decision. If this is your view, the commission will be obliged if you will so advise it.

Respectfully,

THOMAS O. MARVIN, *Chairman.*

The following statement was made:

By Commissioner GLASSIE: I do not vote on this motion for the following reasons: When a request was made by the late Senator La Follette that the minutes of the Tariff Commission with respect



to the sugar investigation be transmitted to him, it was suggested by Commissioner Costigan that I should not vote on that question, inasmuch as it would be equivalent to acting in the sugar investigation. Although I was unable to see how the question of turning over the commission's records to any person could possibly constitute participation in an investigation, I followed the suggestion and did not vote. It seems to me that if the former matter could by any possibility be considered as participation in an investigation, so this matter could be construed with perhaps greater force as participation in the investigation, as it has direct relation to the publication of the report submitted by the five members who did participate in the investigation.

The commission resumed consideration of the draft of the report to be submitted to the President in the investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of men's sewed straw hats.

During the discussion Messrs. P. W. Bidwell, C. F. Yauch, and R. A. Wells were called into the meeting.

After discussion of the subject it went over for further consideration.

Approved, July 14, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JULY 14, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Alfred P. Dennis, Albertus H. Baldwin.

The minutes of the meetings of the commission held on July 9 and 10, 1925, were read and approved.

The secretary laid before the commission a memorandum from the chief of the economics division and the chief investigator in reference to certain field work necessary for the purpose of obtaining information with respect to wall tiles and woolen rugs.

After discussion of the subject, it was—

Voted: That Mr. J. M. Albertson be authorized to travel to New York City and vicinity, and return, for a period of about 10 days, for the purpose of obtaining information concerning the production and importation of wall tiles.

Voted: That Mr. G. M. Youngman be authorized to travel to Wayne Junction, Pa., New York City and vicinity, and Worcester, Mass., and return for a period of about two weeks for the purpose of obtaining information with respect to the competitive conditions in the woolen rug industry.

The chairman laid before the commission a letter from the chairman of the Federal Trade Commission requesting such information as the Tariff Commission might have available concerning violations of the Federal antitrust laws.

Upon motion by the chairman the foregoing communication was referred to the chief of the legal division and the chief of the preferential tariffs division for consideration and report.

The commission resumed and concluded consideration of the draft of the report to be submitted to the President in the investigation for the purposes of section 315 of the tariff act of 1922 (No. 37) with respect to the differences in costs of production of men's sewed straw hats.

Upon motion by Commissioner Dennis, it was—

Voted: That the report in the investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of men's sewed straw hats, be approved and with accompanying statements by individual commissioners, be transmitted to the President.

Approved, July 17, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JULY 16, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Alfred P. Dennis, Albertus H. Baldwin.

Upon motion by Commissioner Costigan, it was—

Voted: That during the period of and at the public hearings to be held at Seattle, Wash., by the United States Tariff Commission in the investigations in reference to logs of fir, spruce, cedar or western hemlock, and halibut, respectively, Mr. Joseph B. Colburn be, and is hereby, authorized as an agent of the commission to administer oaths and affirmations for and on behalf of the commission.

The chairman laid before the commission a report from the advisory board in reference to maple sirup and sugar, cane sirup, edible molasses, and blackstrap.

Commissioner Costigan called up for consideration the report to be submitted to the President in the investigation with respect to gold leaf.

By unanimous consent the report went over for further consideration.

Upon motion by Commissioner Costigan, it was—

Voted: That three schedules proposed to be used in the investigation of fresh-water fisheries be approved.

Upon motion by Commissioner Baldwin, it was—

Voted: That the salary of Mr. Crittendon Marriott be increased to the rate of \$2,800 per annum, effective July 16, 1925.

It was, by the chairman—

Moved: That the salary of Mrs. Edith M. Streett, formerly assigned as secretary to commissioner, be continued without change for two weeks.

After discussion of the subject and upon motion submitted as a substitute by Commissioner Costigan, it was—

Voted: That Mrs. Edith M. Streett be assigned as a stenographer in the stenographic division, with salary at the rate of \$1,740 per annum, effective July 16, 1925.

Upon the foregoing resolution the chairman voted in the negative.

Upon motion by Commissioner Costigan, it was—

Voted: That Mr. T. P. Hayden be transferred from the accounting division and assigned as special expert in the textile division.

Upon motion by Commissioner Dennis, it was—

Voted: That Miss C. M. Hutchinson be transferred from the textile division to the statistical division.

Upon motion by Commissioner Dennis, it was—

Voted: That the salary of Miss Blanche C. Howlett be increased to the rate of \$2,040 per annum, effective July 16, 1925.

Upon motion by Commissioner Baldwin, it was—

Voted: That the salaries of Messrs. G. M. Youngman and A. H. McCarrell, respectively, be increased to the rate of \$3,600 per annum, effective July 16, 1925.

Approved, July 23, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JULY 17, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Alfred P. Dennis, Albertus H. Baldwin.

The minutes of the commission meeting held on July 14, 1925, were read and approved.

Upon motion by Commissioner Dennis, it was—

Voted: That the salary of Mrs. Mae C. Stancill, secretary to Commissioner Dennis, be, and is hereby increased to the rate of \$2,200 per annum, effective July 16, 1925.

Commissioner Costigan, on behalf of the committee appointed on June 30, 1925, to consider proposed reallocation of office space as planned by the standing committee, consisting of the secretary, the chief investigator, and the chief of the economics division, recommended that the proposed rearrangement of space be approved.

After discussion of the subject the changes in allocation of space as submitted by the standing committee were approved, with the understanding that the wood and paper division might occupy temporarily, until October 1, 1925, room 315.

The chairman laid before the commission a memorandum from the chairman of the advisory board with reference to reports awaiting action by the commission upon applications under the provisions of section 315 of the tariff act of 1922, with respect to black and silver fox skins, spring clothespins, granite, glue and edible gelatin, maple sugar, and sirup, cane sirup, blackstrap, and edible molasses.

Commissioner Costigan requested consideration of the material tendered by him on July 1, 1925, to be incorporated in the text of the commission's report in the sugar-beet investigation.

Upon request by the chairman the subject went over for further consideration at the meeting of the commission to be held on July 21, 1925.

The commission resumed the consideration of the efficiency ratings of the employees of the commission for the six months period ended November 15, 1924.

After discussion of the subject, and upon motion by Commissioner Costigan, it was—

Voted: That the efficiency ratings as submitted by the board of review for the period from May 16 to November 15, 1924, be, and they are hereby, approved: *Provided*, That the final rating of Miss Marietta Salvant be increased to 65 per cent, and that the rating of Miss Agnes M. O'Neill upon the element of personality be increased to 90 per cent, as requested by the chairman.

The commission resumed consideration of a draft of the report to be submitted to the President in the investigation (No. 36) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of gold leaf.

After discussion of the subject it went over for further consideration.

Approved, July 24, 1925.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

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JULY 18, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Alfred P. Dennis, Albertus H. Baldwin.

The commission resumed consideration of the draft of the report to be submitted to the President in the investigation (No. 36) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of gold leaf.

During the discussion Messrs. A. M. Fox, Myron R. Walker, C. D. Blachly, and C. W. Mixter were called into the meeting.

After discussion of the subject it went over for further consideration.

Approved, July 23, 1925.

Attest:

THOMAS O. MARVIN, *Chairman*.

JOHN F. BETHUNE, *Secretary*.

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JULY 20, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Alfred P. Dennis, Albertus H. Baldwin.

The commission proceeded to the consideration of the preliminary statement to be issued for the use of interested parties in the investigation (No. 44) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of bob-white quail.

During the discussion Messrs. A. M. Fox, O. A. Juve, and H. L. Lourie were called into the meeting.

After discussion of the subject and upon motion by Commissioner Dennis, the above-mentioned preliminary statement in the bob-white quail investigation was approved and the secretary was authorized to distribute it to interested parties.

Upon motion by Commissioner Dennis, it was—

Voted: That a public hearing in the investigation (No. 44) under the provisions of section 315 of Title III of the tariff act of 1922,

heretofore ordered in respect of bobwhite quail, be held at 10 o'clock a. m., on September 10, 1925, at the office of the United States Tariff Commission, in the city of Washington, D. C.; and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation, and by posting for 30 days prior to said September 10, 1925, a copy of said notice at the principal office of the commission and in the office of the commission at the port of New York.

The secretary laid before the commission translations of the laws relating to the Tariff Commission into the French and German languages, respectively, with the recommendation that the translations be verified and be printed for the use of the commission.

After discussion of the subject, it was—

Voted: That the secretary is authorized to arrange for the verification and publication of the translations into French and German, respectively, of the laws relating to the Tariff Commission.

Approved, July 23, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JULY 21, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Alfred P. Dennis, Albertus H. Baldwin.

The secretary laid before the commission recommendations for the reclassification of certain employees on the staff of the commission.

After discussion of the subject, it was—

Voted: That the classification and salaries of the following employees of the Tariff Commission are hereby changed as indicated opposite their respective names, to date from and including July 16, 1925:

	From—		To—		Increase
	Grade	Salary	Salary	Grade	
Dedicott, W. J.....	C. A. F. 5.....	\$2, 100	\$2, 400	C. A. F. 7.....	\$300
Stone, K. L.....	do.....	2, 100	2, 400	do.....	300
Claurini, F. R.....	do.....	2, 100	2, 300	C. A. F. 6.....	200
De Shay, J. D.....	do.....	2, 100	2, 300	do.....	200
Quinn, Rose.....	do.....	2, 100	2, 200	do.....	100
Riddle, L. C.....	do.....	2, 100	2, 200	do.....	100
Roberts, V. A.....	do.....	1, 860	2, 100	do.....	240
Streett, W. I.....	do.....	1, 860	2, 100	do.....	240
Wall, Benjamin.....	do.....	2, 100	2, 300	do.....	200

The secretary laid before the commission a memorandum from the chief investigator and the chief of the textile division with reference to additional field work required in connection with the pending investigation of the costs of production of rag rugs.

After discussion of the subject, it was—

Voted: That Mr. W. J. Dedicott and Myron G. Grigg be authorized to travel from Norristown, Pa., to Louisville, Ky., and Spindale, N. C., and return to Washington, D. C., in connection with the pending investigation (No. 43) for the purposes of section 315 of

the tariff act of 1922, with respect to the costs of production of rag rugs.

The secretary laid before the commission a memorandum from the chief investigator and the acting chief of the agricultural division with reference to the field work required in connection with the study of applications for investigations under the provisions of section 315 of the tariff act of 1922, with respect to certain agricultural subjects and manufactures thereof.

After discussion of the subject, it was—

Voted: That Mr. H. L. Lourie be authorized to travel to New York City and vicinity, and return, for a period of about three or four days for the purpose of obtaining information concerning the production and importation of green olives, cocoa butter, and glacé fruit of all kinds.

The commission resumed consideration of the draft of the report to be submitted to the president in the investigation (No. 36) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of gold leaf.

After discussion of the subject it went over for further consideration.

Approved, July 23, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JULY 22, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Alfred P. Dennis, Albertus H. Baldwin, Edgar B. Brossard.

Hon. Edgar Bernard Brossard having taken the oath of office prescribed by law, entered upon his duties as a member of the Tariff Commission.

Upon motion by the chairman, it was—

Voted: That Mr. S. P. Cowley be appointed clerk to Commissioner Brossard and be allocated to grade 6 of the clerical, administrative, and fiscal service, with compensation at the rate of \$2,400 per annum.

On the foregoing motion Commissioner Costigan voted in the negative.

The commission resumed consideration of a draft of the report to be submitted to the President in the investigation (No. 36) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of gold leaf.

After discussion of the subject it went over for further consideration.

The commission adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Edward P. Costigan, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed and concluded consideration of the draft of the report to be submitted to the President in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of gold leaf.

Upon motion the report was approved for transmittal to the President and was thereupon signed by the several members of the commission.

The commission proceeded to the consideration of the material tendered by Commissioner Costigan on July 1 for inclusion in the report upon the commission's investigation of the sugar beet industry.

After discussion of the subject it went over for further consideration.

Approved, July 24, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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JULY 23, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on July 16, 18, 20, and 21, 1925, were read and approved.

The chairman laid before the commission the following Executive order:

ORDER

Under the provisions of section 700 of the act of Congress approved September 8, 1916, creating and establishing the United States Tariff Commission, Alfred P. Dennis is hereby designated as vice chairman of the United States Tariff Commission for a period of one year from July 22, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE,  
July 22, 1925.

The secretary was requested to communicate this order immediately to Commissioner Dennis, together with the congratulations of the commission upon his designation as vice chairman.

Voted: That Mr. Albert J. T. Meurer be assigned as assistant office draftsman in the economics division.

Voted: That Mrs. Gertrude S. Wieland be assigned as statistical clerk in the accounting division.

The secretary laid before the commission a memorandum from the chief investigator and others in reference to field work in connection with the pending investigation of the costs of production of bent-wood chairs.

After discussion of the subject, it was—

Voted: That Messrs. J. M. P. Donohoe, A. T. Geraci, and L. G. Newman be authorized to travel to New York City and vicinity, and Boston, Gardner, and Wakefield, Mass., and return, for the purpose of obtaining information for use in the pending investigation (No. 42) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of bent-wood chairs.

The chairman announced the appointment of Commissioner Brossard as a member of the personnel committee, and that the chairman would serve as a member of the committee *ex officio*.

The commission proceeded to the consideration of the memorandum from the chairman of the advisory board as laid before the commission on July 17, 1925, in reference to reports upon appli-

cation for investigations under the provision of section 315 of the tariff act of 1922, with respect to black and silver fox skins, spring clothespins, granite, glue, and maple sugar and sirup, cane sirup, blackstrap, and edible molasses.

Upon motion by the chairman there were added to the foregoing list of subjects the reports on methanol and sodium silicofluoride.

After discussion, it was by the chairman—

Moved: That an investigation be instituted by the United States Tariff Commission for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of granite; and that in submitting for consideration by the commission a plan for such investigation the advisory board include a report upon the feasibility of using invoice prices as evidence of costs of production in lieu of actual book costs of imported granite.

After discussion of the subject, the motion went over for further consideration.

It was, by the chairman—

Moved: That an investigation be instituted by the United States Tariff Commission for the purposes of section 315 of the tariff act of 1922, with respect to glue and edible gelatin.

The motion went over for further consideration.

Upon motion by Commissioner Costigan, it was—

Voted: That an investigation be instituted by the United States Tariff Commission, under its general powers, with respect to maple sugar and sirup, cane sirup, blackstrap, and edible molasses (including Barbados molasses).

It was, by the chairman—

Moved: That an investigation be instituted by the United States Tariff Commission for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of methanol.

The motion went over for further consideration.

It was, by the chairman—

Moved: That an investigation be instituted by the United States Tariff Commission for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of sodium silicofluoride.

The motion went over for further consideration.

Approved July 24, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JULY 24, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on July 17, 22, and 23, 1925, were read and approved.

Voted: That Miss Evelina P. Kean, heretofore employed for a period of approximately three months, be continued in the service of the Tariff Commission as special expert with compensation at the rate of \$2,400 per annum in grade 2 of the professional and scientific service.



The secretary laid before the commission a memorandum from the chief of the textile division in reference to field work necessary in connection with the preparation of a tariff information survey on cotton sewing thread and cottons for handwork, as covered by paragraph 902 of the tariff act of 1922.

After discussion of the subject, it was—

Voted: That Miss Ruth E. K. Peterson be authorized to travel for not to exceed three weeks to Philadelphia, Pa.; Florence, N. J.; New York City and vicinity; Willimantic, Conn.; Boston and vicinity, Springfield and vicinity, and Worcester, Mass.; and Pawtucket and Providence, R. I.; and such other places in those States as may be necessary, and return, for the purpose of obtaining information for use in the preparation of a report with reference to cotton sewing thread and cottons for handwork.

The secretary laid before the commission a communication from the Personnel Classification Board in reference to correspondence between that board and Miss Blanche C. Howlett in reference to her classification.

The secretary reported that Miss Howlett had announced her intention of making a formal appeal in this connection through regular channels and was instructed to return the papers to the Personnel Classification Board with a statement to that effect.

The chairman requested Commissioners Baldwin and Brossard to take up with the Personnel Classification Board the question of further consideration of the classification of the commissioners' secretaries and other employees of the commission in grade 6 of the clerical, administrative, and fiscal service.

The secretary reported to the commission that under the resolution of the commission adopted on June 18, 1925, it will be permissible to transfer Mr. Herman K. Kopp to the field service of the commission and employ him as a special expert for part-time service on such work and at such rate of compensation as might be directed by the commission.

It was thereupon—

Voted: That the secretary be authorized to arrange for the transfer of Mr. Herman K. Kopp to the field service of the commission, as special expert for part-time service, with compensation at the rate of \$1.25 per hour while actually employed.

Commissioner Costigan stated that he did not vote for the motion because he considered \$0.75 per hour adequate compensation under the circumstances.

The commission discussed that material submitted by Commissioner Costigan on July 1, 1925, for inclusion in the text of the report on the commission's investigation of the sugar-beet industry.

It was agreed that the material be referred to Commissioners Costigan and Brossard for adjustment and inclusion in the report in such form as might be agreed upon by them.

The commission resumed consideration of the motion submitted by the chairman on July 23, 1925, in reference to the institution of an investigation of the costs of production of granite.

The chief investigator and the chief of the economics division were called into the meeting during the ensuing discussion.

As a substitute for the chairman's motion, it was, by Commissioner Costigan—

Moved: That an investigation be instituted by the United States Tariff Commission under its general powers with respect to granite.

Upon the foregoing motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Mr. Costigan.

Against the adoption of the motion: Messrs. Marvin, Baldwin, Brossard.

The substitute motion was therefore rejected.

The question being upon the original motion by the chairman, it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 45 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

GRANITE

The United States Tariff Commission on this 24th day of July, 1925, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the article described in paragraph 235 of Title I of said tariff act, namely:

Granite, suitable for use as monumental or building stone, hewn, dressed, or polished, or otherwise manufactured, and granite, unmanufactured, or not dressed, hewn, or polished, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

The votes of the commissioners on the foregoing resolution were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Baldwin, Brossard.

Against the adoption of the resolution: Mr. Costigan.

The commission resumed consideration of the motion submitted on July 23, 1925, by the chairman in reference to the institution of an investigation of the costs of production of glue and edible gelatin.

After discussion of the subject, it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

## INVESTIGATION NO. 46 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

## GLUE

The United States Tariff Commission on this 24th day of July, 1925, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the article described in paragraph 42 of Title I of said tariff act, namely:

Glue, not specially provided for, other than gelatin, glue or technical gelatin, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

Voted: That the following order is hereby adopted by the United States Tariff Commission.

## INVESTIGATION NO. 47 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

## EDIBLE GELATIN

The United States Tariff Commission on this 24th day of July, 1925, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the article described in paragraph 42 of Title I of said tariff act, namely:

Edible gelatin, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions, published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

The commission resumed consideration of the motion submitted on July 23, 1925, by the chairman in reference to the institution of an investigation of the costs of production of methanol.

After discussion of the subject, it was---

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 48 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

METHANOL.

The United States Tariff Commission on this 24th day of July, 1925, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to the article described in paragraph 4 of Title I of said tariff act, namely:

Methyl or wood alcohol (or methanol), being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, or which said public hearing at least 30 days public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports, published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents, of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

The votes of the commissioners on the foregoing resolution were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Baldwin, Brossard.

Against the adoption of the resolution: Mr. Costigan.

The commission resumed consideration of the motion submitted on July 23, 1925, by the chairman in reference to the institution of an investigation of the costs of production of sodium silicofluoride.

After discussion of the subject, it was---

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 49 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

SODIUM SILICOFLUORIDE

The United States Tariff Commission on this 24th day of July, 1925, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the article included within the class or kind of articles provided for in paragraph 5 of Title I of said tariff act, namely:

Sodium silicofluoride or sodium fluosilicate being wholly or in part the growth or product of the United States, and of and with respect to like or similar

articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given an opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing at least 30 days' public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

The votes of the Commissioners on the foregoing resolution were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Baldwin, Brossard.

Against the adoption of the resolution: Mr. Costigan.

It was, by Commissioner Costigan—

Moved: That an investigation be instituted by the United States Tariff Commission for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of cotton cloths dutiable under paragraphs 903 and 906 of the tariff act of 1922.

The foregoing motion went over by unanimous consent for further consideration.

Voted: That Mr. F. J. Koch and one of the accountants now abroad in the service of the commission be authorized to travel to centers of production of granite in Sweden and, if necessary, Norway, Finland, Germany, and Scotland, for the purpose of obtaining, in connection with the investigation of the costs of production of granite, all information in regard to the granite industry that is readily available within a period not to exceed four weeks, including costs of production (except in Sweden) and such cost data, including detailed invoice prices, as may be available without direct request for access to cost records.

Voted: That a chemical expert and an accountant be authorized to travel to such places as may be necessary in the States of New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, and Maryland, and return, for the purpose of obtaining information in connection with the investigations of the differences in costs of production of glue and edible gelatin.

Voted: That a chemical expert and an accountant be authorized to travel to such places as may be necessary in the States of New York, Pennsylvania, Illinois, Michigan, Indiana, Wisconsin, and Ohio, and return, for the purpose of obtaining information in connection with the investigations of the differences in costs of production of glue and edible gelatin.

Voted: That Mr. C. R. DeLong be authorized to travel to Cleveland, Ohio; Chicago, Ill.; Buffalo, N. Y., and Boston, Mass., and return, for the purpose of assisting in starting the field work in the investigations with respect to costs of production of glue, edible gelatin, and methanol.

Voted: That a chemical expert and an accountant be authorized to travel to such places as may be necessary in the States of Pennsylvania, New York, and Delaware, and return, in connection with the investigation with respect to costs of production of methanol.

Voted: That a chemical expert and an accountant be authorized to travel to such places as may be necessary in the States of Michigan, Wisconsin, Ohio, Illinois, and Tennessee, and return, for the purpose of obtaining information in connection with the investigation of the differences in costs of production of methanol.

Voted: That a chemical expert and an accountant be authorized to travel to such places as may be necessary in Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Tennessee, Georgia, and Illinois, and return, in connection with the investigation of the differences in costs of production of sodium silicofluoride.

Voted: That Dr. C. O. Townsend, three accountants, and one economist be authorized to travel to such places as may be necessary in the States of Massachusetts, New Hampshire, Vermont, New York, Pennsylvania, Ohio, Maryland, Louisiana, Alabama, and Georgia, and return, for the purpose of obtaining information in connection with the investigation under the general powers of the commission with respect to maple sugar and sirup, cane sirup, blackstrap, and edible molasses.

Voted: That the vice chairman and Commissioners Baldwin and Brossard be, and are hereby, designated, authorized, and directed to hold, on behalf of the Tariff Commission, the public hearing heretofore, on July 20, 1925, ordered to be held in the pending investigation (No. 44) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of bob white quail; and for the purpose of such hearing such commissioners and each of them are authorized to sign and issue subpoenas, administer oaths and affirmations, examine witnesses, take testimony, and receive evidence.

Approved, September 15, 1925.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

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SEPTEMBER 10, 1925.

Present: Alfred P. Dennis, Albertus H. Baldwin, Edgar B. Brossard.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its published order adopted on July 20, 1925, setting this date for a public hearing in the investigation (No. 44) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of bobwhite quail.

After hearing evidence by all parties appearing and requesting to be heard, all of whom waived further opportunity to file briefs or present argument, the commission announced that the public hearing was closed.

Approved, September 24, 1925.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

SEPTEMBER 12, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Albertus H. Baldwin, Edgar B. Brössard.

The commission resumed consideration of the material tendered by Commissioner Costigan on July 1 for inclusion in the report upon the commission's investigation of the sugar beet industry.

After discussion of the subject, it was, upon motion by Commissioner Dennis—

Voted: That it is the opinion of the commission that the sugar beet report represents the views of the majority of the commission and such being the case any dissent therefrom should appropriately follow the main body of such report immediately preceding the appendix.

Upon motion by Commissioner Brossard, it was—

Voted: That the caption of the material to be inserted at the request of Commissioner Costigan at the end of the sugar beet report shall be "Reservations by Commissioner Costigan respecting the commission's report on the cost of production of sugar beets in———."

Statements by Commissioners Costigan and Brossard, respectively, in reference to the foregoing resolution, have been, upon their request, placed in the files of the commission.

The secretary laid before the commission a letter under date of September 11, 1925, from Senator David A. Reed, of Pennsylvania, requesting information as to when final action of the Tariff Commission may be expected in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to taximeters.

After discussion of the subject and upon motion by the chairman, it was—

Voted: That the chief of the economics division and the chief investigator in cooperation with Commissioner Baldwin be requested to submit to the commission at the earliest practicable date reports for disposition by the commission in the investigations, in reference respectively to taximeters and print rollers for the purposes of section 315 of the tariff act of 1922.

The secretary laid before the commission a telegraphic communication from the counsel for interested parties participating in the public hearing held in Seattle, Wash., beginning on August 4, 1925, in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to logs of fir, spruce, cedar, or western hemlock, said communication requesting an extension for 15 days of the time allowed for the filing of briefs in said investigation.

After discussion of the subject and upon motion by the chairman, it was—

Voted: That the time fixed for the filing of briefs in the investigation (No. 35) for the purposes of section 315 of the tariff act of 1922, with respect to logs of fir, spruce, cedar, or western hemlock, be, and the same is hereby, extended until October 6, 1925.

The secretary submitted a verbal report in reference to the physical condition of Mr. Herman K. Kopp, an employee of the commission, and the status of his claim before the Veterans' Bureau as a disabled ex-soldier.

After discussion of the subject it was, upon motion by the chairman—

Voted: That the resolutions adopted by the Tariff Commission on June 18 and July 24, 1925, respectively, authorizing the part-time employment of Mr. Herman K. Kopp, be, and the same are hereby, rescinded, because of the fact that the commission finds and believes that Mr. Kopp's physical condition, as the result of wounds received in battle during the war with Germany, is such that he is totally disabled from performing the duties of his position in the services of the Tariff Commission.

Upon motion by the chairman, it was—

Voted: That Commissioner Brossard, the secretary, and Mr. H. H. Newton be appointed as a committee to present to the Veterans' Bureau the facts as known by the commission with regard to the physical condition of Mr. Herman K. Kopp as the basis for appropriate allotment to him under the law.

The secretary laid before the commission a request by Mrs. Edith M. Streett for annual leave from August 15 to September 22, 1925.

After consideration of the subject and upon motion by the chairman, it was—

Voted: That the secretary be authorized to approve 30 days of annual leave, from August 15 to September 22, 1925, for Mrs. Edith M. Streett.

Voted: That Messrs. M. G. Donk and W. I. Streett are authorized to travel to Baltimore, Md., and return, in connection with the investigation (No. 40) of the costs of production of sodium silicofluoride.

Voted: That the assignment of Messrs. J. N. Torvestad and L. C. Riddle of the accounting division to the fresh-water fisheries investigation in lieu of Messrs. T. H. Joyce and Samuel Schoenfeld in accordance with the resolution of June 23, 1925, is hereby ratified and approved.

Voted: That the additional travel by Mr. H. L. Lourie to Philadelphia, Pa., on July 29, 1925, under the resolution of July 21, 1925, authorizing him to travel to New York City and return for the purpose of obtaining information concerning the trade in green olives and other subjects, is hereby ratified and approved.

Voted: That the additional travel performed by Messrs. M. G. Donk and W. I. Streett via Cleveland, Ohio, under the resolution of July 24, 1925, authorizing field work in the investigation of the costs of production of sodium silicofluoride, is hereby ratified and approved.

Voted: That the expenditure by Dr. C. O. Townsend of an amount not to exceed \$10 for necessary clerical assistance incidental to the travel performed by him between August 13 and 30, 1925, as authorized by the resolution of the commission on July 24, 1925, in connection with the investigation relative to maple sugar and sirup, and allied subjects, is hereby ratified and approved.

Approved, September 24, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*



SEPTEMBER 15, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meeting of the commission held on July 24, 1925, were read and approved.

Voted: That Mr. J. M. P. Donohoe and Mr. A. T. Geraci be authorized to travel to Chicago, Ill., and Sheboygan, Wis., and return, on official business in connection with the pending investigation of the costs of production of bentwood chairs.

Voted: That Mr. J. M. Albertson, Mr. F. R. Clairini, and Mr. Myron R. Grigg be authorized to travel to such places as may be necessary in the States of Wisconsin and Minnesota, and return, on official business for the purpose of testing the cost schedule forms tentatively prepared for use in the pending investigation with respect to costs of production of granite, and to obtain information concerning costs of production of granite in the States named.

Voted: That Mr. M. G. Donk and Mr. W. I. Streett be authorized to travel to Baltimore, Md., and New York City, and return, for the purposes of obtaining additional information with respect to the costs of production of sodium silicofluoride.

The secretary laid before the commission a communication from Mr. Andrew Coulthart tendering his resignation from the position of special expert on the commission's staff.

It was, by Commissioner Brossard---

Moved: That the resignation of Mr. Andrew Coulthart be accepted.

At the request of the chairman the subject went over for further consideration.

Upon motion by the chairman, it was---

Voted: That Mr. Mark A. Smith be employed as a special expert on the staff of the commission; that he be assigned to the economics division; and that his position be allocated to grade 4 of the professional and scientific service, with entrance salary at the rate of \$3,800 per annum.

Upon motion by the chairman, it was---

Voted: That Commissioner Brossard be designated as classification officer in connection with the classification of the personnel of the commission.

The commission proceeded to the consideration of the report to be submitted to the President in the pending investigation (No. 44) for the purposes of section 315 of the tariff act of 1922, with respect to costs of production of bobwhite quail.

The chief investigator, the acting chief of the agricultural division, and Mr. H. L. Lourie, of the agricultural division, were called into the meeting during the discussion.

After discussion of the subject, it was, upon motion by the vice chairman---

Voted: That the report in the investigation (No. 44) for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of bobwhite quail, be approved for transmittal to the President.

It was unanimously agreed in connection with the foregoing resolution that the report in the bobwhite quail investigation should

be submitted by mail to Commissioner Costigan, who was then absent from the city, for his information and comment before being transmitted to the President.

Approved, September 24, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 16, 1925.

Present: Thomas O. Marvin, Albertus H. Baldwin, Edgar B. Brossard.

The chairman laid before the commission a letter from Commissioner Glassie advising and recommending that the commission's special experts now in Europe in connection with the pending investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of granite be instructed to conduct their work in that investigation in Sweden in the usual manner through the American Embassy and by request for information from original sources.

After discussion of the subject, it was, upon motion by the chairman—

Voted: That upon the advice of Commissioner Glassie the commission's instructions to Mr. Koch with respect to the granite investigation in Sweden be amended to conform to the regular procedure in the commission's other cost investigations for the purposes of section 315 of the tariff act of 1922, in other foreign countries, and that instructions to this effect be sent by cable to Mr. Achenbach for further transmittal to Mr. Koch.

This motion was approved by all the commissioners present and the statement was made that including Commissioner Glassie four of the commissioners were known to approve the obtaining of Swedish costs in the usual manner.

Later in the day a message was received by telegram from Commissioner Costigan in Denver, Colo., as follows:

Please record me as favoring Commissioner Glassie's recommendation broadening European granite investigation to secure actual foreign cost figures.

Approved, September 24, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 24, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on September 10, 12, 15, and 16, 1925, were read and approved.

Voted: That Mr. C. R. DeLong and Mr. C. H. Penning, of the chemical division, be authorized to travel to New York City, and return, for the purpose of obtaining information concerning imports of edible gelatin, glue, methanol, and sodium silicofluoride, during the first six months of 1925.

Voted: That the travel performed by Mr. C. H. Penning and Mr. N. J. Halpin to Charleston, Miss., on official business in connection with the pending investigation with respect to the costs of production of methanol be, and is hereby, ratified and approved.

The secretary laid before the commission a communication from Mrs. Theda Hainsworth tendering her resignation from the service of the Tariff Commission as of September 15, 1925.

It was, thereupon

Voted: That the secretary is authorized to accept the resignation of Mrs. Theda Hainsworth as tendered by her.

The secretary called attention to the fact that Commissioner Brossard had not been paid for the period from July 16 to 21, 1925, in his former position as a member on the staff of the commission pending his qualification as a member of the commission.

It was, thereupon

Voted: That the secretary is authorized to pay Commissioner Brossard salary for the period from July 16 to 21, 1925, at the rate of \$4,400 per annum as a special expert on the staff of the commission.

Commissioner Brossard did not participate in the foregoing vote.

The chairman called up for consideration the motion submitted by Commissioner Brossard at the meeting of the commission on September 15, 1925, which was agreed to as follows:

Voted: That the resignation of Mr. Andrew Coulthart be accepted.

Upon motion by Commissioner Brossard, it was—

Voted: That the travel performed on official business of the Tariff Commission by the chairman and vice chairman and by Mr. Jos. B. Colburn, Miss Agnes O'Neill, and Mrs. Mae Stancill, from Seattle, Wash., to San Francisco, Los Angeles, and other places in California, is hereby ratified and approved.

Upon motion by the vice chairman, it was—

Voted: That Commissioner Baldwin be requested to submit a formula for the disposition of the pending investigation (No. 16) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of wall pockets, by reporting to the President that the Tariff Commission has no information adequate to justify it in indicating any change in the existing rate of duty on wall pockets.

Upon motion by the vice chairman, it was—

Voted: That Mr. Preston M. Neilson be employed as a special expert economic analyst on the staff of the commission; that he be assigned to the metals division; and that his position be allocated to grade 1 of the professional and scientific service with entrance salary at the rate of \$1,800 per annum.

The commission proceeded to the consideration of the report to be submitted to the President in the pending investigation (No. 25) for the purposes of section 315 of the tariff act of 1922, with respect to taximeters.

The chief investigator and the chief of the economics division were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

The commission adjourned until 2.30 o'clock p. m.

## AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Alfred P. Dennis, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 25) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of taximeters.

The chief investigator and the chief of the economics division were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Approved, September 29, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 25, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Albertus H. Baldwin, Edgar B. Brossard.

The secretary reported that the Bureau of the Budget had approved the formal estimates of appropriations as submitted for the fiscal year ending June 30, 1927, except that the estimate for printing and binding was reduced from \$9,500 to \$8,500.

Voted: That Mr. Paul M. Tyler be authorized to travel from Boston to Foxboro, Mass., New Haven and Waterbury, Conn., New York City, Rochester, Buffalo, Corning, N. Y., Newark, and Vineland, N. J., Philadelphia, Pa., and Washington, D. C., for a period of not longer than three weeks, in connection with the investigation of scientific instruments.

The commission proceeded to the consideration of the report to be submitted to the President in the pending investigation (No. 25) for the purposes of section 315 of the tariff act of 1922, with respect to taximeters.

The chief investigator, the chief of the economics division, Mr. F. M. Leonard, and Mr. H. J. Bierman, of the metals division, were called into the meeting, during the discussion.

After discussion of the subject it went over for further consideration.

The commission adjourned until 2.30 o'clock p. m.

## AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Alfred P. Dennis, Albertus H. Baldwin, Edgar B. Brossard.

The commission proceeded to the consideration of the report to be transmitted to the President in the pending investigation (No. 25) for the purposes of section 315 of the tariff act of 1922, with respect to taximeters.

The chief investigator, the chief of the economics division, Mr. F. M. Leonard, and Mr. H. J. Bierman, of the metals division, were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Approved, September 29, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 26, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Albertus H. Baldwin, Edgar B. Brossard.

Voted: That the form of schedule for obtaining information in the field in connection with the pending investigation with respect to maple sirup and maple sugar be, and is hereby, approved for that purpose.

Voted: That Messrs. M. C. McNeill, R. B. Meeds, and G. A. Billings be authorized to travel to Burlington, St. Johnsbury, Essex Junction, and Orleans, Vt.; Randolph, Bangor, Moravian, and West Union, N. Y.; Sugar Grove, Elk Lick, and Berlin, Pa.; Colebrook, Pittsburg, and Piermont, N. H.; Chardon, Bellefontaine, Ravenna, Ohio; and Sherbrooke, Granby, Beauceville, and Montreal, and other points in Canada and in the above-named States as may be necessary, and return, in connection with the investigation of the maple sirup and maple sugar industries.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 25) for the purposes of section 315 of the tariff act of 1922, with respect to taximeters.

The chief investigator, the chief of the economics division, Mr. F. M. Leonard, and Mr. H. J. Bierman, of the metals division, were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Approved, October 6, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 28, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 25) for the purposes of section 315 of the tariff act of 1922, with respect to taximeters.

The chief investigator, the chief of the economics division, the chief of the legal division, and the chief of the metals division were called in during the discussion.

After discussion of the subject, it was, upon motion by the vice chairman—

Voted: That the report in the investigation (No. 25) for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of taximeters, be approved for transmittal to the President.

Owing to his absence in Europe on official business for the commission during the past two months Commissioner Glassie did not participate in the foregoing report.

It was unanimously agreed in connection with the foregoing resolution that the report in the taximeter investigation should be submitted by mail to Commissioner Costigan, who was then absent from the city, with the understanding that he might later add his signature to the report as transmitted or submit, if he desired, a separate statement to accompany the report.

Approved, October 6, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

SEPTEMBER 29, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on September 24 and 25, 1925, were read and approved.

Upon motion by Commissioner Brossard, on behalf of the personnel committee, the following resolutions were adopted—

Voted: That Mr. William H. Daniels be employed temporarily, for a period not to exceed six months, as a special expert in transportation; that his position be allocated to grade 5 of the clerical, administrative, and fiscal service, with entrance salary at \$1,860 per annum; and that he be assigned to the transportation division.

Voted: That Mr. Charles A. Carter be promoted, subject to the provisions of civil service law and regulations, to the position of senior clerk in grade 5 of the clerical, administrative, and fiscal service, with salary at the rate of \$1,860 per annum.

Voted: That Mr. Albert J. T. Meurer be promoted, subject to the provisions of civil service law and regulations, to the position of senior office draftsman in grade 5 of the clerical, administrative, and fiscal service, with salary at the rate of \$1,860 per annum.

Voted: That Mr. Louis Goldstein be transferred from the statistical division to the accounting division and that his position therein be allocated to grade 5 of the clerical, administrative, and fiscal service, with salary at the rate of \$1,860 per annum.

Voted: That Mr. Homer E. Greenfield be transferred from the administrative division to the statistical division and that his position therein be allocated to grade 5 of the clerical, administrative, and fiscal service, with salary at the rate of \$1,860 per annum; and that he be assigned to the preparation of an analysis, under the direction of the chief of the statistical division, of the imports and exports of the principal commodities in the trade of the United States, primarily on a monthly basis.

Voted: That Mr. Benj. Weissbrod be transferred from the statistical division to the accounting division and that his position thereunder be allocated to grade 5 of the clerical, administrative, and fiscal service, with salary at the rate of \$1,860 per annum.

Upon motion by Commissioner Brossard, it was--

Voted: That Miss Martha Williams be allowed the full statutory annual leave of 30 days, without deduction, for the calendar year 1925.

The vice chairman did not vote on the foregoing resolution.

The secretary laid before the commission a communication from Mr. Frederick Achenbach, representative of the commission in Europe, requesting authority for certain expenditures for equipment and maintenance of the headquarters of the Tariff Commission at Brussels, Belgium.

After consideration of the subject, it was--

Voted: That the secretary is authorized to arrange for the proper expenditure in connection with the maintenance and operation of the Brussels headquarters of the Tariff Commission during the fiscal year ending June 30, 1926, in addition to the amounts authorized by the resolution adopted by the commission on July 2, 1925, of not to exceed \$400 for the purchase of furniture, floor coverings, office equipment, periodicals, and books of reference.

The secretary laid before the commission request of the Marion Steam Shovel Co. for permission to withdraw its application with respect to the costs of production of manganese ores and ferromanganese.

After discussion of the subject, and upon motion by the chairman, it was--

Voted: That the Marion Steam Shovel Co. be permitted to withdraw its application heretofore filed, under date of June 4, 1925, for an investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of manganese ores and ferromanganese.

Commissioner Baldwin, in compliance with the resolution of the commission adopted on September 24, 1925, submitted a draft of a letter to the President advising him that the Tariff Commission, as a result of its investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of wall pockets, has not information adequate to justify it in indicating any change in the existing rates of duty on wall pockets.

After discussion of the subject the letter was approved for transmittal to the President and was thereupon signed by the members of the commission who were present.

The commission thereupon adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Alfred P. Dennis, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission proceeded to the consideration of the report to be submitted to the President in the pending investigation (No. 24) for the purposes of section 315 of the tariff act of 1922, with respect to print rollers.

After discussion of the subject, it went over for further consideration.

Approved, October 6, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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SEPTEMBER 30, 1925.

Present: Thomas O. Marvin, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 24) for the purposes of section 315 of the tariff act of 1922, with respect to print rollers.

The chief of the economics division and the chief of the metals division were called in during the discussion.

After discussion of the subject it went over for further consideration.

Approved, October 6, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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OCTOBER 1, 1925.

Present: Thomas O. Marvin, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The chairman laid before the commission a letter dated September 29, from Senator James A. Reed, of Missouri, requesting copies of certain papers in connection with the investigation (No. 12) by the Tariff Commission under the provisions of section 315 of the tariff act of 1922, with respect to sugar.

The chairman submitted a letter in reply which, upon consideration by the commission, was approved for transmittal to Senator Reed, together with copies of the papers requested by him.

The secretary laid before the commission a communication from Mr. F. H. Shelledy tendering his resignation as a member of the commission's staff.

Upon consideration of the subject, it was—

Voted: That the secretary be authorized to accept the resignation of Mr. F. H. Shelledy as of September 22, 1925.

Voted: That Mr. W. C. FitzGibbon be allowed the full statutory annual leave of 30 days, without deduction for the calendar year 1925.

Voted: That Miss Mary R. Richey be allowed the full statutory annual leave of 30 days, without deduction for the calendar year 1925.

The secretary reported to the commission that Mr. H. K. Kopp had applied verbally for reinstatement in his position as special expert accountant from which he has been absent on leave without pay since June 12, 1925, after having been allowed full annual and sick leave because of his physical condition.



Upon consideration of the subject, it was—

Voted: That the secretary be authorized and directed to drop the name of Mr. H. K. Kopp from the rolls of the commission because of his permanent total disability and his consequent inability to perform the duties of his former position; and to inform Mr. Kopp that this action is taken without prejudice and for reasons stated only.

The secretary laid before the commission correspondence with representatives of parties interested and presenting opposing views before the commission at the public hearing held in Seattle, Wash., on August 10 and 11, 1925, in the investigation with respect to halibut.

Upon consideration of the subject, it was—

Voted: That the time for filing (mailing) reply briefs in the investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to halibut, be, and is hereby, extended to October 13, 1925; and that counsel for interested parties in said investigation be notified of this extension of time.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 24) for the purposes of section 315 of the tariff act of 1922, with respect to print rollers.

The chief of the economic division was called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Approved, October 6, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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OCTOBER 2, 1925.

Present: Thomas O. Marvin, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission considered the question of obtaining information concerning costs of production of china and earthenware in Holland, in connection with the pending investigation of that subject.

After general discussion of the subject, upon motion by Commissioner Glassie, it was—

Voted: That the commission adhere to the original plan for obtaining costs in foreign countries in the pending investigation (No. 41) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of table, kitchen, and toilet china and earthenware, and that instructions be sent by cable to the commission's agents abroad to proceed with the original plan of the investigation for obtaining cost data in Holland.

Approved, October 27, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

OCTOBER 6, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on September 26, 28, 29, 30, and October 1, 1925, were read and approved.

Voted: That the secretary is authorized to accept the resignation of Dr. Arthur L. Faubel, special expert, attached to the Brussels headquarters of the commission, effective as of October 3, 1925.

Voted: That the secretary is authorized to furnish, for the use of the Vermont Agricultural Experiment Station, duplicate copies of the schedules to be used in obtaining data concerning the maple sugar and maple sirup industry in Vermont.

Voted: That the secretary is authorized to grant additional leave without pay to Mr. Dexter North until December 31, 1925.

The chairman laid before the commission a letter from the President in reference to the commission's report to him under date of October 1, 1925, in the investigation (No. 16) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of wall pockets.

Upon motion by the vice chairman the commission's report and the President's reply were inserted in the record as follows:

OCTOBER 1, 1925.

To the PRESIDENT:

The United States Tariff Commission respectfully submits the following report of its investigation of the differences in costs of production of wall pockets in the United States and in the principal competing foreign country, for the purposes of section 315 of Title III of the tariff act of 1922.

Prior to the World War, which shut off for the time the importations of wall pockets from Germany, which is the main source of such importations, these products were not manufactured in the United States. In 1914 one company made these pockets in New York City and subsequently this company was bought by the Buffalo Art Manufacturing Co., the firm which is the applicant before the commission for an increase of duty. The latter firm, as far as can be ascertained, has been for some time the sole manufacturer of wall pockets in this country, and although enjoying a considerable volume of business during the war has now practically ceased manufacturing. In the oral hearings it was indicated that the number of persons now employed is almost negligible. At no time, as disclosed from the record before the commission, has the manufacture of wall pockets in the United States been profitable to this company.

It is evident that the wall-pocket industry has been essentially a war-fostered one, and that under normal conditions the advantages of the foreign producer in this business are so great as to preclude the possibility of favorable competition by the American manufacturer except under an excessive rate of duty. It is further believed that no serious public interest would be served by an attempt to restore this industry by such an increase in the rate of duty in view of the fact that the single firm now interested in the manufacture in question has never been able to develop the business profitably even under the exceptionally favorable conditions existing during the war period.

The cost data collected in the investigation indicate that the difference between foreign and domestic costs of production, under the exceptional circumstances above stated, is greater than the duty fixed in the tariff act of 1922. If the President so desires, these cost data will be submitted in detail.

The conclusion, however, is reached that on the basis of the data before the commission it is not justified in indicating any action to change the existing rate of duty on wall pockets.

Signed by: Thomas O. Marvin, chairman; Alfred P. Dennis, vice chairman; Henry H. Glassie, A. H. Baldwin, E. B. Brossard, commissioners.

Owing to absence from Washington, Commissioner Costigan has not been able to participate in the drafting of this report.

The President's reply:

OCTOBER 3, 1925.

MY DEAR MR. CHAIRMAN: I have received your note of October 1, submitting the findings of the commission in the investigation, for the purposes of section 315 of the tariff act of 1922, of the costs of production in the United States and in the principal competing foreign country of wall pockets, and approve the conclusion of the commission in the matter.

Very truly yours,

CALVIN COOLIDGE.

HON. THOMAS O. MARVIN,

*Chairman, United States Tariff Commission, Washington, D. C.*

The chairman laid before the commission a letter from the President in reference to the commission's report to him under date of June 12, 1925, in its investigation (No. 14) for the purposes of section 315 of the tariff act of 1922, with respect to cotton gloves made of warp-knit fabric.

The President's letter was inserted in the record as follows:

OCTOBER 3, 1925.

Gentlemen: Your report on cotton warp-knit fabric gloves has been received and considered.

Before the war this industry did not exist in this country, but sprung up after foreign imports were cut off, reaching a production in 1919 of 1,500,000 dozen pairs.

After peace was made imports began which took the place of domestic production, in spite of a tariff of 35 per cent under the law of 1913. In 1922 the tariff duties were increased so that in 1923 three-fourths of the imports coming in were under section 1915, paying an average duty of 63 per cent. At the present time all imports are under section 1430 which works out to a duty of 75 per cent. By 1924 production had declined from 1,500,000 dozen pairs to only 68,000 dozen pairs.

In the trade these gloves are a low-priced substitute for the expensive silk and leather gloves. The report of your commission suggests increases that may run as high as 125 per cent on American valuation or 112½ per cent on foreign valuation. The bulk of imports are of short-length gloves retailing at about \$1 per pair. In the opinion of the trade the increases in duty suggested would raise the price to \$1.50 per pair.

Under the circumstances which apply to the industry, I do not feel warranted at this time in increasing the import duty on cotton-warp knit fabric gloves.

Very truly yours,

CALVIN COOLIDGE.

UNITED STATES TARIFF COMMISSION,  
*Washington, D. C.*

The chairman laid before the commission a letter from the President in reference to the report submitted to him by the Tariff Commission under date of July 17, 1925, in its investigation (No. 37) for the purposes of section 315 of the tariff act of 1922, with respect to men's sewed straw hats.

The President's letter was inserted in the record as follows:

OCTOBER 3, 1925.

GENTLEMEN: I have given consideration to your report of July 17 on men's sewed straw hats. It appears that there exists a difference in view amongst the members of the commission on the principle as to whether the cost of transportation from foreign countries to the United States is to be included in the cost of production.

It would seem to me desirable that the commission should examine the application of this principle to secure, if necessary, the advice of its legal staff, and having determined the principle to then formulate a report based thereon.

Very truly yours,

CALVIN COOLIDGE.

UNITED STATES TARIFF COMMISSION,  
*Washington, D. C.*

Commissioner Glassie submitted a draft of a reply to the foregoing letter from the President in reference to the commission's report in its investigation with respect to men's sewed straw hats.

After consideration of the subject and upon motion by the vice chairman, it was—

Voted: That the draft of the reply submitted by Commissioner Glassie be approved and transmitted to the President, as follows—

OCTOBER 6, 1925.

The PRESIDENT,

*The White House*

MY DEAR MR. PRESIDENT: The United States Tariff Commission has the honor to acknowledge receipt of the President's letter of October 3, 1925, concerning the question whether, with respect to the report on men's sewed straw hats, the cost of transportation from foreign countries to the United States is to be included in the cost of production, and suggesting that the commission should examine the application of this principle to secure, if necessary, the advice of its legal staff, and having determined the principle to then formulate a report based thereon.

In view of this suggestion and the importance of the question, the commission begs to submit the following considerations.

In the investigation No. 27, logs of fir, spruce, cedar, or western hemlock, the commission, aided by the advice of its legal staff, reached the conclusion that the applicable statutes did not permit the duty imposed on such logs to be modified by the application of section 315. This conclusion having been reported to the President, the question of law involved was by him submitted to the Attorney General. In his opinion (reported in 34 Op. Atty. Gen. pp. 77-79) the Attorney General advised the President, in substance that the Tariff Commission was a fact-finding body charged solely with the duty "to conduct such investigations as may be necessary to ascertain the facts in order that the President may be aided in the exercise of the discretion vested in him." (34 Op. Atty. Gen. p. 79.)

The Attorney General informed the President that the commission's conclusion in the premises was erroneous and that it could not decline to continue the log investigation notwithstanding its own opinion that such investigation was not within the scope and purview of section 315.

Pursuant to the President's request, based upon the opinion of the Attorney General, the commission reopened and is now conducting the log investigation.

The question whether transportation costs are to be included as a part of production costs is a question far transcending in difficulty and importance the legal question raised in the log matter. It is not a question merely of including transportation costs to the United States, but of the general inclusion, in comparative production costs, of transportation on both sides to some supposed common market.

It is hardly necessary to say that the commission has given this question careful consideration. In the wheat report, submitted March 4, 1924, the reasons for and against the inclusion of transportation were set forth at some length by the commissioners holding the respective views. The commission was then equally divided on this point, and, notwithstanding repeated reconsideration, a division of opinion still exists. Throughout, the commission, of course, has had the benefit of the advice of its legal staff.

As pointed out by the Attorney General, in the opinion above mentioned, the entire power under the flexible tariff provisions is vested in the President. Not only does he possess the sole power to proclaim a change of duty but the statute expressly confers upon him the duty of finding and determining the difference in costs and the rates of duty necessary to equalize the same. It was made a condition precedent to the exercise of this power that the commission shall first make an investigation. But in reporting the results of an investigation, the function of the commission is to set forth the facts therein developed, not to foreclose the exercise of the President's powers by a definite finding one way or another. If such were not the case, the powers conferred upon the President would become more formal than real.

So long, then, as the question of the inclusion of transportation costs is not determined by some controlling authority, it seems the duty of the commission to report to the President not part but all of the facts. If the commission should seek to determine the transportation question, and formulate

a report based thereon and the commission's conclusion should be reversed by the Attorney General, the report based on such determination would be obviously deficient in facts essential to the President's action.

In view of the difference of opinion with respect to this fundamental problem and of the fact that any determination, even if arrived at by a majority vote, would be inconclusive and in no sense binding upon the President, the commission begs leave to suggest that, in lieu of a request to determine the principle and then to formulate a straw hat report based thereon, the question of law involved be referred by the President to the Attorney General. For this purpose the commission will be glad to submit, for the use of the Attorney General, a full statement of the reasons for and against the inclusion of transportation costs together with a complete legislative history of the act and any other matter the Attorney General may deem necessary for a full consideration of the subject.

Respectfully,

THOMAS O. MARVIN, *Chairman.*

The chairman laid before the commission for its consideration and action a report from the advisory board submitting a draft of the report to be submitted to the President in the investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

The commission thereupon adjourned to meet again at 3.30 o'clock p. m.

AFTERNOON SESSION

The commission reconvened at 3.30 o'clock p. m.

Present: Thomas O. Marvin, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 24) for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of print rollers.

After discussion of the subject, it was—

Voted: That the report in the investigation (No. 24) for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of print rollers, be approved for transmittal to the President.

Approved, October 27, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 8, 1925.

Present: Thomas O. Marvin, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The chairman laid before the commission a communication from Messrs. DeVries, Doherty, Davis, and Lamb, counsel for parties interested in the pending investigation with respect to the costs of production of briarwood pipes and submitting a certain analysis of factory costs for consideration in that investigation.

Upon consideration of the subject the letter and inclosures were referred to the secretary for acknowledgment, with the statement that the material submitted might be brought to the attention of the commission in connection with the public hearing which will be held later in the investigation referred to in the letter.

Voted: That Mr. Joseph P. Gregory be allowed the full statutory annual leave of 30 days, without deduction, for the calendar year of 1925.

Voted: That the secretary be authorized to submit through the proper channels for inclusion in the appropriation act or other suitable place a provision for the advancement of public funds to defray traveling expenses of agents of the commission who may be ordered on official travel on business of the commission.

The secretary laid before the commission drafts of schedules intended to be submitted to manufacturers and importers, respectively, in the investigation which the commission is conducting under its general powers with respect to the surgical instrument industry.

The schedules as drafted were referred to Commissioner Baldwin for report and recommendation.

It was, by Commissioner Glassie--

Moved: That the representative of the United States Tariff Commission at Brussels, Belgium, be designated as a special disbursing officer of the Tariff Commission and that sufficient funds be placed to his credit to enable him to reimburse agents of the commission for their actual and necessary expenses and subsistence allowances while traveling on official business for the commission in Europe.

Approved, October 27, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

OCTOBER 9, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

Voted: That the compensation of Mr. John E. Brown be increased from \$1,800 to \$2,100 per annum, effective October 1, 1925, for the term of his present temporary employment, or until otherwise ordered by the commission.

Voted: That Dr. C. O. Townsend be designated as chief of the sugar division and that his salary be increased from \$4,000 to \$4,400 per annum, effective October 1, 1925.

Commissioner Brossard submitted for consideration by the commission the question of permitting access by the Department of Agriculture and by representatives of universities to individual cost schedules obtained by the Tariff Commission in its investigations with respect to certain agricultural industries.

After discussion of the subject and upon motion by the vice chairman, it was--

Voted: That the commission adhere to its practice of not revealing to any person information received by it in confidence.

The chairman appointed Commissioners Costigan and Glassie as a committee to consider and report with recommendations as to what action should be taken by the commission for the purpose of concluding the investigation (No. 4) for the purposes of section 315 of the tariff act of 1922 with respect to casein.

Voted: That the personnel committee is authorized to negotiate for the services of Dr. Henry Schultz as an economist on the staff of

the commission to be allocated to grade 4 of the professional and scientific service, with salary at a rate not to exceed \$4,400 per annum.

Upon the foregoing resolution Commissioner Costigan voted in the negative.

Approved, October 27, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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OCTOBER 12, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission proceeded to the consideration of the report to be submitted to the President in the pending investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

Messrs. A. M. Fox and L. T. Hopkinson of the commission's staff were called in during the discussion.

After discussion of the subject it went over for further consideration.

Approved, October 27, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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OCTOBER 13, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The secretary called to the attention of the commission the fact that no notice had been received by the commission of any appeal from the findings of the commission as filed on July 9, 1925, in the investigation (No. 1) for the purposes of section 316 of the tariff act of 1922, of alleged unfair practices in the importation and sale of certain revolvers.

The secretary was authorized, with the approval of the President, to have printed in the usual form the report of the commission to the President in the investigation (No. 44) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of bob white quail.

The secretary reported that the Personnel Classification Board had approved the allocation of the position of Nathaniel Ruffin as chief messenger of the commission in grade 4 of the custodial service.

It was, thereupon—

Voted: That the salary of Nathaniel Ruffin be increased from \$1,260 to \$1,320 per annum, effective October 1, 1925.

The secretary laid before the commission two letters under date of October 13, 1925, from the Civil Service Commission in reference to the proposed promotion authorized by the commission on September 29, 1925, of Mr. Charles A. Carter and Mr. A. J. T. Meurer, at present serving as probational appointees of the commission.

The Civil Service Commission advised in these letters that its records show that the probational appointments of Mr. Carter and Mr. Meurer could properly be made effective by the Tariff Commission as of April 1, 1925, at which time these employees had been for some months in temporary employment of the commission, and were eligible for probational appointment to the positions which they now respectively occupy.

The Civil Service Commission stated that if such action were taken their probational appointments would be held to have expired on September 30, 1925, and that their promotion after that date could be considered properly by the Tariff Commission subject only to such other provisions of law as might be applicable.

After discussion of the subject, it was—

Voted: That upon the advice and with the approval of the Civil Service Commission the effective date of the probational appointments of Mr. Charles A. Carter and Mr. A. J. T. Meurer, employees of the Tariff Commission, be changed from May 16, 1925, to April 1, 1925.

Upon motion by the vice chairman, Commissioners Brossard and Baldwin were designated to act for the commission with the board of review in reviewing the efficiency ratings of employees of the commission before their submission for final action by the commission.

The chairman laid before the commission a letter from the President, as follows:

OCTOBER 13, 1925.

MY DEAR MR. MARVIN: I am in receipt of your letter of October 6. I believe it would be helpful if the commission would submit for the use of the Attorney General a full statement of the reasons for and against the inclusion of transportation costs, together with complete legislative history of the act and any other matter which the Attorney General may deem necessary for full consideration of this subject. Upon receipt of this, I will submit the matter to the Attorney General.

Very truly yours,

CALVIN COOLIDGE.

HON. THOMAS O. MARVIN,  
*United States Tariff Commission.*

Upon motion by the chairman, it was—

Voted: That the legal division be instructed to prepare and submit to the commission a statement of reasons for and against the inclusion of costs of transportation in determining differences in costs of production for the purposes of section 315 of the tariff act of 1922; that when such statement has been approved by the commission it be transmitted to the President, together with the report in the investigation with respect to the costs of production of men's sewed straw hats.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

After discussion of the subject it went over for further consideration.

The commission thereupon adjourned until 2.30 o'clock p. m.



## AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

The chairman laid before the commission request by Mr. E. S. McCord, counsel for parties interested in the pending investigation with respect to the costs of production of logs of fir, spruce, cedar, or western hemlock, for an extension of time for 30 days within which final briefs therein might be filed with the commission.

After discussion of the subject, it was—

Voted: That the time for filing final briefs in the pending investigation (No. 35) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of logs of fir, spruce, cedar, or western hemlock, be, and is hereby, extended until November 12, 1925.

Approved, October 27, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

OCTOBER 14, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

The chief of the economics division was called into the meeting during the discussion.

After consideration of the subject, it went over for further discussion.

Approved, October 27, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

OCTOBER 15, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

The chief of the economics division was called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Upon motion by Commissioner Brossard, it was—

Voted: That the salary of Mr. John J. Ernster be increased from \$3,000 to \$3,600 per annum, effective October 16, 1925.

Commissioner Baldwin, to whom were referred, on October 8, 1925, drafts of two schedules intended to be submitted to manufacturers and importers, respectively, in the investigation of the surgical instrument industry, reported them back with recommendation that they be approved. The recommendation was approved.

The chairman laid before the commission a report from the chairman of the advisory board with respect to the fixing of dates for public hearings in certain pending investigations.

After consideration of the subject, it was—

Voted: That a public hearing in the investigations (Nos. 8 and 26) under the provisions of section 315 of the tariff act of 1922, heretofore ordered in respect of mirror plates and cast polished plate glass, be held at 10 o'clock a. m. on November 23, 1925, at the office of the United States Tariff Commission, in the city of Washington, D. C., and that public notice thereof be given pursuant to rule by publication as specified in said orders of investigations, and by posting for 30 days prior to said November 23, 1925, a copy of said notice at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York.

It was also—

Voted: That dates be fixed tentatively for public hearings in certain pending investigations, respectively, as follows: No. 32, lace, November 30, 1925; No. 39, Swiss cheese, December 11, 1925; No. 34, vegetable and animal oils and fats, January 4, 1926.

Voted further: That the advisory board be requested to submit to the commission as promptly as may be practicable drafts of preliminary statements of information to be issued to parties interested in each of the above-entitled investigations, so that such statements may be issued after approval by the commission not less than 30 days prior to the public hearings to be held in said investigations, respectively.

Approved, October 27, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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OCTOBER 16, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

By unanimous consent the reading of the minutes of the meetings of the commission held, respectively, on October 2, 6, 8, 9, 12, 13, and 14, 1925, was postponed until the next regular meeting of the commission.

Voted: That Dr. C. O. Townsend, chief of the sugar division, and Mr. O. B. Ryder, of the economics division, be authorized to travel to Montreal, Sherbrooke, Beauceville, and other points in Canada; Burlington, Vt.; Colebrook and Lancaster, N. H.; Lowville, Cortland, and Bovina, N. Y.; Somerset and Guys Mills, Pa.; Atwater and Medina, Ohio, and other maple sugar centers in these States, and

return, on official business in connection with the pending investigation with respect to the maple sirup and maple sugar industry; and that Doctor Townsend be authorized to incur expense not to exceed \$10 for stenographic and other clerical assistance during the period of such travel.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

During the discussion of the subject, it was, upon motion by the chairman—

Voted: That a committee consisting of the chairman, Commissioner Costigan, and Commissioner Glassie be authorized to prepare, for the use of the State Department, after approval by the commission, a report of matters in connection with the halibut investigation which may be of service to the State Department in connection with the request from the President for the institution of the investigation.

After further discussion of the subject it went over for further consideration.

The commission adjourned until 2 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2 o'clock p. m.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

After discussion of the subject it went over for further consideration.

Approved, October 27, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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OCTOBER 17, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

The chief of the economics division and Mr. L. T. Hopkinson, of the commission's staff, were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

The commission adjourned until 2.30 o'clock p. m.

## AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

After discussion of the subject it went over for further consideration.

Approved, October 27, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

—————  
OCTOBER 20, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of a preliminary statement to be issued for the use of interested parties in the investigations (Nos. 8 and 26) for the purposes of section 315 of the tariff act of 1922, with respect to mirror plates and cast polished plate glass, respectively.

After discussion of the subject, and on motion by Commissioner Baldwin, the above-mentioned preliminary statement in the mirror plates and cast polished plate glass investigations, respectively, was approved with the understanding that the letters of application be omitted therefrom.

Voted: That Mr. J. M. Albertson, Mr. F. R. Claurini, and Mr. M. R. Grigg be authorized to travel to such places as may be necessary in Vermont, New Hampshire, Massachusetts, Rhode Island, and return, for the purpose of obtaining information in connection with the pending investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of granite.

Voted: That Mr. J. A. Bergen be authorized to travel to New York City and return for a period of about 10 days for the purposes of obtaining information with reference particularly to the importation of smokers' articles made from synthetic phenolic resin, in connection with the pending investigation (No. 20) for the purposes of section 315 of the tariff act of 1922 of that subject.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

The chief of the economics division and Mr. L. T. Hopkinson, of the commission's staff, were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

The commission adjourned until 2.30 o'clock p. m.

## AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

The chief of the economics division and Mr. L. T. Hopkinson, of the commission's staff, were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Approved, October 27, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 21, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

Mr. L. T. Hopkinson, of the commission's staff, was called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Approved, October 27, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 22, 1925.

Present: Thomas O. Marvin, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

Upon motion by the chairman, it was---

Voted: That the commission have prepared and published a census of dyes and other synthetic organic chemicals for the year 1925, as was done for the year 1924.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

Mr. L. T. Hopkinson of the commission's staff was called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Approved, October 27, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

OCTOBER 23, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

Voted: That the schedule prepared for use in obtaining information concerning costs of production in the pending investigation with respect to granite be, and is hereby, approved for that purpose.

Voted: That Dr. C. W. Mixer be assigned as economist in connection with the pending investigation with respect to the costs of production of granite.

Voted: That Dr. C. W. Mixer be authorized to travel to such places as may be necessary in Vermont, New Hampshire, Massachusetts, Rhode Island, and return, for the purpose of obtaining information in connection with the pending investigation (No. 45) for the purposes of section 315 of the tariff act of 1922, with respect to granite.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

During the discussion of the subject, it was, by Commissioner Costigan—

Moved: That the President be advised that the commission has assembled its information in the investigation with respect to the costs of production of halibut, and

Moved further: That in view of the suggestion that diplomatic negotiations with Canada are under consideration with respect to the halibut situation, the President be respectfully requested to state to the commission whether he desires the commission's information to be transmitted to him with the conclusions of the respective commissioners, or whether, for reasons of state, he prefers that the commission's information be transmitted and that such conclusions be withheld temporarily pending such diplomatic negotiations.

The commission adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

The question being upon the motion submitted by Commissioner Costigan at the morning session of this date, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Dennis, Costigan,

Against the adoption of the motion: Messrs. Marvin, Glassie, Baldwin, Brossard.

The motion was therefore rejected.

The following statement was made:

By Commissioner Glassie: I vote against this resolution because in my judgment section 315 contemplates a complete report at the termination of each investigation and this investigation was ordered

under section 315. The suggestion that part of the report be withheld temporarily shows to my mind that the report is not complete. If it is complete, nothing need be added.

It was, by the chairman—

Moved: That the President be advised that the commission has assembled its information in the investigation with respect to costs of production of halibut; and

Moved further: That the report of the commission in the investigation of the costs of production of halibut be approved and transmitted to the President.

The following statement was made—

By Commissioner Costigan: For the purposes of the record I desire to state that I strongly disagree with the inclusion in the summary, at the conclusion of the report to which the chairman's motion relates, of certain clauses, statements, and paragraphs. In order to save time I request to be excused from voting on the summary and ask opportunity after the report has been completed to the satisfaction of other commissioners either to sign it with reservations, or to file a separate statement to accompany it.

During the ensuing discussion of the chairman's motion, it was, upon motion by Commissioner Glassie—

Voted: That the following statement be added to paragraph 10 of the summary at the conclusion of the report to be submitted to the President in the halibut investigation:

The foregoing comparison is made not for the purpose of measuring an existing difference in costs of production while one-half of the United States Pacific coast catch is landed in Canadian ports, but for the purpose of indicating, as far as present data permit, probable comparative costs in the event of a substantial change in the present conditions of the industry on the Pacific coast.

After further discussion of the subject, it went over for further consideration.

Approved, October 27, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

—————  
OCTOBER 24, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brössard.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of halibut.

The chairman withdrew temporarily his motion submitted at the afternoon session of the commission on October 23, for the approval and transmittal of the halibut report to the President.

Commissioner Baldwin submitted a revised draft of paragraph 11 of the summary at the conclusion of the halibut report and upon his motion, it was—

Voted: That paragraph 11, as revised, of the summary at the conclusion of the report to be submitted to the President in the halibut investigation is hereby approved and adopted.

Upon the foregoing resolution Commissioner Costigan did not vote.

The chairman stated that he had prepared a table of the array of costs of production of halibut, which he desired to add at an appropriate place in the report to the President in the halibut investigation.

After discussion of the subject, it was, by the vice chairman—

Moved: That the table of array of costs of production as presented by the chairman be inserted in the appendix of the report to the President in the halibut investigation, with such comments as the chairman may desire to submit.

Upon motion, submitted as a substitute, by Commissioner Brosard, for the foregoing motion, it was—

Voted: That the table of array of costs presented by the chairman be placed in the main body of the report to be submitted to the President in the pending halibut investigation.

On the foregoing resolution Commissioner Costigan did not vote, reserving the right to comment thereon in accordance with his statement made at the afternoon session of the day before.

Upon motion by the chairman, it was—

Voted: That the report in the investigation (No. 40) for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of halibut, be approved for transmittal to the President.

By Commissioner COSTIGAN. I am willing to have the body of facts preceding the summary in the halibut report transmitted forthwith to the President. With respect to the summary I reserve the right to file appropriate comments.

By the VICE CHAIRMAN. I should like to be recorded in favor of the view that the body of facts in the halibut report should have been submitted to the President and the summary retained here subject to his call.

By Commissioner COSTIGAN. I am of opinion that the vice chairman's suggestion is in accord with the public interest.

The chairman submitted the question of consideration by the commission of the separate statements submitted by Commissioner Costigan to accompany the reports to the President in the investigations for the purposes of section 315 of the tariff act of 1922, in reference to taximeters and print rollers, respectively.

After discussion of the subject the commission adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brosard.

The commission resumed consideration of the separate statements submitted by Commissioner Costigan to accompany reports of the commission to the President with respect to taximeters and print rollers, respectively.

Upon motion by Commissioner Brosard, it was—

Voted: That the commission prepare and submit to the President replies to each of the separate statements submitted by Commissioner



Costigan to accompany the commission's reports to the President in reference to taximeters and print rollers, respectively.

Upon motion by Commissioner Brossard, it was—

Voted: That the chairman be authorized to appoint committees to prepare and submit to the commission the replies referred to in the foregoing resolution.

The chairman announced the following committees in accordance with the foregoing resolution:

Commissioner Glassie a committee to prepare the reply in reference to print rollers.

Commissioners Baldwin and Brossard to prepare the reply in reference to taximeters.

Commissioner Glassie having declined to serve as appointed, it was, upon motion by Commissioner Brossard—

Voted: That the chairman be appointed a committee to prepare and submit the reply to the separate statement submitted by Commissioner Costigan in connection with the report to the President upon the print roller investigation.

Voted: That Messrs. Thomas H. Joyce and John D. DeShay be authorized to travel to Columbus, Ohio; Sebawaing and Alpena and Bayport, Mich.; Racine, Green Bay, Detroit Harbor, Marinette and Bayfield, Wis.; Duluth and Warroad, Minn.; and Brighton, Kilarney, Blind River, Toronto, Port Dover, South Hampson, Black River, and Port Arthur, Province of Ontario; Winnipeg, Selkirk, Riverton, Winnipegroses, Province of Manitoba; Albert, Province of Saskatchewan; Edmonton, Province of Alberta, and such other points in the above-mentioned States and Provinces as may be necessary, and return; on official business in connection with the pending investigation of the fresh-water fisheries.

Approved, October 27, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

OCTOBER 27, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on October 2, 6, 8, 9, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, and 24, 1925, were read and approved.

The chairman laid before the commission a report from the advisory board submitting a draft of a preliminary statement of information to be issued for the use of interested parties in the investigation (No. 32) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of lace.

The chairman informed the commission of the receipt of a request from interested parties in the lace investigation for a postponement of the public hearing in that investigation from the date tentatively set as of November 30, 1925, until after the conclusion of an exhibition to be held by the lace industry in New York during the first week in December.

After discussion of the subject and upon motion by the chairman, it was---

Voted: That a public hearing in the investigation (No. 32) under the provisions of section 315 of the tariff act of 1922, heretofore ordered in respect of lace, be held at 10 o'clock a. m. on December 15, 1925, at the office of the United States Tariff Commission, in the city of Washington, D. C., and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation, and by posting for 30 days prior to said December 15, 1925, a copy of said notice at the principal office of the commission in Washington, D. C., and in the office of the commission at the port of New York.

The chairman laid before the commission a memorandum from the chief investigator, accompanied by extracts from a letter from the chief of the sugar division, dated Quebec, October 21, 1925, stating that in connection with the investigation of the maple sirup and sugar industry full cooperation had been obtained from the Quebec Minister of Agriculture.

The letter explained that the assistant to the Deputy Minister of Agriculture was specializing in the study of maple products and had tendered, without compensation, his personal assistance and services to the agents of the Tariff Commission during the field work in this investigation in Canada.

The letter also stated that Mr. E. N. Blondin, a county agent in Vermont, formerly in Canada, would be available to the commission upon the payment of his present salary and the usual traveling expenses.

After discussion of the subject, it was---

Voted: That the commission accepts with appreciation the courteous offer of the ministry of agriculture of Quebec to have Mr. Vaillancourt of that office accompany the agents of the Tariff Commission in the field work of its investigation of the maple sirup and maple sugar industry in Canada, Mr. Vaillancourt to be advised of the provisions of the laws relating to the Tariff Commission with respect particularly to the safeguarding of information obtained by the commission under the seal of confidence; and that the agents of the commission be instructed to safeguard the confidential character of such information; and

Voted further: That the employment for a period of not to exceed one month of Mr. E. N. Blondin as a special expert in the maple sirup and sugar industry is hereby authorized at the rate of salary he is now receiving, \$205 per month; and

Voted further: That Mr. E. N. Blondin and Dr. C. C. Rice of the commission's staff be authorized to travel as translators and assistants under the direction of the chief of the sugar division to such points as may be necessary in Canada, and return, in connection with the pending investigation with respect to the maple sugar and sirup industry.

The chairman laid before the commission a letter from Mrs. E. M. Streott, formerly assigned as secretary to Commissioner Burgess, tendering her resignation from the service of the commission, to take effect at once.

Upon motion by Commissioner Brossard, it was--

Voted: That the secretary be authorized to accept the resignation of Mrs. E. M. Streett, from the service of the commission effective as of October 22, 1925.

The secretary laid before the commission a memorandum from the chief of the textile division submitting the manuscript of a tariff information survey on woven fabrics of wool, and recommending that the manuscript be submitted to representatives of the woolen industry for criticism and that when approved by the commission the survey be printed and published.

The manuscript was referred to Commissioners Costigan and Brossard for consideration and recommendation.

Voted: That Mr. H. J. Bierman be authorized to travel to New York City and near-by points in Connecticut, New Jersey, and Massachusetts, and return, for the purpose of obtaining information concerning production and importation of wire cloth, the subject of an application pending before the commission for an investigation for the purposes of section 315 of the tariff act of 1922.

Voted: That Mr. L. T. Hopkinson be authorized to travel to Toronto, Ontario, and to such points on the Great Lakes and northern Canadian lakes as may be necessary and return, on official business in connection with the pending investigation of the fresh-water fisheries.

Approved, November 3, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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OCTOBER 29, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The secretary laid before the commission a memorandum from the chief of the economics division requesting the assignment of an additional stenographer to that division.

After discussion of the subject, it was--

Voted: That Mrs. F. I. Charleton, of the stenographic division, be transferred to the economics division.

The chairman, from the committee appointed on October 16, 1925, to prepare a statement which should present for the use of the State Department information developed in the commission's halibut investigation which might be of service to that department in its negotiations with the Canadian Government, reported that the committee had held meetings, although Commissioner Costigan had not been able to attend them, and had drafted a statement for the consideration of the commission.

Commissioner Glassie submitted on behalf of the majority of the committee and read the draft above referred to by the chairman.

Commissioner Costigan stated that he did not join in the report of the committee.

After discussion of the subject, it was, by Commissioner Costigan--

Moved: That the committee appointed on October 16, 1925, to prepare a supplemental confidential statement for the use of the State Department in its negotiations with the Canadian Government

concerning the halibut fisheries, be discharged and that no such supplemental statement be transmitted by the Tariff Commission.

Upon motion, submitted as a substitute by Commissioner Brossard, for the foregoing motion, it was—

Voted: That the report of the committee appointed on October 16, 1925, to prepare a statement of information incidental to the halibut investigation for the use of the State Department, be approved as revised and be transmitted to the President as a separate and confidential report for the use of the State Department.

On the foregoing resolution Commissioner Costigan voted in the negative.

By Commissioner COSTIGAN. I vote against the motion on the following grounds:

(1) While the memorandum presented by Chairman Marvin and Commissioner Glassie in some respects disclaims responsibility with respect to national policy and may be hereafter amended as suggested to state that section 315 is not a bargaining statute, the memorandum taken as a whole suggests and even urges a definite course of public policy and bargaining with respect to United States-Canadian tariff and commercial relations.

(2) In effect the memorandum is in unmistakable conflict with the provisions of section 315 in that the section of the law mentioned directs changes in rates of duty on the ascertainment of particular facts, whereas the memorandum substantially recommends such changes in consideration of the receipt by the United States of certain bargaining considerations.

(3) The memorandum invades the fields of executive authority and legislative policy, whereas the commission's duties under section 315 are merely statutory, administrative, nondiscretionary, and essentially judicial in aid of the President in the execution of the will of the Congress as expressed in section 315.

Commissioner Brossard reported back to the commission the survey on woven fabrics of wool which was, on October 27, 1925, referred to himself and Commissioner Costigan, and recommended that it be referred to the advisory board for review.

After discussion of the subject it was so ordered.

Approved, November 3, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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OCTOBER 30, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The chairman laid before the commission a memorandum from the chief of the legal division upon the relation of transportation costs to costs of production, and consisting of a section reciting the legislative history of section 315 of the tariff act of 1922, and a section setting forth reasons for and reasons against the inclusion of transportation costs in determining costs of production under the provisions of section 315.

Upon motion by the chairman, it was—

Voted: That it is the understanding of the commission that the separate statement ordered to be transmitted to the President for the use of the State Department shall be transmitted under a separate letter of transmittal and sent to the President at a date subsequent to the date upon which the commission's report on the costs of production of halibut is sent.

By Commissioner COSTIGAN. My recorded objections continue to hold whether the statement is transmitted simultaneously or separately.

Upon motion by the vice chairman, it was—

Voted: That the salary of Mrs. Mae C. Stancill be increased from \$2,100 to \$2,300 per annum, effective October 16, 1925.

It was also—

Voted: That the salary of Mr. S. P. Cowley be increased from \$1,920 to \$2,300 per annum, effective October 16, 1925.

The vice chairman laid before the commission a letter from Mr. Henry Schultz addressed to Commissioner Brossard and stating that he would be available for service with the Tariff Commission in January, 1926, at a salary not less than \$4,800 per annum.

It was, by Commissioner Brossard—

Moved: That Mr. Henry Schultz be employed and assigned to a position in the economics division to be allocated in Grade 4 of the professional and scientific service with the understanding that his salary would be increased immediately to the rate of \$4,800 per annum.

After discussion of the subject the foregoing motion, at the request of Commissioner Glassie, went over for one week for further consideration.

Upon motion by Commissioner Brossard, it was—

Voted: That the salary of Dr. L. G. Connor, of the agricultural division, be increased from \$3,800 to \$4,200 per annum, effective November 1, 1925.

Voted: That Mr. Kenneth L. Stone and Mr. Samuel Schoenfeld be authorized to travel to New York, N. Y., Boston, Mass., Philadelphia, Pa., and Baltimore, Md., and return, on official business in connection with the pending investigation with respect to blackstrap.

Voted: That Mr. Oscar B. Ryder be authorized to travel to Philadelphia, Pa., and New York, N. Y., and return, on official business in connection with the pending investigation with respect to blackstrap.

Voted: That Mr. Jos. M. P. Donohoe be authorized to travel to Siler City and Hight Point, N. C., and return, on official business in connection with the pending investigation with respect to bent-wood chairs.

Voted: That Mr. A. T. Geraci be authorized to travel to Siler City, N. C., and return, on official business in connection with the pending investigation with respect to bent-wood chairs.

Approved, November 6, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

NOVEMBER 3, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on October 27 and 29, 1925, were read and approved.

Upon motion by the chairman the consideration of the preliminary statement of information to be issued for the use of interested parties in the pending investigation (No. 32) for the purposes of section 315 of the tariff act of 1922, with respect to lace, was made the special order of business for the meeting of the commission to be held on Thursday, November 5, 1925.

The secretary called attention to the proof of the report on the broad silk industry in which the form of acknowledgment of authorship did not comply with the rule adopted by the commission on October 4, 1920, in reference to the form of such acknowledgments.

After consideration of the subject, it was—

Voted: That the acknowledgment in the broad silk report be in the prescribed form, with the following addition:

The tables contained in the report were prepared by Cora R. Hutchison.

Approved, November 6, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 5, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Albertus H. Baldwin, Edgar B. Brossard.

Voted: That in connection with official travel heretofore on October 27, 1925, authorized with reference to the investigation with respect to woven wire cloth, Mr. H. J. Bierman be authorized to travel also to Glens Falls, N. Y., and return.

The commission proceeded to the consideration of the preliminary statement of information to be issued for the use of interested parties in the pending investigation (No. 32) for the purposes of section 315 of the tariff act of 1922, with respect to lace.

After consideration of the subject, it went over for further consideration.

Approved, November 10, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 6, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on October 30 and November 3, 1925, were read and approved.

By unanimous consent the motion submitted on October 30, 1925, by Commissioner Brossard with reference to the employment of Mr. Henry Schultz went over for further consideration until November 10, 1925.

The commission resumed consideration of the preliminary statement of information to be issued for the use of interested parties in the pending investigation (No. 32) for the purposes of section 315 of the tariff act of 1922, with respect to lace.

After discussion of the subject, it went over for further consideration.

Approved, November 10, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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NOVEMBER 10, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on November 5 and 6, 1925, were read and approved.

Voted: That Mr. John A. Nye is authorized to travel to centers of production in the United States and Canada, as may be necessary, and return, in connection with the pending investigation with respect to fresh-water fisheries.

Voted: That Mr. A. B. Kenkel, heretofore employed for a period of approximately six months, be continued in the service of the Tariff Commission as special expert with compensation at the rate of \$2,400 per annum in grade 2 of the professional and scientific service.

Upon motion by the chairman, it was—

Voted: That Commissioners Baldwin and Brossard be appointed a committee to consider and report to the commissioner on the pending investigation (No. 11) for the purposes of section 315 of the tariff act of 1922, with respect to paintbrush handles.

The chairman called attention to the resolution of the commission adopted on June 18, 1925, and setting for consideration by the commission in the order named preparation of reports to the President in its investigations then pending with respect to print rollers, cotton hosiery, paintbrush handles, taximeters, men's sewed straw hats, gold leaf, and butter.

Of these subjects there remain for consideration cotton hosiery, paint-brush handles, and butter.

After discussion of the subject and upon motion by the chairman, it was—

Voted: That the consideration of the report to be submitted to the President in the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter, be taken up for consideration at the meeting of the commission to be held on November 13, 1925.

The commission proceeded to the consideration of the preliminary statement of information to be issued for the use of interested parties in the pending investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, with respect to Swiss cheese.

Messrs. Comer, Fox, Juve, and C. K. Lewis of the commission's staff were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

The commission adjourned until 2.30 o'clock p. m.

## AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Edgar B. Brossard.

The commission resumed consideration of the preliminary statement of information to be issued for the use of interested parties in the pending investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, with respect to Swiss cheese.

After discussion of the subject it went over for further consideration.

Approved, November 17, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 11, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the preliminary statement of information to be issued to interested parties in the pending investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, with respect to Swiss cheese.

The chief of the economics division and the chief of the agricultural division were called in to the meeting during the discussion.

Upon motion by the chairman, it was—

Voted: That the preliminary statement of information to be issued to interested parties in the pending investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, with respect to Swiss cheese, be, and is hereby, approved.

Upon motion by the chairman, it was—

Voted: That a public hearing in the investigation (No. 39) for the purposes of section 315 of the tariff act of 1922, heretofore ordered in respect of Swiss cheese, be held at 10 o'clock a. m. on December 11, 1925, at the offices of the United States Tariff Commission, in the city of Washington, D. C.; and that public notice thereof be given pursuant to rule by publication as specified in said order of investigation, and by posting for 30 days prior to said December 11, 1925, a copy of said notice at the principal office of the commission and in the office of the commission at the port of New York.

On the foregoing resolution Commissioner Costigan voted in the negative.

Approved, November 17, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 12, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The following statement was made—

By Commissioner Costigan: My reasons for voting, at yesterday's meeting, against the designation of December 11 for the public hearing on Swiss cheese were the following:



1. While I favored setting the public hearing on the earliest suitable date in December, 1925, sound practice makes it desirable to give interested parties at least 30 days' notice of a public hearing after the issuance of the commission's preliminary statement of information.

2. There was and is no emergency requiring a lesser period of notice.

3. The commission's preliminary statement of information has not been completed and submitted to the commissioners in its final form for issuance to interested parties.

Upon motion by Commissioner Glassie, it was—

Voted: That there be inserted in the minutes a statement of the dates of issuance of notices of public hearings and of preliminary statements of information in all investigations by the Tariff Commission under the provisions of section 315 of the Tariff act of 1922, in which hearings have been held.

The information referred to in the foregoing resolution is as follows:

Subject of investigation	Public hearing		Date of issuing	
	Date ordered	Date set	Notice of hearing	Preliminary statement
Paintbrush handles.....	June 8, 1923	July 17, 1923	June 13, 1923	Aug. 17, 1923
Wall pockets.....	do.	July 24, 1923	do.	Aug. 1, 1923
Casein.....	{ June 27, 1923	Aug. 13, 1923	June 28, 1923	Aug. 25, 1923
	{ May 6, 1924	June 23, 1924	May 6, 1924	May 6, 1924
Sodium nitrite.....	July 20, 1923	Sept. 10, 1923	July 21, 1923	Sept. 15, 1923
Oxalic acid.....	Sept. 28, 1923	Nov. 5, 1923	Oct. 3, 1923	( <sup>1</sup> )
Diethylbarbituric acid.....	do.	Nov. 7, 1923	do.	Oct. 27, 1923
Barium dioxide.....	do.	Nov. 9, 1923	do.	Nov. 5, 1923
Logwood extract.....	do.	Nov. 12, 1923	do.	Nov. 7, 1923
Potassium chlorate.....	do.	Nov. 14, 1923	do.	Nov. 12, 1923
Cotton warp-knit fabric.....	{ Oct. 2, 1923	Nov. 10, 1923	Oct. 8, 1923	( <sup>1</sup> )
Gloves made of cotton warp-knit fabric.....	do.	Nov. 20, 1923	do.	( <sup>1</sup> )
Cotton hosiery.....	{ Oct. 16, 1923	Jan. 15, 1924	Oct. 17, 1923	Dec. 1, 1923
Sugar.....	{ Feb. 23, 1924	Mar. 27, 1924	Feb. 25, 1924	Feb. 27, 1924
Phenol.....	{ Dec. 13, 1923	Jan. 24, 1924	Dec. 15, 1923	Jan. 18, 1924
Cresylic acid.....	do.	Jan. 29, 1924	do.	Jan. 26, 1924
Print rollers.....	do.	Feb. 5, 1924	do.	Feb. 13, 1924
Linseed oil.....	do.	Feb. 12, 1924	do.	Feb. 9, 1924
Taximeters.....	Apr. 14, 1925	May 18, 1925	Apr. 14, 1925	Apr. 16, 1925
Butter.....	Mar. 6, 1925	Apr. 21, 1925	Mar. 7, 1925	Mar. 12, 1925
Men's sewed straw hats.....	Mar. 31, 1925	May 4, 1925	Apr. 1, 1925	Apr. 7, 1925
Logs of fir, spruce, cedar, or western hemlock.....	June 20, 1925	Aug. 4, 1925	June 27, 1925	July 1, 1925
Halibut.....	June 30, 1925	Aug. 10, 1925	July 2, 1925	July 10, 1925
Bobwhite quail.....	July 20, 1925	Sept. 10, 1925	July 22, 1925	July 24, 1925
Mirror plates.....	{ Oct. 15, 1925	Nov. 23, 1925	Oct. 10, 1925	Oct. 22, 1925
Cast polished plate glass.....	do.	do.	do.	do.
Lace.....	Oct. 27, 1925	Dec. 15, 1925	Nov. 4, 1925	-----
Swiss cheese.....	Nov. 11, 1925	Dec. 11, 1925	Nov. 11, 1925	Nov. 12, 1925

<sup>1</sup> Presented at hearing.  
<sup>2</sup> Tables presented at hearing.  
<sup>3</sup> Postponed until Mar. 8, 1924.

The secretary laid before the commission the final revision of the preliminary statement to be issued for the use of interested parties in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to lace. After discussion of the subject the statement was approved.

The secretary laid before the commission a memorandum from the chief of the textile division in reference to the need for additional

technical information in connection with the imports of laces as affecting the pending investigation of that subject.

After discussion of the subject, it was—

Voted: That Mr. George Middleton be authorized to travel to New York, N. Y., and Bridgeport, Conn., and return, on business in connection with the pending investigation (No. 32) for the purposes of section 315 of the tariff act of 1922, with respect to lace.

The secretary laid before the commission a communication from Mr. H. Cochran Fisher, tendering his resignation from the service of the commission, to be effective at the close of business on December 7, 1925.

Voted: That the secretary is authorized to accept the resignation of Mr. H. Cochran Fisher as tendered by him.

The secretary laid before the commission a request from interested parties for copies of the applications received by the Tariff Commission for investigations for the purposes of section 315 of the tariff act of 1922, with respect to plate glass and mirror plates, respectively.

After discussion of the subject, it was—

Voted: That the secretary is authorized to furnish copies of the applications referred to above, with an explanation of the manner in which such applications are received and considered by the commission.

The secretary laid before the commission a request from Mr. Frederick Achenbach in charge of the headquarters of the commission at Brussels, Belgium, that in addition to other supplies heretofore authorized an electrically driven adding machine be provided for those headquarters.

After discussion of the subject, it was—

Voted: That the secretary be authorized to provide, in addition to other equipment heretofore authorized, an electrically driven adding machine for the headquarters of the commission at Brussels, Belgium.

The vice chairman submitted the question as to whether or not the position of secretary to the Tariff Commission is subject to the provisions of the classification act of 1923.

Upon the request of the vice chairman the subject was referred to a committee consisting of Commissioners Costigan and Glassie.

Upon motion by the vice chairman, on behalf of the personnel committee, it was—

Voted: That the salary of Miss Cora R. Hutchison be increased from \$1,860 to \$1,920 per annum, effective November 1, 1925.

The commission resumed consideration of the motion submitted by Commissioner Brossard on October 30, 1925, in reference to the proposed employment of Dr. Henry Schultz.

After discussion of the subject, it was—

Voted: That Dr. Henry Schultz be employed by the Tariff Commission as a special expert and assigned to a position in the economics division, and be allocated in grade 4, of the professional and scientific service, with the understanding that his salary shall be increased immediately to the rate of \$4,800 per annum.

On the foregoing resolution Commissioner Costigan voted in the negative.

Commissioner Costigan requested that his vote be recorded in opposition to the proposed employment of Doctor Schultz on the following grounds:

1. The selection of Doctor Schultz for an important position, as to which the commission should, if reasonably practicable, be unanimous, is not the result of a comparison by the commission of the special qualifications of Doctor Schultz and of other experts, including those recommended to the commission by Dr. D. A. Dewey, of the Massachusetts School of Technology, who was specially employed by the commission in November, 1924, to come to Washington to advise and did advise the commission with respect to the skill and availability of such experts.

2. It would appear from an experience of Doctor Schultz with the institute of economics that, although he may be an exceptionally well-trained and talented mathematician, his use of certain statistical material has been recently questioned by leading mathematicians and economists, and his value to the Tariff Commission, either as an economist or as an interpreter of statistical data, promises to be slight.

Upon motion by the vice chairman, on behalf of the personnel committee, it was—

Voted: That Mr. Eugene Wood, special expert accountant, be transferred from grade 5 to grade 6 of the clerical, administrative, and fiscal service and that his salary be increased from \$2,100 to \$2,200 per annum.

Voted: That Miss Bessie M. Gries, senior stenographer, be transferred from grade 3 to grade 4 of the clerical, administrative, and fiscal service, and that her salary be increased from \$1,620 to \$1,680 per annum.

Voted: That the appeals submitted by Mrs. G. T. Wilkins, Mrs. Bertha M. Robertson, and Mrs. Florence Burlingame, from the allocation of their positions to grade 4 of the clerical, administrative, and fiscal service, be approved for transmittal to the Personnel Classification Board.

The chairman informed the commission that he had been notified at 12.30 o'clock p. m. this day, that 150 copies of the preliminary statement to be issued in the Swiss cheese investigation were ready for mailing to interested parties. The statements were sent out on that day.

The chairman stated that replies to Commissioner Costigan's separate statements in connection with the reports heretofore submitted to the President in the investigations with respect to taximeters and print rollers were completed and ready for transmittal to the President, and that copies thereof would be sent to each member of the commission.

By unanimous consent it was tentatively agreed that the commission would, on Saturday, November 14, 1925, consider the material to be submitted to the President in reference to the inclusion of transportation costs as an element in determining costs of production for the purposes of section 315 of the tariff act of 1922.

Approved, November 17, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 13, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The special order of business set for this meeting was the consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of butter.

The chairman stated that the advisory board had not completed its report on this subject.

The subject therefore went over for further consideration.

Approved, November 20, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 17, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on November 10, 11, and 12, 1925, were read and approved.

The chairman designated Commissioner Costigan as a member in place of former Commissioner Lewis on the committee appointed on December 12, 1924, to prepare tentative findings of fact and recommendations to be submitted to the President in the investigation (No. 3) for the purposes of section 316 of the tariff act of 1922, with respect to alleged unfair acts in the importation and sale of sanitary napkins.

Commissioner Costigan submitted a statement of reasons for the inclusion of transportation costs in costs of production for the purposes of section 315 of the tariff act of 1922.

Commissioner Glassie submitted a statement of reasons against the inclusion of transportation costs in costs of production for the purposes of section 315 of the tariff act of 1922.

Upon motion by the chairman, it was—

Voted: That the statements of reasons for and against the inclusion of transportation costs in costs of production for the purposes of section 315 of the tariff act of 1922, together with the statement of the legislative history of that act, be transmitted to the President for the use of the Attorney General.

The secretary was instructed to send to the Attorney General, for reference in connection with the papers mentioned in the foregoing resolution, copies of the eight annual reports of the commission and of the published reports of the commission to the President under the provisions of section 315 of the tariff act of 1922.

The chairman laid before the commission a communication from Mr. W. C. Fitzgibbon tendering his resignation from the service of the commission.

Upon motion by Commissioner Brossard, it was—

Voted: That the secretary is authorized to accept the resignation of Mr. W. C. Fitzgibbon as tendered by him.

Voted: That Miss Grace H. Roper be allowed the full statutory annual leave of 30 days, without deduction, for the calendar year 1925.

Approved, November 20, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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NOVEMBER 19, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

Upon motion by the chairman, it was—

Voted: That the textile division be authorized to prepare a tariff information survey under the title "Wool By-products and Wastes."

The commission proceeded to the consideration of the report to be submitted to the President in the investigation (No. 15) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of cotton hosiery.

Mr. W. A. Graham Clark and Miss E. V. Kean of the textile division were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

The commission thereupon adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to the President in the investigation (No. 15) for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of cotton hosiery.

Mr. W. A. Graham Clark and Miss E. V. Kean, of the textile division, were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Approved, November 27, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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NOVEMBER 20, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on November 13 and 17, 1925, were read and approved.

Voted: That the travel for Mr. Louis S. Ballif authorized on July 24, 1925, in connection with the pending investigations (Nos. 46 and 47) for the purposes of section 315 of the tariff act of 1922, with

respect to glue and edible gelatin, be extended to include the State of Missouri.

Voted: That Mr. F. L. Koch, Mr. E. J. Borton, and Mr. H. F. Barker be authorized to travel from their present stations in Europe to Washington, D. C., on official business in connection with the pending investigation by the Tariff Commission for the purposes of section 315 of the tariff act of 1922, with respect to certain china and earthenware.

The commission adjourned to meet again at 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Alfred P. Dennis, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission proceeded to the consideration of the preliminary statement of information to be issued to interested parties in the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, with respect to vegetable and animal oils and fats.

Mr. C. R. De Long, chief of the chemical division, was called into the meeting during the discussion.

After discussion of the subject, it was—

Voted: That the preliminary statement of information to be issued to interested parties in the pending investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, with respect to vegetable and animal oils and fats, be mimeographed for the further consideration of the commission.

Approved, November 27, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

NOVEMBER 23, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its published orders passed on October 15, 1925, setting this date for a public hearing in the investigations (Nos. 26 and 8) of the differences in costs of production of, and of all other facts in relation to, cast polished plate glass and mirror plates, respectively, under the provisions of section 315 of Title III of the tariff act of 1922.

At 12.30 o'clock the commission recessed until 2 o'clock, at which time the hearing was resumed.

After hearing evidence by all parties appearing and requesting to be heard, the commission announced at 4.40 o'clock p. m. that the hearing was adjourned until 10 o'clock a. m. November 24, 1925.

Approved, December 4, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

NOVEMBER 24, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment passed on November 23, 1925, for the purposes of continuing the hearing in the investigations (Nos. 26 and 8) of the differences in costs of production of, and of all other facts in relation to, cast polished plate glass and mirror plates, respectively, under the provisions of section 315 of Title III of the tariff act of 1922.

At 12.30 o'clock the commission recessed until 2 o'clock, at which time the hearing was resumed.

After hearing evidence by all parties appearing and requesting to be heard, the commission announced at 4.10 o'clock p. m. that the hearing was adjourned until 10 o'clock a. m. November 30, 1925.

Approved, December 4, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

NOVEMBER 27, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on November 19 and 20, 1925, were read and approved.

The chairman laid before the commission a report of the advisory board in connection with the butter investigation and asked that it be considered at as early a date as the commission could arrange to do so.

The chairman laid before the commission a report of the advisory board on barium carbonate, the subject of an application dated February 20, 1925, for an investigation for the purposes of section 315 of the tariff act of 1922.

Voted: That Mrs. F. I. Charlton be transferred at her own request from the economics division to the stenographic section.

Voted: That Miss E. P. Kean be authorized to travel to New York City and return for the purpose of obtaining information required in connection with the preparation of the report to be submitted to the President in the pending investigation (No. 15) for the purposes of section 315 of the tariff act of 1922, with respect to cotton hosiery.

On the foregoing resolution Commissioners Dennis and Costigan voted in the negative.

Voted: That Mr. C. P. Clark be employed for a period not to exceed two weeks as a special expert farm cost accountant, at a salary of \$75 per week, for service in connection with the pending investigation under the general powers of the commission with respect to maple sugar and maple sirup.

Voted: That the authorization for travel by Mr. W. N. Watson under the resolution of July 10, 1925, for the purpose of obtaining information in regard to the cost of dyes used in various articles in clothing and textiles, is hereby extended to include South Lawrence,

Mass., Providence, R. I., Hartford and Danbury, Conn., Paterson and Passaic, N. J., and Philadelphia, Pa.

Voted: That Mr. F. L. Koch be transferred from the field service with official headquarters at Brussels, Belgium, to the departmental service of the commission as a special expert and be assigned as chief of the ceramics division in grade 4 of the professional and scientific service, effective December 1, 1925.

Voted: That Mr. H. F. Barker be transferred from the field service with official headquarters at Brussels, Belgium, to the departmental service of the commission and be assigned as special expert accountant in grade 7 of the clerical, administrative, and fiscal service, effective December 1, 1925.

Approved, December 4, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

NOVEMBER 30, 1925.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment passed on November 24, 1925, for the purpose of continuing the hearing in the investigations (Nos. 26 and 8) of the differences in costs of production of, and of all other facts in relation to, cast polished plate glass and mirror plates, respectively, under the provisions of section 315 of Title III of the tariff act of 1922.

At 12.30 o'clock the commission recessed until 2 o'clock, at which time the hearing was resumed.

After hearing evidence by all parties appearing and requesting to be heard, the commission announced at 4 o'clock p. m. that the hearing was adjourned until 10 o'clock a. m. December 1, 1925.

Approved, December 4, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

DECEMBER 1, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment passed on November 30, 1925, for the purpose of continuing the hearing in the investigations (Nos. 26 and 8) of the differences in costs of production of, and all other facts in relation to, cast polished plate glass and mirror plates, respectively, under the provisions of section 315 of Title III of the tariff act of 1922.

At 12.30 o'clock the commission recessed until 2 o'clock, at which time the hearing was resumed.

After hearing evidence by parties appearing and requesting to be heard, the commission announced that briefs might be filed until December 15, 1925, upon the request of parties interested, that the



investigation be reopened and continued in view of changed conditions in the plate glass industry since the information obtained by the commission was secured. The commission further announced at 5.05 o'clock p. m. that this public hearing was closed.

Approved, December 8, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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DECEMBER 2, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

Voted: That the compensation of Mr. F. L. Koch, chief of the ceramics division, be, and is hereby, increased from \$3,800 to \$4,000 per annum, effective December 1, 1925.

Voted: That the compensation of Mr. H. F. Barker, assistant accountant and auditor, be, and is hereby, increased from \$2,400 to \$2,500 per annum, effective December 1, 1925.

The committee appointed on June 16, 1925, to supervise the preparation of the material for the ninth annual report, submitted a draft of the report for consideration by the commission.

After discussion of the subject, it went over for further consideration.

Approved, December 4, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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DECEMBER 3, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The chairman laid before the commission a draft of sections, to follow the section on coconut oil heretofore submitted on November 20, 1925, of the preliminary statement of information to be issued for the use of interested parties in the investigation (No. 34) for the purposes of section 315 of the tariff act of 1922, with respect to vegetable and animal oils and fats.

On motion by Commissioner Brossard, it was—

Voted: That members of the commission's staff who desire to attend the meetings of the American Economic Association and of the Farm Economic Association in New York City, on December 28, 29, and 30, 1925, may be permitted to do so without expense to the Tariff Commission and without deduction from annual leave for such time as may be necessary for such attendance.

On the foregoing resolution Commissioner Costigan did not vote.

The secretary laid before the commission a communication from Mr. Frederick Achenbach, representative of the commission in charge of its European headquarters, suggesting that Mr. John J. Ernster, stationed at those headquarters, be designated as "assistant representative of the commission."

After discussion of the subject, and upon motion by Commissioner Costigan, it was—

Voted: That Mr. John J. Ernster be designated as "assistant representative of the United States Tariff Commission with headquarters at Brussels, Belgium."

The commission resumed consideration of the ninth annual report.

During the discussion and upon motion by Commissioner Costigan, it was—

Voted: That members of the staff having charge of the preparation of any report or survey intended ultimately to be printed shall submit, with the manuscript of such report or survey, or within a week after submitting such manuscript, a summary thereof in such form as may be used in the preparation of the commission's annual report to the Congress.

Approved, December 10, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 4, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on November 23, 24, 27, December 1 and 2, 1925, were read and approved.

The commission resumed consideration of the ninth annual report.

Upon motion by Commissioner Costigan, the chairman was requested to ascertain from the President whether there would be on his part any objection to the inclusion in the commission's annual report of its correspondence with him in reference to the disposition of the investigation by the commission for the purposes of section 315 of the tariff act of 1922, with respect to wall pockets.

The commission thereupon adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

Upon motion by the chairman, it was—

Voted: That the secretary is authorized to arrange for the employment, by transfer through civil-service channels, of Mrs. Minnette Roads, temporarily for a period not to exceed three months, as a junior clerk in grade 2 of the clerical, administrative, and fiscal service, with salary at the rate of \$1,320 per annum.

On the foregoing resolution Commissioner Costigan voted in the negative.

The commission resumed consideration of the ninth annual report.

After discussion of the subject, it went over for further consideration.

Approved, December 10, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 5, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

On motion by the vice chairman, it was—

Voted: That Mrs. Minnette Roads, whose employment was authorized by resolution of the commission on December 4, 1925, be assigned for duty in the lumber and paper division of the commission's staff.

On the foregoing resolution Commissioner Costigan voted in the negative and stated that he voted against the motion because he did not believe that the assignment of Mrs. Roads as a clerk in the lumber and paper division was fair to certain other deserving members of the commission's staff who had earned consideration in connection with any such assignment.

On motion by Commissioner Brossard, it was—

Voted: That Mr. Crittenden Marriott be transferred from the economics division to the lumber and paper division of the commission's staff in a position to be allocated to grade 2 of the professional and scientific service, with salary at the rate of \$2,800 per annum, effective January 1, 1926.

The chairman reported that in accordance with the request of the commission on December 4, 1925, he had been informed that the President has no objection to the publication of the correspondence between the Tariff Commission and the President in reference to the disposition of the investigation with respect to wall pockets.

The commission resumed consideration of the ninth annual report.

The commission adjourned until 3 o'clock p. m.

## AFTERNOON SESSION

The commission reconvened at 3 o'clock p. m.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the ninth annual report.

After discussion of the subject it went over for further consideration.

Approved, December 10, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 8, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meeting of the commission held on December 1, 1925, were read and approved.

Voted: That Mr. Marvin C. McNeill, in addition to travel heretofore authorized by resolution of the commission on July 24, 1925, be authorized to travel to Detroit, Mich.; Chicago, Ill.; and St. Paul, Minn., and returned to Washington, D. C., for the purpose of obtain-

ing cost data and other information in regard to the use of maple products in the production of sirups.

Voted: That Mr. Gardner M. Youngman be authorized to travel to Philadelphia, Pa., New York, N. Y., and Boston, Mass., and return, for not to exceed two weeks for the purpose of obtaining information needed in connection with the preparation of the survey on woven fabrics of wool.

The chairman laid before the commission a report from the advisory board in reference to an application for the purposes of section 315 of the tariff act of 1922, with respect to fluorspar, and asked the attention of the commission to this report in connection with other reports that had been submitted by the advisory board dealing with applications under section 315.

The chairman laid before the commission a memorandum from the chief of the economics division relating to procedure in the preparation of future annual reports of the commission.

After discussion of the subject and upon motion by the chairman, it was—

Voted: That September 1 be set as the date upon which reports from divisions of the commission's staff for use in the preparation of the annual reports of the commission shall be submitted to the advisory board, and that the advisory board be requested to send its completed report to the commission not later than October 15.

Upon motion by Commissioner Brossard, it was—

Voted: That Mr. William H. Disbrow be employed on the staff of the Tariff Commission as a special expert accountant and be assigned to the accounting division, in a position in grade 9 of the clerical, administrative, and fiscal service, with salary at the rate of \$3,000 per annum.

Upon motion by Commissioner Brossard, it was—

Voted: That Mr. Albert L. Morgan be employed on the staff of the Tariff Commission as special expert accountant with salary at the rate of \$2,400 per annum.

Upon motion by Commissioner Brossard, it was—

Voted: That Mr. Francis C. Stetson be employed on the staff of the Tariff Commission as special expert accountant by transfer from the Treasury Department, with salary at the rate of \$2,100 per annum.

On the foregoing resolution Commissioner Costigan voted in the negative.

The commission took up the consideration of the motion by Commissioner Glassie on October 8, 1925, for the appointment of a special disbursing agent at the headquarters of the commission in Brussels, Belgium.

The secretary laid before the commission a letter from Mr. Frederick Achenbach, representative of the commission at Brussels, on this subject.

After discussion of the subject, it was—

Voted: That Mr. Frederick Achenbach be designated as special disbursing agent of the Tariff Commission with authority to pay, subject to law and regulations, the salaries, traveling expenses, and subsistence allowances of employees of the Tariff Commission who may be stationed or temporarily on duty in Europe; and that the secretary is authorized to arrange for the execution of appropriate

bonds and the deposit of funds to the credit of Mr. Achenbach to enable the purposes of this resolution to be properly accomplished.

It was, by Commissioner Brossard—

Moved: That the secretary be authorized to request Mr. Vern C. Woolley, of Worcester, Mass., to come to the offices of the Tariff Commission for a conference in reference to the selection of an economic statistician for assignment to the economics division of the commission's staff, and to pay his necessary traveling expenses for the trip and return from the funds available for the expenses of the commission.

As a substitute for the foregoing motion it was, by Commissioner Costigan—

Moved: That action upon the foregoing motion by Commissioner Brossard be deferred until the personnel committee can report to the commission the results of correspondence to be had with certain statistical economists or economic statisticians, recommended to the commission by Dr. David A. Dewey, of the Massachusetts Institute of Technology, including Professor Graham, of Princeton; Dr. Frank R. Rutter, Mr. David Wing, formerly employed by the Coal Commission; Mr. Wilfred King, Mr. J. H. Williams, and Mr. J. B. Vanderblue, of Harvard.

Upon the foregoing motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Mr. Costigan.

Against the adoption of the motion: Messrs. Marvin, Glassie, Baldwin, Brossard.

The substitute motion was therefore rejected.

The question reverting to the motion submitted by Commissioner Brossard, the votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Messrs: Marvin, Dennis, Glassie, Baldwin, Brossard.

Against the adoption of the motion: Mr. Costigan.

The motion by Commissioner Brossard was therefore adopted.

Upon motion by Commissioner Glassie, it was—

Voted: That Mr. Henry L. Deimal, of the Department of Commerce, be requested to confer with the commission in reference to the selection of an economist to be assigned to the economics division.

The commission proceeded to the consideration of the report to be submitted to the President in the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

After discussion of the report it went over for further consideration.

The commission adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

Messrs. A. M. Fox, O. A. Juve, E. M. Whitcomb, C. D. Blachley, and Kemper Simpson, of the commission's staff, were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Approved, December 18, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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DECEMBER 9, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

After discussion of the subject it went over for further consideration.

Approved, December 18, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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DECEMBER 10, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on December 3, 4, and 5, 1925, were read and approved.

On motion by Commissioner Glassie, it was—

Voted: That the time within which briefs may be filed upon the request of parties interested in the investigation for the purposes of section 315 of the tariff act of 1922 with respect to cast polished plate glass be reopened and continued in view of changed conditions in the plate-glass industry, be, and is hereby, extended from December 15 to December 21, 1925.

The commission resumed the consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

During the discussion, it was, by the chairman—

Moved: That the advisory board be requested to submit at its earliest convenience for the consideration of the commission a condensed draft of the report in relation to butter in accordance with the following suggestions:

1. The commission report and use Denmark as the principal competing country in 1923-24, when this investigation of costs was made, and, therefore, the principal competing country for the purpose of this investigation under section 315 of the tariff act of 1922.

2. The costs for 1923-24 be the basis of the report to the President of the difference in costs of production in the United States and Denmark, the chief competing country.

3. The Danish costs be compared with the combined United States costs of both the cooperative and independent creameries, including

Nebraska farm costs, as the costs of butter fat to the independent creameries of that region.

4. An average of the monthly exchange rates for 1923-24, the period covered in the investigation, be used to convert the Danish costs to United States monetary values for purposes of comparison of domestic and foreign costs for 1923-24.

As a substitute for the foregoing motion by the chairman, it was, by Commissioner Costigan—

Moved: That the commission read and prepare at meetings of the commission the final report to be submitted by the commission to the President in the pending investigation with respect to butter.

Upon the foregoing substitute motion the votes of the commissioners were as follows:

In favor of the adoption of the substitute motion: Mr. Costigan.

Against the adoption of the substitute motion: Messrs. Marvin, Dennis, Baldwin, Brossard.

Commissioner Glassie did not vote on the motion.

The substitute motion was therefore rejected.

The question being upon the motion submitted by the chairman, it was, by Commissioner Glassie—

Moved: That the chairman's motion be amended by striking out the paragraph numbered 4 of the suggestions referred to therein.

Upon the proposed amendment the votes of the commissioners were as follows:

In favor of the adoption of the amendment: Messrs. Costigan, Glassie.

Against the adoption of the amendment: Messrs. Marvin, Dennis, Baldwin, Brossard.

The proposed amendment was therefore rejected.

The question reverting to the original motion submitted by the chairman, the votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Dennis, Baldwin, Brossard.

Against the adoption of the motion: Messrs. Costigan, Glassie.

The motion was therefore adopted.

By Commissioner COSTIGAN. Practically this entire morning session of the commission has been consumed in a discussion of the significance of the respective suggestions enumerated in the chairman's motion. At least two members of the commission have repeatedly expressed the view that one or more of those suggestions is either not favored by them or is an unintelligible or ambiguous form.

Other members of the commission have indicated that those suggestions are in no sense binding on any commissioner, but that they are, one and all, subject to any change which may be desirable or to any additions which any commissioner may reasonably request. For example, Chairman Marvin, who presented the motion, has stated that he does not feel bound as to any of those suggestions, so far as his final conclusions are concerned, and that such suggestions are intended merely to provide a tentative basis for a condensed and revised report. It is to be hoped that these expressions will be adhered to hereafter.

Regardless of any such qualifications, however, it is impossible for me in the discharge of my official duties to vote for the motion.

At least two commissioners stated this morning that their minds are not made up on the respective suggestions, and, as pointed out, other commissioners made clear that they would not feel bound by them. Commissioner Glassie expressed his disapproval of the exchange suggestion. If members of the commission are not agreed on the exact significance of the entire motion, I fail to see how the advisory board may satisfactorily perform the task assigned to it.

Under the circumstances, I am genuinely apprehensive that the effect of the motion as adopted will be to postpone, if not to make unattainable, a satisfactory final report to the President. The report will emerge from the advisory board in a somewhat crystallized form and it will then be far more difficult to recast it appropriately than if the commission, as has been its custom in the case of some other reports, should do the work of revision in the first instance at regular commission meetings.

By Chairman MARVIN. The preceding statement by Commissioner Costigan, whether so intended or not, is calculated to leave the impression that the motion directing the advisory board to submit a condensed draft of the report in the butter investigation, in accordance with the suggestions enumerated in the motion, is something suddenly brought up at this meeting and in the nature of a pre-determination of the questions involved in the investigation. In point of fact, all the matters enumerated in the motion were not only raised in the text of the original report but were specifically presented and discussed in a group of supplemental reports submitted by members of the advisory board to the commission on December 8, 1925. At the commission's morning meeting held on that date these questions were the subject of discussion, and a special meeting was held on the afternoon of December 8 for the purpose of considering them more fully. At that meeting the chief of the economics division, Mr. Fox; the head of the agricultural division, Mr. Juve; Mr. Whitcomb, of the accounting division; and Dr. C. D. Blachly and Dr. Kemper Simpson, of the economics division, were called together in consultation and separately stated and discussed with the commission the respective views held by them on these questions. The unreadiness of any commissioner to pass upon these questions at this time, to the extent at least of giving directions for the tentative condensation of the report in accordance with some intelligible view, is not chargeable to the commission but can only be accounted for by the degree of attention which the commissioner may have given to the subject.

Commissioner Costigan's statement suggests in a somewhat vague form that the present action involves two unfortunate consequences. The first is that it will delay or postpone action on the final report to the President. The second is that it amounts in effect to a crystallization of the form of the final report, notwithstanding the plain statement that the condensation to be made by the advisory board is just as tentative as the voluminous report now before the commission. There is no ground, in my opinion, for either of these suggestions.

So far from delaying the report, the action now taken expedites its preparation. The condensation of the report along the lines of the views entertained by the greater number of commissioners will



enable the preparation of the report to be undertaken more quickly, the subject matter to be discussed more intelligently, and facilitate the clear expression of any divergent views.

In the second place, there is no merit whatever in the suggestion of predetermination. These matters must be determined, and after the discussion already had, it is impossible to suggest that they are being predetermined. Moreover, the condensation of the report does not obliterate any of the existing report, the whole text of which is at the disposition of any commissioner to support, fortify, or to assist in expressing any view contrary to those held by the other commissioners. The commissioners whose minds, at least tentatively, incline to a given view of the several questions raised by the staff and discussed before the commission, are entitled to have the matters formulated in accordance with such views in a clear, concise, and definite way as a working basis for the ultimate deliberation and consideration of the commission.

It has been repeatedly stated in the discussion, as Commissioner Costigan says, that the suggestions to the advisory board are intended merely to provide a tentative basis for a condensed and revised report and that additions could be made or further condensation effected, as the commission may determine. In any group of honorable men these statements should be accepted as made in good faith. The hope expressed by Commissioner Costigan "that these expressions will be adhered to hereafter" is an unwarranted implication that they were not made in good faith.

Commissioner Costigan neglects to mention that, before the chairman's motion was finally adopted, the chairman suggested that the advisory board's report be referred, with the identical enumerated suggestions, to a committee of commissioners consisting of Commissioner Costigan, Commissioner Glassie, and Commissioner Brossard, two members of the committee being the "two members of the commission" referred to by Commissioner Costigan as having "repeatedly expressed the view that one or more of those suggestions is not favored by them." This certainly should have convinced the most apprehensive commissioner that the motion was made in a spirit of the utmost fairness and good faith.

JANUARY 11, 1926.

By Commissioner COSTIGAN. It will be noted that one apparent reason for Chairman Marvin's motion of December 10, 1925, was to exclude from the tentative condensed butter report, contemplated by that motion, the cost data for domestic centralizers, contained in the original draft of that report. Since the adoption of Chairman Marvin's motion I have found it necessary to request that the centralizer data thus taken out of the earlier report be reincorporated in the condensed report. Not to mention other illustrations, it follows that the butter report has been somewhat delayed by this circuitous procedure.

It should be added that Chairman Marvin's statement indicates undue sensitiveness with reference to my comments. The fear recorded by me of a crystallized result and the hope that more or less vague expressions of understanding by different commissioners would be adhered to were certainly not unreasonable. In any event, Chairman Marvin has subjected my remarks to forced and unin-

tended construction. Instead of reflecting on the good faith of commissioners, my statement proceeded on the assumption that good faith is promoted by the explicit recital of any understanding which has been informally reached in unrecorded proceedings.

Upon motion by the vice chairman, it was—

Voted: That pending the receipt of the revised report in relation to butter from the advisory board the commission resumed the consideration of the report to be submitted to the President in the investigation (No. 15) for the purposes of section 315 of the tariff act of 1922, with respect to cotton hosiery.

Approved, December 18, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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DECEMBER 11, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its published order passed on November 11, 1925, setting this date for a public hearing in the investigation (No. 39) of the differences in costs of production of, and of all other facts in relation to, swiss cheese, under the provisions of section 315 of the tariff act of 1922.

At 12.30 o'clock the commission recessed until 2.30 o'clock p. m. at which time the hearing was resumed.

After hearing evidence by all parties appearing and requesting to be heard, the commission announced that briefs in this investigation could be filed until January 11, 1926, and that at 4.40 o'clock p. m. the hearing was closed.

Approved, December 18, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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DECEMBER 14, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 15) for the purposes of section 315 of the tariff act of 1922, with respect to cotton hosiery.

Mr. W. A. Graham Clark and Miss Evelina P. Kean, of the commission's staff, were called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

The commission adjourned until 2.30 o'clock p. m.

## AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission discussed the preliminary statement of information and questions to be considered at the hearing to be held on December 15, 1925, in the investigation (No. 32) for the purposes of section 315 of the tariff act of 1922, with respect to lace.

Messrs. W. A. Graham Clark, George Middleton, and A. F. Ferguson were called into the meeting during the discussion.

Approved, December 18, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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DECEMBER 15, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its published order passed on October 27, 1925, setting this date for a public hearing in the investigation (No. 32) of the differences in costs of production of, and of all other facts in relation to, lace, under the provisions of section 315 of the tariff act of 1922.

At 12.30 o'clock the commission recessed until 2.30 o'clock p. m., at which time the hearing was resumed.

After hearing evidence by all parties appearing and requesting to be heard, the commission announced at 4.30 o'clock p. m. that the hearing was adjourned until 10 o'clock a. m. December 16, 1925.

Approved, December 18, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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DECEMBER 16, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment passed on December 15, 1925, for the purpose of continuing the hearing in the investigation (No. 32) of the differences in costs of production of, and of all other facts in relation to, lace, under the provisions of section 315 of the tariff act of 1922.

At 12.30 o'clock the commission recessed until 2.30 o'clock, at which time the hearing was resumed.

After hearing evidence by all parties appearing and requesting to be heard, the commission announced at 4.30 o'clock p. m. that the hearing was adjourned until 10 o'clock a. m. December 17, 1925.

Approved, December 18, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 17, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission met in the hearing room at 10 o'clock a. m. pursuant to its order of adjournment passed on December 16, 1925, for the purpose of continuing the hearing in the investigation (No. 32) of the differences in costs of production of, and of all other facts in relation to, lace, under the provisions of section 315 of the tariff act of 1922.

At 12.30 o'clock p. m. the commission recessed until 2.30 o'clock p. m. at which time hearing was resumed.

After hearing evidence by all parties appearing and requesting to be heard, the commission announced at 5 o'clock p. m. that the hearing was adjourned until 10 o'clock a. m. February 15, 1926.

Approved, December 22, 1925.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 18, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on December 8, 9, 10, 11, 14, 15, and 16, 1925, were read and approved.

The chairman laid before the commission a letter from Mr. Dexter North, tendering his resignation from the position of special expert in the chemical division of the commission's staff.

Upon motion by the chairman, it was—

Voted: That the resignation of Mr. Dexter North from the service of the commission be accepted with regret.

Upon motion by Commissioner Glassie, it was—

Voted: That the chairman be authorized to write a letter to Mr. Dexter North expressing the regret of the Tariff Commission upon his resignation from the commission's service.

The chairman stated that he had been informed by the chief of the economics division that the revised and condensed tentative draft of the report to be submitted to the President in the butter investigation, as requested by the commission, would be ready some time during the day.

The chairman requested that the report be taken up for consideration by the commission as soon as available.

By unanimous consent it was agreed that the butter report above referred to by the chairman be taken up for consideration by the commission at a meeting to be held at 10.30 o'clock a. m. on December 21, 1925.

Voted: That the temporary employment of Mr. Ernest J. Borton, special expert accountant in the field service of the commission, be extended until March 31, 1926, at his present salary and that he be transferred to the departmental service of the commission in Washington, subject to the provisions of the classification act of 1923.

Voted: That Mr. L. T. Hopkinson be authorized to expend not to exceed \$15 for purchase and preparation of specimens of fresh-

water fish in proper containers and preservatives for use in connection with the pending investigation with respect to the fresh-water fisheries industry.

Upon motion by Commissioner Brossard, on behalf of the personnel committee, it was—

Voted: That Miss Bessie M. Gries be assigned permanently as clerk in the sugar division.

Approved, December 22, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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DECEMBER 21, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

After discussion of the subject it went over for further consideration.

The commission adjourned until 2 o'clock p. m.

AFTERNOON SESSION

The commission reconvened at 2 o'clock p. m.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

After discussion of the subject it went over for further consideration.

Approved, December 29, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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DECEMBER 22, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on December 17 and 18, 1925, were read and approved.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

After discussion of the subject it went over for further consideration.

Approved, December 29, 1925.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

DECEMBER 23, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The secretary laid before the commission a request from Hon. John H. Kerr, representative in Congress from the State of North Carolina, requesting, on behalf of certain growers of peanuts, an informal conference with the Tariff Commission in reference to the need for an increase of the duty on peanuts.

The secretary was instructed to confer with Mr. Kerr and to say that the commission would be glad to have an informal conference with the peanut growers at any time that might be convenient to them, and to explain to Mr. Kerr the present status of the subject before the commission.

The commission proceeded to the consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

After discussion of the subject it went over for further consideration.

Approved, January 5, 1926.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 28, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

After discussion of the subject it went over for further consideration.

The commission adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

After discussion of the subject it went over for further consideration.

Approved, January 5, 1926.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 29, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on December 21 and 22, 1925, were read and approved.

Voted: That the necessary travel performed by Mr. C. P. Clark, from Skaneateles, N. Y., to Cortland, Jamestown, and other places in New York, and to Warren, Burton, and other places in Ohio, on official business of the Tariff Commission in connection with the pending investigation with respect to maple sugar and maple sirup, be, and the same is hereby, approved.

On motion by the chairman, it was—

Voted: That the chief investigator and the chairman of the advisory board be requested to present, in person, to the commission on Tuesday, January 5, 1926, a summary of the advisory board reports that have been submitted to the commission in reference to applications under the provisions of section 315 of the tariff act of 1922.

The chairman laid before the commission a memorandum from Commissioner Costigan accompanied by a memorandum from Dr. L. G. Connor, of the agricultural division, with reference to a proposed field trip to study developments in the cattle and wool growing industries.

Upon motion by the chairman, it was—

Voted: That Dr. L. G. Connor be authorized to travel for not to exceed one month to such points in Colorado, Wyoming, Idaho, Utah, Arizona, Oregon, California, and return, as may be necessary for the purposes of obtaining information concerning developments in the cattle and wool growing industries.

The secretary laid before the commission a communication from Mr. Samuel Schoenfeld, tendering his resignation from the service of the commission as a special expert accountant.

Upon motion by the chairman, it was—

Voted: That Commissioner Baldwin and the secretary be authorized to travel to New York City, and return, on administrative business of the commission.

Approved, January 5, 1926.

THOMAS A. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 30, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Henry H. Glassie, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

After discussion of the subject it went over for further consideration.

Approved, January 5, 1926.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

DECEMBER 31, 1925.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Edgar B. Brossard.

Commissioner Glassie laid before the commission a draft of a letter to be transmitted to the President in reference to the letter sent on December 29, 1925, by Commissioner Costigan to the Attorney General in regard to the question of the inclusion or exclusion of transportation costs in cost of production figures in investigations by the commission for the purposes of section 315 of the tariff act of 1922.

During the discussion of the subject, it was, by Commissioner Glassie—

Moved: That the above-mentioned draft of a letter to the President be approved and transmitted in the following form:

DECEMBER 31, 1925.

The PRESIDENT,  
*The White House.*

MY DEAR MR. PRESIDENT: It has come to the attention of the United States Tariff Commission that Commissioner Costigan, under date of December 26, 1925, addressed to the Attorney General a personal communication containing arguments in favor of including transportation costs in costs of production under section 315 of the tariff act of 1922. The commission deems it proper to say that this communication was made without the knowledge or consent of the commission, contrary to the request made by the President on October 3, 1925.

It will be remembered that the commission suggested that this question of law, upon which the commission was divided in opinion, should be referred to the Attorney General and that the commission would be glad to submit, for the use of the Attorney General, a full statement of the reasons for and against the inclusion of transportation costs with a complete legislative history of the act and any other matter that the Attorney General might deem necessary for a full consideration of the subject.

In the President's letter of October 13, 1925, this course was approved and submission of the statements requested. The commission accordingly on November 17, 1925, submitted to the President a statement presenting reasons for the inclusion of transportation, a statement presenting reasons against the inclusion of transportation, and a statement of the legislative history of section 315 of the tariff act of 1922. These statements thus submitted indicated nothing with respect to the individual commissioners holding the respective views, did not indicate by whom the statements were prepared and made no reference to the fact that a majority or minority of the commission at the present time held any particular view. The submission of these statements was deemed a full compliance with the President's request.

It was not contemplated that, after the official submission of complete statements in accordance with the President's wishes, any member of the commission should endeavor to bring his individual views before the Attorney General, especially not without the previous knowledge and approval of the commission. It was not imagined that anyone would desire to continue the discussion or attempt, by supplemental arguments, to influence the judgment of the Attorney General. No such supplemental argument could fairly be made without affording an opportunity for an answer. Such a running debate was not contemplated in the President's request.

For these reasons the commission is constrained to protest against the course pursued by Commissioner Costigan. Should the Attorney General express his desire for a further statement of the views held by the other members of the commission, or for comment upon the particular points urged in Commissioner Costigan's communication, the commission will be glad to cause them to be submitted.

Respectfully,

—————, *Chairman.*



Commissioner Costigan stated that the draft of the letter submitted by Commissioner Glassie contained no reference to the fact that Commissioner Costigan had sent to the chairman's office for circulation among the commissioners a copy of the letter transmitted to the Attorney General.

Commissioner Glassie thereupon stated that the form of the letter submitted by him would be changed, and he later added the following sentence.

A copy of this communication was sent to the chairman for circulation among the commissioners on December 29, 1925.

Statement by Commissioner COSTIGAN. "I shall not vote on Commissioner Glassie's motion. However, I wish to state for the record that I reserve the right to reply to it in any and every proper way. I must decline to have the correct discharge of my duties as a commissioner under my oath of office determined by my associates, although I am willing to accord to them whatever reasonable respect is due their views. It should be added that the motion carries with it extraordinary and unprecedented implications; that even in the most controversial periods of the commission's experience the commission has never attempted, as in this instance, to censure a commissioner for conduct which he reasonably considered required in the performance of his duties."

After further discussion of the subject the letter went over for further consideration.

The commission thereupon adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Edgar B. Brossard.

The commission resumed consideration of the pending motion by Commissioner Glassie as submitted at the morning session of this date.

As an amendment in the nature of a substitute for Commissioner Glassie's motion, the chairman—

Moved: That the letter submitted by Commissioner Glassie, in a somewhat revised form, be addressed to the Attorney General, approved by the commission and transmitted.

The votes of the commissioners on the substitute motion were as follows:

In favor of the adoption of the substitute: Messrs. Marvin, Glassie, Brossard.

Against the adoption of the substitute: No votes.

Commissioner Dennis stated that he withheld his vote pending the arrival of Commissioner Costigan.

Commissioner Costigan having entered the meeting, it was, upon motion by Commissioner Glassie—

Voted: That the vote on the substitute motion be reconsidered.

Commissioner Costigan did not vote on this resolution.

The chairman handed to Commissioner Costigan a copy of the following revised form of a draft of a letter which it was proposed

to send to the Attorney General, and asked Commissioner Costigan's comments upon it:

DECEMBER 31, 1925.

Hon. JOHN G. SARGENT, *Attorney General*.

MY DEAR MR. ATTORNEY GENERAL: It has come to the attention of the United States Tariff Commission that Commissioner Costigan, under date of December 20, 1925, addressed to you a personal communication containing arguments in favor of including transportation costs in costs of production under section 315 of the tariff act of 1922. A copy of this communication was sent to the chairman for circulation among the commissioners on December 29, 1925. The commission deems it proper to say that the communication was prepared for transmittal to you without the knowledge or approval of the commission.

It should be recalled that the commission suggested that this question of law, upon which the commission was divided in opinion, should be referred to the Attorney General and that the commission would be glad to submit, for the use of the Attorney General, a full statement of the reasons for and against the inclusion of transportation costs with a complete legislative history of the act and any other matter that the Attorney General might deem necessary for a full consideration of the subject.

In the President's letter of October 13, 1925, this course was approved and submission of the statements requested. The commission accordingly on November 17, 1925, submitted to the President a statement presenting reasons for the inclusion of transportation, a statement presenting reasons against the inclusion of transportation, a statement of the legislative history of section 315 of the tariff of 1922. These statements thus submitted indicated nothing with respect to the individual commissioners holding the respective views, did not indicate by whom the statements were prepared and made no reference to the fact that a majority or minority of the commission at the present time held any particular view. The submission of these statements was deemed a full compliance with the President's request.

It was not contemplated that, after the official submission of complete statements in accordance with the President's wishes, any member of the commission should endeavor to bring his individual views before the Attorney General, especially not without the previous knowledge and approval of the commission. It was not imagined that anyone would desire to continue the discussion or attempt, by supplemental arguments, to influence the judgment of the Attorney General. No such supplemental argument could fairly be made without affording an opportunity for an answer. Such a running debate was not contemplated in the President's request.

For these reasons the commission is constrained to protest against the course pursued by Commissioner Costigan. Nevertheless, in view of the course pursued by Commissioner Costigan, the commission directs me to say that should you wish a further statement or comment upon the particular points urged in Commissioner Costigan's communication, the commission will be glad to cause the same to be submitted.

Respectfully,

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Chairman.

Commissioner Costigan objected to certain portions of the letter, and, among other matters, advised the commission that the copy of his letter to the Attorney General was sent to the chairman for circulation among the commissioners at the same time that the letter was transmitted to the Attorney General.

It was thereupon agreed by all commissioners present that the letter transmitted to the Attorney General should contain a statement with respect to the date of the transmittal of Commissioner Costigan's letter in accordance with what Commissioner Costigan said on the subject.

The question thereupon reverting to the substitute motion proposed by the chairman, the votes of the commissioners were as follows:

In favor of the adoption of the substitute: Messrs. Marvin, Glasie, Brossard.

Against the adoption of the substitute: No votes.  
Commissioners Dennis and Costigan did not vote.  
The substitute motion was therefore adopted.

By Commissioner COSTIGAN. I request that the record show that this motion is carried by the votes of chairman Marvin, Commissioner Glassie, and Commissioner Brossard, who are but three members of the Tariff Commission, which consists of six members. I also desire that my statement at the session this morning with respect to Commissioner Glassie's motion be taken as applying to Chairman Marvin's motion.

The commission thereupon resumed consideration of the report to be transmitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

After discussion of the subject it went over for further consideration.

Approved, January 22, 1926.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JANUARY 2, 1926.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

After discussion of the subject it went over for further consideration.

Approved, January 5, 1926.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JANUARY 4, 1926.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

After discussion of the subject it went over for further consideration.

The commission adjourned until 3 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 3 o'clock p. m.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

Before the commission resumed consideration of the regular order of business Mr. S. Sorensen, of the Danish Legation presented on

behalf of the Danish Government an informal request that the commission give full consideration to the question of the Danish exchange rate to be applied to Danish costs of production of butter, in view of the rise in Danish exchange.

After the withdrawal of Mr. Sorensen the commission resumed the regular order of business.

The following statement was made:

By Commissioner COSTIGAN. "What purports to be a copy of the letter authorized at the last regular meeting of the Tariff Commission to be sent to the Attorney General has just reached my office. A cursory examination of it indicates that the letter is in certain particulars not identical with the letter authorized by the vote of three members of the commission on that occasion. I endeavored on Saturday, without success, to obtain a copy of that letter and request that a copy of the letter as approved be furnished to me."

The following written statement dated January 6, 1926, is inserted:

By the CHAIRMAN. "After moving, as an amendment to Commissioner Glassie's motion, that a letter in a somewhat revised form be sent to the Attorney General instead of to the President, the chairman requested the acting secretary to read the draft of a revision which had been made, adapting the original draft for use in addressing the Attorney General."

The said draft was then read as follows:

DECEMBER 31, 1925.

HON. JOHN G. SARGENT,  
*Attorney General.*

MY DEAR MR. ATTORNEY GENERAL: It has come to the attention of the United States Tariff Commission that Commissioner Costigan, under date of December 26, 1925, addressed to you a personal communication containing arguments in favor of including transportation costs in costs of production under section 315 of the tariff act of 1922. A copy of this communication was sent to the chairman for circulation among the commissioners on December 29, 1925. The commission deems it proper to say that the communication was prepared for transmittal to you without the knowledge or approval of the commission.

It should be recalled that the commission suggested that this question of law, upon which the commission was divided in opinion, should be referred to the Attorney General and that the commission would be glad to submit, for the use of the Attorney General, a full statement of the reasons for and against the inclusion of transportation costs with a complete legislative history of the act and any other matter that the Attorney General might deem necessary for a full consideration of the subject.

In the President's letter of October 13, 1925, this course was approved and submission of the statements requested. The commission accordingly on November 17, 1925, submitted to the President a statement presenting reasons for the inclusion of transportation, a statement presenting reasons against the inclusion of transportation, and a statement of the legislative history of section 315 of the tariff act of 1922. These statements thus submitted indicated nothing with respect to the individual commissioners holding the respective views, did not indicate by whom the statements were prepared, and made no reference to the fact that a majority or minority of the Commission at the present time held any particular view. The submission of these statements was deemed a full compliance with the President's request.

It was not contemplated that, after the official submission of complete statements in accordance with the President's wishes, any member of the commission should endeavor to bring his individual views before the Attorney General, especially not without the previous knowledge and approval of the commission. It was not imagined that anyone would desire to continue the discussion or attempt, by supplemental arguments, to influence the judgment of the Attorney General. No such supplemental argument could fairly be made without affording an opportunity for an answer. Such a running debate was not contemplated in the President's request.

For these reasons, the commission is constrained to protest against the course pursued by Commissioner Costigan. Nevertheless, in view of the course pursued by Commissioner Costigan, the commission directs me to say that should you wish a further statement or comment upon the particular points urged in Commissioner Costigan's communication, the commission will be glad to cause the same to be submitted.

Respectfully,

Chairman.

After the reading of the draft, the chairman passed it to Commissioner Costigan and asked for his comments and suggestions. Mr. Costigan spoke briefly on the substance of the letter, calling attention particularly to the next to the last paragraph which he marked with pencil and returned to the chairman. A copy of this paragraph indicating the marks made by Mr. Costigan is appended:

It was not contemplated that, after the official submission of complete statements in accordance with the President's wishes, any member of the commission should endeavor to bring his individual views before the Attorney General, especially not without the previous knowledge and approval of the commission. It was not imagined that anyone would desire to continue the discussion or attempt, by supplemental arguments, to influence the judgment of the Attorney General. No such supplemental argument could fairly be made without affording an opportunity for an answer. Such a running debate was not contemplated in the President's request.

At the meeting of the commission on Saturday morning, January 2, Mr. Costigan, referring to the draft of the letter to the Attorney General, stated that he had conferred with his secretary and was informed that his letter to the Attorney General was sent on December 29. It was thereupon agreed by the commission that the letter should be changed to include a reference to the date of transmittal. The chairman on Saturday afternoon inserted in the first paragraph of the letter after the date "December 29, 1925" the following words: "This being the date, we are informed, that Mr. Costigan's letter was mailed to you."

Also in view of the comment that Mr. Costigan had made upon the next to the last paragraph in the draft of the letter, and in view of his marks in pencil as shown above, the chairman modified the phrasing by running the two sentences together, so that the paragraph as sent to the Attorney General read as follows:

It was not contemplated that, after the official submission of complete statements in accordance with the President's wishes, any member of the commission would endeavor to bring his individual views before the Attorney General, especially not without the previous knowledge and approval of the commission, or that anyone would desire to continue the discussion or attempt, by supplemental arguments, to influence the judgment of the Attorney General. No such supplemental argument could fairly be made without affording an opportunity for an answer. Such a running debate was not contemplated in the President's request.

The following words in the draft of the letter, "For these reasons, the commission is constrained to protest against the course pursued by Commissioner Costigan" originally appeared in Mr. Glassie's draft of a letter to the President. They obviously had no place in a letter to the Attorney General. They were not intended to be incorporated in the letter to the Attorney General, and were included in the draft of the letter to him by stenographic error and contrary to instructions. When this was noted the sentence was stricken out.

In the last paragraph the word "nevertheless" was omitted as being unnecessary, and after the words "a further statement," the word "or" was changed to "in the nature of."

The letter was then submitted to the commissioners who had voted in favor of addressing the communication to the Attorney General, and a copy was sent to Commissioner Costigan and to the Secretary, and a request made that a copy of the letter as sent be included in the minutes of the meeting.

A copy of the letter as sent to the Attorney General appears below:

JANUARY 2, 1926.

HON. JOHN G. SARGENT, *Attorney General*.

MY DEAR MR. ATTORNEY GENERAL: It has come to the attention of the United States Tariff Commission that Commissioner Costigan, under date of December 26, 1925, addressed to you a personal communication containing arguments in favor of including transportation costs in costs of production under section 315 of the tariff act of 1922. A copy of this communication was sent to the chairman for circulation among the commissioners on December 29, this being the date, we are informed, that Mr. Costigan's letter was mailed to you. The commission deems it proper to say that the communication was prepared for transmittal to you without the knowledge or approval of the commission.

It should be recalled that the commission suggested that this question of law, upon which the commission was divided in opinion, should be referred to the Attorney General and that the commission would be glad to submit, for the use of the Attorney General, a full statement of the reasons for and against the inclusion of transportation costs with a complete legislative history of the act and any other matter that the Attorney General might deem necessary for a full consideration of the subject.

In the President's letter of October 13, 1925, this course was approved and submission of the statements requested. The commission accordingly on November 17, 1925, submitted to the President a statement presenting reasons for the inclusion of transportation, a statement presenting reasons against the inclusion of transportation, and a statement of the legislative history of section 315 of the tariff act of 1922. These statements thus submitted indicated nothing with respect to the individual commissioners holding the respective views, did not indicate by whom the statements were prepared and made no reference to the fact that a majority or minority of the commission at the present time held any particular view. The submission of these statements was deemed a full compliance with the President's request.

It was not contemplated that, after the official submission of complete statements in accordance with the President's wishes any member of the commission would endeavor to bring his individual views before the Attorney General, especially not without the previous knowledge and approval of the commission, or that anyone would desire to continue the discussion or attempt, by supplemental arguments, to influence the judgment of the Attorney General. No such supplemental argument could fairly be made without affording an opportunity for an answer. Such a running debate was not contemplated in the President's request.

In view of the course pursued by Commissioner Costigan, the commission directs me to say that should you wish a further statement in the nature of comment upon the particular points urged in Commissioner Costigan's communication, the commission will be glad to cause the same to be submitted.

Respectfully,

-----, *Chairman*.

On January 8, 1926, during the reading of these minutes for approval, the following statements were made at this point:

By the CHAIRMAN. The letter to the Attorney General was not mailed until late in the afternoon of Saturday and when mailed instructions were immediately given to send a copy to Commissioner Costigan and to the secretary.

By Commissioner COSTIGAN. On the afternoon of Saturday when one of his secretaries reported to me that Mr. Marvin had gone home,

I inquired over the dictograph at the chairman's office whether the letter in question had been transmitted to the Attorney General and whether I might have a copy of it, and I was told that so far as known no such letter had been transmitted from the chairman's office to the Attorney General.

By the CHAIRMAN. At the time of the inquiry referred to the letter had not been transmitted. Later in the afternoon the letter was mailed and as stated above instructions were given to send copies to the secretary and to Mr. Costigan.

By Commissioner COSTIGAN. The time of my inquiry at the chairman's office was, to the best of my recollection, approximately 5.30 o'clock Saturday afternoon.

On January 23, 1926, the following statement was made for insertion at this point:

By the CHAIRMAN. It is undoubtedly correct that when Commissioner Costigan inquired "over the dictograph at the chairman's office whether the letter in question had been transmitted to the Attorney General," he was told "that so far as known no such letter had been transmitted from the chairman's office to the Attorney General." The letter was not transmitted directly from the chairman's office. As already stated in these minutes, the letter, when signed by the chairman, was submitted to the other commissioners for approval with the request that when approved it be mailed. The letter was mailed from commissioner Glassie's office, not from the chairman's office, and for this reason the assistants in the chairman's office were not in a position to give definite information to Mr. Costigan at the time of his inquiry.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922 with respect to butter.

After discussion of the subject it went over for further consideration.

Approved, January 29, 1926.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JANUARY 5, 1926.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on December 23, 28, 29, and 30, 1925, and January 2, 1926, were read and approved.

Voted: That Mr. Myron R. Grigg and Mr. F. R. Clairini be authorized to travel to French Creek, Pa., and vicinity, and return, for the purpose of obtaining information in connection with the pending investigation of the costs of production of granite.

Voted: That Mr. J. M. Albertson be authorized to travel to Baltimore, Md., Millville, N. J., and New York City, and return, for the purpose of obtaining information with respect to certain blown-glass bottles, the subject of an application for an investigation for the purposes of section 315 of the tariff act of 1922.

Voted: That Mr. F. L. Koch and Mr. E. J. Borton be authorized to travel to such places as may be necessary in the States of Ohio, Pennsylvania, West Virginia, New York, New Jersey, and return, for the purpose of obtaining information in connection with the pending investigation with respect to table, toilet, and kitchen china and earthenware.

Voted: That so much of the resolution adopted on December 18, 1925, as directed the transfer of Mr. E. J. Borton to the departmental service of the commission, be and is hereby, rescinded, and that Mr. Borton be transferred from the field service of the commission with headquarters at Brussels, Belgium, to the field service of the commission with headquarters at New York City, effective January 1, 1926.

Upon motion by the chairman, it was—

Voted: That the secretary be authorized to accept the resignation of Mr. Samuel Schoenfeld, effective December 31, 1925, from the service of the commission as special expert accountant.

The secretary was instructed to send to Mr. Schoenfeld an appropriate letter.

The secretary laid before the commission a communication from counsel for interested parties in the Swiss cheese investigation, requesting for reasons stated, an extension of time for filing briefs in that investigation.

After discussion of the subject and upon motion by Commissioner Brossard, it was—

Voted: That the time fixed for filing briefs in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of cheese of the types known as Swiss cheese, be, and is hereby, extended until January 18, 1926.

The commission proceeded to the consideration of the motion, submitted at the public hearing on November 23, 1925, by counsel for interested parties in the investigation for the purposes of section 315 of the tariff act of 1922, with respect to the costs of production of plate glass, that the investigation be reopened because of changed conditions in the industry since the information heretofore obtained by the commission was procured.

The commission at the same time had before it briefs submitted by interested parties upon the above-mentioned motion.

After discussion of the subject and upon motion by Commissioner Glassie, it was—

Voted: That the advisory board be requested to draw up and submit with reasonable dispatch (1) a tentative program for the prompt ascertainment in Belgium from the books of plate-glass producing companies of cost data requisite for the ascertainment of a Belgian cost of production of plate glass; (2) in connection with such program a tentative program for the immediate study of the so-called continuous process or processes in the manufacture of plate glass, with a view to obtaining data showing the extent to which such process or processes have been introduced, the economies, if any, thereby effected in production costs, the success or nonsuccess of such processes in affording a cheaper or better mode of glass manufacture, and for an inquiry into production costs in representative



factories employing this method for the general production of plate glass as well as for the production of plate glass as part of another integrated industry; and (3) a tentative program for bringing the foreign and domestic cost of production data in this investigation up to the most recent period practicable. In outlining such program the advisory board shall consider and report upon the possibility of its being carried out within a reasonably short time.

The commission thereupon adjourned until 2.30 o'clock p. m.

## AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission proceeded to the consideration of the status of reports from the advisory board upon applications under the provisions of section 315 of the tariff act of 1922.

The chairman of the advisory board and the chief investigator were called into the meeting during the discussion.

The chief investigator submitted a list of applications on which preliminary reports have been submitted to the commission, as follows:

Subject	Date of application	Nature of request	Date of advisory board report	Date laid before commission
Tartaric acid and cream of tartar.....	Mar. 17, 1925	Increase.....	Dec. 19, 1925	Jan. 5, 1926
Do.....	Apr. 7, 1925	do.....	.....	.....
Barium carbonate.....	Feb. 20, 1925	do.....	Nov. 13, 1925	Do.
Coal-tar dyes.....	Oct. 12, 1922	Decrease.....	Feb. 7, 1924	Mar. 26, 1924
Casein glue.....	Aug. 14, 1923	do.....	Dec. 20, 1923	Do.
Chloride of magnesium.....	July 20, 1923	Increase.....	do.....	Do.
Oxide of iron.....	Jan. 16, 1924	do.....	Apr. 28, 1924	May 20, 1924
Varnish.....	Mar. 24, 1923	Decrease.....	Aug. 1, 1924	{Sept. 14, 1923 Mar. 26, 1924
Formate of soda.....	Sept. 29, 1922	Increase.....	Nov. 9, 1922	.....
Pumice stone.....	Feb. 28, 1924	Decrease.....	Apr. 28, 1924	May 20, 1924
Fluorspar.....	{Apr. 9, 1925 Apr. 27, 1925	{Increase..... do.....	{Dec. 1, 1925	{Dec. 8, 1925
Mica.....	Dec. 11, 1922	do.....	Apr. 30, 1924	May 20, 1924
Chemical stoneware.....	June 18, 1923	Decrease.....	Apr. 28, 1924	Do.
Graphite.....	Oct. 2, 1922	Increase.....	.....	.....
Do.....	Dec. 6, 1922	Decrease.....	.....	.....
Do.....	Oct. 7, 1922	Increase.....	.....	.....
Do.....	Mar. 18, 1925	Decrease.....	Apr. 25, 1924	Do.
Diamond dies.....	Feb. 8, 1923	do.....	Dec. 3, 1923	{Dec. 20, 1923 Mar. 26, 1924
Electric-light bulbs.....	Sept. 25, 1922	Increase.....	Apr. 28, 1924	May 20, 1924
Do.....	May 16, 1923	do.....	.....	.....
Do.....	Dec. 12, 1923	do.....	.....	.....
Stained-glass windows.....	Oct. 6, 1922	do.....	Apr. 28, 1924	Do.
Corrugated furnaces.....	Nov. 22, 1922	Decrease.....	Dec. 14, 1923	Mar. 26, 1924
Fishing tackle.....	July 9, 1923	Increase.....	Apr. 28, 1924	May 20, 1924
Snap fasteners.....	Mar. 9, 1923	do.....	Dec. 4, 1923	{Dec. 20, 1923 Mar. 26, 1924
Clock escapements.....	Dec. 8, 1922	Decrease.....	Apr. 28, 1924	May 20, 1924
Woolen cards.....	Nov. 22, 1924	Increase.....	Mar. 17, 1925	Mar. 17, 1925
Cabinet lumber.....	} Dec. 20, 1922	{do.....	} Dec. 20, 1923	} Mar. 26, 1924
Cabinet logs.....		{Decrease.....		
Logs, lignum-vitæ.....	Feb. 5, 1923	do.....	Apr. 28, 1924	May 20, 1924
Veneers of wood.....	Aug. 14, 1923	do.....	Nov. 27, 1923	{Dec. 20, 1923 Mar. 26, 1924
Willow furniture.....	Feb. 14, 1923	Increase.....	do.....	{Dec. 20, 1923 Mar. 26, 1924
Spring clothespins.....	Jan. 23, 1925	do.....	May 19, 1925	June 16, 1925
Canned fish.....	Sept. 28, 1922	Decrease.....	Apr. 28, 1924	May 20, 1924

Subject	Date of application	Nature of request	Date of advisory board report	Date laid before commission
Fish (sword, ground, mackerel)	Feb. 9, 1924	Increase	May 29, 1924	June 27, 1924
Peanuts	May 2, 1923	Decrease	Aug. 21, 1923	Mar. 26, 1924
Do	Sept. 1, 1925	Increase		
Buckwheat	Jan. 24, 1924	do	July 11, 1924	
Birds, game and ornamental	(1)	Decrease		
Currants	Jan. 31, 1923	Adjustment	Apr. 30, 1924	May 20, 1924
Pineapples	Apr. 20, 1924	Increase	Oct. 4, 1924	
Do	Oct. 26, 1923	Decrease		
Cut flowers	Nov. 24, 1922	do	Apr. 28, 1924	Do.
Coconut (desiccated)	Sept. 23, 1922	Increase	{Aug. 14, 1923 Nov. 21, 1923	{Dec. 20, 1923 Mar. 26, 1924
Marconi	Apr. 28, 1924	do	do	do.
Do	Sept. 19, 1924	do	Aug. 6, 1924	
Flaxseed	Nov. 28, 1923	do	Jan. 14, 1924	Do.
Hops	—, 1923	Decrease	Oct. 29, 1923	{Nov. 13, 1923 Mar. 20, 1924
Cherries, glacé	July 5, 1923	Increase	Apr. 6, 1924	
Cloves and clove stems	Oct. 2, 1922	Decrease	Apr. 28, 1924	May 20, 1924
Nankin ticking	May 28, 1924	Increase	Mar. 11, 1925	May 21, 1925
			Apr. 22, 1925	
			{Apr. 28, 1924 Mar. 14, 1925	{May 20, 1924 May 21, 1925
Cotton shirting	Sept. 30, 1922	Decrease	{Apr. 22, 1925 Mar. 14, 1925	Do.
Cotton cloth	Apr. 30, 1924	Increase	{Apr. 22, 1925 Mar. 14, 1925	Oct. 3, 1924
Cellucotton or Kotox	Apr. 18, 1924	do	July 11, 1924	
Crin vegetal	Apr. 9, 1923	Decrease	Dec. 9, 1924	
Do	Feb. 25, 1924	do		
Hemp	Mar. 12, 1923	Increase	Dec. 14, 1923	Mar. 26, 1924
Rice straw rugs	Jan. 17, 1924	do	{Oct. 16, 1924 Mar. 17, 1925	Apr. 3, 1925
Camels hair	Nov. 24, 1922	Decrease	Apr. 28, 1924	May 20, 1924
Wool crêpe	Sept. 5, 1923	Increase	Nov. 26, 1923	{Dec. 20, 1923 Mar. 26, 1924
Oriental rugs	Dec. 16, 1925	do	Jan. 4, 1926	Jan. 5, 1926
Do	Dec. 28, 1925	do		
Paper with coated surfaces	Aug. 14, 1923	Decrease	Apr. 28, 1924	May 20, 1924
Maps	Dec. 1, 1922	do	Nov. 27, 1923	{Dec. 20, 1923 Mar. 26, 1924
Rag books	Dec. 15, 1922	do	Feb. 8, 1924	Do.
Beaded bags	Oct. 28, 1922	do	Apr. 28, 1924	May 20, 1924
Cork insulation	Mar. 18, 1925	do	Mar. 11, 1925	Mar. 12, 1925
Do	May 31, 1924	Increase		
Silver fox skins	Nov. 21, 1924	Decrease	May 20, 1925	May 21, 1925
Hatters' fur	May 4, 1923	do	Aug. 13, 1923	Mar. 26, 1924
Leather leggings	Mar. 26, 1924	Increase	Apr. 28, 1924	May 20, 1924
Gas mantles	Sept. 28, 1922	Decrease	Jan. 8, 1924	Mar. 26, 1924
Do	Sept. 13, 1923	Increase		
Pipe organs	Sept. 20, 1922	do	Apr. 28, 1924	May 20, 1924
Crayons or fusils	—, 1923	Decrease	Nov. 12, 1923	{Dec. 20, 1923 Mar. 26, 1924
Gut and manufacturers of	Oct. 17, 1922	do	Nov. 27, 1923	Dec. 20, 1923
Do	Sept. 12, 1925	Increase		Mar. 26, 1924

<sup>1</sup> 113 applications in 1923.

The attention of the commission was called by the chairman of the advisory board and the chief investigator to the following subjects, which they thought required prompt action: Barium carbonate, tartaric acid, fluorspar, oriental rugs.

The chairman of the advisory board and the chief investigator were then requested to comment on the reports submitted to the commission on the above named four subjects.

After discussion of each of the subjects separately and at the request of Commissioner Costigan, seconded by Commissioner Glassie, determination of the action of the commission thereon was deferred until January 8, 1926, to allow opportunity for discussion of the reports of the advisory board with experts of the commission.

Upon suggestion by Commissioner Glassie, in order to permit the several commissioners to study the matter in their offices, it was

agreed that the commission should not continue the consideration of the butter report on the next day.

Approved, January 8, 1926.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JANUARY 7, 1926.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

After discussion of the report the subject went over for further consideration.

Approved, January 12, 1926.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

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JANUARY 8, 1926.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meeting of the commission held on January 5, 1926, were read and approved.

Upon request by Commissioner Brossard the question of the proposed employment of Mr. Vern C. Woolley was made the special order of business for Tuesday, January 12, 1926.

The commission resumed the consideration of advisory board reports upon applications received by the commission for the purposes of section 315 of the tariff act of 1922.

The chief of the economics division and the chief investigator were called into the meeting during the discussion.

The first report considered was that with reference to barium carbonate.

It was, by Commissioner Brossard—

Moved: That an investigation be instituted by the United States Tariff Commission for the purposes of section 315 of the tariff act of 1922, with respect to the differences in costs of production of barium carbonate.

By Commissioner COSTIGAN. The Tariff Commission for an indefinite period has pursued a drifting, yet directed, policy both with respect to applications filed with it and reports to the President under section 315. Before commissioners are asked to vote upon applications relating solely to increases in rates of duty I request and—

Move: That in advance of action on the foregoing motion by Commissioner Brossard one or more meetings of the commission, to be given precedence and to be held at the earliest practicable date or dates, be devoted as far as necessary exclusively to the consideration

with the chief of the economics division and the chief investigator of the status of all applications filed with the commission under section 315, and of reports thereon.

This request and motion are made so that the commission may have before it instead of a program of piecemeal voting on investigations the possibility of organizing and pressing a systematic and constructive plan for carrying on its work under section 315 in accordance with the intent of the framers of that section.

By the CHAIRMAN. The commission will recall that shortly after the passage of the tariff act of 1922, the attention of the commission was called by the chairman to the new and extended duties devolving upon the commission under that section. At the request of the chairman a committee on procedure was appointed to map out a program for the application of the provisions of section 315. The chairman appointed as members of the committee Mr. Culbertson, Mr. Costigan, and Mr. Lewis. Later Commissioner Glassie, the only other lawyer member of the commission, was added to the committee. This committee as originally constituted prepared rules of procedure for the application of the statute. The commission has proceeded under the rules so prepared and approved. The suggestion in the statement by Commissioner Costigan that the commission has pursued a drifting policy in connection with applications is incorrect. The minutes of the meetings will reveal that in accordance with the rules adopted by the commission there have been frequent reports from the chief investigator and the advisory board in connection with applications and petitions filed with the commission for its consideration. These reports have been promptly laid before the commission by the chairman and request made for their consideration. The work of the commission in connection with investigations, public hearings, and the preparation of final reports has been cited from time to time as reasons for the postponement of consideration of reports on applications submitted by the advisory board. Whenever consent on the part of the commission has been obtained for the consideration of these matters they have been fully considered. The members of the advisory board and the commission's experts have been called into consultation and all possible information and advice secured by the commission before action was taken.

By Commissioner BROSSARD. The above motion was made by me without attempting to prejudge the outcome of the investigation and was made after consideration of the recommendations concerning the investigations submitted to the commission by the advisory board and the chief investigator, and after oral statements had been made by them giving the reasons for such investigations.

At the request of Commissioner Glassie the chairman of the advisory board and the chief investigator submitted the following list of reports from the advisory board, now pending, recommending institution of formal investigations for the purposes of section 315 of the tariff act of 1922.

Subject	Date of appli- cation	Nature of request	Date of ad- visory board report	Date laid before com- mission
Cotton cloth.....	Apr. 30, 1924	Increase.....	Apr. 22, 1925 Mar. 14, 1925	} May 21, 1925
Nankin ticking.....	May 28, 1924	.....do.....	.....do..... Apr. 22, 1925	
Cotton shirting.....	Sept. 30, 1922	Decrease.....	Apr. 28, 1924 Mar. 14, 1925 Apr. 22, 1925	May 20, 1924 May 21, 1925
Rice straw rugs.....	Jan. 17, 1924	Increase.....	Oct. 16, 1924 Mar. 17, 1925	} Apr. 3, 1925
Cork insulation.....	{Mar. 18, 1925 May 31, 1924	}.....do.....	Mar. 11, 1925	
Tartaric acid.....	Mar. 17, 1925		.....do.....	Dec. 19, 1925

At the request of Commissioner Costigan the following list of investigations for the purposes of section 315 now pending before the commission was submitted.

Investi- gation No.	Name of articles ordered for investigation	Paragraph No.	Date investi- gation was ordered
4	Caseln.....	19	Mar. 27, 1923
5	Logwood extract.....	39	Do.
8	Mirror plates.....	223	Do.
9	Pig iron.....	301	Do.
10	Swiss pattern files.....	302	Do.
11	Paint-brush handles.....	410	Do.
15	Cotton hoslery.....	918	Do.
17	Artificial or ornamental flowers, etc.....	1419	Do.
19	Synthetic phenolic resin.....	28	May 4, 1923
20	Smokers' articles of synthetic phenolic resin.....	1454	Do.
21	Phenol.....	27	Do.
22	Cresylic acid.....	27	Do.
23	Brierwood pipes.....	1454	Do.
26	Cast polished plate glass.....	223	May 8, 1923
28	Metallic magnesium, etc.....	375	July 27, 1923
29	Magnesite and magnesite brick.....	204, 201	Aug. 11, 1923
30	Rare sugars.....	504	Do.
31	Amino acids, etc.....	1.5	Do.
32	Lace.....	920, 1430	Oct. 25, 1923
33	Vegetable and animal oils and fats.....	53, 54, 55, 71	Feb. 8, 1924
35	Logs of fir, spruce, cedar, or western hemlock.....	401	Apr. 1, 1924
37	Men's sewed straw hats.....	1406	May 29, 1924
38	Butter.....	709	July 14, 1924
39	Swiss cheese.....	710	Aug. 9, 1924
41	Table, kitchen, and toilet china and earthenware.....	212, 213	Mar. 19, 1925
42	Bentwood chairs.....	410	Apr. 23, 1925
43	Rag rugs.....	1022	Apr. 24, 1925
45	Granite.....	235	July 24, 1925
46	Glue.....	42	Do.
47	Edible gelatin.....	42	Do.
48	Methanol.....	4	Do.
49	Sodium silicofluoride.....	5	Do.

The chairman stated that the pending question is upon the motion in the form of a substitute offered by Commissioner Costigan as follows:

Moved: That in advance of action on the foregoing motion by Commissioner Brossard one or more meetings of the commission to be given precedence and to be held at the earliest practicable date or dates, be devoted as far as necessary exclusively to the consideration with the chief of the economics division and the chief investigator of the status of all applications filed with the commission under section 315 of the tariff act of 1922 and of reports thereon.

By the CHAIRMAN. In connection with this substitute motion offered by Commissioner Costigan, I would like to state that by agree-

ment of the commission reports by the advisory board upon barium carbonate, fluorspar, cream of tartar and tartaric acid, and oriental rugs were assigned for special consideration by the commission at its meeting on January 5; that after consideration at that meeting, at which the chairman of the advisory board and the chief investigator participated, further consideration of the reports went over until January 8. The proper time, in my opinion, for the motion now made by Commissioner Costigan was when agreement was asked for the assignment of the reports mentioned for the consideration of the commission. There is no objection to setting apart any special date or dates for the consideration of any number of reports that the commission may select; there is, however, before us a definite assignment for consideration of certain subjects. After full consideration of the report on barium carbonate Commissioner Brossard moved that a formal investigation be instituted. I believe that action should be taken on Commissioner Brossard's motion and that later, if the commission desires, a date be set for the consideration of matters referred to in Commissioner Costigan's substitute motion.

By Commissioner GLASSIE. Commissioner Costigan's motion calling for a detailed consideration of all pending applications and reports, in so far as it is intended to secure general consideration of all pending applications and reports, is obviously a motion that might have been made at any time heretofore. In so far as it would postpone the consideration of the matter now regularly before the commission pursuant to a special setting for consideration, it would apparently amount to a rather indefinite postponement of the matter now immediately before the commission. For that reason I am constrained to vote against it.

By Commissioner DENNIS. While not attempting to prejudge the merits of new applications, as a matter of principle, I hereby express myself as preferring to refrain from voting for new investigations for higher duties until certain long-pending cases based on applications for lower duties are given due consideration and brought to a conclusion.

By Commissioner BROSSARD. I believe that the advisory board in making its recommendations to the commission has given the same consideration to applications for decreases in duties as to those for increases.

By Commissioner DENNIS. I am in exact accord with Commissioner Brossard in his statement. My divergence of opinion is based not on action of the advisory board but upon the handling of subjects by the commission after receiving them from the advisory board.

The question being upon the substitute motion by Commissioner Costigan, the votes of the commissioners were as follows:

In favor of the adoption of the substitute motion: Messrs. Dennis, Costigan.

Against the adoption of the substitute motion: Messrs. Marvin, Glassie, Baldwin, Brossard.

The substitute motion was therefore rejected.

The question reverting to the motion submitted by Commissioner Brossard for the institution of a formal investigation under section

315 of the tariff act of 1922, with respect to barium carbonate, the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Glassie, Baldwin, Brossard.

Against the adoption of the motion: No votes.

The motion was therefore agreed to.

Commissioner Dennis and Commissioner Costigan did not vote.

By Commissioner GLASSIE. I make the following statement in connection with my vote on the foregoing resolution: The report of the advisory board signed by Mr. Fox, chief of the economics division; by Mr. Comer, the chief investigator; by Mr. McNabb, chief of the legal division; and by Mr. DeLong, chief of the chemical division, contains the following statement:

"Not only has the volume of imports been large and steadily increasing, but their average invoice value has declined. The invoice value per ton was \$41.82 in 1923, \$34.20 in 1924, and \$20.46 in August, 1925. In the first nine months of 1925 it was \$23.78."

The commission thereupon proceeded to the consideration of the advisory board report with respect to fluorspar.

By the CHAIRMAN. Whereas the advisory board after considering the applications for an investigation for the purposes of section 315 of the tariff act of 1922, and the available facts set forth in the expert's preliminary report, is of the opinion that a cost of production investigation is warranted; and

Whereas the report of the advisory board has been before the commission for discussion and consideration and the commission has been assisted further by the oral statements and explanations by the chairman of the advisory board and the chief investigator, I—

Move: That a formal investigation for the purposes of section 315 of the tariff act of 1922 be instituted with respect to fluorspar.

On the foregoing motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Glassie, Baldwin, Brossard.

Against the adoption of the motion: No votes.

Commissioners Dennis and Costigan did not vote.

The motion was therefore agreed to.

Commissioner Dennis, under obligation to leave the meeting, asked that his vote be recorded in the negative in case the report with respect to cream of tartar and tartaric acid should come to a vote in his absence.

The commission adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission proceeded to the consideration of the advisory board report with respect to cream of tartar and tartaric acid.

The chief of the economics division and the chief investigator were called into the meeting during the discussion.

During the discussion it was, by the chairman—

Moved: That the recommendation of the advisory board that no investigation for the purposes of section 315 of the tariff act of 1922, with respect to cream of tartar is warranted at the present time, be approved.

The chairman further stated that after disposition of the foregoing motion he would offer a motion to the following effect:

That an investigation under the general powers of the commission be authorized in respect of calcium tartrate, cream of tartar, and tartaric acid.

As a substitute for the chairman's motion it was, by Commissioner Brossard—

Moved: That an investigation be instituted by the United States Tariff Commission for the purposes of section 315 of the tariff act of 1922, with respect to tartaric acid and cream of tartar.

On the foregoing motion the votes of the commissioners were as follows:

In favor of the adoption of the motion: Messrs. Baldwin, Brossard.

Against the adoption of the motion: Messrs. Dennis and Glassie.

The motion was therefore rejected.

On the foregoing motion the chairman and Commissioner Costigan did not vote.

The commission proceeded to the consideration of the advisory board report with respect to oriental rugs.

Upon motion by Commissioner Glassie, it was—

Voted: That the consideration of the advisory board report with reference to applications for an investigation for the purposes of section 315 of the tariff act of 1922, with respect to oriental rugs, shall be the special order of business at the meeting of the commission to be held on January 15, 1926.

Approved, January 22, 1926.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JANUARY 9, 1926.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be transmitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

Mr. O. A. Juve, acting chief of the agricultural division, was called into the meeting during the discussion.

After discussion of the subject it went over for further consideration.

Approved, January 12, 1926.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*



JANUARY 12, 1926.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on January 7 and 9, 1926, were read and approved.

Voted: That Mr. Vernon A. Roberts be authorized to travel to such places as may be necessary in the States of Ohio, West Virginia, New York, and New Jersey, and return, for the purpose of obtaining information in connection with the pending investigation for the purposes of section 315 of the tariff act of 1922, with respect to table, kitchen, and toilet china and earthenware.

Upon motion by the chairman, it was—

Voted: That the chief of the metals division be requested to have brought up to date the Tariff Information Survey on copper and have it submitted to the advisory board and, when in satisfactory condition, submitted to representative persons in the copper industry for criticism and comment.

Commissioner Brossard, on behalf of the personnel committee, submitted the names of several persons suggested as available for employment as special experts in the textile division of the commission's staff.

Upon motion by Commissioner Dennis, it was—

Voted: That the secretary be authorized to invite Mr. Wm. J. Erwin to visit the offices of the Tariff Commission for conference in connection with the selection of a special expert for the textile division; and that Mr. Erwin's actual and necessary expenses incident to such visit be paid from funds available for the expenses of the commission.

The commission proceeded to the consideration of the special order of business set for this meeting of the commission, which was the suggested employment of Mr. Vern C. Woolley as a special expert on the commission's staff.

After discussion of the subject, it was, by Commissioner Brossard—

Moved: That Mr. Vern C. Woolley be employed as a special expert on the commission's staff, to be assigned to the economics division, in a position to be allocated to Grade 4 of the professional and scientific service with salary to be fixed at the rate of \$4,800 per annum, effective upon his entrance on duty.

By Commissioner COSTIGAN. As already stated to the commission I am of the opinion that the motion, if adopted, will represent an extravagant expenditure of the public funds. Mr. Woolley has been persistently pressed upon the attention of the commission for consideration and appointment by his personal friend, Commissioner Brossard, and no reasonable effort has been made to consider the qualifications of other possible appointees, as required by the spirit of the law calling for the selection of special experts. **If the motion is adopted I shall feel under the necessity of reporting this appointment, with an expression of my official judgment with respect to it to the Bureau of the Budget.**

By Commissioner BROSSARD. I reserve the right to insert in the minutes such a statement as I may deem necessary.

After some discussion the following statements were made:

By Commissioner COSTIGAN. Commissioner Brossard, though requested by Commissioner Costigan to say what the purport of the statement he desires to file later will be, declines to do so. My objection to this procedure will be recorded. Of course, I have no objection to any statement being filed of the nature of which the commissioners have advance information when the same is duly requested.

By the CHAIRMAN. Commissioner Brossard reserves the right to file a statement in connection with the statement just submitted by Commissioner Costigan. The request is in accordance with precedent and custom and will be granted.

Commissioner Costigan requested that an exception be noted to the chairman's ruling following his statement.

By Commissioner BROSSARD. It is, of course, naturally assumed that the statement for which reservation was made by me will be germane to the subject under consideration.

By Commissioner COSTIGAN. The statement of Commissioner Brossard indicating that his reservation will relate to matters which are germane merely expresses a conclusion by Commissioner Brossard and is not responsive to my request.

Subsequently on January 22, 1926, Commissioner Brossard filed with the secretary the following statement in accordance with reservation above noted.

By Commissioner BROSSARD. The above statement by Commissioner Costigan led me to request that the following statement of facts be inserted in the minutes of this date, January 12, 1926.

When Mr. Vern C. Woolley's name was first suggested to the commission there were two vacancies in the economics division of the commission's staff. There are at present also two vacancies in the economics division. The salaries paid by the commission to the men who formerly filled these positions were \$7,500 for chief economist, and \$5,000 for the other economist. Mr. Woolley was suggested to the commission as probably available for the latter position.

On August 21, 1925, letters of inquiry were written to his present employers, to others for whom he has worked since finishing his technical college training, and to the professors of Harvard University with whom he pursued graduate studies in economics and business administration. In response to these inquiries the following letters were received, and they show the kind and character of training and experience that Mr. Woolley has had and the very high regard the men who know him personally have for his ability, character, and work.

(1) Letter dated September 7, 1925, from W. L. Walker, vice president of the Washburn Co., manufacturers of stamped and wire hardware, and kitchen ware, present employers of Mr. Woolley:

\* \* \* Mr. Woolley graduated from the graduate school of business administration at Harvard and has had about five years of experience under my supervision in the development of scientific management in industries. In this he has been employed in practically all phases of the work and has shown an especial aptitude for analyzing jobs, determining rates of pay, and costs. His work in this line has been very satisfactory. While I should dislike very much to have him leave at the present time, I must be considerate of his wel-

fare, and if there is a chance for him to greatly benefit himself, I would not stand in the way but would encourage him to go ahead. I feel sure that any work along that line he would be able to handle in a very satisfactory manner and his results would be thoroughly dependable.

(2) Letters dated September 1, 1925, from J. G. Osmond, general manager of the Chicago division of the Washburn Co.:

I have known Mr. Woolley since 1910. It happened that I attended the same schools from which he received his bachelor's and master's degrees. He was known then, as now, for the extremely thorough manner in which he executes his work. He is never content to leave a problem until he has analyzed it. For a young man he has had a rather broad experience; for two years he was instructor in a high school. He also spent five years in Europe. He speaks the French language fluently. For a time he acted as an interpreter. Two years of the same period he was with the American Expeditionary Forces.

During the last four years he has been in the industrial field. Two years he assisted Mr. W. L. Walker, industrial engineer, in reorganizing two New England factories; the balance of the time he has been with the Washburn Co., assisting in the standardization of our cost, routing, and time study departments. He has worked in our Worcester, Rockford, and Chicago factories and has won the esteem of all the members in our organization who have come in contact with his work. We dislike very much to have Mr. Woolley leave our organization, still we shall do nothing to prevent him from going into that line of work which interests him most.

(3) Letter dated August 25, 1925, from F. A. Cummings, official of United States Envelope Co., Springfield, Mass.:

Mr. Vern C. Woolley installed a modern system of production and cost control in one of our factories and performed a creditable piece of work. He was thorough and also sure of his facts before going ahead; statistical research is one of his strong points. In spite of complicated manufacturing conditions he produced a well-coordinated system.

My experience while working in cooperation with Mr. Woolley while at that work was very pleasant.

He is a Harvard graduate school of business administration man and is well equipped for a position in your organization.

(4) Letter dated August 28, 1925, from H. H. Farquhar, assistant professor of industrial management, Harvard University, graduate school of business administration.

In reply to your letter of August 21 regarding Vern C. Woolley. Mr. Woolley's business-school record during attendance here was very good indeed. In my course in factory management he received the grade of distinction. I retain a very favorable impression of Woolley and his work, and believe that he would make a worthy member of the commission's economic staff.

One of my former students and students' assistant at school and associate in advisory work which I have done in private firms has had contact with Mr. Woolley since his graduation, and I am therefore forwarding your letter to him with a request that he give you his opinion also. I would give more weight to his opinion than to mine since he has seen Mr. Woolley's development since graduation. This is Mr. D. H. Finck, Thirtieth and Sixteenth Avenue, Beach-Hurst, Long Island.

(5) Letter dated September 2, 1925, from D. H. Finck, beneficial operating bureau, efficiency director, New York City.

I have had a very excellent opportunity to see Mr. Woolley's work and observe his methods. I can only say that I indorse him very highly and know that he possesses the temperament, ability, and personality that will make him a most valuable member of the United States Tariff Commission staff. He is a very thorough worker and without a doubt possesses considerable research ability. --

(6) Letter dated September 5, 1925, from H. B. Douglas, superintendent, the Washburn Co., the wire goods division, Worcester, Mass.

I am very glad indeed to comply with your request for information concerning Mr. Vern C. Woolley.

Mr. Woolley has been employed as analyst in our time and motion study department for two years or more. He has rearranged the department, established new rates, and has performed the various other duties connected with the time and motion study department in a very creditable manner.

He has a pleasing personality and by the good judgment he has displayed in solving the problems which have arisen in the course of his work he has earned the good will of the factory employees. In fact his work has been of such high character that I do not hesitate to say that he fills the position more satisfactorily than has any other man.

I gladly recommend Mr. Woolley, as I feel sure his qualifications are such that he would make a valuable addition to your staff. If I can be of further service, I hope you will call upon me.

- September 29, 1925, the personnel committee submitted the name of Mr. Vern C. Woolley to the commission and suggested that he be considered by the commission for a position on the staff as economist-statistician. The matter was informally discussed at that time but no action was taken in the matter.

October 30, 1925, the employment of Mr. Woolley was again informally discussed by the commission and the above letters of recommendation were shown at the meeting, but at the request of Mr. Costigan action was deferred until a later date, in order to allow full opportunity for other names to be suggested. Immediately after the meeting of that date the foregoing letters of recommendation, with the following memorandum attached, were circulated to the commissioners by Commissioner Brossard on behalf of the personnel committee of the commission:

Mr. Vern C. Woolley, of Worcester, Mass., is available for a position on the economics staff of the commission at a salary of \$5,000 per annum.

He is a graduate with the degree of master of business administration from Harvard University. His thorough training in economics, general accounting, statistics, and international trade, together with his unusually broad practical experience of the past five years in connection with production-cost analyses in manufacturing plants, seem to qualify him especially for the work of economist on the staff of the commission.

The accompanying letters are circulated for the information of the commissioners.

E. B. B.

It was more than two months after Mr. Woolley's name had been brought to the attention of the commission before the commission took any action on the matter.

On December 8, 1925, in connection with other matters presented for the personnel committee, it was, by Commissioner Brossard—

Moved: That the secretary be authorized to request Mr. Vern C. Woolley, of Worcester, Mass., to come to the offices of the Tariff Commission for a conference in reference to the selection of an economic statistician for assignment to the economics division of the commission's staff, and to pay his necessary travelling expenses for the trip and return from the funds available for the expenses of the commission.

Mr. Costigan offered as a substitute motion the following:

Moved: That action upon the foregoing motion by Commissioner Brossard be deferred until the personnel committee can report to the commission the results of correspondence to be had with certain statistical economists or economic statisticians recommended to the commission by Dr. David R. Dewey,

of the Massachusetts Institute of Technology, including Professor Graham, of Princeton, Dr. Frank R. Rutter, Mr. David Wing, formerly employed by the Coal Commission; Mr. Wilfred King, Mr. J. H. Williams, and Mr. J. B. Vanderblue, of Harvard.

Commissioners Marvin and Glassie explained to the commission that the men whose names were mentioned in the above motion by Mr. Costigan had been suggested by Prof. David R. Dewey at the meeting of November 21, 1924, in response to a request from the commission for names of men qualified for the position of chief economist, which pays a salary of \$7,500 per annum. The following correspondence shows that to be the purpose of Doctor Dewey's visit to the commission at that time.

NOVEMBER 14, 1924.

Dr. DAVID R. DEWEY,  
*Cambridge, Mass.*

DEAR DOCTOR DEWEY: The office of chief economist of the United States Tariff Commission is now vacant, by reason of the resignation of Dr. John R. Turner at the expiration of the year which he was able to give us from his work at the New York University. This office, as you will appreciate, is one of no small importance, not only for the functioning of the Tariff Commission as a governmental agency but more particularly because of the possible effect of its research work upon the tariff legislation of the future.

All the members of the commission strongly desire to have the benefit of your advice and assistance in finding for this office an economist whose acknowledged character, learning, and ability will aid in providing assurance that the commission's reports to Congress and to the President will attain the standard at which the commission aims. By formal vote the members of the commission have unanimously directed me to ask whether you would be willing to come to Washington, at the commission's expense, for a conference on this subject on some convenient day in the near future.

Very truly yours,

T. O. MARVIN, *Chairman.*

NOVEMBER 18, 1924.

Mr. THOMAS O. MARVIN,  
*United States Tariff Commission, Washington, D. C.*

DEAR Mr. MARVIN: I appreciate the courtesy of the Tariff Commission in inviting me to confer with them in regard to the office of the chief economist. If the date is not too early for a satisfactory arrangement, I will meet you next Saturday morning, November 22; or, if you prefer, on the preceding Friday, November 21.

As the week following is Thanksgiving week, it will be more difficult to get away in that week, although at a pinch I probably could do so for a day.

Since the time is short, kindly telegraph your preference.

Yours truly,

DAVID R. DEWEY.

After the explanation had been given by the chairman and Mr. Glassie, the commission saw no reason to consider any of the men mentioned in Mr. Costigan's substitute motion for the position on the staff for which Mr. Woolley and one other applicant were being considered. Consequently, upon the foregoing substitute motion by Commissioner Costigan the votes of the commissioners were as follows:

In favor of the adoption of the motion: Mr. Costigan.

Against the adoption of the motion: Messrs. Marvin, Glassie, Baldwin, Brossard.

The substitute motion was therefore rejected.

The votes on the motion submitted by Commissioner Brossard were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Dennis, Glassie, Baldwin, Brossard.

Against the adoption of the motion: Mr. Costigan.

The name of another person being suggested for this position, a motion was made and unanimously adopted that he also be invited to come to the offices of the commission for an interview.

In accordance with the above motions, arrangements were made for Mr. Woolley and the other applicant to come and meet the commissioners and answer queries that commissioners might desire to ask.

Mr. Woolley visited the commission on December 22 and 23, 1925, and the other applicant came on December 11, 1925. These conferences enabled the commissioners to meet the men personally and gave each commissioner a full opportunity to examine the applicants with respect to their qualifications for the position for which they were being considered.

When Mr. Woolley was at Washington for his conference with the commission, he was asked the direct question: "What is the minimum salary that you would accept for employment as economist-statistician on the commission's staff?" he replied that he would not consider anything less than \$4,800 per annum, as anything less than that amount would result in a financial sacrifice to him.

At the commission meeting on January 8, 1926, the subject of the employment of Mr. Vern C. Woolley as economist-statistician on the staff of the commission was made the special order of business for the commission meeting January 12, 1926.

It was only after the most deliberate and careful consideration, therefore, that the matter was brought up for final action January 12, 1926.

The above facts show the following:

1. There were two vacancies on the economic staff of the commission at the time Mr. Woolley was first suggested to the commission as a probable employee. On January 12, 1926, there are still two vacancies in the economics division.

2. More than three months have elapsed between the time that Mr. Woolley's name was first presented to the commission and the date set for final action by the commission, January 12, 1926.

3. Each commissioner, therefore, has had ample opportunity to suggest names of other men for the position.

4. Full consideration has been given by the commission to all candidates whose names have been suggested.

5. The training and experience of Mr. Woolley particularly qualify him for the position in question.

6. His employment would be regular in every way and conform with the law completely both in spirit and letter, and will also be in accordance with the general practice of the commission.

7. The proposed salary for Mr. Woolley is not excessive in comparison with the salaries of other economists on the commission's staff doing work of the same character as that which Mr. Woolley is qualified to perform.

The question being upon the motion by Commissioner Brossard for the employment of Mr. Woolley, the votes of the commissioners thereon were as follows:

In favor of the adoption of the motion: Messrs. Marvin, Glassie, Baldwin, Brossard.

Against the adoption of the motion: Messrs. Dennis, Costigan.

The motion was therefore agreed to.

The chairman laid before the commission a report from the advisory board dated January 9, 1926, in response to the commission's resolution of January 5, relative to plans for a possible reopening and continuation of the pending investigation for the purposes of section 315 of the tariff act of 1922, with respect to plate glass.

Upon the request of Commissioner Brossard, the commission adjourned until 10.30 o'clock January 13, 1926.

By Commissioner BROSSARD. The request for adjournment was made in order that I may do work on the butter report that has been asked of me by the commission.

Approved, January 22, 1926.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JANUARY 13, 1926.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Albertus H. Baldwin, Edgar B. Brossard.

Voted: That Miss Mary J. Richey be authorized to travel to Baltimore, Md., Millville, N. J., and New York City and vicinity and return, for the purpose of obtaining information with reference to the production and importation of certain perfumery bottles.

The secretary submitted a draft of an order instituting an investigation for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of barium carbonate, pursuant to the resolution of the commission adopted on January 8, 1926.

After discussion of the subject, it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION No. 50 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

BARIUM CARBONATE, PRECIPITATED

The United States Tariff Commission on this 8th day of January, 1926, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the article described in paragraph 12 of Title I of said tariff act, namely:

Barium carbonate, precipitated, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing prior public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce

Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

The secretary submitted a draft of an order instituting an investigation for the purposes of section 315 of the tariff act of 1922, in respect of the costs of production of fluorspar, pursuant to the resolution of the commission adopted on January 8, 1926.

After discussion of the subject, it was—

Voted: That the following order is hereby adopted by the United States Tariff Commission:

INVESTIGATION NO. 51 BY THE UNITED STATES TARIFF COMMISSION FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

FLUORSPAR

The United States Tariff Commission on this 8th day of January, 1926, for the purpose of assisting the President in the exercise of the powers vested in him by section 315 of Title III of the tariff act of 1922 and under the powers granted by law and pursuant to the rules and regulations of the commission, hereby orders an investigation of the differences in costs of production of, and of all other facts and conditions enumerated in said section with respect to, the article described in paragraph 207 of Title I of said tariff act, namely:

Fluorspar, being wholly or in part the growth or product of the United States, and of and with respect to like or similar articles wholly or in part the growth or product of competing foreign countries.

Ordered further, that all parties interested shall be given opportunity to be present, to produce evidence, and to be heard at a public hearing in said investigation to be held at the office of the commission in Washington, D. C., or at such other place or places as the commission may designate on a date hereafter to be fixed, of which said public hearing prior public notice shall be given by publication once each week for two successive weeks in Treasury Decisions published by the Department of the Treasury, and in Commerce Reports published by the Department of Commerce, copies of which said publications are obtainable from the Superintendent of Documents of the Government Printing Office in Washington, D. C.

And ordered further, that public notice of said investigation shall be given by posting a copy of this order for 30 days at the principal office of the commission in the city of Washington, D. C., and at the office of the commission at the port of New York, and by publishing a copy of this order once a week for two successive weeks in said Treasury Decisions and in said Commerce Reports.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

During the discussion of the subject Mr. O. A. Juve, acting chief of the agricultural division, was called into the meeting.

After discussion of the subject it went over for further consideration.

Approved, January 22, 1926.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*



JANUARY 14, 1926.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

After discussion of the subject it went over for further consideration.

Approved, January 22, 1926.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETTUNE, *Secretary*.

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JANUARY 15, 1926.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

By Commissioner MARVIN: No word has been received from the White House so far as I am aware concerning the chairmanship of the commission for the ensuing year. As my term as chairman expired at the close of business on Thursday, January 14, it would seem to be proper for the vice chairman to serve as acting chairman and to preside at the meetings of the commission.

The vice chairman thereupon presided as acting chairman of the commission.

The reading of the minutes of previous meetings awaiting approval was deferred.

The secretary laid before the commission communications from interested parties who had participated in the public hearing on December 17, 1925, in the lace investigation, at which time such parties were granted until this date to submit for consideration by the commission plans for suggested further proceedings in that investigation.

After discussion of these communications and upon motion by Commissioner Costigan they were referred to the advisory board for further consideration and report.

Commissioner Marvin stated that Mr. E. R. Wakefield, counsel for Lace Curtain Manufacturers Association, had stated to him just prior to this meeting that he, Mr. Wakefield, had been unable to complete and file a statement on behalf of the Lace Curtain Manufacturers Association, in accordance with the permission granted by the commission at the hearing in the lace investigation on December 17, 1925, in reference to further suggested proceedings in that investigation.

After discussion of the subject, and upon motion by Commissioner Marvin, it was—

Voted: That the time set at the public hearing in the lace investigation on December 17, 1925, for filing by interested parties of plans for suggested further proceedings in that investigation be, and is hereby, extended from January 15 to January 20, 1926.

Commissioner Marvin stated that in view of the vote on January 8, upon the motion of Commissioner Brossard for the institution of an investigation for the purposes of section 315, of the tariff act of

1922, with respect to cream of tartar and tartaric acid, he desired to withdraw his motion for which the motion by Doctor Brossard was proposed as a substitute.

Commissioner Marvin thereupon withdrew his motion as follows:

Moved: That the recommendation of the advisory board that no investigation for the purposes of section 315 of the tariff act of 1922, with respect to cream of tartar is warranted at the present time, be approved.

The commission proceeded to the consideration of the special order of business set for this meeting, being the report of the advisory board upon applications for an investigation for the purposes of section 315 of the tariff act of 1922, with respect to oriental rugs.

The chief of the economics division, the chief investigator, the chief of the textile division, and Mr. G. M. Youngman of the textile division, were called into the meeting during the discussion.

After the discussion of the subject, and after members of the staff present were excused, it was—

Voted: That the advisory board, in conjunction with the textile division, be requested to prepare and submit at the earliest practicable date for consideration by the commission a tentative plan for an investigation for the purposes of section 315 of the tariff act of 1922 with respect to costs of production of oriental rugs. The commission thereupon resumed consideration of the report to be submitted to the President in the pending investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

After discussion of the subject it went over for further consideration.

The commission thereupon adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

The chief of the economics division, the chief investigator, the acting chief of the agricultural division, and Mr. C. K. Lewis of the agricultural division were called into the meeting.

The question considered at this meeting was the inclusion or exclusion of Nebraska butter production costs.

After discussion of the subject, and after the members of the staff present were excused, it was, by Commissioner Glassie—

Moved: That the Nebraska costs be eliminated in the summary tables from the costs of production for independent areas, without removing from the report any figures concerning Nebraska that any commissioner desires to have therein.

The motion went over for further consideration.

Approved, January 22, 1926.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

JANUARY 16, 1926.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922 with respect to butter.

The pending question was upon the motion submitted at the meeting on January 15, by Commissioner Glassie, as follows:

Moved: That the Nebraska costs be eliminated in the summary tables from the costs of production for independent areas, without removing from the report any figures concerning Nebraska that any commissioner desires to have therein.

After discussion of the subject Commissioner Glassie modified his motion to read as follows:

Moved: That in the summary tables the Nebraska costs be eliminated from the costs of production for independent areas, without removing from the report any figures concerning Nebraska that any commissioner desires to have therein, and leaving also in the report the tables showing costs in independent territory including Nebraska costs.

After further discussion of the subject, and upon motion by Commissioner Glassie, it was—

Voted: That cost of production tables in this report shall show costs for the so-called independent territory in two ways: (a) Excluding the Nebraska costs and (b) including Nebraska costs as now appearing.

By Commissioner COSTIGAN. In voting for the foregoing resolution I wish to note for the record that the Nebraska costs referred to in the motion relate to farm costs of areas the cream from which is predominantly used for centralizer production of butter and do not relate strictly to what in the report have been designated as costs of independents.

By Commissioner GLASSIE. It is to be noted that Nebraska costs included in the so-called independent territory are unit costs derived from farm surveys in territory supposedly similar to the areas of production for cooperatives and independents, and that such farm survey figures have been heretofore weighted in this report with some twenty-odd million pounds of Nebraska production, which production appears to be mainly centralizer and not cooperative or independent production.

By Commissioner MARVIN. The Nebraska costs were obtained for two areas in Nebraska regarded by the experts of the commission to be similar in methods of production with cooperative and so-called independent areas. Farm cost records were obtained for 144 farms and 6 creameries, the latter representing a butter production of 14,854,674 pounds. Instead of weighting the costs figures with the production of 14,854,674 pounds, the cost figures were weighted with the estimated production of the two areas, namely, 20,862,000 pounds.

By Commissioner BROSSARD. I reserve the right to insert a statement pertinent in this connection.

After further discussion, it was, by Commissioner Glassie—

Moved: That in the final table showing comparison of domestic total production cost with Danish total production cost, the Nebraska costs be excluded in arriving at the total domestic production cost.

The motion went over for further consideration.

Approved, January 22, 1926.

THOMAS O. MARVIN, *Chairman*.

Attest:

JOHN F. BETHUNE, *Secretary*.

JANUARY 19, 1926.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The following communication from the President was laid before the commission:

THE WHITE HOUSE,  
Washington.

EXECUTIVE ORDER

Under the provisions of section 700 of the act of Congress approved September 8, 1916, creating and establishing the United States Tariff Commission, Thomas O. Marvin is hereby designated as chairman of the United States Tariff Commission for a period of one year from January 15, 1926.

CALVIN COOLIDGE, *President*.

JANUARY 15, 1926.

Voted: That in connection with the preliminary field investigation upon which she is now engaged, Miss Mary J. Richey, be authorized to incur, if necessary, expenses not to exceed \$10 for samples of hand blown decorated glass bottles.

The secretary laid before the commission a letter from Mr. Vern C. Woolley signifying his willingness to accept appointment on the staff of the Tariff Commission pursuant to the resolution of the commission adopted on January 12, 1926, and would be able to report for duty on or before March 1, 1926.

After discussion of the subject the secretary was requested to draft a letter to Mr. Woolley informing him that it would be agreeable to the commission for him to report for duty on March 1, and that since the action of the commission on January 12, a protest against that action had been filed with the President and the Bureau of the Budget by one of the members of the commission.

The secretary laid before the commission a memorandum from the chief of the textile division in reference to the need for a special expert in that division in connection with the cotton schedule.

After discussion of the subject, it went over for further consideration with the understanding that the situation should be investigated and reported upon by the personnel committee.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, with respect to butter.

Messrs. O. A. Juvé and C. K. Lewis of the agricultural division of the commission's staff were called into the meeting during the discussion.

After discussion of the subject and upon motion by Commissioner Brossard, it was—

Voted: That for this report costs of production in both the United States and Denmark shall include the items of expense required to place the butter f. o. b. local shipping points.

On the foregoing resolution Commissioner Costigan did not vote, but reserved the right to comment on the material as filed in the final report pursuant to the resolution.

After further discussion of the butter report, the subject went over for further consideration.

The commission adjourned until 2.30 o'clock p. m.

#### AFTERNOON SESSION

The commission reconvened at 2.30 o'clock p. m.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The commission resumed consideration of the report to be submitted to the President in the investigation (No. 38) for the purposes of section 315 of the tariff act of 1922, in respect of butter.

After discussion of the subject it went over for further consideration.

Approved, January 22, 1926.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

JANUARY 21, 1926.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Albertus H. Baldwin, Edgar B. Brossard.

Voted: That Mr. H. L. Lourie be authorized to travel to Cincinnati, Ohio, Louisville, Ky., and such other places in that vicinity as may be necessary, and return, for the purpose of obtaining information respecting canned vegetable products and preserved fruits.

Voted: That Mr. K. L. Stone and Mr. J. D. De Shay be authorized to travel to New Orleans and other places in Louisiana as may be necessary, and return, for the purpose of obtaining information concerning the production and importation of blackstrap, edible molasses, and cane sirup.

On the foregoing resolution Commissioner Dennis voted in the negative.

Commissioner Costigan was not present when the preceding two resolutions were adopted.

The secretary submitted a draft of a letter addressed to Mr. Vern C. Woolley, acknowledging his letter of acceptance of appointment upon the staff of the commission, and advising him of the protest filed by a member of the commission against such an appointment.

After consideration the letter was approved for transmittal.

The chairman laid before the commission a communication from the secretary of the National Cooperative Milk Producers Federation requesting a conference between the commission and himself and the president of the federation in reference to the pending investigation with respect to the costs of production of butter.

The chairman was requested to confer with the secretary of the National Cooperative Milk Producers Federation and ascertain the purpose and scope of the requested conference.

The subject thereupon went over for further consideration.

Approved, January 26, 1926.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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JANUARY 22, 1926.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on December 31, 1925, January 8, 12, 13, 14, 15, 16, and 19, 1926, were read and approved.

The chairman laid before the commission a statement by the secretary of the National Cooperative Milk Producers Federation in reference to his letter of January 20, 1926, requesting a conference with the commission by the president and secretary of the federation.

After discussion of the subject and upon motion by Commissioner Dennis, it was—

Voted: That an informal conference be held by the commission with the president and secretary of the National Cooperative Milk Producers Federation at 10.30 o'clock a. m. on January 23, 1926.

Approved, January 26, 1926.

THOMAS O. MARVIN, *Chairman.*

Attest:

JOHN F. BETHUNE, *Secretary.*

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JANUARY 26, 1926.

Present: Thomas O. Marvin, Alfred P. Dennis, Edward P. Costigan, Henry H. Glassie, Albertus H. Baldwin, Edgar B. Brossard.

The minutes of the meetings of the commission held on January 21 and 22, 1926, were read and approved.

By the CHAIRMAN. "The commission will recall that by vote of the commission the report to the President in connection with the butter investigation was made the first order of business and that it was agreed, following the transmittal of the report on butter, to proceed with the report in the cotton hosiery investigation. I desire to call to the attention of the commission that reports are awaiting consideration and action by the commission in respect of paintbrush handles, casein, logwood extract, phenol and cresylic acid, brierwood pipes, and kotex. In connection with each of these subjects committees have been appointed. I would like to request that the committees report to the commission as soon as practicable in respect of the subjects mentioned and that if possible dates be set for the consideration of final reports or final action in connection with these investigations. Among other investigations that have been completed, and in regard to which the commission is awaiting final reports from the advisory board, are logs of fir, spruce, cedar, or western hemlock; and cheese.

"Among the unfinished business in addition to the reports on butter and on cotton hosiery are reports by the advisory board in connection with applications relating to investigations of cream of tartar, tartaric acid, and oriental rugs. I will ask at an early date for the setting of a date for the further consideration of these reports.

"There also await action by the commission the questions raised in the hearings on plate glass and lace. These questions looking toward a reopening of these investigations should receive the early attention of the commission and I suggest that they be considered at a special meeting of the commission to be held on Thursday, January 28, 1926.

"Other reports from the advisory board await action by the commission relating to cork insulation, Japanese rice straw rugs, and spring clothespins. In connection with the application for an investigation of cork insulation the commission will recall that in a letter received in June, 1925, from the State Department it was requested that action be temporarily delayed because of pending negotiations with the Government of Spain. I suggest that the chief of the preferential tariffs division report on the present status of the subject.

"A report was submitted in connection with the application on black or silver fox skins, which was considered by the commission and by vote of the commission was passed over for the time being. The report in connection with the applications for investigations of cotton cloths was passed over by unanimous consent on July 24, 1925."

Upon motion by Commissioner Costigan, it was—

Voted: That at the meeting of the commission to be held on January 28, 1926, precedence be given to the procedure to be adopted with respect to further proceedings in the lace and plate glass investigations, respectively.

The chairman laid before the commission the motion submitted on January 23, 1926, by the president and the secretary of the National Cooperative Milk Producers' Federation with respect to questions of procedure by the commission in the pending investigation of the costs of production of butter.

After discussion of the subject and upon motion by Commissioner Glassie, the motion by the president of the National Milk Producers' Federation was referred to the legal division.

Commissioner Costigan requested that the record show with respect to the reports on behalf of the committee which was instructed to deal with casein, and on behalf of the committee which was instructed to deal with kotex, respectively, that the staff of the commission has been instructed to prepare tentative reports for submittal to the commission and that the report on casein is practically ready for submittal to the commission.

Upon motion by Commissioner Dennis, it was—

Voted: That a committee be appointed to complete the draft of the factual section of the report on butter.

The chairman appointed as members of the committee thus authorized Commissioners Glassie, Costigan, and Brossard.

It was, by Commissioner Dennis—

Moved: That pending submission of a report by the committee appointed to complete the draft of the factual section of the report on butter, the commission resume consideration of the report to be submitted to the President in the cotton hosiery investigation.

Upon motion by Commissioner Brossard, submitted as a substitute for the foregoing motion by Commissioner Dennis, it was—

Voted: That a committee to consist of the chairman and Commissioners Dennis and Baldwin be appointed to prepare a draft of the factual section of the report on cotton hosiery.

By unanimous consent a copy of the letter transmitted by Commissioner Costigan to the President through the Bureau of the Budget, under date of January 16, 1926, was inserted in the minutes, as follows:

JANUARY 16, 1926.

The PRESIDENT,

*The White House, Washington, D. C.*

(Through the Bureau of the Budget).

DEAR MR. PRESIDENT: By a majority vote, members of the United States Tariff Commission, on January 12, 1926, ordered the appointment of Vern C. Woolley, as a "special expert" on the staff of the commission at a salary of \$4,800 per annum. The votes of the commissioners on this action were as follows:

In favor of the motion for such appointment: Chairman Marvin, and Commissioners Glassie, Baldwin, and Brossard.

Against the motion: Vice Chairman Dennis and Commissioner Costigan.

During the final discussion of the proposed appointment, which was first suggested by Commissioner Brossard in October, 1925, and immediately preceding the vote, I noted in the commission's minutes my objections to the appointment as follows:

"As already stated to the commission I am of the opinion that the motion, if adopted, will represent an extravagant expenditure of the public funds. Mr. Woolley has been persistently pressed upon the attention of the commission for consideration and appointment by his personal friend, Commissioner Brossard, and no reasonable effort has been made to consider the qualifications of other possible appointees, as required by the spirit of the law calling for the selection of special experts. If the motion is adopted I shall feel under the necessity of reporting this appointment with an expression of my official judgment with respect to it to the Bureau of the Budget."

Pursuant to the notice thus given, I now formally protest against the appointment of Mr. Woolley as an extravagant and needless expenditure of the public funds, authorized without due regard for public economy.

Briefly stated my reasons for this protest are the following:

1. The law creating the Tariff Commission requires that--

"With the exception of the secretary, a clerk to each commissioner, and such special experts as the commission may from time to time find necessary for the conduct of its work, all employees of the commission shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law." (Sec. 701, revenue act of Sept. 8, 1916.)

Throughout its history, until within a fairly recent period, the Tariff Commission not only adhered to the letter and spirit of the above-quoted provisions of the law but also followed the practice of authorizing the employment of higher-salaried special experts only when all members of the commission agreed that such appointments should be made. There is no such unanimity with respect to Mr. Woolley, and it is substantially clear that his selection is not fairly in accord with the manifest intent of the above-quoted provisions of the law.

2. No substantive need for such an addition to the staff has been shown. Mr. Woolley's appointment is chiefly traceable to the persistent and unwavering insistence within the commission by his personal friend, Commissioner Brossard. Both are or formerly were residents of Utah.

3. The commission, although that course has been repeatedly requested by a member of the commission, has not undertaken to consider in connection with Mr. Woolley's application the comparative qualifications of other possible appointees as special experts.



4. Commissioner Brossard's original notice to the commission with respect to Mr. Woolley's qualifications was under date of October 30, 1925, and in part read as follows:

"Mr. Vern C. Woolley, of Worcester, Mass., is available for a position on the economic staff of the commission at a salary of \$5,000 per annum."

At the meeting of the commission on January 12, 1926, after I had stated that inquiry by me had failed to confirm Mr. Woolley's standing "for a position on the economics staff of the commission," Commissioner Brossard then urged Mr. Woolley's appointment as a statistician or an accountant with sufficient knowledge of political economy to be useful in the commission's service.

5. When the appointment of Mr. Woolley at a salary of \$4,800 was objected to as probably involving unduly large remuneration for Mr. Woolley, Commissioner Brossard urged that "Mr. Woolley would not come for less."

6. The salary of \$4,800 voted for Mr. Woolley is excessive when compared with the salaries of other special experts employed by the commission, experienced in its work and able to render, and engaged in rendering, services superior to those which may long be expected from Mr. Woolley. Among such special experts, with an enumeration of the salaries respectively paid them, may be mentioned the following:

Watson, Warren N., economic analyst.....	\$4,000
Simpson, Kemper, economic analyst.....	3,800
Middleton, George, economic analyst.....	4,000
Blachly, Clarence D., associate economic analyst.....	3,600
Leonard, F. Morton, economic analyst (acting chief, metals division)....	4,600
Walker, Myron R., economic analyst.....	4,000
Lourie, Harry L., economic analyst.....	4,000
Ferguson, Arthur F., associate economic analyst.....	3,500
Hopkinson, Lawrence T., associate economic analyst.....	3,600
Connor, Louis G., economic analyst.....	4,200
Whitcomb, Eben M., assistant chief investigator.....	3,800
Newton, Harry N., assistant chief accountant and auditor (chief, accounting division).....	3,800

7. The appointment of Mr. Woolley is not the first instance in which the appointment of an applicant from the State of Utah has been made by the commission under conditions not conforming to the best standards of the act creating the commission, or of the commission's practice with respect to appointments.

On September 25, 1925, while the undersigned was absent from Washington, the commission at the request of Commissioner Brossard appointed Preston M. Nelson, of Utah, a special expert in the metals division of the commission's staff, although, as the undersigned is advised, Mr. Nelson was not and is not qualified to serve the commission in the position to which he was appointed or in any other position as a special expert.

It is, of course, appropriate to add that objections are not taken by the undersigned either to Mr. Woolley or Mr. Nelson on the ground of personality or character. Such objections as are here offered to their respective appointments are based expressly on the law creating the commission, the long-continued professed and usually prevailing practice of the commission, and the due regard which should be had by public officials for the efficient and economical expenditures of the public fund, in accordance with the proper exercise of authority and sound budgetary standards.

E. P. COSTIGAN, *Commissioner*.

Upon motion by Commissioner Brossard, it was—

Voted: That the chairman be directed to transmit on behalf of the commission the following letter addressed to the President through the Bureau of the Budget.

The votes of the commissioners on the foregoing resolution were as follows:

In favor of the adoption of the resolution: Messrs. Marvin, Glassie, Baldwin, Brossard.

Against the adoption of the resolution: Messrs. Dennis, Costigan.

The letter referred to is as follows:

JANUARY 26, 1926.

The PRESIDENT,

*The White House, Washington, D. C.*

(Through the Bureau of the Budget.)

My DEAR MR. PRESIDENT: I am directed by the commission (Commissioners Dennis and Costigan not concurring) to advise you as follows with respect to Commissioner Costigan's letter to you "through the Bureau of the Budget" under date of January 16, 1926, protesting against the action of the commission in employing Mr. Vern C. Woolley as economist-statistician on the economic staff of the commission.

1. There has never been any understanding among members of the Tariff Commission that the employment of higher salaried experts should be authorized "only when all members of the commission agreed that such appointment should be made." Such a private understanding would be essentially unlawful. For it might easily result in crippling the work of the commission and would amount to placing the performance of its duties in the hands of a captious minority. Such an abdication by agreement on the part of any commissioner of the exercise of his authority to pass personally on each case and to vote according to his own judgment would be a plain violation of his official duty.

2. The statement that there is no "substantive need for such an addition to the staff" is not true. The commission has been desirous for a long time to add to its staff an expert with economic training who has also had actual experience with cost accounting systems in industries and who has had the sort of training which is received at the Harvard School of Business Administration. Furthermore, at the time when Mr. Woolley's name was first suggested to the commission and also on January 12, 1926, when the commission voted to employ him, there were two vacancies on the economic staff of the commission.

3. It is not true that the commission has failed "to undertake to consider in connection with Mr. Woolley's application the comparative qualifications of other possible appointees as special experts."

No person was named or suggested by Commissioner Costigan as a possible appointee having similar qualifications to those apparently possessed by Mr. Woolley. One other possible appointee was suggested, considered, and called to the offices of the commission for consultation with the several commissioners. No motion for his employment was ever made either by the commissioner suggesting his consideration or by Commissioner Costigan. In point of fact, whatever might be his other qualifications, the applicant disclaimed any knowledge of cost accounting or experience in industry.

4. No change was ever made in the statement of Mr. Woolley's qualifications. The letters of recommendation upon which he was finally employed were the same letters upon which his appointment was suggested. Mr. Woolley is now and he was then an economist. He is now and he was then a statistician. He is now and he was then a graduate of the Harvard School of Business Administration and since then has had five years' experience in industry. Whether the position be called "a position on the economic staff" or "a statistician-economist" or "economist-statistician" is a matter of words only.

5. While the appointment of Mr. Woolley was objected to by Commissioner Costigan as involving unduly large remuneration, the fact is that Mr. Woolley could not be obtained for less compensation, nor has any person been named or suggested with similar qualifications who can be obtained for less compensation.

6. If the salary of Mr. Woolley is to be tested by comparison of salaries, it should be tested by the salaries of other persons of the same qualifications or doing the same character of work. The list in Commissioner Costigan's memorandum omits the names of all the members of the economic division with the exception of two. It includes, on the other hand, a number of employees properly designated as economic analysts but who are members of the commodity divisions. With the exception of the two persons, none of those listed has pursued graduate studies in economics. Some of them are chemists, some of them mining engineers.

The proper list should have been as follows:

A. M. Fox.....	\$8,000	C. W. Mixer.....	\$5,000
Geo. P. Comer.....	6,000	Henry Schultz.....	4,800
A. L. Faubel.....	4,500	Kemper Simpson.....	3,800
P. W. Bidwell.....	5,200	Clarence D. Blachly.....	3,600

7. The commission denies with emphasis the suggestion of Commissioner Costigan that the appointment has been made "under conditions not conforming to the best standards of the act creating the commission, or of the commission's practice with respect to appointments."

8. The facts with respect to the appointment of Mr. Woolley are briefly these:

The name of Mr. Woolley was first suggested, on behalf of the personnel committee, to the commission for consideration as a possible appointee, on September 20, 1925. Before suggesting his name, Commissioner Brossard, on behalf of the personnel committee, had addressed letters of inquiry to Mr. Woolley's present employers, to others for whom he has worked since finishing his technical college training, and to the professors of Harvard University with whom he pursued graduate studies in economics and business administration.

The following extracts from the letters received will speak for themselves:

(1) Letter dated September 7, 1925, from W. L. Walker, vice president of the Washburn Co., manufacturers of stamped and wire hardware, and kitchen ware, present employers of Mr. Woolley.

"\* \* \* Mr. Woolley graduated from the graduate school of business administration at Harvard and has had about five years of experience under my supervision in the development of scientific management in industries. In this he has been employed in practically all phases of the work and has shown an especial aptitude for analyzing jobs, determining rates of pay, and costs. His work in this line has been very satisfactory. While I should dislike very much to have him leave at the present time, I must be considerate of his welfare, and if there is a chance for him to greatly benefit himself, I would not stand in the way but would encourage him to go ahead. I feel sure that any work along that line he would be able to handle in a very satisfactory manner and his results would be thoroughly dependable."

(2) Letter dated September 1, 1925, from J. G. Osmond, general manager of the Chicago division of the Washburn Co.

"I have known Mr. Woolley since 1910. It happened that I attended the same schools from which he received his bachelor's and master's degrees. He was known then, as now, for the extremely thorough manner in which he executes his work. He is never content to leave a problem until he has analyzed it. For a young man he has had a rather broad experience; for two years he was instructor in a high school. He also spent five years in Europe. He speaks the French language fluently. For a time he acted as an interpreter. Two years of the same period he was with the A. E. F.

"During the last four years he has been in the industrial field. Two years he assisted Mr. W. L. Walker, industrial engineer, in reorganizing two New England factories; the balance of the time he has been with the Washburn Co. assisting in the standardization of our cost, routing, and time study departments. He has worked in our Worcester, Rockford, and Chicago factories and has won the esteem of all the members in our organization who have come in contact with his work. We dislike very much to have Mr. Woolley leave our organization, still we shall do nothing to prevent him from going into that line of work which interests him most."

(3) Letter dated August 25, 1925, from F. A. Cummings, official of the United States Envelope Co., Springfield, Mass.

"Mr. Vern C. Woolley installed a modern system of production and cost control in one of our factories and performed a creditable piece of work. He was thorough and also sure of his facts before going ahead; statistical research is one of his strong points. In spite of complicated manufacturing conditions he produced a well coordinated system.

"My experience while working in cooperation with Mr. Woolley while at that work was very pleasant.

"He is a Harvard graduate, school of business administration man and is well equipped for a position in your organization."

(4) Letter dated August 28, 1925, from H. H. Farquhar, assistant professor of industrial management, Harvard University, graduate school of business administration.

"In reply to your letter of August 21 regarding Vern C. Woolley. Mr. Woolley's business school record during attendance here was very good indeed. In my course in factory management he received the grade of distinction. I retain a very favorable impression of Woolley and his work, and believe that he would make a worthy member of the commission's economic staff.

"One of my former students and students' assistant at school and associate in advisory work which I have done in private firms has had contact with Mr. Woolley since his graduation, and I am therefore forwarding your letter to him with a request that he give you his opinion also. I would give more weight to his opinion than to mine since he has seen Mr. Woolley's development since graduation. This is Mr. D. H. Flnck, Thirtieth and Sixteenth Avenue, Beach-Hurst, Long Island."

(5) Letter dated September 2, 1925, from D. H. Flnck, Beneficial Operating Bureau, efficiency director, New York City.

"I have had a very excellent opportunity to see Mr. Woolley's work and observe his methods. I can only say that I indorse him very highly and know that he possesses the temperament, ability, and personality that will make him a most valuable member of the United States Tariff Commission staff. He is a very thorough worker and without a doubt possesses considerable research ability."

(6) Letter dated September 5, 1925, from H. B. Douglas, superintendent, the Washburn Co., the Wire Goods Co. division, Worcester, Mass.

"I am very glad indeed to comply with your request for information concerning Mr. Vern C. Woolley.

"Mr. Woolley has been employed as analyst in our time and motion study department for two years or more. He has rearranged the department, established new rates, and has performed the various other duties connected with the time and motion study department in a very creditable manner.

"He has a pleasing personality and by the good judgment he has displayed in solving the problems which have arisen in the course of his work he has earned the good-will of the factory employees. In fact his work has been of such high character that I do not hesitate to say that he fills the position more satisfactorily than has any other man.

"I gladly recommend Mr. Woolley, as I feel sure his qualifications are such that he would make a valuable addition to your staff. If I can be of further service, I hope you will call upon me."

While the matter was informally discussed at the time (September 29, 1925) when the name was suggested, no action was then taken, nor was the matter again brought to the attention of the commission until October 30, 1925, when the appointment of Mr. Woolley was again informally discussed and the letters of recommendation were considered.

At the suggestion of Commissioner Costigan action was deferred to a later date in order to allow full opportunity for other names to be suggested.

The letters of recommendation, together with the following memorandum, were circulated among the members of the commission by Commissioner Brossard, on behalf of the personnel committee, immediately after the meeting of October 30, 1925.

"Mr. Vern C. Woolley, of Worcester, Mass., is available for a position on the economics staff of the commission at a salary of \$5,000 per annum.

"He is a graduate with the degree of master of business administration from Harvard University. His thorough training in economics, general accounting, statistics, and international trade, together with his unusually broad practical experience of the past 5 years in connection with production cost analyses in manufacturing plants seem to qualify him especially for the work of economist on the staff of the commission.

"The accompanying letters are circulated for the information of the commissioners.

"E. B. B."

On December 8, 1925, in connection with other matters presented for the personnel committee, it was by Commissioner Brossard---

Moved: That the secretary be authorized to request Mr. Vern C. Woolley, of Worcester, Mass., to come to the offices of the Tariff Commission for a conference in reference to the selection of an economic statistician for assign-

ment to the economics division of the commission's staff, and to pay his necessary traveling expenses for the trip and return, from the funds available for the expenses of the commission.

At the same meeting, the name of another economist was suggested as a possible candidate in reference to the selection of an economist to be assigned to the economics division. Such other candidate visited the commission's offices on December 11, 1925. He frankly disclaimed any knowledge of cost accounting or experience in industry.

Mr. Woolley visited the commission's offices on December 22 and 23, 1925. Both candidates had conferences with the several commissioners, who thus had the full opportunity to meet both men personally and to inquire with respect to their respective qualifications for the position.

Not until January 8, 1926, was the subject of the employment of Mr. Woolley again taken up. On that day it was made the special order of business for January 12, 1926.

On January 12, 1926, the matter coming up in due course, the qualifications of Mr. Woolley were discussed and the letters of recommendation read. After discussion and upon being put to a vote his employment was authorized by the following resolution.

"Moved: That Mr. Vern C. Woolley be employed as a special expert on the commission's staff, to be assigned to the economics division, in a position to be allocated to grade 4 of the professional and scientific service with salary to be fixed at the rate of \$4,800 per annum, effective upon his entrance on duty."

This recital of facts shows:

(1) That more than three months elapsed between the time that Mr. Woolley's name was first presented to the commission and the date of his employment.

(2) That at the time his name was suggested there were two vacancies on the economics staff of the commission.

(3) That the commissioner now objecting to Mr. Woolley's appointment did not at any time during the three months suggest any other person as available for appointment who had qualifications either equal or superior to those of Mr. Woolley for the place in question.

(4) That the only action taken by those opposing his appointment was a motion by Commissioner Costigan that the consideration of Mr. Woolley should be deferred until correspondence could be had with certain statistical economists and economic statisticians recommended to the commission by Dr. David R. Dewey, of the Massachusetts Institute of Technology, including Professor Graham, of Princeton, Dr. Frank R. Rutter, Mr. David Wing, formerly employed by the Coal Commission; Mr. Wilfred King, Mr. J. H. Williams, and J. B. Vanderblue, of Harvard.

None of the persons thus mentioned was ever suggested by Doctor Dewey for the position of the kind for which Mr. Woolley has been appointed. They were suggested for the office of chief economist, the salary of which had been \$7,500 per year. Doctor Dewey had been asked to come to Washington in order that the commission might have the benefit of his advice and assistance in finding an economist whose character, learning, and ability qualified him for the position of chief economist, the leading position on the staff of the commission.

Mr. Woolley was never suggested or considered for that office or any similar office, and the suggestion of the names of these higher salaried men by Commissioner Costigan could have no effect but to cloud the issue and to put off indefinitely the consideration of the qualifications of Mr. Woolley for the office for which he had been suggested.

The commission can not refrain from characterizing the action of the dissenting commissioner as an effort to coerce the majority, consisting of two-thirds of the commission, to acquiescence in the views of a single commissioner under threat of controversy.

The commission, acting by a lawful majority, has appointed Mr. Woolley in the exercise of its independent judgment upon satisfactory evidence that Mr. Woolley is in every way qualified for the performance of the duties for which he has been employed. The performance of the commission's duties, in the judgment of the commission, requires the employment of a man having the special qualifications which the inquiries of the commission tended to show that Mr. Woolley fully possesses.

The commission characterizes as baseless the imputation that, "under the circumstances, the employment of Mr. Woolley is not made with a view to the public interest" or that it "is without regard to the efficient and economical expenditure of the public funds." On the other hand, the commission asserts that Mr. Woolley's employment is in strict accordance with the spirit and letter of the law and according to the general practice of the commission and is in the interest of economy and to the advantage of the Government service.

Respectfully,

-----, *Chairman.*

Commissioner Costigan reserved the right to make such reply to the foregoing letter as might be necessary after he should have opportunity to examine it.

Commissioner Brossard reserved the right to reply to any further statement which may be made by Commissioner Costigan with respect to the same subject.

Voted: That Miss Jane A. Bodenhamer be transferred from the administrative division to the economics division.

Voted: That the expense incurred by Mr. John J. Ernster on October 24, 1924, in Berlin, Germany, in the sum of 18 marks (\$4.30) for clerical services in copying translations of German laws relating to gold balance sheets, be, and is hereby, approved.

Voted: That in addition to the travel authorized by the resolution of the commission on December 29, 1925, Dr. L. G. Connor be authorized to travel also to the State of Washington, and return, for the purposes of obtaining information concerning developments in the cattle and woolgrowing industries.

Voted: That the expense of \$1 incurred by Mr. John D. De Shay, accountant, on November 24, 1925, at Chicago, Ill., for clerical services in connection with field work in the fresh-water fisheries investigation, be, and is hereby, approved.

The secretary laid before the commission tables prepared in the statistical division showing for the textile schedules of the tariff law, comparisons of imports, exports, rates of duty, and domestic production for the several paragraphs in each schedule under the tariff acts of 1909 and 1913, respectively, and for the calendar year of 1923, together with recommendation of the chief of the textile division that such tables be printed for publication.

After discussion of the subject, it was, upon motion by Commissioner Brossard---

Voted: That the textile division be requested to prepare explanatory textual statements to accompany the tables and that such statements and tables be referred to the advisory board for report thereon to the commission.

Approved, January 29, 1926.

Attest:

THOMAS O. MARVIN, *Chairman.*

JOHN F. BETHUNE, *Secretary.*

# INDEX

	Page
Almonds, dried, desirability of investigation—December 18, 1923.....	167
Achenbach, Frederick:	
Re services as chief investigator in central Europe—May 22, 1923....	60
Per diem authorized—July 10, 1923.....	85
Berlin office, expenditures for, authorized—July 10, 1923.....	85
Designated chief investigator central Europe—November 6, 1923....	141
To review costs of Swiss pattern files—December 4, 1923.....	160
Instructed to report on German currency—February 6, 1924.....	209
Requested to return to Washington—October 31, 1924.....	412
Cablegram, sailing November 28—November 11, 1924.....	413
Travel authorization to New York City ordered—April 2, 1925.....	470
Letter suggesting Mr. Ernster be designated assistant—December 3, 1925.....	589
Voted special disbursing agent—December 8, 1925.....	592
Accounting Division, organization, committee appointed—October 2, 1923.....	122
Acids: <del>  </del>	
Amino—	
Investigation ordered—August 11, 1923.....	107
Public hearing—September 17, 1923.....	116
Travel authorization—October 23, 1923.....	134
Authorized travel—February 9, 1924.....	212
Request for instructions from advisory board referred to commit- tee—May 27, 1924.....	277
Citric—	
Investigation ordered—March 2, 1923.....	22
Crotylic—	
Investigation under section 315 ordered—March 2, 1923.....	22
Travel authorization—October 23, 1923.....	134
Investigation awaiting action—October 14, 1924.....	388
Diethylbarbituric—	
Investigation under section 315 ordered—March 16, 1923.....	25
copy of order—March 27, 1923.....	32
Travel authorization—May 5, 1923.....	56
Public hearing ordered—September 28, 1923.....	118
Public hearing—November 7, 1923.....	143
Report of findings submitted to commission—February 27, 1924..	219
Consideration of—April 3, 1924.....	238
Considered—September 23, 1924.....	378
Investigation into cost of production discussed—September 23, 1924.....	379
Resumed consideration—October 10, 1924.....	366
Draft of report to President adopted—October 31, 1924.....	412
Sent to President November 6, 1924—November 11, 1924.....	413
Printing of report to the President ordered—December 10, 1924.....	436
Oxalic—	
Advisory board instructed to prepare plans of investigation— January 2, 1923.....	14
Investigation under section 315 ordered—February 14, March 16, 1923.....	18, 25
Investigation under section 315 ordered, March 2, 1923.....	22
Copy of order—March 27, 1923.....	31
Travel authorization—	
April 21, 1923.....	45
May 5, 1923.....	56
Public hearing ordered—September 28, 1923.....	117
Public hearing—November 5, 1923.....	140

	Page
Acids--Continued.	
Oxalic--Continued.	
Committee appointed to report on findings in investigation-- February 27, 1924.....	219
Investigation been ordered--March 26, 1924.....	232
Hearing already closed--March 26, 1924.....	233
Consideration of--April 3, 1924.....	238
Proposed report referred to advisory board--April 30, 1924.....	240
Victor Chemical Works ask permission to file brief--October 10, 1924.....	385
Investigation awaiting action--October 14, 1924.....	388
Request to file brief withdrawn--October 14, 1924.....	388
Report to President, draft prepared--November 25, 1924.....	428
Consideration of report to President--December 4, 1924.....	431
Final report adopted and signed by commission--December 10, 1924.....	436
Printing of report to the President ordered--January 8, 1925.....	438
Tartaric, consideration of advisory board's report--January 8, 1926..	619
Acetaldehyde:	
Motion made by Mr. Burgess no investigation--August 11, 1923.....	105
Motion by E. P. Costigan investigation--August 11, 1923.....	105
Travel authorization--March 10, 1925.....	458
Advisory board:	
McNabb, Charles E., named representative of legal division-- October 20, 1922.....	5
Directed to report on gas mantels and on plantains--December 1, 1922.....	12
Instructed to prepare plans for hosiery investigation--January 2, 1923.....	14, 69
Instructed to prepare plans of investigations for earthenware, china- ware, and lemons--February 14, 1923.....	19
Ordered to prepare statement on cotton hosiery--May 18, 1923.....	57
Form for surveys--May 24, 1923.....	61
Requested to submit surveys prior to June 12, 1923.....	68
Organization, motion outlining--July 20, 1923.....	90
Regulations pertaining to--July 23, 1923.....	95
Directed to report its recommendations upon all applications pending before it--July 27, 1923.....	97
Instructed to report plans for sugar investigation--July 31, 1923.....	98
Requested to submit plans for investigations of sundries--August 2, 1923.....	99
Redraft of report on ammonium chloride voted--August 11, 1923.....	106
Report on wool and wool manufactures to be submitted, 1923.....	109
Reports various commodities to be considered--September 19, 1923..	113
Report on wool and woolens--October 2, 1923.....	123
Asked to include certain information--October 5, 1923.....	124
Report on varnish laid aside--October 9, 1923.....	125
Report on lace considered--October 9, 1923.....	125
Recommendations in re sugar hearings--October 16, 1923.....	130
Report on application of Wheat Council of the United States-- November 7, 1923.....	144
Further action on report on hops--November 15, 1923.....	153
To submit certain reports--November 26, 1923.....	157
Report on Spanish products to be considered--December 14, 1923..	165
Report on applications for investigations--December 18, 1923.....	167
Reports and recommendations by--December 20, 1923.....	175
Instructed to submit report on bent-wood chairs--February 6, 1924..	210
To report on cotton hosiery, cotton warp-knit fabric, cotton gloves, phenol, cresylic acid, and brier-wood pipes--March 21, 1924.....	227
To prepare supplemental statements on skimmed milk--March 25, 1924.....	229
To report plan of investigation on vegetable and animal oils and fats-- March 25, 1924.....	229
Submits report on casein--April 18, 1924.....	244
Report on oxalic acid referred to--April 30, 1924.....	246
Plan of butter investigation submitted--July 15, 1924.....	323
To submit reports on certain subjects--October 15, 1925.....	566
Report on fluorspar--December 8, 1925.....	592
Butter, report requested--December 10, 1925.....	594



	Page
Adding machine:	
For office at Brussels—November 12, 1925.....	582
Agriculture, Department of:	
Services of M. A. Crosby—November 15, 1923.....	153
Employment, temporarily, of 3 field investigators on butter—September 19, 1924.....	377
Agricultural division:	
Report advisability investigation lemons, citrate of lime, citric acid ordered—May 5, 1923.....	56
Report advisability investigation raw wool and manufactures of wool ordered—May 5, 1923.....	56
Reports ordered May 5 and 15 referred to—May 25, 1923.....	62
Appointment committee to consider division of—July 19, 1923.....	89
Subdivision suggested—June 24, 1924.....	308
Agricultural industries:	
Cost schedules, individual; access to by Department of Agriculture and representatives of universities not authorized—October 9, 1925.....	562
Ahlfeld, Fritz, re employment—June 9, 1923.....	68
Albertson, Joseph M.:	
Appointment—February 23, 1923.....	20
Reimbursed \$6.50 re field work in Germany—September 12, 1924.....	374
Salary—June 6, 1925.....	513
Aldehyde derivatives, investigation not warranted—March 26, 1924.....	232
Alexander, Daniel W., salary increase voted—July 6, 1923.....	84
Salary—June 6, 1925.....	513
Allen, Charles R., no investigation of sea salt—September 10, 1924.....	376
Allen, Robert E.:	
Salary increase voted—March 20, 1923.....	28
Salary—June 6, 1925.....	513
Classification—June 24, 1924.....	308
Alcohol industrial:	
Travel authorization—March 9, 1923.....	23
Almonds:	
Preliminary inquiry voted—November 26, 1923.....	157
Desirability of investigation—December 18, 1923.....	167
Aluminum ware:	
Advisory board to plan investigation—January 2, 1923.....	14
Travel authorized—January 12, 1923.....	16
Investigation ordered—February 14, 1923.....	18
Investigation under section 315 ordered—March 2, 1923.....	22
Travel authorization—May 5, 1923.....	56
Preliminary report from advisory board ordered—May 1, 1923.....	49
Travel authorization—June 6, 1923.....	65
Survey requested from advisory board—June 9, 1923.....	68
Advisory board's recommendation re—December 20, 1923.....	175
Report on; called to attention of chairman—March 25, 1924.....	230
American Brush Manufacturers' Association, information from—December 4, 1923.....	100
American Game Protection and Propagation Association; travel authorization to attend meeting—December 5, 1922.....	42
American Drug Manufacturers' Association, C. R. De Long authorized to attend meeting—February 23, 1923.....	20
American Economic Association, staff members attendance at meetings—December 3, 1925.....	589
Ammonium chloride:	
Voted advisory board's report be redrawn—August 11, 1923.....	106
Advisory board report to be considered—September 14, 1923.....	113
Voted, to consider report of advisory board on—October 4, 1923.....	124
No investigation be ordered—October 9, 1923.....	126
Investigation not warranted—March 26, 1924.....	232
Amoros, Emilio, employment authorized—April 10, 1923.....	44
Anderson, A. D., appointed special investigator—December 3, 1923.....	184
Anderson, Emma W., re appointment—February 23, 1923.....	21
Annual report:	
Secretary authorized to submit outline for 1923—September 20, 1923.....	114
Committee appointed to consider form—October 5, 1923.....	124
Costigan and Glassie appointed committee on—June 27, 1924.....	311
Consideration resumed—December 5, 1925.....	591

	Page
Annual report--Continued.	
Draft submitted--December 2, 1925.....	589
Summaries of surveys to be a part of--December 3, 1925.....	590
Considered--December 4, 1925.....	590
Date set for reports from divisions--December 8, 1925.....	592
Animal fats ( <i>see also</i> Oils and fats):	
Advisory board plans for investigation--May 27, 1924.....	278
Report of advisory board on plans for investigation--May 29, 1924.....	281, 282
Plans for investigation approved--May 29, 1924.....	283
Travel authorization--May 29, 1924.....	284
Extension of investigation considered--June 3, 1924.....	285
Re services of expert--June 3, 1924.....	285
Organization of foreign field work discussed--June 10, 1924.....	290
Travel authorization--	
June 10, 1924.....	290, 291
June 20, 1924.....	299
June 24, 1924.....	307
July 1, 1924.....	313
Antidumping, attendance at Treasury hearing--June 4, 1924.....	288
Applebee and Neuman, communication sent--October 4, 1923.....	124
Applications:	
Regulations pertaining to--July 23, 1923.....	94
List of pending reports from advisory board--January 5, 1926.....	613
List submitted--January 8, 1926.....	617
Statement of Commissioner Glassie--January 8, 1926.....	618
Statement of Commissioner Dennis--January 8, 1926.....	618
Appropriation:	
Committee appointed to reply to Senate request--May 13, 1924.....	256
Reduction pay roll due to insufficiency--May 16, 1924.....	259
Reply to Senate resolution in progress--May 27, 1924.....	278
Request of commission for unallotted balance--June 17, 1924.....	296
Estimates authorized--June 27, 1924.....	311
Committee appointed to prepare estimates of--June 25, 1925.....	522
Estimate approved by Bureau of Budget--September 25, 1925.....	552
Artificial flowers. ( <i>See</i> Flowers, artificial.)	
Armstrong, George W., request to be heard on steel--May 1--April 17, 1925	480
Arsenic and related products, travel authorization--December 7, 1923....	162
Artificial silk. ( <i>See</i> Rayon.)	
Attorney General:	
Assistance requested, production of dyes and chemicals--May 1, 1923....	48
Requested to designate officer in behalf Tariff Commission--December 13, 1923.....	165
Attendance:	
Motion in re attendance reports from the economics division, May 16, 1924.....	258
Resolution adopted requesting reports from economics division--May 20, 1924.....	261
Australian Government, report upon discriminations through tariff approved--May 5, 1925.....	488
Austro-American Magnesite Co., authorization to furnish schedule--September 17, 1923.....	114
Bags, beaded:	
Report from advisory board--May 20, 1924.....	261
Preliminary reports already submitted--January 5, 1925.....	641
Bags, mesh:	
Travel authorization--November 7, 1923.....	144
Memorandum re feasibility of obtaining foreign costs--April 1, 1924....	236
Baer, Alfred G., appointed--March 10, 1925.....	464
Bahr, C. W.:	
Appointment offered--November 21, 1922.....	10
Salary--June 6, 1925.....	513
Baker, Gladden B.:	
Appointed special expert--January 15, 1923.....	15
Compensation--March 20, 1924.....	226
Bailey, Earl W., re appointment--February 23, 1923.....	21

	Page
Baldwin, Albertus H., commissioner:	
Appointed to committee on—	
Drafting reports re print rollers and taximeters—June 25, 1925..	522
Taximeter—October 24, 1925.....	573
Paint-brush handles—November 10, 1925.....	579
Drafting report to President on cotton hosiery—January 26, 1926..	636
Votes on—	
Motion to investigate granite—July 24, 1925.....	542
Resolution to investigate methanol—July 24, 1925.....	544
Resolution to investigate sodium silicofluoride—July 24, 1925.....	545
Submitting halibut report to President—October 23, 1925.....	570
Substitute motion re employment of economic statisticians—	
December 8, 1925.....	593
Employment of Vern C. Woolley—December 8, 1925.....	593
Substitute motion re butter report—December 10, 1925.....	595
Method of handling butter report—December 10, 1925.....	595
Miscellaneous—	
Oath of office—June 22, 1925.....	520
Travel authorized on administrative business—December 29,	
1925.....	603
Investigation of fluorspar—January 8, 1926.....	619
Barium carbonate investigation—January 8, 1926.....	619
Motion re investigation of calcium tartrate, cream of tartar, and	
tartaric acid—January 8, 1926.....	620
Motion re employment of Vern C. Woolley—January 12, 1926....	625
Letter to President regarding employment of Vern C. Woolley—	
January 26, 1926.....	637
Ballif, Louis S.:	
Re appointment—February 23, 1923.....	20
Compensation—March 20, 1924.....	226
Salary—June 6, 1925.....	513
Banks, John C., re appointment—April 21, 1923.....	45
Barbital:	
Investigation under section 315 ordered—March 2, 1923.....	22
Travel authorization—July 12, 1923.....	86
Report of findings of investigation submitted to commission—Feb-	
ruary 27, 1924.....	219
Investigation awaiting action—October 14, 1924.....	388
Barium carbonate, precipitated:	
Commission given advisory board report—November 27, 1925.....	587
Attention of commission called to reports—January 5, 1926.....	613
Preliminary reports already submitted—January 5, 1925.....	613
Motion by Edgar B. Brossard to institute investigation—January 8,	
1926.....	615
Investigation under section 315 ordered—January 13, 1926.....	627
Barium dioxide:	
Investigation ordered—March 2, 1923.....	22
Hearing ordered—September 28, 1923.....	118
Public hearing—November 9, 1923.....	144
Report of findings submitted to commission—February 27, 1924.....	219
Hearing already closed—March 26, 1924.....	233
Consideration of—April 3, 1924.....	238
To be called up—April 8, 1924.....	241
Draft of report considered—April 29 and 30, 1924.....	246
Draft of report to President considered—	
May 5, 1924.....	248
May 8, 1924.....	251
May 12, 1924.....	254
Report to President approved—May 13, 1924.....	254
Memorandum re relation of duty to hydrogen peroxide requested—	
May 27, 1924.....	277
Report ordered printed—May 27, 1924.....	277
Barium peroxide:	
Investigation under section 315 ordered—February 14, 1923.....	18
Travel authorization—	
April 21, 1923.....	45
April 24, 1923.....	47

	Page
Barium peroxide—Continued.	
Travel authorization—Continued.	
May 5, 1923.....	50
May 31, 1923.....	63
July 12, 1923.....	86
Barker, Howard F.:	
Employment—July 23, 1923.....	94
Salary increased—October 16, 1923.....	131
Transfer to field service—June 2, 1925.....	510
Salary—June 6, 1925.....	513
Transfer from field to departmental service—November 27, 1925.....	588
Increase of salary—December 2, 1925.....	589
Barnes, Earlbert E.:	
Re employment—June 27, 1923.....	79
Salary increase—February 9, 1924.....	212
Resignation accepted—February 13, 1925.....	450
Barnes, Wilson, and Halstead, communication—February 13, 1925.....	450
Barry, G. L., re employment—July 12, 1923.....	86
Basic steel products. (See Steel products.)	
Beach, Victor H.:	
Employment—September 12, 1923.....	111
Extension of employment—December 13, 1923.....	163
Beans, soya, survey referred to chief economist—February 21, 1924.....	216
Beets, sugar:	
Travel authorization—August 7, 1923.....	100
Employment of M. A. Crosby voted—August 14, 1923.....	108
Employment of Messrs. Nuckols and Hunter authorized—August 14, 1923.....	109
Travel authorization—August 14, 1923.....	109
Voted authorization to approve schedule—August 14, 1923.....	109
Employment of Howard S. Brossard approved—October 11, 1923.....	127
Employment of V. T. Ellsworth approved—October 11, 1923.....	127
Expenses authorized—December 4, 1923.....	160
Authorization to incur automobile and team hire expense—January 4, 1924.....	187
Transfer of M. A. Crosby—January 29, 1924.....	195
Printing report authorized—June 10, 1924.....	289
Letter from Senator George W. Norris—December 9, 1924.....	432
Supplemental material for report—July 22, 1925.....	539
Bennett, John B.:	
Re employment—January 16, 1923.....	17
Appointed special expert—February 6, 1923.....	18
Salary increase voted—July 6, 1923.....	84
Bently, R. C., employment—December 19, 1923.....	167
Benzol peroxide, application of Holland firm refused—August 7, 1923.....	103
Bentwood chairs. (See Chairs, bentwood.)	
Bergen, John A.:	
Reappointment—February 14, 1923.....	18
Appointed special expert—February 21, 1923.....	19
Bergner, Sophie J.:	
Salary increase—March 20, 1923.....	28
Reclassification and salary increase—June 16, 1925.....	518
Salary and classification—June 25, 1925.....	522
Classification—June 30, 1925.....	525
Berryman, Richard B., employment—August 2, 1923.....	90
Bernhardt, Dr. Joshua:	
Appointment—September 29 and October 10, 1922.....	2, 3
Instructed to prepare investigation of sugar—October 20, 1922.....	5
Temporary increase in salary—	
April 24, 1923.....	47
June 1, 1923.....	63
Directed to prepare answers to President re sugar—October 24, 1924.....	406
Submitted statistical tables on sugar and sugar beets—October 25, 1924.....	408
Resignation—December 16, 1924.....	435
Resignation accepted—December 18, 1924.....	436
Bethune, John. (See Secretary of Commission.)	

INDEX

649

	Page
<b>Bidwell, Percy:</b>	
Appointment offered—October 27, 1922.....	9
Designated economist—May 29, 1923.....	82
Salary increase voted—July 6, 1923.....	84
Recommendation re transportation and office space—December 13, 1923.....	163
Compensation—March 18, 1924.....	224
Assigned to economic division—March 18, 1924.....	224
Permission to deliver address—May 27, 1924.....	278
Classification—June 24, 1924.....	308
Vegetable oil study to proceed—May 29, 1924.....	284
Requested approval to publish article in Journal of Economics—August 14, 1924.....	373
Designated economist at Brussels, Belgium—June 2, 1925.....	510
Authorized to take official station in Brussels—June 18, 1925.....	519
Salary increase—June 25, 1925.....	522
<b>Bierman, H. J.:</b>	
Classification—June 24, 1924.....	308
Salary increase granted—June 17, 1924.....	295
<b>Billings, George A.:</b> Appointed special expert—March 22, 1923.....	
	20
<b>Birds, game:</b>	
Application for reduction of duty, considered—May 19, 1925.....	493
Investigation not warranted—March 26, 1924.....	232
Preliminary reports already submitted—January 5, 1925.....	614
<b>Blaehly, Clarence D.:</b>	
Salary—March 20, 1923.....	28
Appointed on committee on surveys—December 16, 1924.....	435
Salary—June 6, 1925.....	513
<b>Blackstrap.</b> (See Molasses and blackstrap.)	
<b>Blankets and similar articles:</b>	
Investigation ordered—March 2, 1923.....	23
<b>Blondin, E. N.,</b> employment voted—October 27, 1925.....	
	574
<b>Bobwhite quail.</b> (See Quail, bobwhite.)	
<b>Bodenhamer, J. A.:</b>	
Salary—June 6, 1925.....	513
Transferred from administrative division to economics division—January 26, 1926.....	642
<b>Bode, Rita:</b>	
Re appointment—February 23, 1923.....	21
Salary—June 6, 1925.....	513
<b>Bolster covers,</b> appointment of committee—July 19, 1923.....	
	88
<b>Bone black:</b>	
Advisory board report to be considered—September 14, 1923.....	113
Investigation not warranted—March 26, 1924.....	232
<b>Books, rag,</b> preliminary reports already submitted—January 5, 1925.....	
	614
<b>Booth, John J.,</b> re employment—December 18, 1923.....	
	166
<b>Boots, felt,</b> travel authorization—January 16, 1923.....	
	17
<b>Borton, E. J.:</b>	
Conference on china and earthenware—April 28, 1925.....	485
Re employment—May 5, 1925.....	488
Temporary employment—December 18, 1925.....	600
Transferred from Brussels, Belgium to New York City—January 5, 1926.....	612
<b>Bottles:</b>	
Blown-glass—	
Travel authorization—January 5, 1926.....	611
Expense for samples authorized—January 19, 1926.....	632
Perfume—	
Travel authorization—January 13, 1926.....	627
<b>Bowker, Marian,</b> re appointment—February 23, 1923.....	
	21
<b>Bowker, R. C.,</b> re appointment:	
October 13, 1922.....	4
October 25, 1922.....	8
<b>Bowman, L. T.:</b>	
Salary—June 6, 1925.....	513
Salary increase—May 29, 1924.....	282
Transfer to staff, May 4, 1923.....	50
<b>Braswell, E.,</b> salary—June 6, 1925.....	
	513

	Page
<b>Brauer, Dr. H. G. A.:</b>	
Employment in Australia—October 31, 1924.....	411
Extension of employment—	
August 5, 1924.....	362
August 11, 1924.....	371
Field expenses authorized—June 27, 1924.....	311
Increase in salary—July 19, 1923.....	89
Salary—September 29, 1922.....	2
<b>Braun, Mervyn:</b>	
Appointment authorized—March 30, 1923.....	41
Compensation—March 20, 1924.....	226
Secretary authorized to accept resignation—January 20, 1925.....	442
Transferred to field service with increased salary—June 20, 1924.....	299
<b>Braun, G. E.:</b>	
Retention of services—January 6, 1925.....	437
Employment extended—May 5, 1925.....	488
<b>Bray, John L.:</b>	
Employment recommended, May 21, 1925.....	495
Re appointment—	
November 24, 1922.....	11
December 5, 1922.....	12
Salary increase voted, July 6, 1923.....	84
Brierwood pipes. ( <i>See</i> Pipes, brierwood.)	
Briefs, rules of procedure adopted—October 20, 1922.....	7
Broad silk. ( <i>See</i> Silk, broad.)	
<b>Brossard, E. B., Commissioner and special expert:</b>	
Appointed to committee on—	
Personnel—July 23, 1925.....	539
Taximeters—October 24, 1925.....	573
Paintbrush handles—November 10, 1925.....	579
Drafting factual section of butter reports—January 26, 1926.....	635
Motions to—	
Include table of costs in halibut report, October 24, 1925.....	572
Statements on—	
Reservation of right to insert statement on Nebraska costs of butter—January 16, 1926.....	631
Right to reply to statement of Commissioner Costigan, regarding employment of Vern C. Woolley—January 26, 1926.....	642
Votes on—	
Motion to investigate granite—July 24, 1925.....	542
Resolution to investigate methanol—July 24, 1925.....	544
Resolution to investigate sodium silicofluoride—July 24, 1925.....	545
Submitting halibut report to President—October 23, 1925.....	570
Substitute motion re employment of economic statisticians—December 8, 1925.....	593
Employment of Vern C. Woolley—December 8, 1925.....	593
Substitute motion re butter report—December 10, 1925.....	595
Method of handling butter report—December 10, 1925.....	595
Changes in letter to President re transportation costs—December 31, 1925.....	606
Motion re barium carbonate investigation—January 8, 1926.....	619
Investigation of fluorspar—January 8, 1926.....	619
Investigation of calcium tartrate, cream of tartar, and tartaric acid—January 8, 1926.....	620
Employment of Vern C. Woolley—January 12, 1926.....	625
Letter to President regarding employment of Vern C. Woolley—January 20, 1926.....	637
<b>Miscellaneous—</b>	
Employment—September 12, 1923, November 15, 1923.....	111, 153
Increase in salary—January 19, 1924.....	192
Employment and compensation—April 15-16, 1924.....	243
Directed to prepare answers to President—October 24, 1924.....	406
Submitted tables on sugar beets—October 25, 1924.....	408
Consideration of transfer to economic division—June 6, 1925.....	512
Transfer and salary increase—June 16, 1925.....	512
Salary and classification—June 25, 1925.....	522
Oath of office—July 22, 1925.....	538

	Page
Brossard, E. B., commissioner and special expert—Continued.	
Miscellaneous—Continued.	
Designated classification officer—September 15, 1925.....	549.
Prior salary authorized—September 24, 1925.....	551
Transportation costs; letter to President—December 31, 1925.....	605
Brossard, H. S.:	
Employment—	
Approved—October 11, 1923.....	127
Extended—November 28, 1923.....	158
Brown, John E., salary increase—October 9, 1925.....	562
Brown, Nellie B., salary increase—March 20, 1923.....	28
Brunkow, Frank, employed—December 7, 1923.....	162
Brussels office:	
Expenditures for equipment and maintenance authorized—July 2, 1925.....	528
Appropriation of \$400 authorized—September 29, 1925.....	555
Special disbursing officer—October 8, 1925.....	562
Bryan, C. A., re appointment—June 6, 1923.....	65
Buckwheat:	
Advisory board report submitted—December 4, 1924.....	431
Preliminary reports already submitted—January 5, 1925.....	614
Budget:	
Annual estimate—September 26, 1922.....	1
Secretary authorized to submit estimates for salaries and expenses—July 23, 1923.....	93
Discussion of estimates—February 15, 1924.....	215
Bullock, Ora M., salary increase—March 20, 1923.....	28
Bureau of Budget:	
Letter drafted to President asking further consideration of estimates—October 9, 1924.....	364
Appropriations—October 22, 1924.....	402
Estimates of appropriations—June 16, 1925.....	519
Bureau of Labor Statistics:	
Temporary employment as to wages and hours—November 1, 1923.....	139
Bureau of Mines, cooperation authorized—May 25, 1923.....	62
Burgess, Commissioner William:	
Appointed to committee on—	
Reclassification of employees and adjustment of salaries—March 16, 1923.....	26
Preparation of formal orders for investigations, etc.—March 16, 1923.....	26
Employees' salaries on foreign field work—June 6, 1923.....	64
Repairing hearing room—June 27, 1923.....	79
Preparing that portion of order providing preliminary hearing—July 2, 1923.....	82
Roll covers and bolster covers—July 19, 1923.....	88
Price index of Department of Labor for use in commission's work—September 14, 1923.....	113
Accounting division—October 2, 1923.....	122
Organization of ceramics division—October 11, 1923.....	127
Execution of order in re sugar hearings—October 16, 1923.....	130
Statement of findings on paint-brush handles—October 19, 1923.....	132
Notifying applicant of action on Italian cottonseed-oil discrimination—October 25, 1923.....	135
Foreign personnel—November 6, 1923.....	142
Sodium nitrite—November 6, 1923.....	142
Statement on wheat—November 13, 1923.....	146
Foreign wage rates—November 15, 1923.....	153
Various investigations—December 18, 1923.....	167
Swiss pattern files—January 8, 1924.....	187
Cost of production of sugar and investment data—February 9, 1924.....	212
Cotton textiles—June 3, 1924.....	280
Drafting of report on sugar—June 14, 1924.....	293
Certain investigations—October 14, 1924.....	388
Procedure—December 4, 1924.....	431

Burgess, Commissioner William—Continued.	
Appointed to committee on—Continued.	Page
Pig iron—March 17, 1925.....	461
Cigars—March 24, 1925.....	465
Appointment of J. J. Ernster in France—April 7, 1925.....	477
Motions to—	
Investigate acetaldehyde butyraldehyde, crotonaldehyde, and paracetaldehyde—August 11, 1923.....	105
Adopt recommendations of advisory board in sugar hearings—October 16, 1923.....	130
Postpone discussion of procedure—December 19, 1923.....	169
Institute an investigation of vegetable, animal, and fish oil—December 20, 1923.....	180
Direct Doctor Bernhardt to submit report on sugar to advisory board—May 26, 1924.....	271
Refer report on sugar to advisory board—June 14, 1924.....	294
Refer certain published accounts to Attorney General—July 15, 1924.....	325
Submit information on sugar requested by President—October 15, 1924.....	393
Suspend action on motions with respect to Ralph Whitehouse—October 30, 1924.....	410
Statements on—	
Wheat investigation—November 14, 1923.....	151
Motion re vegetable, animal, and fish oils—December 20, 1923.....	181
Paint brush handles report—February 1, 1924.....	196
Chief investigator's preparation of letter re vegetable oils—February 11, 1924.....	200
Concurrence with Mr. Glassie re logs—April 1, 1924.....	236
Consideration of report of advisory board on sugar—May 23, 1924.....	266
Procedure in sugar investigation—May 23, 1924.....	267
Dissent from outline of sugar report prepared by Lewis—June 21, 1924.....	302
Procedure in reports on applications—June 24, 1924.....	308
Vote on milk and cream—July 11, 1924.....	319
Minutes of commission—August 5, 1924.....	361
Sugar for transmission to the President—November 17, 1924.....	422
Financial interest in butter investigation—April 28, 1925.....	485
Votes on—	
Instituting several investigations—March 2, 1923.....	22
Ordering certain investigations—March 16, 1923.....	25
Asking President for suggestion on broad questions of policy—March 16, 1923.....	26
Publishing information re investigations under section 315—March 22, 1923.....	29
Broadening investigation of pig iron—May 15, 1923.....	57
Appointing committee re selection of special counsel during sugar investigation—June 1, 1923.....	63
Transmitting preliminary hosiery report to President—June 14, 1923.....	72
Ruling of Chair on routine matters—June 20, 1923.....	74
Ruling of Chair relative substitute motion for sugar investigation—June 20, 1923.....	74
Employment of Mr. Day—June 20, 1923.....	74
Increasing compensation of commission's agents—June 20, 1923.....	75
Notice of preliminary hearing being incorporated in public order for an investigation—July 2, 1923.....	81
Adding names of other qualified experts in the sugar industry—July 3, 1923.....	83
Amended motion submitted by Mr. Glassie—July 3, 1923.....	83
Hearing on paintbrush handles—July 17, 1923.....	87
Motion re offering commission's records in evidence, etc.—July 17, 1923.....	87
Furnishing summary of cost inquiry to interested parties—July 17, 1923.....	87
Linseed-oil cost schedule—July 19, 1923.....	88
Setting date for sugar hearing—July 20, 1923.....	90



## Burgess, Commissioner William—Continued.

## Votes on—Continued.

	Page
Advisory board—July 20, 1923.....	90
Furnishing copies of applications for modification of duties to interested parties—July 27, 1923.....	97
Sugar investigation in Louisiana—August 7, 1923.....	101
Investigation of acetaldehyde, butyraldehyde, cretonaldehyde, paracetaldehyde—August 11, 1923.....	105
Employment of R. E. Le Gardeur—August 14, 1923.....	110
Instituting investigation of animal and vegetable oils—October 9, 1923.....	126
Question of the President's authority to change rate of duty on logs—October 12, 1923.....	129
Appointing committee to supervise execution of order in sugar hearings—October 16, 1923.....	131
Salaries of Commissioners' stenographers—March 20, 1923.....	27
Substitute motion to investigate lace industry under section 318—October 25, 1923.....	136
Ordering investigation of lace—October 25, 1923.....	137
Disqualifying commissioner's, etc.—December 19, 1923.....	169
Motions re press notices—December 20, 1923.....	177-180
Motion re investigation of vegetable, animal, and fish oils—December 20, 1923.....	181, 182
Substitute motion re investigation of vegetable, animal, and fish oils—December 20, 1923.....	181
Including mill-feed costs in wheat-investigation report to President—March 4, 1924.....	220
Economic investigation of lemon and olive oil industries—March 31, 1924.....	235
Investigation of bent-wood chairs, mesh bags, gold leaf, men's sewed straw hats—April 5, 1924.....	239
Letter to President—April 15, 1924.....	243
Making bent-wood chairs and straw hats next order of business—May 6, 1924.....	249
Deferring consideration of bent-wood chairs and men's straw hats—May 6, 1924.....	249
Rescinding travel order regarding cotton hosiery—May 16, 1924.....	258
Attendance reports from economics division—May 20, 1924.....	261
Motion to refer sugar report to advisory board—May 23, 1924.....	267
Submission of sugar report—May 23, 1924.....	268
Motion directing Doctor Bernhardt to submit report on sugar to advisory board—May 26, 1924.....	272
Sugar investigation—May 26, 1924.....	274
Postponing motion providing for investigation of men's sewed straw hats—May 27, 1924.....	278
Substitute motion made by, re sugar report—June 14, 1924.....	294
Motion made by chairman re motion made by William S. Culbertson, June 16, 1924—June 18, 1924.....	297
Personnel question—June 20, 1924.....	298
Paintbrush handles—June 20, 1924.....	299
Motion that McNabb discuss orally legal questions arising in connection with report on sugar—June 21, 1924.....	300
Substitute motion to adopt Burgess sugar report—June 21, 1924.....	304
Amended motion to discharge sugar committee—June 21, 1924.....	304
Tentative adoption of report of sugar division—June 21, 1924.....	305
Salary increases of Misses Priest and Hockensmith—July 1, 1924.....	313
Postponing further consideration of investigation of milk and cream—July 15, 1924.....	324
Butter investigation—July 17, 1924.....	334
Sugar report being referred to advisory board—July 19, 1924.....	337
Date set for filing opinion as to time to submit sugar report to the President—July 19, 1924.....	338
Travel authorization of Kemper Simpson—July 25, 1924.....	342
Approving revised report to President on sugar—July 26, 1924.....	346
Extension of time for filing opinions on sugar report—July 26, 1924.....	347

## Burgess, Commissioner William—Continued.

## Votes on—Continued.

	Page
Employment and compensation of Professor Misner as butter expert—July 20, 1924.....	348
Transmitting final sugar report to the President—July 30, 1924..	350, 351
Keeping sugar report until transmission—July 30, 1924.....	352
Submitting information on sugar to Senator La Follette—August 5, 1924.....	36
Employment of J. H. Greenhalgh and travel to Denmark on butter investigation—August 14, 1924.....	372
Resignation of Dr. John R. Turner as chief economist—October 9, 1924.....	385
Taking minutes of Doctor Bernhardt's answers to questions on sugar—October 15, 1924.....	390
Submission of letter to President on sugar—October 16, 1924..	394
Investigation of olive oil under section 316—October 22, 1924..	403
Amendment relating to sugar beets—October 24, 1924.....	406
Compliance with requests of President—October 24, 1924.....	407
Adoption of motion re sugar and sugar beets—October 24, 1924..	407
Motion of Commissioner Costigan re sugar report—October 24, 1924.....	407
Letters of transmittal of sugar report to President—November 14, 1924.....	417, 418
Transmittal of supplemental report on sugar to President—November 17, 1924.....	420
Motion for dismissal of Mr. Gilbert Hirsch—November 25, 1924..	429
Assignment of acting chief of agricultural division—February 19, 1925.....	452
Motion re linseed oil report for President—February 24, 1925....	454
Appointment acting chairman advisory board—April 9, 1925....	474
Changing title of foreign office chief—April 9, 1925.....	475
Foreign field economist—April 9, 1925.....	475
Foreign office organization—April 9, 1925.....	475
Foreign office and appointing economist—April 9, 1925.....	476
Motion to promote F. M. Leonard to chief of metals division—April 16, 1925.....	479
Recommendations re rag rugs—April 24, 1925.....	484
Appointing A. M. Fox as chief of the economics section—April 30, 1925.....	486
Miscellaneous—	
Visit to Princeton University re staff appointments—October 20, 1922.....	5
Travel authorization re appointments—October 20, 1922.....	5
Re visit of Prof. W. S. Meyers to offices of the commission—October 27, 1922.....	8
Requested to obtain records from Treasury Department of investigation of import values—November 3, 1922.....	9
Plan for mailing list—November 9, 1922.....	9
Travel to New York City concerning branch office—November 17, 1922.....	10
Conference on office space—January 16, 1923.....	17
Travel authorized—January 16, and March 30, 1923.....	17, 41
Verbal report on reorganization of ceramics division—November 23, 1923.....	155
To report findings on print rollers—February 6, 1924.....	210
Submitted draft of report in respect to investigations under section 315 of certain articles imported from Spain—February 9, 1924.....	212
Withheld vote upon butter investigation—May 23, 1924.....	263
Withdrew from meeting of commission on sugar—May 26, 1924..	272
Vote withheld re motion on sugar—June 16, 1924.....	294
Memorandum on Swiss cheese referred to—October 3, 1924.....	381
Authorized to negotiate for better quarters in customhouse at New York—October 9, 1924.....	385
Prepared, with chairman, draft of material on sugar for President—November 13, 1924.....	415
Resignation noted—June 2, 1925.....	608

	Page
Burke, Richard S., salary increase—December 9, 1924.....	433
Burlingame, Mrs. Florence:	
Appointed as clerk—October 6, 1922.....	3
Classification—November 12, 1925.....	583
Burt, Arthur M.:	
Appointment—February 23, 1923.....	20
Resignation—April 16, 1924.....	243
Busam, W. F., re appointment—February 23, 1923.....	21
Butter:	
Advisory board instructed to submit a plan for investigation requested by Senate Resolution 226—May 23, 1924.....	263
Statement of Commissioner Glasco concerning his pecuniary interest in butter industry, May 23, 1924.....	263
Senate informed funds not available for prompt and effective prosecution of investigation—May 23, 1924.....	263
Consideration of broadening report to include oleomargarine, butter substitutes, and cheese—May 23, 1924.....	263
Statement of Commissioner Marvin concerning pecuniary interest in butter industry—May 23, 1924.....	264
Decision requested from Comptroller General of the United States re pecuniary interests of certain members of the commission—June 17, 1924.....	295
Report of advisory board of June 5, 1924, laid before commission—July 1, 1924.....	312
Mr. Marvin presents message from the President re dropping sugar and concentrating on butter—July 9, 1924.....	315
Investigation instituted—July 10, 1924.....	317
Formal order of investigation No. 38—July 14, 1924.....	322
Order for investigation ratified and Dr. G. F. Warren requested to visit the commission—July 15, 1924.....	323
Estimate of expense of conducting investigation No. 138 submitted—July 17, 1924.....	333
Employment of three investigators authorized—July 17, 1924.....	334
Travel authorization—July 17, 1924.....	334
Methods to be applied in guiding staff reports—July 17, 1924.....	334
Travel authorization—July 22, 1924.....	340
Plans for field work considered—July 22, 1924.....	340
Travel authorization—July 25, 1924.....	342, 343
Employment of clerical assistance—July 25, 1924.....	343
Travel authorization—July 29, 1924.....	347
Plans of investigation discussed—July 29, 1924.....	348
Transportation authorized—August 4, 1924.....	356
Letter from President—August 5, 1924.....	358
Dr. G. F. Warren specially engaged—August 8, 1924.....	366
Plans for field work in Denmark—August 8, 1924.....	366
Travel authorization—August 8, 1924.....	366
A. M. Fox substituted for G. P. Comer for trip to Denmark—August 9, 1924.....	369
Stenographic help for Mr. Kemper Simpson authorized—August 9, 1924.....	369
Travel authorization—August 14, 1924.....	372
Plans for field work in Europe considered—August 14, 1924.....	372
Secretary and agricultural division to submit recommendations for investigation—September 19, 1924.....	376
McNall, Prof. P. E., to be retained—September 19, 1924.....	377
Employment of three field investigators from Department of Agriculture—September 19, 1924.....	377
Personnel of crew authorized—September 19, 1924.....	377
Travel authorization—September 19, 1924.....	377
Temporary employment of Prof. George A. Pond—September 23, 1924.....	378
Travel authorization—	
October 7, 1924.....	383
November 25, 1924.....	427
December 2, 1924.....	430
Temporary employment of Dr. G. F. Warren—February 6, 1925.....	448

<b>Butter</b> —Continued.	<b>Page</b>
Tabulations accepted as basis of preliminary statement—February 13, 1925.....	450
Summary statement of costs of production in Denmark to be made available to interested parties—February 20, 1925.....	452
Substance and form of preliminary statement—February 20, 1925..	452
Public hearings—	
March 6, 1925.....	458
April 21, 1925.....	481
Concluded—April 22, 1925.....	481
Statement of Burgess re pecuniary interest—April 28, 1925.....	485
Brief of Cornelius A. Parker—May 12, 1925.....	491
Investigation ready—May 29, 1925.....	499
Reports expedited—June 18, 1925.....	519
Application—June 25, 1925.....	523
Consideration of report—	
November 10, 1925.....	579
November 13, 1925.....	584
Commission given advisory board report—November 27, 1925.....	587
Report to President considered—	
December 8, 1925.....	593
December 9, 10, 1925.....	594
Moved that advisory board submit report in accordance with certain suggestions—December 10, 1925.....	594-595
Commissioner Costigan's statement of vote—December 10, 1925....	595
Chairman Marvin's statement of vote—December 10, 1925.....	596
Reply to statement of Chairman Marvin by Commissioner Costigan—December 10, 1925.....	597
Chairman informed by economics division that draft of report to President is ready—December 18, 1925.....	600
Considered draft to President—	
December 21, 22, 23, 28, and 30, 1925.....	601, 602
January 2, 1926.....	607
January 4, 1926.....	607
Danish exchange to be applied; request of Danish Government—January 4, 1926.....	608
Resumed consideration—	
January 7, 1926.....	615
January 9, 1926.....	620
January 13, 1926.....	628
January 14, 1926.....	629
January 15, 1926.....	630
Motion made by Henry H. Glassie re Nebraska costs in report not acted upon—January 15, 1926.....	630
Statements regarding Nebraska costs, by Commissioners Costigan, Glassie, Marvin, and Brossard—January 16, 1926.....	631
Voted that Nebraska costs should be shown in two ways—January 16, 1926.....	631
Motions by Commissioner Glassie, modifying a previous motion, concerning form of report—January 16, 1926.....	631, 632
Transportation costs—January 19, 1926.....	633
Conference requested by National Cooperative Milk Producers Federation—January 21, 1926.....	634
Conference to be held with National Cooperative Milk Producers Federation—January 22, 1926.....	634
Committee appointed to draft factual section of report—January 26, 1926.....	635
Motion of National Milk Producers Federation referred to legal division—January 26, 1926.....	635
<b>Butter, cocoa.</b> See Cocoa butter.	
<b>Butter substitutes:</b>	
Voted advisory board include in report on butter—May 23, 1924.....	263
<b>Button blanks, agate:</b>	
Advisory board report in re investigation to be considered—September 14, 1923.....	113
Investigation not ordered—October 4, 1923.....	124
Investigation not warranted—March 26, 1924.....	222

	Page
Butyraldehyde, no investigation—August 11, 1923.....	105
Byers, George:	
Appointment offered—October 20, 1922.....	4
Salary increase voted—July 6, 1923.....	84
To confer with War Department—March 25, 1924.....	229
Resignation accepted—September 12, 1924.....	373
Cabbage, re letter to Senator Fletcher—May 9, 1924.....	252
Cabinet logs, preliminary reports already submitted—January 5, 1925.....	613
Cabinet lumber, preliminary reports already submitted—January 5, 1925.....	613
Calcium arsenate, Dr. M. R. Hutchison requested to visit commission— January 12, 1923.....	16
Calcium carbide, advisory board instructed to prepare plans—January 2, 1923.....	14
Investigation ordered—February 14, 1923.....	18
Caldwell, F. M., re employment—June 29, 1923.....	81
Calf leather. <i>See</i> Leather, calf, tanning.	
Camel's hair:	
Report from advisory board—May 20, 1924.....	261
Preliminary report already submitted—January 5, 1925.....	614
Campbell, Ruth A., re appointment—February 23, 1923.....	21
Canada:	
Letter from British Embassy relative to fisheries—January 13, 1925.....	439
Conference re fisheries investigation—June 16, 1925.....	517
Cane sirup. <i>See</i> Sirup, cane.	
Canned fish. <i>See</i> Fish, canned.	
Calcium carbide, investigation ordered—March 2, 1923.....	22
Card clothing (textile machinery), communication re withdrawal of application—February 13, 1925.....	450
Carded Woolen Manufacturers' Association, request for modification of duties on wool and manufactures of—November 23, 1923.....	155
Carey, Esther L.:	
Salary—June 6, 1925.....	513
Classification—June 30, 1925.....	525
Carpet wool. <i>See</i> Wool, carpet.	
Carter, Charles A.:	
Probational appointment—April 30, 1925.....	486
Promoted—September 29, 1925.....	554
Appointment date fixed—October 13, 1925.....	563
Caseln:	
Advisory board instructed to prepare plans of investigation—January 2, 1923.....	14
Vote on adoption of plans of advisory board—February 14, 1923.....	18
Investigation ordered—	
March 2, 1923.....	22
March 16, 1923.....	25
Copy of order—March 27, 1923.....	33
Travel authorization—	
March 22, 1923.....	29
April 3, 1923.....	42
May 1, 1923.....	49
Form of schedule approved tentatively—March 22, 1923.....	30
Salaries of experts—April 10, 1923.....	44
Travel authorization—May 18, 1923.....	59
Public hearing set.....	78
Formal order of investigation No. 4—June 27, 1923.....	79
Letter from National Milk Producers' Federation re applications— July 27, 1923.....	90
Secretary authorized to furnish information to National Dairy Union—August 7, 1923.....	102
Public hearing in investigation No. 4—August 13, 1923.....	108
Hearing continued—August 14, 1923.....	108
Hearing—September 25, 1923.....	115
Committee appointed to consider letter from National Milk Pro- ducers' Association—September 28, 1923.....	117
Report approved—October 2, 1923.....	120
Report made special order of business—October 11, 1923.....	127

	Page
Casein—Continued.	
Consideration of record made special order of business—October 16, 1923	131
Special order of business, not ready—October 23, 1923	133
Procedure in investigation, protest; committee on reply appointed—October 25, 1923	136
Considered, committee appointed—October 26, 1923	137
Committee's draft of reply to communication approved—October 30, 1923	138
Investigation of products of whole milk—November 23, 1923	156
Travel authorization—November 28, 1923	158
Interpreters—December 4, 1923	160
Travel authorization—December 7, 1923	161
Cooperation of Commerce Department—December 14, 1923	165
Additional data desired—December 14, 1923	165
Secretary directed to issue press notice of—December 14, 1923	165
Supplemental hearing to be held—December 14, 1923	166
Formal notice of supplemental hearing—December 14, 1923	166
Travel authorization—December 31, 1923	185
Travel authorization—February 6, 1924	210
Mr. Culbertson requests date for final hearing be set—March 20, 1924	225
Vote to consider further proceedings; report from chemical division on supplemental investigation ordered—March 21, 1924	227
Advisory board ordered to prepare supplementary statement; public hearing ordered—March 25, 1924	229
Investigation ordered—March 26, 1924	232
Second preliminary statement reported by Commissioner Culbertson—April 22, 1924	244
Report from advisory board—April 18, 1924	244
Public hearing ordered June 23—May 6, 1924	250
Public hearing—June 23, 1924	307
Investigation awaiting action—October 14, 1924	388
Date set for consideration of—October 21, 1924	401
Commissioner Costigan designated on committee instead of Commissioner Lewis—March 19, 1925	463
Proposed draft of report to President submitted—March 19, 1925	463
Delay in action reported—May 29, 1925	500
Casein glue. <i>See</i> Glue, casein.	
Cashiko Manufacturing Co.—	
Communication February 3, 1925	450
Draft of reply submitted by Mr. Glassie	459
Castle soap, desirability of investigation—December 18, 1923	167
Catgut:	
Advisory board's recommendation re—December 20, 1923	175
Report—March 26, 1924	231
Cattle, feeder:	
Advisory board to prepare plans of investigation—January 2, 1923	14
Investigation ordered—	
February 14, 1923	18
March 2, 1923	22
Cattle industry:	
Commissioner Costigan requested to take up subject—October 30, 1924	410
Advisory board requested to expedite report on and include preliminary study of hides—January 15, 1925	440
Report approved and ordered printed—	
June 4, 1925	511
June 18, 1925	519
Travel authorized—	
December 29, 1925	603
January 26, 1926	642
Cedar logs:	
Date for preliminary hearing—July 2, 1923	81
Investigation ordered—July 2, 1923	81, 82
Motion to investigate—March 18, 1924	224
Considered by commission—March 25, 1924	230
Cellucotton. <i>See</i> Sanitary napkins.	
Cellucotton Products Co.—November 18, 1924	426

	Page
Cement:	
Complaint of unfair competition—May 23, 1924.....	268
Attendance at antidumping hearing authorized—June 4, 1924.....	288
Report made by committee considering request of Signal Mountain Portland Cement Co.—June 13, 1924.....	293
Withdrawal of application by Signal Mountain Portland Cement Co.—June 13, 1924.....	293
Ceramics:	
Travel authorization—August 7, 1923.....	102
Employment of special expert—May 12, 1925.....	490
Draft of information in investigation referred to committee—May 12, 1925.....	491
Draft with amendments of preliminary statement in investigation of mirror plates and plate glass submitted—May 19, 1925.....	493
Report upon applications for investigation of granite requested— May 21, 1925.....	496
Special disbursing agent authorized—June 2, 1925.....	510
Travel authorization—June 2, 1925.....	510
Ceramics division:	
Committee appointed to consider report on organization—October 11, 1923.....	127
Report by Commissioner Burgess on reorganization of division— November 23, 1923.....	155
Assignment of chief—November 27, 1925.....	588
Cherries, pitted, travel authorization—February 24, 1925.....	453
Chairman (see also Marvin, Thomas O., commissioner):	
Telephone conversation with State Department reported by—De- cember 20, 1923.....	174
Commission given recommendations of advisory board by—Decem- ber 20, 1923.....	175
Tabling of substitute motion re press notices moved by—December 20, 1923.....	177
Request for unanimous consent made by—December 20, 1923.....	180
Designated as—January 15, 1924, 1925, and 1926.....	189, 440, 632
Criticized for not submitting letter of Mr. Hirsch of November 28, 1923, to commission—October 28, 1924.....	408
Motion regarding submission of halibut report—October 23, 1925.....	571
Chairs, bentwood:	
Travel authorization—November 15, 1923.....	153
Advisory board instructed to submit costs—February 6, 1924.....	210
Report—March 26, 1924.....	231
Memorandum re feasibility of obtaining foreign costs—April 1, 1924.....	236
Consideration of—April 5, 1924.....	238
Motion to postpone consideration—May 6, 1924.....	248
Motion by Commissioner Burgess for investigation—May 6, 1924.....	248
Motion for investigation withdrawn—May 6, 1924.....	249
Request for postponement of consideration of application—June 17, 1924.....	296
Authorization to prepare report on—February 24, 1925.....	453
Special order of business—March 10 and 12, 1925.....	458
Report of advisory board considered—	
April 17, 1925.....	481
April 23, 1925.....	482
Investigation under section 315 ordered—April 23, 1925.....	483
Plan of investigation revised—June 16, 1925.....	516
Travel authorization—	
June 16, 1925.....	517
July 23, 1925.....	539
September 15, 1925.....	549
October 30, 1925.....	577
Crayons:	
Advisory board's recommendation—December 20, 1923.....	175
Report—March 26, 1924.....	231
Charlton, Mrs. F. I.:	
Salary—June 6, 1925.....	513
Assignment—October 29, 1925.....	575
Re transfer on staff—November 27, 1925.....	587

	Page
<b>Cheese, Swiss:</b>	
Advisory board asked to consider inclusion of in butter investigation-- May 23, 1924.....	263
Letter from president concerning--August 5, 1924.....	358
Investigation under section 315 ordered--August 5, 1924.....	358
Advisory board directed to submit plans of investigation--August 5, 1924.....	358
Formal order of investigation No. 39--August 9, 1924.....	368
Travel authorization--August 14, 1924.....	372
Plans for field work in Europe considered--August 14, 1924.....	372
Secretary and agricultural division to submit recommendations for investigation--September 19, 1924.....	376
Cost schedules approved--September 19, 1924.....	376
Travel authorization--September 19, 1924.....	377
Personnel authorized--September 19, 1924.....	377
McNall, Prof. P. E., to be retained for investigation of--September 19, 1924.....	377
Cost schedule approved--September 26, 1924.....	379
Memorandum from chief of agricultural division regarding costs re- ferred to Commissioner Burgess--October 3, 1924.....	381
E. L. Oliver requested to come to Washington--October 7, 1924.....	383
Travel authorization--October 7, 1924.....	383
Memorandum regarding costs--October 7, 1924.....	383
Travel authorizations--October 17, 1924.....	396
Temporary clerk authorized--October 30, 1924.....	411
Employment and compensation--November 11, 1924.....	413
Office authorized abroad for field party--November 11, 1924.....	414
Travel authorization--	
November 21, 1924.....	427
December 2, 1924.....	430
March 6, 1925.....	457
April 3, 1925.....	471
Memorandum from chief investigator--April 3, 1925.....	471
Preliminary statement of investigation ready--May 29, 1925.....	500
Application on--June 25, 1925.....	523
Public hearing date tentatively set--October 15, 1925.....	566
Consideration of preliminary statement--November 10 and 11, 1925.....	579
Preliminary statement ordered issued--November 11, 1925.....	580
Public hearing ordered--November 11, 1925.....	580
Preliminary statement issued--November 12, 1925.....	583
Hearing December 11, 1925; briefs to be filed until January 11, 1926-- December 11, 1925.....	598
Motion for extension of time for filing briefs--January 5, 1926.....	612
Chemical stoneware. <i>See</i> Stoneware, chemical.	
<b>Chemicals:</b>	
Travel authorization--	
December 5, 1922.....	12
December 8, 1922.....	12
March 9, 1923.....	23
March 22, 1923.....	29
April 3, 1923.....	42
April 24, 1923.....	47
February 9, 1924.....	212
April 8, 1925.....	474
<b>Chemical division:</b>	
Watson, W. N., temporary head--May 1, 1923.....	48
Report on advisability of investigation of lemons, citrate of lime, and citric acid ordered--May 5, 1923.....	56
Special reports ordered May 5 and 15 referred to advisory board--May 25, 1923.....	62
Dexter North, temporary charge of--June 20, 1923.....	76
Memorandum re relation of duties on barium dioxide and hydrogen peroxide requested--May 27, 1924.....	277
Ordered to report on casein--March 21, 1924.....	227



	Page
Cherries, glacé:	
Advisory board's report submitted to commission—December 4, 1924.....	431
Preliminary reports already submitted—January 5, 1925.....	614
Chief economist: ( <i>see also</i> Economist, chief; Fox, A. M.; Turner, J. R.)	
Ex officio chairman of advisory board—May 20, 1923.....	62
Memorandum on countable cotton cloths referred to—December 19, 1923.....	168
Appointed to committee on allocation of office space—January 27, 1925.....	444
Chief investigator:	
Acting chief designated—October 20, 1922.....	5
Reference of applications to—October 24, 1922.....	7
Salary increase voted—March 23, 1923.....	28
George P. Comer designated—May 20, 1923.....	62
Ex officio vice chairman of advisory board—May 20, 1923.....	62
Motion re linseed oil cost schedule—July 19, 1923.....	88
Directed to prepare summary of costs in matter of paint-brush handles—July 19, 1923.....	89
To direct investigations—November 6, 1923.....	141
Requested to prepare reply for to letter of President Coolidge re vegetable oils—February 2, 1924.....	198
Memorandum on letter to the President re vegetable oils—February 11, 1924.....	199
Draft of letter prepared for President re vegetable oils—January 26, 1924.....	201
Classification—June 24, 1924.....	308
Appointed to committee on allocation of office space—January 27, 1925.....	444
Instructed to collaborate with sugar division chief in preparing memorandum on sugar and investment data—February 6, 1924.....	210
Chilton, Thomas H., offered appointment—October 6, 1922.....	3
China. <i>See</i> Pottery.	
Chlorate, potassium. <i>See</i> Potassium chlorate.	
Chloride of magnesium, preliminary reports already submitted—January 5, 1925.....	613
Cigars:	
Report—March 26, 1924.....	231
Communication from Italian Embassy—	
March 24, 1925.....	465
May 20, 1925.....	507
Appointment of committee to consider communication from Italian Embassy—March 24, 1925.....	465
Ciscoes, delegation in support of application—January 27, 1925.....	444
Citrate of lime:	
Report on advisability of investigation ordered—May 5, 1923.....	53
Advisory board ordered to prepare survey for President—May 24, 1923.....	60
Grounds for investigation, advice to President—May 24, 1923.....	60
Citron, prepared, travel authorization—February 24, 1925.....	453
Citric acid:	
Investigation under section 315 ordered—February 14, 1923.....	18
Report on advisability of investigation ordered—May 5, 1923.....	56
Advisory board ordered to prepare survey—May 24, 1923.....	60
Grounds for investigation, advice to President—May 24, 1923.....	60
President advised investigation desirable—June 13, 1923.....	70
Civil Service Commission, correspondence relative to designation of E. M. Whitcomb—April 7, 1925.....	473
Clark, C. P., temporary employment voted—November 27, 1925.....	587
Clark, W. A. Graham, salary increase voted—March 20, 1923.....	28
Classification:	
Referred to committee—June 20, 1924.....	298
Considered—June 24, 1924.....	308
Considered—June 3, 1925.....	511
Of commissioners' secretaries, etc.—June 6, 1925.....	512
Committee appointed to consider classification of office of secretary—November 12, 1925.....	582

	Page
Claurini, F. R.:	
Appointed special expert—October 6, 1922.....	3
Salary—June 6, 1925.....	513
Salary increase—July 21, 1925.....	537
Clays, application received for purposes of section 315 and answer ordered— March 6, 1925.....	457
Clayton, C. T., appointment offered—January 2, 1923.....	14
Clayton, D. W.:	
Appointment approved—November 28, 1922.....	11
Salary increase voted—June 29, 1923.....	80
Appointment authorized—March 12, 1925.....	459
Employment—March 17, 1925.....	461
Civil Service Commission gives no civil service status—March 24, 1925.....	466
Continued employment for six months at \$2,000 ordered—March 26, 1925.....	467
Decision of Comptroller General on position—April 16, 1925.....	478
Cleary, Charles J., invited to visit offices of commission—October 27, 1922.....	8
Clock escapements:	
Travel authorization—January 12, 1923.....	16
Report of advisory board—May 20, 1924.....	261
Preliminary reports already submitted—January 5, 1925.....	613
Clothespins, spring:	
Application for investigation—June 16, 1925.....	516
Advisory board report received.....	516
Memorandum submitted—July 17, 1925.....	535
Memorandum under consideration—July 23, 1925.....	540
Preliminary reports already submitted—January 5, 1925.....	613
Cloths, cotton:	
Travel authorization—	
February 27, 1923.....	22
June 6, 1923.....	65
January 29, 1924.....	195
Memorandum relative to—December 10, 1923.....	168
Report from advisory board—May 20, 1924.....	261
Report considered—June 6, 1924.....	288
Report on Senate Resolution No. 219 approved—June 7, 1924.....	288
Request for samples from American Cotton Manufacturers referred to textile division—October 3, 1924.....	381
Samples requested by national council of American Cotton Manufac- turers—November 11, 1924.....	413
Report included in annual report—November 11, 1924.....	414
Draft of letter to national council of American Cotton Manufac- turers submitted by Commissioner Glassie—November 13, 1924.....	415
Application for investigation from Granite Mills ordered returned to applicant—March 24, 1925.....	465
Report on application by Charlton Mills referred back to advisory board to cover Granite Mills—March 24, 1925.....	465
Application of March 4 by Charlton Mills and Osborn Mills ordered returned—March 26, 1925.....	466
Communication from Charlton Mills regarding investigation— March 26, 1925.....	466
Reprint authorized of Tariff Information Survey, "One Hundred Im- ported Cotton Cloths"—May 21, 1925.....	495
Report upon applications for investigation presented—May 21, 1925.....	496
Order for reprint of survey "One Hundred Imported Cotton Cloths" rescinded—May 26, 1925.....	498
Motion to institute investigation under section 315—	
July 24, 1925.....	545
Preliminary report already submitted—January 5, 1925.....	614
Clove stems, report of advisory board—May 20, 1924.....	261
Cloves and clove stems, preliminary reports already submitted—January 5, 1925.....	614
Coal-tar dyes. <i>See</i> Dyes, coal-tar.	
Cocoa butter, travel authorization—July 21, 1925.....	538
Coconut oil. <i>See</i> Oil, coconut.	

	Page
Coconuts, desiccated:	
Recommendation for withdrawal submitted to advisory board— September 14, 1923.....	112
Advisory board's recommendation in re—December 20, 1923.....	175
Report—March 26, 1924.....	231
Preliminary reports already submitted—January 5, 1925.....	614
Cogged ingots, investigation under section 315 ordered—March 2, 1923..	22
Colburn, Jos. B.:	
Salary increase voted—March 20, 1923.....	28
Salary increased—March 25, 1924.....	228
Authorized as agent—July 16, 1925.....	534
Official travel from Seattle to California ratified—September 24, 1925..	551
Comer, George P. <i>See</i> Chief Investigator.	
Committee on procedure. <i>See</i> Procedure.	
Commodity section chief, member of advisory board—July 20, 1923.....	90
Compensation:	
Employees on official duty in Europe and Hawaii—June 20, 1923....	75
Committee appointed to consider adjustments in—March 18, 1924..	224
Employees receiving \$4,000 or less while on foreign field work— August 14, 1924.....	373
Complaints, regulations pertaining to—July 23, 1923.....	94
Confidential information:	
Commission's report to President in re specific products to be held— June 14, 1923.....	71
Statement of Edward P. Costigan regarding disclosure of—July 27, 1923.....	96
Press notices relative to—December 19, 1923.....	174
Connelly, E. V.:	
Salary June 6, 1925.....	513
Classification—June 30, 1925.....	525
Connelly, John W., jr. appointed as special expert—November 3, 1922..	9
Connor, L. G.:	
Salary increase voted—March 20, 1923.....	28
Classification—June 24, 1924.....	308
Publication of articles authorized—November 21, 1924.....	427
Salary—June 6, 1925.....	513
Salary—October 30, 1925.....	577
Connors, Arthur:	
Salary increase voted—March 20, 1923.....	28
Transfer on staff—May 1, 1923.....	48
Salary—June 6, 1925.....	513
Contee, John, salary—June 6, 1925.....	514
Copper, revision of Tariff Information Survey—January 12, 1926.....	621
Copper industry, investigation voted—September 23, 1924.....	378
Copra crushing:	
Letter to President—January 26, 1924.....	201, 202
Cost schedule approved—July 29, 1924.....	347
<i>See also</i> Oil, coconut.	
Cork insulation:	
Special order of business for March 12—March 10, 1925.....	458
Preliminary reports already submitted—January 5, 1925.....	614
Cork stoppers:	
Preliminary inquiry voted—November 26, 1923.....	157
Desirability of investigation of—December 18, 1923.....	167
Cornell University, asks staff members to talk on wool and sugar tariffs— October 22, 1924.....	403
Costigan, Commissioner Edward P.:	
Appointment on committee—	
To confer with Secretary Hughes—June 1, 1923.....	63
To consider readjustments of salaries while travelling in foreign countries—June 6, 1923.....	64
To consider annual report—October 5, 1923.....	124
To supervise order in re logs—October 10, 1923.....	130
To supervise execution of order in re sugar hearings—October 16, 1923.....	130
To notify applicant of action on Italian cottonseed-oil discrimina- tion—October 25, 1923.....	135

## Costigan, Commissioner Edward P.—Continued.

	Page
Appointment on committee—Continued.	
To reply to casein procedure protest—October 25, 1923.....	136
To consider sodium nitrite—November 6, 1923.....	142
On statement on wheat—November 13, 1923.....	146
To inquire into data on Swiss pattern files—January 8, 1924.....	187
To supervise preparation of proper orders to institute vegetable-oil investigation—February 6, 1924.....	209
To prepare form of report to be used in submitting findings to President—February 27, 1924.....	210
To assist district attorney—December 19, 1923.....	168
To consider Smith & Wesson (Inc.) matter—December 20, 1923.....	174
To consider report of advisory board upon plan for conducting investigation on logs—May 2, 1924.....	247
On vegetable oil—May 29, 1924.....	284
On personnel—June 20, 1924.....	298
Revise material on sugar report—June 25, 1924.....	309
On eighth annual report—June 27, 1924.....	311
To investigate source of newspaper articles published—July 17, 1924.....	335
On communications with President—July 18, 1924.....	336
On procedure—July 31, 1924.....	353
To inquire into legal status of minutes of Tariff Commission—August 7, 1924.....	365
For certain investigations—October 14, 1924.....	388
Draft of survey on pins referred to—January 27, 1925.....	444
On earthen and china ware—March 12, 1925.....	459
On olive oil—March 19, 1925.....	469
On casein—March 19, 1925.....	463
On cotton gloves—April 7, 1925.....	472
Authorized to confer with Secretary of State on granite—June 9, 1925.....	514
For ninth annual report of Tariff Commission—June 10, 1925.....	510
To hold hearing on logs—June 25, 1925.....	523
Re office space—June 30, 1925.....	525
To hold hearing on halibut—June 30, 1925.....	526
On sanitary napkins—November 17, 1925.....	584
To draft factual section of bitter reports—January 26, 1926.....	635
Motions—	
Increasing compensation of commission's agents while in Germany—June 20, 1923.....	75
Substitute motion to consider in detail Mr. Comer's plan for sugar investigation—July 3, 1923.....	83
That Chairman Marvin be in charge of hearing on paintbrush handles—July 17, 1923.....	87
To withhold commission's records, etc., in hearing on paintbrush handles—July 17, 1923.....	87
To fix date of sodium nitrite hearing—July 19, 1923.....	89
Re advisory board—July 20, 1923.....	90
Submission of amendment to rules of procedure—July 20, 1923.....	90
Re sugar investigation in Louisiana—August 7, 1923.....	101
To investigate acetaldehyde—August 11, 1923.....	105
To investigate paracetaldehyde—August 11, 1923.....	105
Reports of staff be confined to legal and economic questions—October 2, 1923.....	123
Reports on wool and woollens be returned to advisory board for revision—October 2, 1923.....	123
That the question of the President's authority to change duty on logs be referred to the President—October 12, 1923.....	128
In re press notices—December 20, 1923.....	177-179
In re compensation and assignment of P. W. Bidwell—March 18, 1924.....	224
Investigation of logs of fir, spruce, cedar, and western hemlock—March 18, 1924.....	224

## Costigan, Commissioner Edward P.—Continued.

## Motions—Continued.

	Page
Re logs of fir, spruce, cedar, or western hemlock—April 1, 1924	235
To proceed with vegetable oil investigation—April 5, 1924	240
To continue consideration of sugar report—May 26, 1924	272
Requesting written statement from President in re sugar—July 11, 1924	320
To give Senator La Follette information on sugar—August 1, 1924	355
Requests vote on motion to give Senator La Follette information on sugar—August 1, 1924	355
In re dismissal of Mr. Gilbert Hirsch—November 25, 1924	428
To fix Wednesday, February 25, 1925, as day to complete linseed oil report for President—February 24, 1925	453
To appoint committee to confer on foreign work of Tariff Commission—April 9, 1925	476
In respect to chief of metals division—April 16, 1925	479
That commission clear docket of investigations—May 29, 1925	499
To institute investigation under section 315 on cotton cloths—July 24, 1925	545
To advise President of completion of halibut report and to inquire concerning diplomatic negotiations with Canada—October 23, 1925	570
In re butter report—December 10, 1925	595
For consideration of applications pending before consideration of barium carbonate application—January 8, 1926	615
Statement—	
On mirror plates and infants' hosiery—March 16, 1923	25
On vote on conference with President Harding re flexible provisions—April 21, 1923	45
On employment of Fritz Ahlfeld—June 9, 1923	68
On vote on motion to furnish summary of cost inquiry to interested parties—July 17, 1923	88
Regarding disclosure of confidential data—July 27, 1923	96
On investigation of bone black—October 4, 1923	123
Re disqualification of commissioners—December 19, 1923	173
Re Norwegian Nitrogen Products Co.—January 3, 1924	186
That committee appointed on sodium nitrite was holding back report on account of mandamus proceedings, pending in Supreme Court—February 1, 1924	196
Concurring in protest against Chairman Marvin in alleged holding back letters from President Coolidge and Senator Edge—February 1, 1924	197
On Commissioner Marvin's statements as to letters of President Coolidge and Senator Edge—February 1, 1924	198, 199
Concerning preparation of letter by chief investigator to President re vegetable oils—February 11, 1924	200
On letter to President re vegetable oils—February 20, 1924	203
On letters of President Coolidge and Senator Edge re vegetable oils—April 4, 1924	207
Protesting transmission of memorandum to a Senator without submission to Tariff Commission—May 6, 1924	250
On qualification of interested members to participate—May 23, 1924	265
Taking exception to withdrawal of Commissioner Burgess from meeting on sugar—May 20, 1924	272
Taking exception to ruling of chairman regarding motion on sugar—May 26, 1924	272
Taking exception to withdrawal of Chairman Marvin from meeting on sugar—May 26, 1924	276
Re milk and cream—July 14, 1924	322
Regarding vote on controversial questions during absence of commissioners—July 31, 1924	353

## Costigan, Commissioner Edward P.—Continued.

	Page
Statement—Continued.	
On Mr. Glassie's right to vote on certain motions—August 5, 1924	359
Concerning minutes of commission—August 5, 1924	300, 362
On olive oil investigations—October 22, 1924	404
Concerning letter of Mr. Hirsch—October 28, 1924	408
On delay of investigation—May 29, 1925	500, 507
Re designation of Dr. P. W. Bidwell as economist at Brussels, Belgium—June 2, 1925	610
Explains vote on salary increase to P. W. Bidwell—June 25, 1925	523
Objection to summary of halibut report—	
October 23, 1925	571
October 24, 1925	572
On taximeters—October 24, 1925	572
On print rollers—October 24, 1925	572
Objection to halibut statement recorded—October 30, 1925	577
Explanation of vote opposing date set for public hearing on butter—November 12, 1925	580
Reasons for opposing employment of Henry Schultz—November 12, 1925	582
Re transportation costs—November 17, 1925	584
Reasons for negative vote on method of handling butter report—December 10, 1925	595, 596
Criticism of chairman's statement re butter report—January 11, 1926	597, 598
Concerning Nebraska costs of butter—January 16, 1926	631
Butter report, reserved right to comment on insertion of transportation in costs of production—January 19, 1926	633
Votes:	
On motion to institute several investigations—March 2, 1923	22
On ordering certain investigations—March 16, 1923	25
On asking President's suggestion on broad questions of policy—March 16, 1923	26
On fixing salaries of commissioners' stenographers—March 20, 1923	27
On publishing information re investigations under section 315—March 22, 1923	29
On including cast polished plate glass in investigation of mirror plates—May 5, 1923	55
On motion for report as to advisability of an investigation of glass industry—May 5, 1923	55
On broadening investigation of cotton hosiery for infants to include cotton hosiery for children, women, and men—May 5, 1923	55
On motion to broaden investigation of pig iron to include steel ingots, slabs, sheets, etc.—May 15, 1923	57
On advising President of grounds for investigation of hosiery—May 18, 1923	59
On appointment of committee in re selection of special counsel during sugar investigation—June 1, 1923	63
On transmitting preliminary hosiery report to President	72
On motion relative to employment of Mr. Day—June 20, 1923	74
On ruling of Chair relative to substitute motion for sugar investigation—June 20, 1923	74
On sustaining ruling of Chair on routine matters—June 20, 1923	74
On increasing compensation of commission's agents—June 20, 1923	75
On increasing the compensation of commission's employees while in Germany—June 20, 1923	75
On notice of preliminary hearing being incorporated into public order for an investigation—July 2, 1923	81
On amended motion submitted by Mr. Glassie—July 3, 1923	83
On hearing on paintbrush handles—July 17, 1923	87
On motion offering commission's records in evidence—July 17, 1923	87

Costigan, Commissioner Edward P.—Continued.  
 Votes—Continued.

	Page
On motion furnishing summary of cost inquiry to interested parties—July 17, 1923.....	88
On setting date for sugar hearing—July 20, 1923.....	90
On advisory board—July 20, 1923.....	90
On furnishing copies of applications for modification of duties to interested parties—July 27, 1923.....	97
Sugar investigation in Louisiana—August 7, 1923.....	101
On travel of Doctor Townsend on cane sugar—August 7, 1923.....	102
On investigation of acetaldehyde, butyraldehyde, cretonaldehyde, paracetaldehyde—August 11, 1923.....	105
On travel orders—August 14, 1923.....	109
On employment of R. E. Le Gardeur—August 14, 1923.....	110
On motion to institute investigation of animal and vegetable oils—October 9, 1923.....	126
On motion that the question of the President's authority to change rate of duty on logs be referred to the President, etc.—October 12, 1923.....	129
On extension of period of employment of R. E. Le Gardeur—October 16, 1923.....	131
On motion to appoint committee to supervise execution of order in re sugar hearings—October 16, 1923.....	131
On substitute motion to investigate lace industry under section 318—October 25, 1923.....	136
On ordering investigation of lace—October 25, 1923.....	137
On statement re wheat investigation—November 14, 1923.....	151
On motion disqualifying commissioners, etc.—December 19, 1923.....	169
On adopting motion re press notices—December 20, 1923.....	177-180
On motion re investigation of vegetable, animal, and fish oils—December 20, 1923.....	181
On motion that a public hearing be held with reference to vegetable, animal, and fish oils—December 20, 1923.....	181
On substitute motion in re enlarging scope of oils investigation—December 20, 1923.....	181
On submitting summary of the applications and information pertaining to animal and vegetable oils and fats, to the President—December 20, 1923.....	182
On including mill-feed costs in wheat investigation report to President—March 4, 1924.....	220
On reference to committee of assignment and compensation of P. W. Bidwell—March 18, 1924.....	224
On compensation of Martha W. Williams—March 18, 1924.....	224
On making economic investigation of lemon and olive oil industries—March 31, 1924.....	235
On investigation of bent-wood chairs, mesh bags, gold leaf, men's sewed straw hats—April 5, 1924.....	239
On letter to President re sodium nitrite—April 15, 1924.....	242
On deferring consideration bent-wood chairs and men's straw hats—May 6, 1924.....	249
On making bent-wood chairs and straw hats next order of business—May 6, 1924.....	249
On rescinding travel order regarding cotton hosiery—May 10, 1924.....	258
On attendance reports from economics division—May 20, 1924.....	261
On motion to refer sugar report to advisory board—May 23, 1924.....	267
On submission of sugar report—May 23, 1924.....	268
On motion directing Doctor Bornhardt to submit report on sugar to advisory board—May 26, 1924.....	272
On 10 separate motions of Chairman Marvin regarding procedure in sugar investigation—May 26, 1924.....	273 et seq.
On sugar investigation—May 26, 1924.....	274
On motion to postpone motion providing for investigation of men's sewed straw hats—May 27, 1924.....	278

Costigan, Commissioner Edward P.—Continued.

Votes—Continued.

	Page
On substitute motion made by William Burgess re sugar report— June 14, 1924.....	294
On motion made by chairman re draft of sugar report—June 18, 1924.....	297
On motion to consider personnel questions—June 20, 1924.....	298
On motion that committee report on paintbrush handles—June 20, 1924.....	299
On motion that McNabb discuss with Waller legal questions arising in connection with report on sugar—June 21, 1924.....	300
On amended motion to discharge sugar committee—June 21, 1924.....	304
On substitute motion to adopt Burgess sugar report—June 21, 1924.....	304
On tentative adoption of report of sugar division on sugar— June 21, 1924.....	305
On cooperation of staff re sugar—June 21, 1924.....	306
On increase in salary to Misses Priest and Hockensmith— July 1, 1924.....	313
On completion of sugar report—July 2, 1924.....	314
Butter investigation to be separate from that of milk and cream— July 11, 1924.....	319
On butter investigation—July 14, 1924.....	322
To postpone further consideration of investigation of milk and cream—July 15, 1924.....	324
On sugar report being referred to advisory board for scrutiny— July 19, 1924.....	337
Date set for filing opinions as to proper time to submit sugar report to the President—July 19, 1924.....	338
On approving revised report to President on sugar—July 26, 1924.....	346
On extension of time for filing opinions on sugar report—July 26, 1924.....	347
On employment and compensation of Professor Misner as butter expert—July 29, 1924.....	348
On transmitting final sugar report to the President—July 30, 1924.....	350, 351
On keeping sugar report until transmission—July 30, 1924.....	352
On submitting information on sugar to Senator La Follette— August 5, 1924.....	361
On sending certain employees to Europe to secure butter costs— August 8, 1924.....	366
On foreign work on Swiss cheese investigation—August 9, 1924.....	369
On extension of employment of Dr. H. G. A. Brauer—August 11, 1924.....	371
On employment of J. H. Greenhalgh and travel to Denmark on butter investigation—August 14, 1924.....	372
On requesting information regarding sugar costs—October 7, 1924.....	382
On acceptance of resignation of Dr. John R. Turner as chief economist—October 9, 1924.....	385
On taking minutes of Doctor Bernhardt's answers to questions on sugar—October 15, 1924.....	390
On submission of letter on sugar to President—October 16, 1924.....	394
On ordering staff to await instructions regarding assignments— October 21, 1924.....	400
On instructing Doctor Brossard to give undivided attention to sugar-beet costs—October 21, 1924.....	400
On investigation of olive oil under section 316—October 22, 1924.....	403
On amendment re sugar beets—October 24, 1924.....	406
On motion of Commissioner Costigan in re sugar report—Octo- ber 24, 1924.....	407
On adoption of motion re sugar and sugar beets—October 24, 1924.....	407
On compliance with requests of President—October 24, 1924.....	407
On letter of transmittal of sugar report to President—November 14, 1924.....	417, 418
On transmittal of supplemental report on sugar to the Presi- dent—November 17, 1924.....	420



## Costigan, Commissioner Edward P.—Continued.

## Votes—Continued.

	Page
On motion for dismissal of Mr. Gilbert Hirsch—November 25, 1924.....	420
On assignment of acting chief of agricultural division—February 19, 1925.....	452
On motion re linseed oil report to the President—February 24, 1925.....	454
On transmission of linseed oil report—March 3, 1925.....	456
On travel authorization—April 2, 1925.....	470
On appointment acting chairman advisory board—April 9, 1925.....	474
On changing title of foreign office chief—April 9, 1925.....	475
On foreign office organization—April 9, 1925.....	475
On foreign field economist—April 9, 1925.....	475
On moving foreign office to Brussels and appointing economist to staff—April 9, 1925.....	476
On motion to promote F. M. Leonard to chief of metals division—April 16, 1925.....	479
Refrained from voting—bent-wood chairs—April 23, 1925.....	483
On recommendations re rag rugs—April 24, 1925.....	484
On appointing A. M. Fox as chief of the economic division—April 30, 1925.....	486
On rescinding employment of Arthur L. Faubel as special expert in pottery—May 22, 1925.....	497
On authorizing foreign trip of A. L. Faubel—June 2, 1925.....	510
On designating Dr. P. W. Bidwell, economist, at Brussels, Belgium—June 2, 1925.....	510
On salary increases—June 6, 1925.....	512
Refrained from voting—June 16, 1925.....	518
On transferring E. B. Brossard and increasing his salary—June 16, 1925.....	518
On increasing salary of A. M. Fox—June 16, 1925.....	518
On reclassifying S. J. Bergner and increasing her salary—June 16, 1925.....	518
On appointment of clerk—July 22, 1925.....	538
On motion to investigate granite—July 24, 1925.....	542
On resolution to investigate methanol—July 24, 1925.....	544
On resolution to investigate sodium silicofluoride—July 24, 1925.....	545
On submitting halibut report to President—October 23, 1925.....	570
On transmitting halibut report to President—October 29, 1925.....	576
On cotton hostery travel authorization—November 27, 1925.....	587
Refrained from voting on attendance at meetings of economic association—December 3, 1925.....	589
On employment—December 4, 1925.....	590
On assignment of Mrs. M. Roads for duty in lumber and paper division—December 5, 1925.....	591
On employment of Francis C. Stetson as special expert accountant—December 8, 1925.....	592
On employment of economic statistician—December 8, 1925.....	593
On substitute motion re employment of economic statisticians—December 8, 1925.....	593
On substitute motion re butter report—December 10, 1925.....	595
On method of handling butter report—December 10, 1925.....	595
Refrained from voting on motion re barium carbonate investigation—January 8, 1926.....	619
Refrained from voting on motion re investigation of fluorspar—January 8, 1926.....	619
On motion submitted by Edgar B. Brossard re employment of Vern C. Woolley—January 12, 1926.....	626
On letter to President regarding employment of Vern C. Woolley—January 26, 1926.....	637
Miscellaneous—	
Travel authorization, re staff—	
November 24, 1922.....	11
December 5, 1922.....	12
Requests copy of memorandum of October 24, 1924, incorporated in minutes—October 28, 1924.....	409

Costigan, Commissioner Edward P.—Continued.	
Miscellaneous—Continued.	Page
Submits memorandum re Mr. Hirsch's letter to chairman— October 28, 1924.....	409
Travel authorization—January 12, 1925.....	516
Given unanimous consent to insert in minutes a letter sent by him to the President through the Bureau of the Budget on the subject of appointments to the commission—January 26, 1926.....	636
Reserved right to reply to letter to President regarding employ- ment of Vern C. Woolley—January 26, 1926.....	642
Costs, foreign, memorandum re feasibility of obtaining—April 1, 1924.....	236
Cost investigation, motion re furnishing summary of results of cost in- quiry to interested parties—July 17, 1923.....	87
Cost schedule:	
Attestation of oath not required—May 1, 1923.....	48
Linseed oil—July 19, 1923.....	88
Access to individual schedule not permitted—October 9, 1925.....	562
Cotton cloths. (See Cloths, cotton.)	
Cotton cloth industry:	
Letter from New Bedford Textile Council referred to advisory board— June 27, 1924.....	310
Travel authorization—July 29, 1924.....	348
Cotton gloves. (See Gloves, cotton.)	
Cotton goods, request for information referred to committee—June 27, 1924.....	310
Cotton hosiery. (See Hosiery, cotton.)	
Cottons for handwork, travel authorization—July 24, 1925.....	541
Cottonseed:	
Advisory board instructed to prepare plans of investigation—Jan- uary 2, 1923.....	14
Investigation under section 315 to be ordered—February 14, 1923.....	18
Investigation under section 315 ordered—March 2, 1923.....	22
Action on application—November 6, 1923.....	143
In letter to President—January 26, 1924.....	202
Investigation not warranted—March 26, 1924.....	232
Cottonseed oil. (See Oil, cottonseed.)	
Cotton sewing thread; travel authorization—July 24, 1925.....	541
Cotton small wares:	
Travel authorization—January 19, 1923.....	17
Tariff survey referred to chief economist—February 21, 1924.....	215
Review of report by Doctor Page authorized—June 10, 1924.....	291
Revised in accordance with Doctor Page's suggestions and authorized printed—October 30, 1924.....	411
Cotton textiles:	
Data in re Senate Resolution 219—May 13, 1924.....	255
Travel authorization—May 13, 1924.....	255
Cotton textile industry: Senate resolution, committee to report on—June 3, 1924.....	286
Cotton warp-knit fabric:	
Investigation under section 315 ordered—March 16, 1923.....	25
Copy of order, March 27, 1923.....	37
Committee appointed to prepare report on investigation for public hearing—October 2, 1923.....	122
Public hearing ordered—October 2, 1923.....	122
Public hearing November 16, 1923.....	154
Time for filing briefs extended—December 7, 1923.....	161
Advisory board ordered to report on—March 21, 1924.....	227
Hearing already closed—March 26, 1924.....	233
Committee appointed to consider summary of facts—October 14, 1924.....	388
Draft of report No. 13 presented—May 26, 1925.....	498
Investigation report referred to advisory board—May 26, 1925.....	498
Report ready—May 29, 1925.....	499
Draft of report on investigation considered—June 2, 1925.....	509
Report of committee—June 5, 1925.....	512
Committee's report presented—June 9, 1925.....	514
Transmission of report to President ordered—June 10, 1925.....	515

	Page
Cotton warp-knit fabric and gloves, special order of business for formulation report on—Apr. 24, 1925.....	484
Cotton warp-knit fabric gloves, increase in duty not authorized by President—October 6, 1925.....	559
Coulthart, Andrew:	
Interview—October 20, 1922.....	4
Appointment offered—October 27, 1922.....	8
Resignation—September 15, 1925.....	549
Resignation accepted—September 24, 1925.....	551
Coumarin, request of Monsanto Chemical Works, of St. Louis, Mo., relating to—April 3, 1924.....	237
Countable cotton cloths, memorandum relative to—December 19, 1923..	168
Court of appeals, decision on Norwegian Products Co. case submitted—April 7, 1925.....	473
Covers, holster, and roll, committee appointed to consider communication in regard to—July 19, 1923.....	88
Cowley, S. P.:	
Appointed clerk—July 22, 1925.....	538
Salary increased—October 30, 1925.....	577
Cragg, R. H.:	
Re appointment—February 15, 1923.....	19
Appointed special expert—February 26, 1923.....	21
Transferred to field service with increased salary—June 20, 1924.....	299
Salary—June 6, 1925.....	513
Cravens, James L., appointment offered—November 21, 1922.....	10
Crayons, preliminary reports already submitted—January 5, 1925.....	614
Cream of tartar. (See Tartaric acid and cream of tartar.)	
Crêpe, wool. (See Wool crêpe.)	
Cresol, refined, investigation under section 315 ordered—March 2, 1923..	22
Cresylic acid. (See Acid, cresylic.)	
Cretonaldehyde, motion by William Burgess that no investigation be made—August 11, 1923.....	105
Crin vegetal, preliminary reports already submitted—January 5, 1925....	614
Crockett, Elizabeth:	
Transfer from Navy Department authorized—April 6, 1923.....	43
Salary—June 6, 1925.....	513
Crosby, M. A.:	
Appointed special expert—February 6, 1923.....	18
Re employment—August 14, 1923.....	108
Services—November 15, 1923.....	153
Transfer of—January 29, 1924.....	195
Cuba:	
Trade relations investigation.....	15
Travel authorized—	
November 14, 1922.....	10
October 20, 1922.....	15
January 5, 1923.....	15
January 16, 1923.....	16
Currier, E. L., employment—November 28, 1923.....	157
Culbertson, Commissioner William S.:	
Appointment to committees—	
On office space—January 16, 1923.....	17
To consider commercial discriminations—May 31, 1923.....	63
To prepare that portion of order providing for preliminary hearing—July 2, 1923.....	82
To consider administrative handling of official papers of the commission—July 3, 1923.....	83
On organization of agricultural division—July 19, 1923.....	89
On accounting division—October 2, 1923.....	122
On depression among wheat producers—October 4, 1923.....	123
On annual report—October 5, 1923.....	124
To consider report on organization of ceramics division—October 11, 1923.....	127
To prepare statement of findings on paint-brush handles—October 19, 1923.....	132
To reply to casein procedure protest—October 25, 1923.....	136
To report on casein—October 26, 1923.....	137

## Culbertson, Commissioner William S.--Continued.

	Page
Appointment to committees--Continued.	
To revise regulations governing investigations--November 2, 1923.....	139
To select foreign personnel--November 6, 1923.....	142
To communicate to chief of ceramics division plan for reorganization--November 23, 1923.....	155
To prepare form of report to be used in submitting findings to President--February 27, 1924.....	219
On employees' compensation--March 18, 1924.....	224
On Senate resolution re cotton textiles--June 3, 1924.....	286
Investigation of "Kotex"--October 3, 1924.....	381
Assigned to committees for certain investigations--October 14, 1924.....	388
Report on broad silk industry referred to--October 17, 1924.....	395
On pig iron--March 17, 1925.....	461
On conference re foreign investigations--April 9, 1925.....	476
Motions--	
To fix date of sugar hearing--July 19, 1923.....	89
To set date for public hearing on sugar--July 20, 1923.....	90
Re regulations governing advisory board--July 20, 1923.....	90
On investigation of vegetable oils under section 315--July 23, 1923.....	94
On draft of rules submitted July 10, 1923, by committee on procedure--July 23, 1923.....	96
On investigation of lace industry under section 315--October 9, 1923.....	125
On investigation of animal and vegetable oils--October 9, 1923.....	126
On lace, motion of October 9 called up--October 25, 1923.....	136
On revision of certain rules of procedure--November 30, 1923.....	159
On revision of rules of procedure--December 14, 1923.....	165
Proposed rules of procedure--December 18, 1923.....	167
Adoption of revised section of rules of procedure--December 19, 1923.....	168
Substitute motion for Commissioner Glassie's motion re press notices--December 20, 1923.....	177
On consideration of tabled motion--December 20, 1923.....	179
On date for final hearing on casein--March 20, 1924.....	225
Naming committee to prepare final draft for sugar report--June 14, 1924.....	203
That certain members of staff submit criticisms and suggestions on certain phases of sugar report--June 21, 1924.....	305
Statements--	
Re access to applications open for inspection--March 27, 1923.....	40
Notice of request for action on log case.....	78
On motion re furnishing summary of cost inquiry to interested parties--July 17, 1923.....	88
On casein, foreign and domestic investigations started--November 23, 1923.....	156
Concurring in protest of Commissioner Lewis in respect of the alleged holding back from commissioners letters to chairman from President and Senator Edge on vegetable oils--February 1, 1924.....	197
Nondisposal of reports by advisory board on earthen and china ware, wool and woolens, aluminum and enameled hollow ware, and basic steel products--March 25, 1924.....	230
Regarding procedure in sugar investigation--May 23, 1924.....	267
Concerning accuracy of statements made by Thomas O. Marvin with respect to procedure--May 26, 1924.....	271
Relative to attending Institute of Politics at Williamstown, Mass.--July 31, 1924.....	352
Re sugar and butter--October 25, 1924.....	331
Regarding preparation of data on sugar for transmission to the President--November 17, 1924.....	420

## Culbertson, Commissioner William S.—Continued.

Vote—	Page
On motion to institute several investigations—March 2, 1923.....	22
On fixing salaries of commissioners' stenographers—March 20, 1923.....	27
On publishing information re investigations under section 315—March 22, 1923.....	29
On broadening investigation of cotton hosiery for infants to include cotton hosiery for children, women, and men—May 5, 1923.....	55
On motion for report as to advisability of an investigation of glass industry—May 5, 1923.....	55
On including east polished plate glass in investigation of mirror plates—May 5, 1923.....	55
On motion to broaden investigation of pig iron to include steel ingots, slabs, sheets, etc.—May 15, 1923.....	57
On advising President of grounds for investigation of hosiery—May 18, 1923.....	59
On appointment of committee in re selection of special counsel during sugar investigation—June 1, 1923.....	63
On transmitting preliminary hosiery report to President—June 14, 1923.....	72
On sustaining ruling of chair on routine matters—June 20, 1923.....	74
On ruling of chair relative to substitute motion for sugar investigation—June 20, 1923.....	74
On adopting motion relative to employment of Mr. Day—June 20, 1923.....	74
On increasing compensation of commission's agents—June 20, 1923.....	75
On notice of preliminary hearing being incorporated in public order for an investigation—July 2, 1923.....	81
On amended motion submitted by Mr. Glassie re sugar—July 3, 1923.....	83
On motion re offering commission's records in evidence, etc.—July 17, 1923.....	87
On motion re Mr. Marvin on hearing on paint brush handles—July 17, 1923.....	87
On motion re furnishing summary of cost inquiry to interested parties—July 17, 1923.....	88
On motion re linseed oil cost schedule—July 19, 1923.....	88
On setting date for sugar hearing—July 20, 1923.....	90
On advisory board—July 20, 1923.....	90
On motion to institute investigation of animal and vegetable oils—October 9, 1923.....	120
On motion that the question of the President's authority to change rate of duty on logs be referred to the President, etc.—October 12, 1923.....	129
On travel authorization for wall pockets—October 23, 1923.....	133
On substitute motion to investigate lace industry under section 318—October 25, 1923.....	136
On ordering investigation of lace—October 25, 1923.....	137
On statement re wheat investigation—November 14, 1923.....	151
On motion disqualifying commissioners, etc.—December 10, 1923.....	169
On motion re press notices—December 20, 1923.....	177-180
On motions in re vegetable, animal, and fish oils—December 20, 1923.....	181
On including mill-feed costs in wheat investigation report to President—March 4, 1924.....	220
On assignment and compensation of P. W. Bidwell—March 18, 1924.....	224
On making economic investigation of lemon and olive-oil industries—March 31, 1924.....	235

Culbertson, Commissioner William S.—Continued.		Page
Vote—Continued.		
On bent-wood chairs, mesh bags, gold leaf, men's sewed straw hats—April 5, 1924.....		230
On deferring consideration of bent-wood chairs and men's straw hats—May 6, 1924.....		249
On making bent-wood chairs and straw hats next order of business—May 6, 1924.....		249
On rescinding travel order regarding cotton hosiery—May 16, 1924.....		258
On attendance reports from economics division—May 20, 1924..		261
On motion to refer sugar report to advisory board—May 23, 1924..		267
On submission of sugar report—May 23, 1924.....		268
On motion directing Doctor Bernhardt to submit report on sugar to advisory board—May 26, 1924.....		272
On procedure in sugar investigation—May 26, 1924.....		273
On 10 separate motions of Chairman Marvin regarding procedure in sugar investigation—May 26, 1924.....		273
On sugar investigation—May 26, 1924.....		274
On motion for investigation of men's sewed straw hats—May 27, 1924.....		278
On substitute motion made by William Burgess re sugar report—June 14, 1924.....		294
On motion made by chairman to correct phraseology of resolution June 16, 1924, in re sugar—June 18, 1924.....		297
On motion to consider personnel questions—June 20, 1924.....		298
On motion that committee report on paint-brush handles—June 20, 1924.....		299
On motion that McNabb discuss orally legal question arising in connection with report on sugar—June 21, 1924.....		300
On amended motion to discharge sugar committee—June 21, 1924.....		304
On substitute motion to adopt Burgess sugar report—June 21, 1924.....		304
On tentative adoption of report of sugar division—June 21, 1924..		305
On cooperation of staff regarding sugar—June 21, 1924.....		306
On increase in salary of Misses Priest and Hockensmith—July 1, 1924.....		313
On completion of sugar report—July 2, 1924.....		314
Butter to be a separate investigation from milk and cream—July 11, 1924.....		319
On butter investigation—July 14, 1924.....		322
On butter investigation—July 17, 1924.....		334
On sugar report being referred to advisory board for scrutiny—July 19, 1924.....		337
On setting July 26, 1924, as proper time to submit sugar report to the President—July 19, 1924.....		338
On approving revised report on sugar to President—July 26, 1924.....		346
On extension of time for filing opinion on sugar report—July 26, 1924.....		347
On employment and compensation of Professor Misner as butter expert—July 29, 1924.....		348
On transmitting final sugar report to the President—July 30, 1924.....		350, 351
On keeping sugar report until transmission—July 30, 1924.....		352
On travel authorization, re straw hat investigation—September 12, 1924.....		374
On requesting information regarding sugar costs—October 7, 1924.....		382
On acceptance of resignation of Dr. John R. Turner as chief economist—October 9, 1924.....		385
On taking minutes of Doctor Bernhardt's answers to questions on sugar—October 15, 1924.....		390

Culbertson, Commissioner William S.—Continued.		Page
Vote—Continued.		
On submission of letter on sugar to President—October 16, 1924..		394
On ordering members of staff to await instructions regarding assignments—October 21, 1924.....		400
On instructing Doctor Brossard to give undivided attention to sugar beet costs—October 21, 1924.....		400
On investigation of olive oil under section 316—October 22, 1924..		403
On amendment relating to sugar beets—October 24, 1924.....		406
On compliance with requests of President—October 24, 1924.....		407
On adoption of motion re sugar and sugar beets—October 24, 1924.....		407
On motion of Commissioner Costigan in re sugar—October 24, 1924.....		407
On letter of transmittal of sugar report to President—November 14, 1924.....	417, 418	
On transmittal of supplemental report on sugar to the President—November 17, 1924.....		420
On motion for dismissal of Mr. Gilbert Hirsch—November 25, 1924.....		420
On assignment of acting chief of agricultural division—February 19, 1925.....		452
On motion made by Edward P. Costigan re linseed oil report for the President—February 24, 1925.....		454
On transmittal of linseed oil report—March 3, 1925.....		456
On appointment acting chairman advisory board—April 9, 1925..		474
On foreign office organization—April 9, 1925.....		475
On changing title of foreign office chief—April 9, 1925.....		475
On foreign field economist—April 9, 1925.....		475
On moving foreign office to Brussels and appointing economist to staff—April 9, 1925.....		476
On recommendations re rag rugs—April 24, 1925.....		484
Miscellaneous—		
Authorized to attend session of American Mining Congress, etc.—October 6, 1922.....		3
Travel authorization—		
October 20, 1922.....		5
December 19, 1922.....		13
February 6, 1923.....		18
May 1, 1923.....		48
May 25, 1923.....		61
Concurrence in statement of Commissioner Costigan relative to power of the President in section 315 cases—April 21, 1923..		46
Authorized to proceed to Chicago, etc., re investigation of wheat and wheat products—November 20, 1923.....		154
Quoted in Omaha Bee—December 20, 1923.....		176
Letter from Washington correspondent of Omaha Bee filed by—December 20, 1923.....		177
Designated to appear for commission in Norwegian Nitrogen Products Co. case—January 3, 1924.....		186
Invited to deliver address in Troy, N. Y.—January 8, 1924.....		188
Designated by President as vice chairman for one year from January 15, 1924—January 15, 1924.....		189
Statement of chief investigator concerning preparation of letter to President re vegetable oils—February 11, 1924.....		200
Requested to prepare memorandum regarding investigation of unfair acts in importation and sales of revolvers (Smith & Wesson)—October 3, 1924.....		381
Designated as vice chairman by Executive order—January 15, 1925.....		440
Resignation announced—May 19, 1925.....		493
Currants:		
Report of advisory board—May 20, 1924.....		261
Preliminary reports already submitted—January 5, 1925.....		614

	Page
Cutlery:	
Advisory board instructed to prepare plans of investigation—January 2, 1923.....	14
Investigation under section 315 to be ordered—February 14, 1923.....	18
Investigation under section 315 to be ordered—March 21, 1923.....	22
Travel authorization—March 27, 1923.....	40
Preliminary report of advisory board ordered—May 1, 1923.....	49
Travel authorization—June 6, 1923.....	65
Dairy products and eggs, resolution of Wisconsin Legislature on—June 25, 1925.....	523
Daniels, William H., employed temporarily as special expert in transportation—September 29, 1925.....	554
D'Armour, Fred E., re appointment—February 23, 1923.....	20
Davies, Ross E., employment—December 19, 1923.....	168
Davis, George C.:	
Application of—November 6, 1923.....	142
Communication re application for investigation of women's trimmed hats—March 26, 1924.....	233
Request for expediting action on investigation of brierwood pipes—December 5, 1924.....	432
Davis, Orval R., re employment—June 27, 1923.....	79
Day, George R.:	
Re employment—June 8, 1923.....	67
Temporary employment—June 20, 1923.....	74
Dedicott, W. J.:	
Re employment—June 20, 1923.....	80
Salary—	
August 2, 1923.....	99
June 6, 1925.....	513
July 21, 1925.....	537
De Haas, Dr. Anton:	
Re appointment—	
February 23, 1923.....	20
March 6, 1923.....	23
Deimal, Henry L., conference with commission regarding selection of economist—December 8, 1925.....	593
De Meritt, Harold S., salary increase voted—March 20, 1923.....	28
Denmark:	
Danish exchange to be applied in butter investigation—January 4, 1926.....	608
Denver Post, article on sugar—July 15, 1924.....	324
Departments, Government, conferences with—February 14, 1923.....	19
Department of Commerce, cooperation in calf leather investigation—September 23, 1924.....	378
Department of Justice; letter to commission in re mandamus—December 19, 1923.....	168
Desiccated coconuts; advisory board's recommendation on—December 20, 1923.....	176
Dewey, D. R.:	
Asked to confer with commission—November 13, 1924.....	415
Conference with, regarding employment of economists—November 21, 1924.....	427
De Long, C. R.:	
Temporary increase in salary—April 24, 1923.....	46
Increase in salary—November 6, 1923.....	143
To submit report on economic study of vegetable oils—May 29, 1924.....	284
Dennis, Commissioner A. P.:	
Oath of office and entrance upon duties—March 16, 1925.....	461
Designated as vice chairman of United States Tariff Commission—July 23, 1925.....	539
Official travel from Seattle to California authorized—September 24, 1925.....	551
Appointed to committee—	
On pig iron—March 17, 1925.....	461
On olive oil—March 19, 1925.....	463



Dennis, Commissioner A. P.—Continued.	
Appointed to committee—Continued.	<b>Page</b>
On cigars—March 24, 1925.....	406
On conference re foreign investigations—April 9, 1925.....	476
On service of J. J. Ernster with commission in Franco—April 9, 1925.....	477
On personnel—April 28, 1925.....	485
On conference with Secretary of State—June 9, 1925.....	514
On appropriations—June 25, 1925.....	522
On hearing on logs—June 25, 1925.....	523
On reclassification—June 30, 1925.....	525
On office space—June 30, 1925.....	525
On halibut hearing—June 30, 1925.....	526
On publicity—July 3, 1925.....	528
On drafting factual section of report to President on cotton hosiery—January 26, 1926.....	636
On consideration of report to President on cotton hosiery—January 26, 1926.....	636
Statement on applications—January 8, 1926.....	618
Votes on:	
Appointment of acting chairman advisory board—April 9, 1925.....	474
Foreign field economist—April 9, 1925.....	475
Changing title of foreign office chief—April 9, 1925.....	475
Foreign office organization—April 9, 1925.....	475
Moving foreign office and appointing economist to staff—April 9, 1925.....	476
Refrained from voting on motion to promote F. M. Leonard—April 16, 1925.....	470
Recommendations re rag rugs—April 24, 1925.....	484
Appointing A. M. Fox as chief of the economics section—April 30, 1925.....	486
Refrained from voting in re employment of Mr. Faubel—May 22, 1925.....	497
Disposing of business before the commission—June 2, 1925.....	509
Submitting halibut report to President—October 23, 1925.....	570
Cotton hosiery, travel authorization—November 27, 1925.....	587
Employment of Vern C. Woolley—December 8, 1925.....	593
Method of handling butter report—December 10, 1925.....	595
Substitute motion re butter report—December 10, 1925.....	595
On motion re investigation of fluorspar—January 8, 1926.....	619
On motion re barium carbonate investigation—January 8, 1926.....	619
Investigation of calcium tartrate, cream of tartar and tartaric acid—January 8, 1926.....	620
Employment of Vern C. Woolley—January 12, 1926.....	625
Travel authorization for blackstrap, edible molasses, and cane sirup—January 21, 1926.....	633
Letter to the President regarding employment of Vern C. Woolley—January 26, 1926.....	637
Dereume, Raymond; appointment offered—January 12, 1923.....	16
De Shay, John D.:	
Re appointment—February 23, 1923.....	20
Salary—	
June 6, 1925.....	513
July 21, 1925.....	537
Dictionary of Tariff Information:	
Employment of Dr. J. D. Magee authorized—May 31, 1923.....	63
Dr. J. D. Magee appointed to assist in final preparation—June 6, 1923.....	65
Doctor Snavelly, Doctor Fetter, Dr. Jacob Viner, and Dr. Thomas W. Page requested to review—August 2, 1923.....	69
Instructions as to method of distribution voted—January 20, 1925.....	441
Vote of appreciation to Commissioner Lewis for supervision of—January 20, 1925.....	441
Printing second edition authorized—April 17, 1925.....	480
Ditograph, intercommunicating telephones authorized.....	69

	Page.
Dictograph Products Corporation, bill for telephone installation approved—October 12, 1923.....	128
Diethyl barbituric acid. (See Acid, Diethyl barbituric.)	
Dinger, Jean T., re appointment—February 23, 1923.....	20
Dioxide, barium. (See Barium dioxide.)	
Disbursing agent, special:	
Whitcomb, E. M., designated—April 24, 1923.....	47
Authorized—June 10, 1924.....	290
Representative of commission in Brussels to reimburse agents—October 8, 1925.....	592
Disbrow, William H., employment voted—December 8, 1925.....	592
Discrimination:	
Questionnaire ordered—January 5, 1923.....	15
Commission's memoranda to President relative to practice of, by France, Malay States, Nigeria, Finland—June 14, 1923.....	71
Spain, President requests report on—October 2, 1923.....	119
Application for investigation of, by Italy against cottonseed oil from United States—October 25, 1923.....	135
Committee appointed to consider data—May 31, 1923.....	93
Transmitted to President report against American railroads—October 7, 1924.....	385
Reports on Haiti and Salvador approved and transmitted to President—December 5, 1924.....	432
Certain reports discussed—January 6, 1925.....	437
Against American trade, preparation of data ordered—April 7, 1925.....	472
Report approved—May 5, 1925.....	488
Drawing instruments, report from advisory board—May 20, 1924.....	261
Dolan, William J., designation of, to take depositions in re revolvers—August 11, 1924.....	371
Donohoe, J. M. P.:	
Salary increase voted—March 20, 1923.....	28
Classification—June 24, 1924.....	308
Salary—June 6, 1925.....	513
Donohoe, M. T.:	
Salary—June 6, 1925.....	513
Classification—June 30, 1925.....	525
Donk, Marion G.:	
Appointment offered—October 25, 1922.....	8
Temporary increase in salary—April 24, 1923.....	46
Draftsman, additional, suggested—June 10, 1924.....	291
Drucker, George W., re employment—June 29, 1923.....	80
Dyes:	
Standardization; travel authorization—	
November 3, 1922.....	9
December 15, 1922.....	13
Other synthetic organic chemicals, census to include imports of dyes—February 26, 1923.....	21
Imports, statement of, employment of expert to assist—February 26, 1923.....	21
Chemical, assistance of Attorney General requested—May 1, 1923.....	48
Bone black—	
Costigan explains vote against investigation—October 4, 1923.....	123
Investigation not ordered—October 4, 1923.....	123
Diamond, advisory board's recommendation—December 20, 1923.....	175
Travel authorization—December 31, 1923.....	184
Travel authorization—February 9, 1924.....	212
Dr. Grinnell Jones authorized to prepare for Harvard Business Review articles on—February 9, 1924.....	212
Diamond dyes, report—March 26, 1924.....	231
Preliminary reports already submitted—January 5, 1925.....	613
Memo re cost of dyes in articles of clothing study not now feasible—June 10, 1924.....	292
Census of, voted—December 2, 1924.....	430
Travel authorization—April 8, 1925.....	474

	Page
Dyes—Continued.	
Travel authorization—July 10, 1925.....	532
Census of, voted—October 22, 1925.....	569
Travel authorization—November 27, 1925.....	587
Coal-tar, preliminary reports already submitted—January 5, 1925.....	613
Earthenware. (See Pottery investigation.)	
Eason, Mrs. L. C.:	
Re appointment—June 6, 1923.....	65
Salary—June 6, 1923.....	513
Economist, chief (see also Chief economist; Fox, A. M.; Turner, J. R.)	
Member of advisory board—July 20, 1923.....	90
Memorandum re feasibility of obtaining foreign costs—April 1, 1924.....	236
Report approved—January 19, 1924.....	191
Position of chief of economics division created—April 7, 1925.....	472
Memorandum relating to procedure in preparation of annual reports, laid before commission by Chairman Marvin—December 8, 1925.....	592
Economists:	
Messrs. Faubel, Mixter, Bidwell, and Simpson designated—May 29, 1923.....	62
Employment of in wheat investigation—November 15, 1923.....	153
Conference with Doctor Dewey regarding employment of—November 21, 1924.....	427
Selection of, considered—December 8, 1925.....	593
Dr. D. R. Dewey asked for suggestion as to possible appointment to metals division.....	439
Economic division:	
Daily attendance records and hours of Government service performed—April 3, 1924.....	238
Voted assignment of stenographer-typist—September 11, 1923.....	111
Motion in re attendance laid aside—May 16, 1924.....	258
Resolution in re attendance of staff—May 20, 1924.....	260
Increased personnel desired—June 23, 1925.....	522
Personnel—January 12, 1926.....	621
Edge, Senator:	
Letter sent President on vegetable oils—January 17, 1924; submitted to commissioners—March 3, 1924.....	206
Requests in letter to President, given commission—February 2, 1924.....	198
Edible gelatin. (See Gelatin, edible.)	
Editorial clerks, use of room—September 28, 1923.....	119
Efficiency ratings:	
The secretary, chief investigator, and chief economist appointed as a committee—March 26, 1925.....	467
Ratings approved for period May 16 to November 15, 1924—July 17, 1925.....	530
Review before submission for final action—October 13, 1925.....	564
Egan, John A.:	
Re appointment—June 6, 1923.....	65
Resignation accepted—March 31, 1924.....	235
Eggs, application on—June 25, 1925.....	523
Eggs and dairy products, resolution of Wisconsin Legislature on—June 25, 1925.....	523
Eke, Paul A., re employment of—August 14, 1923.....	109
Electrical industry, travel authorization—July 12, 1923.....	86
Electric lamps and bulbs:	
Report of advisory board—May 20, 1924.....	261
Preliminary reports already submitted—January 5, 1925.....	613
Electrical porcelain, investigation.....	1
Ellsworth, V. T.:	
Employment—October 11, 1923.....	127
Employment extended—November 28, 1923.....	158
Employees of commission:	
Assigned to certain sections—January 5, 1923.....	15
Assigned to New York office—January 12, 1923.....	16

	Page
Employees of commission—Continued	
Compensation, additional, limited to those receiving \$4,000 or less, while on foreign field work—August 14, 1924	373
Efficiency ratings, review before submission for final action—October 13, 1925	564
Employment:	
Of ceramics expert recommended—May 12, 1925	490
Evelina P. Kean as special expert—May 19, 1925	493
Retention of A. B. Kenkel voted—May 19, 1925	494
John L. Bray recommended as special expert—May 21, 1925	495
Rescinding voted in case of Arthur L. Faubel—May 22, 1925	497
E. M. Streett recommended and voted to be continued—June 16, 1925	518
Ruth M. Ridgway recommended and voted to be continued—June 16, 1925	518
Enamel ware:	
Preliminary report from advisory board ordered—May 1, 1923	49
Travel authorization—May 5, 1923	56
Travel authorization—June 6, 1923	65
Advisory board's recommendation re—December 20, 1923	175
Report called to attention of chairman—March 25, 1924	230
Entry, Spanish revolvers refused—June 3, 1924	287
Ernster, John J.:	
To report to Berlin headquarters—November 6, 1923	141
Action taken regarding unauthorized travel in France	431
Ordered to Washington for conference—March 10, 1925	458
Committee appointed to consider services of, in France—April 9, 1925	477
Salary increase authorized—October 15, 1925	566
Suggestion as assistant representative of commission by Mr. Achenbach—December 3, 1925	589
Designated assistant representative of commission—December 3, 1925	590
Expense authorized for German translations—January 26, 1926	642
Erwin, William J., invited for conference re special expert for textile division—January 12, 1926	621
Escapements, clock ( <i>see also</i> Clock escapements):	
Travel authorization—January 12, 1923	16
Report from advisory board—May 20, 1924	261
Euker, Edward J.:	
Appointed—November 30, 1923	158
Salary increase—May 29, 1924	282
Europe, central:	
Office rental authorized—October 23, 1923	134
European office, Brussels, appropriation of \$400 authorized—September 20, 1925	555
Evidence, use of commission's records as, etc.—July 17, 1923	87
Executive order, re official half-holiday Saturdays from June 15 to September 15, 1924—June 17, 1924	295
Experts, motion to refuse to allow commission's experts to testify—July 17, 1923	87
Extract, licorice. ( <i>See</i> Licorice extract.)	
Extract, logwood. ( <i>See</i> Logwood extract.)	
Fabric, cotton warp-knit ( <i>see also</i> Cotton warp-knit fabric):	
Investigation ordered—March 2, 1923	22, 25
Copy of order—March 27, 1923	37
Special order of business—April 24, 1925	484
Report of committee—June 5, 1925	512
Fabrics, pile. ( <i>See</i> Pile fabrics.)	
Fair Tariff League:	
Cotton-goods information, referred to committee—June 27, 1924	310
Answer to letter from—July 1, 1924	312
Fairfield, Mary P.:	
Re appointment—February 23, 1923	21
Charges against—January 23, 1925	443
Committee named to consider charges and reply—January 30, 1925	445
Report of committee—February 3, 1925	446
Resignation—March 10, 1925	458

	Page
Farm Economic Association, staff members attendance at meetings— December 3, 1925.....	589
Farm marketing, advisory board report referred to committee—January 15, 1925.....	440
Fasteners, snap, travel authorization—July 31, 1923.....	98
Faubel, A. L.:	
Re employment—January 16, 1923.....	17
Appointment offered—March 6, 1923.....	23
Compensation—March 18, 1924.....	224
Designated assistant to chief economist—May 29, 1923.....	62
Designation of assistant chief economist—February 1, 1924.....	197
Appointed temporarily on investigation No. 41—March 24, 1925.....	466
Assignment to foreign field work on pottery—April 23, 1925.....	482
Qualifications discussed—May 22, 1925.....	497
Resignation accepted—October 6, 1925.....	558
Federal Farm Loan Board, granted use of hearing room—January 15, 1924.....	190
Federal Trade Commission, communication from—July 14, 1925.....	533
Feis, Herbert:	
Re employment—	
January 16, 1923.....	16
March 20, 1923.....	28
Offered appointment—March 31, 1923.....	41
Felts, Buyde A. U.:	
Re appointment—February 23, 1923.....	21
Salary, June 6, 1925.....	513
Felts of wool or hair, travel authorization—January 8, 1925.....	439
Ferguson, Arthur F.:	
Re appointment—February 23, 1923.....	20
Continuation of employment—October 11, 1923.....	127
Compensation—March 20, 1924.....	226
Salary—June 6, 1925.....	513
Fetter, Doctor, requested to review Tariff Dictionary—August 2, 1923.....	99
Ferromanganese. (See Manganese ores.)	
Fibers, vegetable, other than cotton, report—March 3, 1925.....	456
Field Co., C. de P., no investigation ordered on ammonium chloride— October 9, 1923.....	125
Files, fine, advisory board instructed to prepare plans for investigation— January 2, 1923.....	14
Files, pattern. (See Pattern files, Swiss.)	
Finland, memoranda on discriminations—June 14, 1923.....	71
Fir logs. (See Logs of fir.)	
Firearms, travel authorization—November 28, 1923.....	158
Fish, canned:	
Reports from advisory board—May 20, 1924.....	261
Preliminary reports submitted—January 5, 1925.....	613
Fish, fresh-water:	
Report of advisory board—April 14, 1925.....	478
Advisory board report submitted—April 24, 1925.....	483
Special order of business—April 24, 1925.....	484
Plans for investigation approved—June 16, 1925.....	517
Additional personnel—June 16, 1925.....	517
Travel authorization—June 16, 1925.....	517
Conference in Canada on—June 23, 1925.....	521
Accountants assigned for investigation—June 23, 1925.....	522
Expense for field work authorized—January 26, 1926.....	642
Schedules approved—July 16, 1925.....	534
Travel authorization—	
October 24, 1925.....	573
October 27, 1925.....	575
November 10, 1925.....	579
Purchase of specimens authorized—December 18, 1925.....	600
Fish, ground, report of advisory board—June 27, 1924.....	310
Fish oils. (See Oils, fish.)	
Fish preserves, desirability of investigation of—December 18, 1923.....	167

	Page
Fish, sword, preliminary reports submitted—January 5, 1925.....	614
Fish, winter caught, reports from advisory board—May 20, 1924.....	261
Fisher, H. Cochran:	
Salary increase—March 20, 1923.....	28
Temporary increase in salary—	
April 24, 1923.....	47
June 1, 1923.....	63
Salary—March 20, 1924.....	226
Resignation—November 12, 1925.....	582
Fisheries industry:	
Travel authorization—	
August 14, 1923.....	109
September 27, 1923.....	117
Investigation ordered—April 30, 1925.....	487
Fishing tackle, preliminary reports submitted—January 5, 1925.....	613
Fishing tackle parts, report from advisory board—May 20, 1924.....	261
Fish preserves, preliminary inquiry voted—November 26, 1923.....	157
Fitzgibbon, William C.:	
Re appointment—October 24, 1923.....	135
Annual leave allowed—October 1, 1925.....	556
Resignation—November 17, 1925.....	584
Flaxseed oil. ( <i>See</i> Oil, flaxseed.)	
Flexible provisions voted to transmit statement to President Harding—	
April 21, 1923.....	45
Flowers, artificial:	
Investigation ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	40
Travel authorization—	
April 3, 1923.....	43
April 21, 1923.....	44
May 15, 1923.....	58
Cost schedule approved—May 1, 1923.....	48
Cost schedule approved—May 15, 1923.....	57
Delay in action reported—May 29, 1925.....	500
Flowers, cut, preliminary reports already submitted—January 5, 1925.....	614
Fluorspar:	
Report to commission—December 8, 1925.....	592
Preliminary reports submitted—January 5, 1926.....	613
Attention of commission called to reports—January 5, 1926.....	614
Investigation ordered—January 8, 1926.....	619
Copy of order—January 13, 1926.....	628
Flyers, jute: Travel authorization—January 12, 1923.....	16
Foreign field work, additional compensation limited—August 14, 1924.....	373
Foreign offices:	
Committee report on organization—November 2, 1923.....	139
Established in London, Paris, and Berlin—November 6, 1923.....	141
Mr. Achenbach appointed at Berlin—November 6, 1924.....	141
Mr. John J. Ernster to report at Berlin—November 6, 1924.....	141
Mr. Gilbert Hirsch in charge, Paris—November 6, 1924.....	141
Jurisdiction of Berlin office—March 25, 1924.....	229
Established temporarily at Yokohama, Japan—June 20, 1924.....	299
Employees transferred to Berlin office—June 20, 1924.....	299
Employees transferred to Yokohama office—June 20, 1924.....	299
Not to employ economist—April 9, 1925.....	474
Addition of expert accountant—April 9, 1925.....	476
Rule for conduct of—April 9, 1925.....	476
Transferred to Brussels—May 26, 1925.....	498
Appropriation of \$400 authorized—September 29, 1925.....	555
Formate of soda. ( <i>See</i> Soda, formate of.)	
Forstmann, Julius, conference—February 26, 1923.....	21
Foster, Florence, compensation—March 20, 1924.....	226
Foster, Violet Bacon, salary increase voted—March 20, 1923.....	28

	Page
<b>Fox skins:</b>	
Report on application for investigation—May 21, 1925.....	496
Advisory board report considered—May 22, 1925.....	497
Discussion of motion—May 26, 1925.....	498
Memorandum submitted—July 17, 1925.....	535
Memorandum under consideration—July 23, 1925.....	540
Preliminary reports submitted—January 5, 1925.....	614
<b>Fox, A. M.:</b>	
Negotiations for services—March 17, 1923.....	27
Offered appointment—March 31, 1923.....	42
Classification—June 24, 1924.....	308
Salary—March 13, 1925.....	460
Acting chairman advisory board—April 9, 1925.....	474
Chief economics division—April 30, 1925.....	486
Salary—June 16, 1925.....	518
Salary and classification—June 25, 1925.....	522
<b>France:</b>	
Memoranda on discriminations—June 14, 1923.....	71
Activities in, protested—July 1, 1924.....	312
Reply to letter from Secretary of State—July 15, 1924.....	325
Supplement to memoranda approved for transmittal to President— October 24, 1924.....	405
Franklin, Marjorie L., appointment offered—November 21, 1922.....	11
Freeman, Mrs. Marjorie, leave of absence—July 9, 1925.....	530
French, Morton T., re appointment—May 18, 1923.....	59
<b>Fricke, Gustav:</b>	
Salary—March 20, 1923.....	28
Salary—June 6, 1925.....	514
<b>Friedman, Mrs. Rose, assigned as stenographer and clerk—November 24, 1922.....</b>	<b>11</b>
Friedman, S. A., salary—March 20, 1924.....	226
Fruit glacé, travel authorization—July 21, 1925.....	538
<b>Fruits, flowers, etc., ornamental:</b>	
Investigation ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	40
<b>Fruits, preserved, travel authorization—January 21, 1926.....</b>	<b>633</b>
<b>Funk, Warren C.:</b>	
Appointment offered—October 20, 1922.....	5
Salary increased—April 7, 1924.....	245
<b>Furnaces, corrugated, preliminary reports submitted—January 5, 1925.....</b>	<b>613</b>
Furniss, Prof. Edgar S., re appointment—November 17, 1922.....	10
Furniture, secretary authorized to purchase—March 9, 1923.....	24
<b>Furs, hatters; preliminary reports already submitted—January 5, 1925.....</b>	<b>614</b>
<b>Fusians. (See Crayons.)</b>	
Gaines, John Marshall, re appointment—February 23, 1923.....	20
Galalith, travel authorization—March 9, 1923.....	23
Galef, J. C., granted extension of time to answer complaint re revolvers— July 21, 1924.....	339
<b>Game. (See American Game Protective and Propagative Association.)</b>	
Game birds, applications for investigation considered—April 30, 1925.....	487
Garland, C. M., salary—June 6, 1925.....	513
Garrison, Lloyd K., re appointment—February 23, 1923.....	20
<b>Gas mantles:</b>	
Preliminary reports—January 5, 1925.....	614
Report—March 26, 1924.....	231
<b>Geiger, Edith, salary increase voted—December 21, 1923.....</b>	<b>183</b>
<b>Gelatin, edible (see also Glue):</b>	
Report of advisory board—March 27, 1925.....	468
Report considered—April 16, 1925.....	480
Travel authorization—April 23, 1925.....	482
Advisory board report—June 23, 1925.....	521
Motion to institute investigation—July 23, 1925.....	540
Investigation No. 47 ordered—July 24, 1925.....	543

	Page
Gelatin, edible—Continued.	
Travel authorization—	
July 24, 1925.....	545
September 24, 1925.....	550
November 20, 1925.....	586
Geraci, A. T.:	
Employment—July 23, 1923.....	94
Transferred to field service—June 20, 1924.....	299
Salary—June 6, 1925.....	513
Gerberich, J. Raymond, re appointment—February 23, 1923.....	20
Getzendanner, Franklin C.:	
Transferred from General Accounting Office—January 19, 1923.....	17
Salary—June 6, 1925.....	513
Glacé cherries. (See Cherries, glacé.)	
Glacé fruit. (See Fruit, glacé.)	
Glass, plate:	
Advisory board instructed to prepare plans of investigation—	
January 2, 1923.....	14
Advisory board instructed to prepare a summary of information—	
May 2, 1924.....	247
Advisory board requested to submit tentative program for investiga-	
tion—Jan. 5, 1926.....	612
Assistance of agent in Europe ordered—October 24, 1923.....	135
Commissioner Costigan's statement—March 16, 1923.....	25
Cost schedule approved—August 2, 1923.....	99
Draft of information—	
Referred to committee—May 12, 1925.....	491
Submitted—May 19, 1925.....	493
Employment of special expert recommended—May 12, 1925.....	490
Investigation broadened to include cast polished plate glass—May 5,	
1923.....	55
Investigation ordered—	
March 16, 1923.....	25
Copy of order—March 27, 1923.....	35
May 5, 1923.....	56
March 26, 1924.....	232
Motion for report on advisability of investigation—May 5, 1923.....	55
Motion that investigation be reopened considered—January 5, 1926.....	612
Precedence voted—January 26, 1926.....	635
Preliminary foreign investigation ordered—September 27, 1923.....	117
Preliminary statement—	
Approved—October 20, 1925.....	568
Considered—April 14, 1925.....	478
Precedence given to—May 29, 1925.....	499
Public hearings—	
November 23, 1925.....	586
November 24, 1925.....	587
December 1, 1925.....	588
Tentatively ordered—March 31, 1925.....	469
Ordered—October 15, 1925.....	566
Report in re reopening of investigation—January 12, 1926.....	627
Request for copies of application for investigation—November 12,	
1925.....	582
Time for filing briefs extended—December 10, 1925.....	594
Travel authorization—	
May 15, 1923.....	58
August 14, 1923.....	109
October 23, 1923.....	134
October 30, 1923.....	138
Travel authorization of October 23 in part rescinded—October 24,	
1923.....	135
Glassie, Commissioner Henry H.:	
Appointments to committee—	
On preparation of formal orders for investigations, etc.—March	
16, 1923.....	26
On commercial discriminations—May 31, 1923.....	63



Glassie, Commissioner Henry H.—Continued.

	Page
Appointments to committee—Continued.	
To confer with Secretary of State—June 1, 1923.....	63
On publicity—June 12, 1923.....	69
On refusal of firms to give information concerning lace—June 27, 1923.....	79
On repairing hearing room—June 27, 1923.....	79
On preparation of order for preliminary hearing on logs—July 2, 1923.....	82
On administrative handling of official papers—July 3, 1923.....	83
On roll and bolster covers—July 19, 1923.....	88
On organization of agricultural division—July 19, 1923.....	89
On paintbrush handles—	
July 19, 1923.....	89
August 11, 1923.....	104
On preparation of certain reports—October 2, 1923.....	122
On annual report—October 5, 1923.....	124
On supervising order in re logs—October 16, 1923.....	130
On execution of order in re sugar hearings—October 16, 1923.....	130
On preparing statement in re wall pockets—October 18, 1923.....	132
On Italian cottonseed oil discrimination—October 25, 1923.....	135
On reply to casein procedure protest—October 25, 1923.....	136
On casein—October 26, 1923.....	137
On regulations governing investigations—November 2, 1923.....	139
On statement on wheat—November 13, 1923.....	146
To obtain foreign wage rates—November 15, 1923.....	153
To communicate plan for reorganization of ceramics division—November 23, 1923.....	155
In re various investigations—December 18, 1923.....	167
To consider Smith & Wesson matter—December 20, 1923.....	174
To supervise preparation of orders to institute vegetable-oil investigation—February 6, 1924.....	209
On vegetable oil—May 29, 1924.....	284
On eighth annual report—June 27, 1924.....	311
To investigate source of certain newspaper articles—July 17, 1924.....	335
On communications with President—July 18, 1924.....	336
On procedure—July 31, 1924.....	353
To inquire into legal status of minutes of Tariff Commission—August 7, 1924.....	365
On certain investigations—October 14, 1924.....	388
On procedure—December 4, 1924.....	431
On farm marketing—January 15, 1925.....	440
In re Mrs. Mary P. Fairfield—January 30, 1925.....	445
On reply withdrawal of card clothing application—February 13, 1925.....	450
On earthen and china ware—March 12, 1925.....	459
On olive oil—March 19, 1925.....	463
On cotton gloves—April 7, 1925.....	472
On ninth annual report—June 16, 1925.....	519
In re appropriations—June 25, 1925.....	522
To consider reclassification—June 30, 1925.....	525
In re office space—June 30, 1925.....	525
To draft factual section of butter report—January 26, 1926.....	635
Motions—	
Asking President's suggestion on broad questions of policy—March 16, 1923.....	26
Relative to sugar investigation—June 20, 1923.....	74
For adoption of plan for sugar investigation—June 20, 1923.....	76
For adoption of plan for sugar investigation as set forth in Doctor Bernhardt's diagram—July 3, 1923.....	83
Adding names of Townsend and other sugar experts—July 3, 1923.....	83
In re furnishing summary of cost inquiry to interested parties—July 17, 1923.....	87

## Glassie, Commissioner Henry H.—Continued.

	Page.
Motions—Continued.	
In re linseed oil cost schedule—July 19, 1923.....	88
In re regulations governing advisory board—July 20, 1923.....	90
Approving certain recommendations in re sugar investigation in Louisiana—August 7, 1923.....	100
For investigation of animal and vegetable oils—October 9, 1923.....	126
In re sugar hearings—October 16, 1923.....	130
To postpone consideration of advisory board's report—December 20, 1923.....	175
In re press notices—December 20, 1923.....	176-179
Calling for committee report on paint-brush handles—June 20, 1924.....	298
Concerning tables for report on butter—January 16, 1926.....	632
Statements—	
In re certain investigations—March 16, 1923.....	26
In respect to vote on inclusion of cast polished plate glass in investigation of mirror plates—May 5, 1923.....	55
In re employment of Fritz Ahlfeld—June 9, 1923.....	68
In re point of order—June 20, 1923.....	74
In re employment of sugar expert—June 20, 1923.....	75
In re cotton-hosiery investigation—June 21, 1923.....	77
In re employment of Doctors Rutter and Townsend—July 10, 1923.....	85
In re employment of accountant in sugar investigation in Louisiana—August 7, 1923.....	101
Explaining vote on request to examine records and cross-examine commission's investigators in sodium nitrite—October 2, 1923.....	121
On wheat investigation—November 14, 1923.....	151
On disqualification of commissioners—December 19, 1923.....	169
On minutes of January 8, 1924—February 1, 1924.....	196
On logs—April 1, 1924.....	236
Concerning pecuniary interests in butter industry—May 23, 1924.....	263
On qualification of interested commissioners to participate—May 23, 1924.....	265
Concerning criticism of chairman—February 1, 1924.....	208
On qualifications to vote on butter—July 10, 1924.....	318
On business during absence of commissioners—July 31, 1924.....	353
On furnishing Senator La Follette information on sugar—August 5, 1924.....	359
On furnishing information to the press—August 5, 1924.....	359
On right to vote on certain motions—August 5, 1924.....	359
On olive-oil investigation—October 22, 1924.....	404
Explaining attitude on Mr. Hirsch's letter—October 28, 1924.....	409
On delay of investigations—May 29, 1925.....	501
On reasons for not voting on motion to transmit letter to President on publication of sugar report—July 10, 1925.....	532
In re vote on resolution regarding halibut—October 23, 1925.....	570
Concerning transportation costs—November 17, 1925.....	584
On barium carbonate—January 8, 1926.....	619
Votes—	
On ordering certain investigations—March 16, 1923.....	25
On asking President's suggestion on broad questions of policy—March 16, 1923.....	26
On salaries of commissioners' stenographers—March 20, 1923.....	27
On publishing information obtained in investigations—March, 22, 1923.....	29
On motion for report as to investigation of glass industry—May 5, 1923.....	55
On including cast polished plate glass in investigation of mirror plates—May 5, 1923.....	55
On broadening investigation of cotton hosiery for infants to include cotton hosiery for children, women, and men—May 5, 1923.....	55

## Glassie, Commissioner Henry H.—Continued.

## Votes—Continued.

	Page
On motion to broaden investigation of pig iron to include steel ingots, slabs, sheets, etc.—May 15, 1923.....	57
On advising President of grounds for investigation of hosiery—May 18, 1923.....	59
On appointment of committee on selection of special counsel during sugar investigation—June 1, 1923.....	63
On motion re employment of Mr. Day—June 20, 1923.....	74
On ruling of chair on routine matters—June 20, 1923.....	74
On ruling of chair re substitute motion for sugar investigation—June 20, 1923.....	74
On increasing compensation of commission's agents—June 20, 1923.....	75
On notice of preliminary hearing being incorporated in public order for an investigation—July 2, 1923.....	81
On plan of sugar investigation—July 3, 1923.....	83
On adding names of sugar experts—July 3, 1923.....	83
On motion re furnishing summary of cost inquiry to interested parties—July 17, 1923.....	87
On motion in re offering commissions records in evidence, etc.—July 17, 1923.....	87
On hearing on paintbrush handles—July 17, 1923.....	87
On motion in re linseed oil cost schedule—July 19, 1923.....	88
On advisory board—July 20, 1923.....	90
On setting date for sugar hearing—July 20, 1923.....	90
On furnishing copies of applications for modification of duties to interested parties—July 27, 1923.....	97
On sugar investigation in Louisiana—August 7, 1923.....	101
On investigation of acetaldehyde, butyraldehyde, crotonaldehyde, paracetaldehyde—August 11, 1925.....	105
On employment of R. E. Le Gardeur—August 14, 1923.....	110
On motion to institute investigation on animal and vegetable oils—October 9, 1923.....	126
On motion that the question of the President's authority to change rate of duty on logs be referred to the President, etc.—October 12, 1923.....	129
On motion to appoint committee to supervise execution of order in re sugar hearings—October 16, 1923.....	131
On motion to investigate lace industry section 318—October 25, 1923.....	136
On ordering investigation of lace—October 25, 1923.....	137
On motion disqualifying commissioners, etc.—December 19, 1923.....	169
On motion in re press notices—December 20, 1923.....	177-180
On motion in re investigation of vegetable, animal, and fish oils—December 20, 1923.....	181
On holding public hearing on vegetable and fish oils—December 20, 1923.....	181
On motion in re scope of oils investigation—December 20, 1923.....	181
On submitting summary of applications and information pertaining to animal and vegetable oils and fats, to the President—December 20, 1923.....	182
On including mill feed costs in wheat investigation report to President—March 4, 1924.....	220
On assignment and compensation of P. W. Bidwell—March 18, 1924.....	224
On making economic investigation of lemon and olive oil industries—March 31, 1924.....	235
On investigation of bent-wood chairs, mesh bags, gold leaf, men's straw hats—April 5, 1924.....	239
On letter to President—April 15, 1924.....	243
On making bent-wood chairs and straw hats next order of business—May 6, 1924.....	249
On deferring consideration, of bent-wood chairs and men's straw hats—May 6, 1924.....	249

## Glassie, Commissioner Henry H.—Continued.

## Votes—Continued.

	Page
On attendance reports from economics division—May 20, 1924..	261
On motion for investigation of men's sewed straw hats—May 27, 1924.....	278
On motion to consider personnel questions—June 20, 1924.....	298
On motion that committee report on paintbrush handles—June 20, 1924.....	299
On increase in salary of Misses Priest and Hockensmith—July 1, 1924.....	313
On postponing further consideration of investigation of milk and cream—July 15, 1924.....	324
On butter investigation—July 17, 1924.....	334
On travel authorization of Kemper Simpson—July 25, 1924.....	342
On employment and compensation of Professor Misner as butter expert—July 29, 1924.....	348
On sending certain employees to Europe to ascertain butter costs—August 8, 1924.....	366
On foreign work in re Swiss cheese investigation—August 9, 1924..	369
On extension of employment of Dr. H. G. A. Brauer—August 11, 1924.....	371
On employment of J. H. Greenhalgh and travel to Denmark on butter investigation—August 14, 1924.....	372
On resignation of Dr. John R. Turner as chief economist—October 9, 1924.....	385
On investigation of olive oil—October 22, 1924.....	403
On motion for dismissal of Mr. Gilbert Hirsch—November 25, 1924.....	429
On motion made by Edward P. Costigan re report on linseed oil—February 24, 1925.....	454
On transmission of linseed oil report to the President—March 3, 1925.....	456
On travel authorization—April 2, 1925.....	470
On appointment of acting chairman of advisory board—April 9, 1925.....	474
On foreign office organization—April 9, 1925.....	475
On changing title of foreign office chief—April 9, 1925.....	475
On foreign economist—April 9, 1925.....	475
On moving foreign office and appointing economist—April 9, 1925.....	476
On motion to promote F. M. Leonard to chief of metals division—April 16, 1925.....	479
On recommendations re rag rugs—April 24, 1925.....	484
On appointing A. M. Fox as chief of the economic division—April 30, 1925.....	486
On rescinding employment of Arthur L. Faubel as special expert in pottery—May 22, 1925.....	497
On disposing of business before the commission—June 2, 1925..	509
On reclassifying grade and increasing salary of S. J. Bergner—June 16, 1925.....	518
On transferring E. B. Brossard and increasing his salary—June 16, 1925.....	518
On increasing salary of A. M. Fox—June 16, 1925.....	518
On submitting halibut report to President—October 23, 1925..	570
On substitute motion re employment of economic statisticians—December 8, 1925.....	593
On employment of Vern C. Woolley—December 8, 1925.....	593
On method of handling butter report—December 10, 1925.....	595
On transportation costs, letter to President—Dec. 31, 1925.....	605
On motion re investigation of calcium tartrate, cream of tartar, and tartaric acid—January 8, 1926.....	620
On motion in re barium carbonate investigation January 8, 1926..	619
On investigation of fluor spar—January 8, 1926.....	619
On employment of Vern C. Woolley—January 12, 1926.....	625
On letter to President regarding employment of Vern C. Woolley—January 26, 1926.....	637

Glassie, Commissioner Henry H.—Continued.

	Page
Miscellaneous—	
Appeal from chair's ruling on sugar motion—June 20, 1923.....	74
Gives notice that action on sugar investigation will be requested— June 26, 1923.....	78
Appointed to draft reply to Secretary of State re revolvers— November 15, 1923.....	153
Submits draft of letter to Secretary of State regarding unfair practices in sales of revolvers—November 23, 1923.....	155
Reports on casein investigations—November 23, 1923.....	156
Requested to prepare papers relative to mandamus—December 13, 1923.....	165
Appointed to assist district attorney—December 19, 1923.....	168
Seconds tabling of substitute motion re press notices—Decem- ber 20, 1923.....	177
Seconds motion for investigation of vegetable, animal, and fish oils—December 20, 1923.....	180
Appointed on committee to draft reply to Norwegian Nitrogen Products Co.—January 3, 1924.....	185
Designated to appear for commission in Norwegian Nitrogen Products Co. case—January 3, 1924.....	186
Requested to reply to communication from C. S. Maltby— January 8, 1924.....	188
Oral message from President in re sugar investigation—January 15, 1924.....	189
Returns draft of report on wall pockets to technical staff for checking—February 1, 1924.....	196
Report from advisory board on request for extension of investiga- tion on logs referred to—May 2, 1924.....	247
Point of order against motion to make sugar report order of business for May 26—May 23, 1924.....	264
Returns report on sodium nitrite with corrections—June 20, 1924..	298
Calls up motion proposing rules of procedure—June 20, 1924..	299
Senate Resolution No. 256, in re calf-leather tanning, referred to—July 29, 1924.....	348
Submits draft of letter re calf-leather tanning to Secretary of Commerce—August 8, 1924.....	367
Commission notes appreciation of special services—September 19, 1924.....	375
Submits draft of letter to National Council of American Cotton Manufacturers on certain cotton cloths imported—November 13, 1924.....	415
Travel authorization—June 12, 1925.....	516
Not voting on substitute motion re butter report—December 10, 1925.....	595
Gloves, cotton:	
Advisory board instructed to prepare plans of investigation—January 2, 1923.....	14
Travel authorization—February 27, 1923.....	22
Investigation ordered—March 2, 1923.....	22
Investigation ordered—March 16, 1923.....	25
Travel authorization—	
March 23, 1923.....	31
May 15, 1923.....	58
Copy of order adopted in investigation—March 27, 1923.....	38
Public hearing ordered—October 2, 1923.....	122
Mr. Stephen E. Smith, requested to attend public hearing on Novem- ber 16, 1923—November 13, 1923.....	146
Public hearing—November 16, 1923.....	154
Time for filing briefs extended—December 7, 1923.....	161
Instruction for tabulating cost data—February 15, 1924.....	214
Advisory board ordered to report—March 21, 1924.....	227
Hearing closed—March 26, 1924.....	233
Committee appointed to consider summary of facts—October 14, 1924.....	388
Travel authorization—October 17, 1924.....	396
Communications received relative to investigation and referred to a committee—April 7, 1925.....	472

	Page
Gloves, cotton—Continued.	
Reply to John R. Rafter, re investigation—April 8, 1925	474
Special order of business—April 24, 1925	484
Report considered—May 7, 1925	489
Consideration of report for President resumed—May 9 and 12, 1925	490, 491
Investigation No. 14 reported—May 29, 1925	499
Report considered—June 2, 1925	509
Corrected draft of report signed—June 12, 1925	516
Increase in duty not authorized by President—October 6, 1925	559
Glue:	
Report of advisory board submitted—March 27, 1925	468
Report considered—April 16, 1925	480
Travel authorization—April 23, 1925	482
Advisory board reports—June 23, 1925	521
Memorandum submitted—July 17, 1925	535
Motion that investigation be instituted—July 23, 1925	540
Memorandum considered—July 23, 1925	540
Investigation No. 46 ordered—July 24, 1925	542
Travel authorization—	
July 24, 1925	545
September 24, 1925	550
November 20, 1925	585
Glue, casein, preliminary reports already submitted—January 5, 1925	613
Glue, fish:	
Request for investigation denied—September 14, 1923	112
Investigation held not warranted—March 26, 1924	232
Gold leaf:	
Application for investigation refused—August 7, 1923	103
Investigation held not warranted—March 26, 1924	232
Memorandum re feasibility of obtaining foreign costs—April 1, 1924	236
Consideration of, made special order of business—April 5, 1924	238
Investigation under section 315 ordered—April 5, 1924	239
Plans for investigation approved—April 29, 1924	246
Cost schedule approved—May 23, 1924	268
Travel authorization—	
May 29, 1924	280
June 13, 1924	293
Public hearing set—March 31, 1925	469
Draft of preliminary statement discussed—April 7, 1925	472
Preliminary statement—April 14, 1925	477
Hearing ordered—April 14, 1925	478
Public hearings opened—May 18, 1925	493
Date for filing briefs announced—May 18, 1925	493
Committee appointed to draft report in pending investigation—May 21, 1925	496
Date for filing briefs extended—May 28, 1925	498
Public hearings closed—May 28, 1925	498
Investigation No. 36 reported—May 29, 1925	499
Made special order of business—June 18, 1925	519
Report to President considered—June 26, 1925	525
Report called up for consideration—July 16, 1925	534
Consideration resumed—	
July 17, 1925	536
July 18, 1925	536
July 21, 1925	538
July 22, 1925	538
Report to President approved—July 22, 1925	539
Goldsmith, Alan, re employment—February 27, 1923	21
Goldstein, Louis:	
Re appointment—February 23, 1923	21
Transferred from statistical to accounting division—September 29, 1925	554
Gordon, John B., request for copy of chart—April 3, 1924	237
Goree-Hartman gins, application of—November 6, 1923	143

	Page
<b>Granite:</b>	
Preliminary investigation ordered—September 19, 1924.....	376
Report on applications for investigation requested—May 21, 1925....	496
Advisory board report received—June 9, 1925.....	514
Report of committee on feasibility of investigation—June 16, 1925....	516
Report of advisory board on plan for investigation—June 23, 1925....	521
State Department advises that investigation in Sweden not advis- able—June 25, 1925.....	523
Advisory board requested to report to commission with respect to feasibility of investigation—June 25, 1925.....	523
Memorandum submitted—July 17, 1925.....	535
Consideration of production costs postponed—July 23, 1925.....	540
Memorandum considered—July 23, 1925.....	540
Consideration of proposed investigation resumed—July 24, 1925.....	541
Investigation ordered—July 24, 1925.....	542
Travel authorization—	
July 24, 1925.....	545
September 15, 1925.....	549
October 20, 1925.....	568
October 23, 1925.....	570
January 5, 1926.....	611
Cost schedule approved—October 23, 1925.....	570
Investigation in Sweden broadened to include actual cost figures— September 16, 1925.....	550
Granite Mills of Fall River.....	464
<b>Graphite:</b>	
Advisory board instructed to prepare plans of investigation—January 2, 1923.....	14
Report of advisory board—May 20, 1924.....	261
Preliminary reports—January 5, 1925.....	613
<b>Greenfield, H. E.:</b>	
Salary—June 6, 1925.....	514
Transferred to transportation division—June 25, 1925.....	523
Transferred from administrative to statistical division—September 29, 1925.....	554
<b>Greenhalgh, J. H.:</b>	
Temporary employment authorized on butter investigation—August 14, 1924.....	372
Compensation—January 8, 1925.....	438
<b>Gregory, Jos. P.:</b>	
Re appointment—June 6, 1923.....	65
Travel in Denmark authorized contingent upon unavailability of J. H. Greenhalgh—August 14, 1924.....	372
Salary—June 6, 1925.....	513
Annual leave of 30 days in 1925 allowed—October 8, 1926.....	561
<b>Gries, B. M.:</b>	
Salary—June 6, 1925.....	514
Salary increased—November 12, 1925.....	583
Assigned to sugar division—December 18, 1925.....	601
<b>Grigg, Myron G.:</b>	
Appointment—February 23, 1923.....	20
Salary—June 6, 1925.....	513
<b>Guinn, Rose S.:</b>	
Re appointment—February 23, 1923.....	20
Salary—June 6, 1925.....	513
Salary increase—July 21, 1925.....	537
<b>Gunther, Arthur C., re employment—July 6, 1923.....</b>	<b>84</b>
Gut, and manufactures of, preliminary reports—January 5, 1925.....	614
<b>Hafner, G. W.:</b>	
Re appointment—June 20, 1923.....	76
Temporary services authorized—July 2, 1923.....	81
<b>Hagan, T. A.:</b>	
Salary increase—May 29, 1924.....	283
Salary—June 6, 1925.....	514
<b>Hainsworth, Theda M.:</b>	
Re appointment—February 23, 1923.....	21
Transfer from statistical division to economics division—January 29, 1925.....	445
Resignation—September 24, 1925.....	551

	Page
Hair, camel's. (See Camel's hair.)	
Haiti, report on tariff discriminations—December 5, 1924.....	432
Halibut:	
Advisory board to prepare report—July 17, 1924.....	333
Letter from President—July 23, 1924.....	341
President's letter referred to advisory board—July 25, 1924.....	341
Investigation considered—August 8, 1924.....	366
Investigation ordered on cost of production—August 9, 1924.....	368
Copy of order No. 40—August 11, 1924.....	370
Travel authorization—	
August 14, 1924.....	373
September 12, 1924.....	375
February 12, 1925.....	449
February 17, 1925.....	451
June 30, 1925.....	526
Expense for investigation authorized—September 19, 1924.....	376
Investigation No. 40, preliminary statement—May 29, 1925.....	500
Preliminary statement on, considered—June 30, 1925.....	526
Public hearing ordered—June 30, 1925.....	526
Committee appointed to hold hearing on—June 30, 1925.....	526
Draft of preliminary statement of investigation considered—June 30, 1925.....	527
Preliminary statement for investigation approved—July 7, 1925.....	529
Correspondence laid before the commission—October 1, 1925.....	557
Time for filing reply briefs extended to October 13, 1925—October 1, 1925.....	557
Report to the President considered—	
October 6, 1925.....	561
October 12, 1925.....	563
October 13, 1925.....	564
October 14, 1925.....	565
October 15, 1925.....	565, 567
October 17, 1925.....	567
October 20, 1925.....	568
October 22, 1925.....	568
October 21, 1925.....	569
October 23, 1925.....	570, 571
Motion by Commissioner Costigan to advise President of completion of report and to inquire concerning diplomatic negotiations with Canada—October 23, 1925.....	570
Motion by chairman regarding submission of report—October 23, 1925.....	571
Table of costs prepared by chairman—October 24, 1925.....	572
Voted to transmit report to President—October 24, 1925.....	572
Objections to summary of report by Commissioner Costigan—October 24, 1925.....	572
Statement prepared for State Department—October 29, 1925.....	575
Transmission of separate statement to President—October 30, 1925.....	577
Halpin, Neal J.:	
Re appointment—February 23, 1923.....	21
Compensation—March 20, 1924.....	226
Salary—June 6, 1925.....	513
Handles, paintbrush. (See Paintbrush handles.)	
Handrick, H. A., re appointment—February 23, 1923.....	20
Hannon, John J., re appointment—June 12, 1923.....	69
Harbin, E. L., salary—June 6, 1925.....	513
Harding, President Warren G., conference of April 20, 1923, re flexible provisions—April 21, 1923.....	45
Harding, Mrs. Warren G., telegram of sympathy on the death of the President—August 3, 1923.....	100
Harrigan, Cornelius, re appointment—June 29, 1923.....	80
Hatters' furs. (See Furs, hatters'.)	
Hats, ladies', trimmed:	
Investigation held not warranted—November 6, 1923.....	142
Public conference called—December 12, 1923.....	142
Conference postponed—December 4, 1923.....	160



	Page
<b>Hats, ladies', trimmed—Continued.</b>	
Conference postponed at request Millinery Chamber of Commerce until March 26, 1924—January 19, 1924.....	192
Informal conference postponed to March 26, 1924—January 22, 1924.....	193
Communication re application for investigation—March 26, 1924.....	234
Report of advisory board—May 20, 1924.....	261
<b>Hats, men's sewed straw:</b>	
Charles F. Yauch—	
Transferred to field service in connection with investigation of costs in Europe—September 26, 1924.....	379
Instructed to secure while in Europe cost of bleaching straw braid—October 7, 1924.....	382
Committee to draft report appointed—May 21, 1925.....	496
Consideration of—April 5, 1924.....	238
Correspondence with President re transportation costs—October 6, 1925.....	559, 564
Date for filing briefs announced—May 16, 1925.....	492
Draft of preliminary statement on costs amended and approved—April 2, 1925.....	471
Draft of report considered—	
July 1, 1925.....	528
July 2, 1925.....	528
July 7, 1925.....	529
July 8, 1925.....	530
July 9, 1925.....	531
July 10, 1925.....	533
Ernster assigned to assist in cost investigation—October 17, 1924.....	395
Investigation No. 37—	
Preliminary public hearing:	
Ordered—May 29, 1924.....	281
Held—June 12, 1924.....	292
Public hearings—	
May 4, 1925.....	488
May 14, 1925.....	491
May 15, 1925.....	492
May 16, 1925 (closed).....	492
Investigation recommended—December 20, 1923.....	175
Investigation under section 315 ordered—May 29, 1924.....	280
Letter received asking for an early hearing—March 13, 1925.....	460
Made special order of business—	
May 29, 1925.....	499
June 18, 1925.....	519
Memorandum re feasibility of obtaining foreign costs—April 1, 1924.....	236
Motion by Commissioner Burgess to institute investigation—May 6, 1924.....	248
Motion for investigation withdrawn—May 6, 1924.....	249
Motion that consideration be postponed—May 6, 1924, May 27, 1924.....	248, 278
Notice of investigation to foreign office—May 29, 1924.....	281
Plan for field work—August 8, 1924.....	367
Public hearings voted—March 31, 1925.....	469
Report from chief investigator referring to completion of investigation on—March 31, 1925.....	469
Report in investigation No. 37 approved and transmitted to President—July 14, 1925.....	534
Report to President to be submitted by advisory board June 25—June 21, 1924.....	521
Travel authorization—	
October 11, 1923.....	126
October 25, 1923.....	137
May 29, 1924.....	281
June 3, 1924.....	285
July 16, 1924.....	332
August 8, 1924.....	367
March 31, 1925.....	469
<b>Hayden, Thomas P.:</b>	
Re employment.....	69
Transferred from accounting to textile division—July 16, 1925.....	535

	Page
Hearing room:	
Remodeling of .....	70
Repairing and remodeling, special committee appointed—June 27, 1923 .....	79
Secretary authorized to accept certain bids in re furnishing and decorating—June 29, 1923 .....	80
Voted to change remodeling plans—July 19, 1923 .....	88
Hearings:	
Rules of procedure adopted—October 20, 1922 .....	6
Notice, form of, adopted—March 23, 1923 .....	30
Transcripts of copies of proceedings at—June 21, 1923 .....	77
Motion to be in public order for investigation—July 2, 1923 .....	81
Logs, date set for August 3, 1923—July 2, 1923 .....	82
Acceptance of bid authorized—July 12, 1923 .....	86
Motion, re furnishing summary of cost of inquiry to interested parties—July 17, 1923 .....	87
Paintbrush handles, Chairman Marvin in charge—July 17, 1923 .....	87
Re offering commission's records in evidence, etc.—July 17, 1923 .....	87
Sodium nitrite, motion to fix date of—July 19, 1923 .....	89
Sugar, motion to fix date—July 19, 1923 .....	89, 90
Paintbrush handles—July 19, 1923 .....	89
Sodium nitrite—July 20, 1923 .....	91
Logs—	
Adjourned as a mark of respect to late President Harding—August 3, 1923 .....	99
August 6, 1923 .....	100
Wall pockets—August 10, 1923 .....	104
Casein—	
Investigation No. 4—August 13, 1923 .....	108
Continued on August 14, 1923 .....	108
Paintbrush handles—September 6, 1923 .....	110
Rare sugars—September 27, 1923 .....	116
Amino acid—September 27, 1923 .....	116
Oxalic acid, No. 13—September 28, 1923 .....	117
Potassium chlorate—September 28, 1923 .....	118
Barium dioxide—September 28, 1923 .....	118
Diethylbarbituric acid—September 28, 1923 .....	118
Logwood extract—September 28, 1923 .....	118
Magnesite and magnesite brick, adjourned—September 28, 1923 .....	119
Cotton hosiery, No. 15—October 2, 1923 .....	122
Cotton warp-knit fabric, No. 13—October 2, 1923 .....	122
Cotton gloves, No. 14—October 2, 1923 .....	122
Sodium nitrite—October 6, 1923 .....	125
Brierwood pipes—October 11, 1923 .....	127
Sugar, committee appointed to supervise execution of order in re—October 16, 1923 .....	130
Sugar, motion of Commissioner Glassie in re—October 16, 1923 .....	130
Sugar, recommendations of advisory board—October 16, 1923 .....	130
Brierwood pipes, adjourned—October 17, 1923 .....	131
Oxalic acid—November 5, 1923 .....	140
Brierwood pipes, continued—November 8, 1923 .....	144
Barium dioxide—November 9, 1923 .....	144
Logwood extract—November 12, 1923 .....	145
Potassium chlorate—November 14, 1923 .....	151
Cotton hosiery—November 20, 1923 .....	154
Cotton warp-knit fabrics and cotton gloves—November 16, 1923 .....	154
Wheat and wheat products—	
November 26, 1923 .....	156
November 27, 1923 .....	157
Magnesite and magnesite brick, closed—December 5, 1923 .....	161
Lacc—	
December 10, 1923 .....	162
Hearing closed—December 11, 1923 .....	162
Print rollers, ordered—December 13, 1923 .....	164
Phenol and cresylic acid, ordered—December 13, 1923 .....	164
Linseed oil, ordered—December 13, 1923 .....	164
Taximeters, ordered—December 13, 1923 .....	165

Hearings—Continued.	Page
Wheat and wheat products—December 21, 1923.....	183
Sugar—January 15, 16, 17, 18, 21.....	190, 191, 192
Phenol and cresylic acid—January 24 and 25, 1924.....	193, 194
Print rollers—January 29, 1924.....	195
Cotton hosiery—January 30, 1924.....	196
Vegetable oil, preliminary study voted—February 6, 1924.....	209
Taximeters—February 12, 1924.....	213
Vegetable and animal oils and fats, evidence offered—March 11 and 12, 1924.....	223
Taximeters, closed—March 12, 1924.....	223
Casein, date for final hearing requested by Mr. Culbertson—March 20, 1924.....	225
Casein, advisory board to prepare supplemental statement in re skimmed milk—March 25, 1924.....	229
Sugar—	
March 27, 1924.....	234
March 28, 1924.....	234
Men's sewed straw hats, ordered—May 29, 1924.....	281
Men's sewed straw hats; preliminary—June 12, 1924.....	292
Casein—June 23, 1924.....	307
Committee appointed on procedure after close of hearings—July 31, 1924.....	353
Revolvers—September 29 and 30 and October 1, 1924.....	379
Butter—March 6, 1925.....	458
Men's sewed straw hats—March 31, 1925.....	469
Butter—April 21, 1925.....	481
Butter, hearing concluded—April 22, 1925.....	481
Men's straw hats—May 4, 1925.....	488
Gold leaf—May 28, 1925.....	498
Logs of fir, spruce, cedar, and western hemlock—	
June 23, 1925.....	521
June 25, 1925.....	523, 524
Halibut, public hearing at Seattle—June 30, 1925.....	526
Bobwhite quail—	
July 20, 1925.....	536
July 24, 1925.....	546
September 10, 1925.....	546
Oil and fats, date tentatively set—October 15, 1925.....	566
Cheese, Swiss, date tentatively set—October 15, 1925.....	566
Lace, date tentatively set—October 15, 1925.....	566
Mirror plates and cast polished plate glass, date set—October 15, 1925.....	566
Statement showing time interval between issue of preliminary statement and notice of public hearings in all investigations—November 12, 1925.....	581
Glass, plate and mirror plates—November 23, 1925.....	586
Swiss cheese—December 11, 1925.....	598
Lace—December 15, 16, and 17, 1925.....	599, 600
Hemlock logs, western:	
Preliminary hearing ordered—July 2, 1923.....	81
Investigation under section 315 ordered—July 2, 1923.....	82
Hemp, preliminary reports already submitted—January 5, 1924.....	614
Herbert, J., salary—June 6, 1925.....	514
Hermes, Paul:	
Appointment offered—December 5, 1922.....	12
Transfer approved—July 1, 1924.....	312
Hirsch, Gilbert:	
Cablegram sent—September 27, 1923.....	116
In charge Paris headquarters—November 6, 1923.....	141
Letter quoted by Commissioner Costigan—October 28, 1924.....	409
Correspondence relative to resignation—October 31, 1924.....	412
Requested to return to Washington—October 31, 1924.....	412
Radiogram—November 11, 1924.....	413
Moved that he be removed for insubordination—November 11, 1924.....	413
Moved by Mr. Costigan that he be dismissed unless an explanation is made—November 25, 1924.....	428

	Page
Hirsch, Gilbert—Continued.	
Commissioner Glasie's motion for dismissal considered—November 25, 1924	428
Resignation considered—December 2, 1924	430
Separated from services of commission—January 6, 1925	438
Hockensmith, B. L., salary:	
June 24, 1924	308
June 11, 1924	313
June 6, 1925	513
Hodgson, John S., assignment to editorial section—September 12, 1923	111
Holiday, employees excused from duty half day—July 3, 1925	528
Holmes, C. L., re butter—July 25, 1924	343
Hopkinson, L. T	
Re appointment—October 30, 1923	137
Salary—June 6, 1925	513
Hops:	
Advisory board report to be considered—November 13, 1923	146
Further action on advisory board report deferred—November 15, 1923	153
Report—March 26, 1924	231
Preliminary reports already submitted—January 5, 1925	614
Hosiery, cotton:	
Advisory board instructed to prepare plans of investigation—January 2, 1923	14, 69
Investigation under section 315 ordered—	
February 14, 1923	18
March 2, 1923	22
March 16, 1923	25
Copy of order—March 27, 1923	39
Travel authorization—	
February 27, 1923	22
March 22, 1923	29
March 23, 1923	31
April 10, 1923	44
May 15, 1923	58
May 29, 1923	62
June 6, 1923	64
June 26, 1923	78
July 6, 1923	84
July 27, 1923	98
July 31, 1923	98
August 7, 1923	102
September 14, 1923	113
October 15, 1923	129-130
November 28, 1923	158
January 15, 1924	189
January 30, 1924	196
May 15, 1924	257
Rescinded May 16, 1924	258
May 16, 1924	258
December 2, 1924	430
November 27, 1925	587
Commissioner Costigan's statement—March 16, 1923	25
Investigation extended—May 5, 1923	55
Grounds for investigation, communication to President—May 18, 1923	59
European field work—June 6, 1923	64
Survey requested from advisory board—June 9, 1923	68
Preliminary report to the President—June 14, 1923	71
Investigation under section 315 ordered—June 21, 1923	76
Committee appointed to prepare report—October 2, 1923	122
Public hearing ordered—October 2, 1923	122
Public hearing adjourned to January 10, 1923—November 20, 1923	154
Hearing adjourned to January 11, 1924—January 10, 1924	188
Hearing adjourned to January 30, 1924—January 10, 1924	188
Hearing continued—January 30, 1924	196
Briefs to be filed up to February 20, 1924	196
Instruction for tabulating cost data—February 15, 1924	214
Advisory board ordered to report on—March 21, 1924	227

	Page
Hosiery, cotton—Continued.	
Committee to consider summary—October 14, 1924.....	388
Final report ready for consideration—May 29, 1925.....	499
Made special order of business—June 18, 1925.....	519
Consideration of report to President—November 19, 1925.....	585
Report considered—December 10 and 14, 1925.....	598
Committee directed to draft factual section of report—January 26, 1926.....	636
House bill 6425, anthrax, laid before commission—June 10, 1924.....	290
Howlett, Miss Blanche C.:	
Salary increased—July 16, 1925.....	535
Appeal to Personnel Classification Board—July 24, 1925.....	541
Hughes, Secretary, conference with, postponed—June 1, 1923.....	63
Hughes, J. H., employed—March 19, 1925.....	464
Hunter, Byron, re employment—August 14, 1923.....	109
Hutchison, Miss Cora R.:	
Salary increase voted—March 20, 1923.....	28
Transferred from textile to statistical division—July 16, 1925.....	535
Salary increased—November 12, 1925.....	582
Hutchison, Dr. Miller Reese, requested to visit the commission offices in regard to calcium arsenate industry—January 12, 1923.....	16
Hydrogen peroxide, memorandum re relation of duty to that on barium dioxide requested—May 27, 1924.....	277
Hygenol laboratories, no investigation ordered—November 6, 1923.....	142
Ichthyol, investigation held not warranted:	
November 6, 1923.....	142
March 26, 1924.....	232
Imperial University of Tokyo, Japan, letter from, requesting set of Tariff Commission publications—December 21, 1923.....	183
Imports:	
Analysis conference with Roorbach—May 22, 1923.....	60
Compiled at New York office—February 14, 1923.....	19
Division, form of organization of personnel approved—June 1, 1923.....	64
Investigation by Commissioner Lewis and Mr. Koch authorized— January 2, 1923.....	14
List to be prepared—December 9, 1922.....	13
Voted to engage services of Dr. Thomas Walker Page—July 19, 1923.....	88
Indigo, synthetic; etc., report—March 26, 1924.....	231
Infants' hosiery. (See Hosiery.)	
Ingots, steel. (See Steel products.)	
Instruments:	
Scientific. See Scientific instruments.	
Surgical—	
Schedules to be submitted to manufacturers and importers; drafts submitted—October 8, 1925.....	562
Schedules for manufacturers and importers approved—October 15, 1925.....	566
Insulation, cork. (See Cork insulation.)	
Interpreters, employment of, in France for certain investigations ap- proved—December 12, 1924.....	434
Interstate Commerce Commission, purchase of complete set of decisions authorized—March 22, 1923.....	30
Investigations. (See also Sections 315, 316, 317, 318.)	
Regulations pertaining to plans for—July 23, 1923.....	95
Economic—	
Outline submitted on findings by committee—February 27, 1924.....	219
Committee of commissioners appointed to make form of report for submittal of findings to President—February 27, 1924.....	219
Committee appointed to reply to Senate request for information May 13, 1924.....	246
Under section 315—	
Of aluminum ware ordered—March 2, 1923.....	22
Of barbital ordered—March 2, 1923.....	22
Of barium dioxide ordered—March 2, 1923.....	22
No. 3 of barium dioxide ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	32

## Investigations—Continued.

## Under section 315—Continued.

	Page
Of barium peroxide ordered—February 14, 1923.....	18
Of blankets and similar articles ordered—March 2, 1923.....	23
Of calcium carbide ordered—February 14, 1923.....	18
Of calcium carbide ordered—March 2, 1923.....	22
Of casein ordered—February 14, 1923.....	18
Of casein ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	33
No. 4 of casein ordered—March 2, 1923.....	22
Of chamoisette gloves ordered—March 2, 1923.....	22
Of chinaware ordered—March 2, 1923.....	22
Of citric acid ordered—February 14, 1923.....	18
Of citric acid ordered—March 2, 1923.....	22
Of cotton gloves ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	38
Of cotton hosiery ordered—March 2, 1923.....	22
Of cotton knit warp fabric ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	37
Of cottonseed ordered—February 14, 1923.....	18
Of cottonseed ordered—March 2, 1923.....	22
Of cresylic acid ordered—March 2, 1923.....	22
Of cutlery ordered—February 14, 1923.....	18
No. 2 of diethylbarbituric acid ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	32
Of feeder cattle, ordered—February 14, 1923.....	18
Of feeder cattle ordered—March 2, 1923.....	22
Of fruits, artificial, flowers, etc., ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	40
Of gloves ordered—February 14, 1923.....	18
Of hosiery, infants cotton, ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	39
Of hosiery ordered—February 14, 1923.....	18
Of iron products, ordered—February 14, 1923.....	18
Of iron products* ordered—March 2, 1923.....	22
Of lemons ordered—March 2, 1923.....	22
No. 8 of mirror plates ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	35
No. 5 of logwood extract ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	33
Of oxalic acid to be ordered—March 2, 1923.....	22
No. 1 of oxalic acid ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	31
Of paintbrush handles ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	36
No. 9 of pig iron ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	35
Of pile fabrics ordered—March 2, 1923.....	23
Of pocket knives ordered—March 2, 1923.....	22
No. 6 of potassium chlorate ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	34
Of razors ordered—March 2, 1923.....	22
Of refined cresol ordered—March 2, 1923.....	22
Of scissors ordered—March 2, 1923.....	22
Of sodium nitrite to be ordered—February 14, 1923.....	18
Of sodium nitrite ordered—March 2, 1923.....	22
No. 7 of sodium nitrite ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	34
Of steel products ordered—February 14, 1923.....	18
Of sugar to be ordered—February 14, 1923.....	18
Of sugar ordered—March 2, 1923.....	22
Of sugar ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	37
Of Swiss pattern files to be ordered—February 14, 1923.....	18
Of Swiss pattern files ordered—March 2, 1923.....	22

\* Iron and steel products; pig iron, wrought iron, steel ingots, cogged ingots, slabs, billets, sheet bars, structural shapes, rails, merchant bars, wire rods, sheets and plates, skelp, and plain wire.

## Investigations—Continued.

## Under section 315—Continued.

	Page
Of Swiss pattern files ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	36
Of table cutlery ordered—March 2, 1923.....	22
Of tops ordered—March 2, 1923.....	23
Of unmanufactured wool ordered—March 2, 1923.....	22
Of wall pockets ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	39
Of warp-knit fabrics for chamoisette gloves ordered—March 2, 1923.....	22
Of white earthen tableware ordered—March 2, 1923.....	22
Of woolens ordered—March 2, 1923.....	23
Of wool manufacturing industry ordered—February 14, 1923.....	18
Of wool ordered—February 14, 1923.....	18
Of worsteds ordered—March 2, 1923.....	23
Of yarns ordered—March 2, 1923.....	23
No. 10 of Swiss pattern files ordered—March 27, 1923.....	36
No. 11 of paintbrush handles—June 8, 1923.....	67
No. 12 of sugar ordered—March 27, 1923.....	37
No. 12 of sugar, order recorded in minutes—February 23, 1924.....	217
No. 13 of cotton warp-knit fabrics ordered—March 27, 1923.....	37
No. 15 of cotton hosiery ordered—June 21, 1923.....	76
No. 16 of wall pockets—June 8, 1923.....	67
No. 18 of flaxseed or linseed oil ordered—May 4, 1923.....	50
No. 19 of synthetic phenolic resin ordered—May 4, 1923.....	51
No. 20 of smokers' articles of synthetic phenolic resin ordered— May 4, 1923.....	51
No. 21 of phenol ordered—May 4, 1923.....	52
No. 22 of cresylic acid ordered—May 4, 1923.....	52
No. 23 of brierwood pipes ordered—May 4, 1923.....	53
No. 24 of print rollers ordered—May 4, 1923.....	53
No. 25 of taximeters ordered—May 4, 1923.....	54
No. 26 of cast polished plate glass ordered—May 5, 1923.....	56
No. 28 of metallic magnesium ordered—July 27, 1923.....	97
No. 29 of magnesite and magnesite brick, ordered—August 11, 1923.....	106
No. 30, sugars, rare, ordered—August 11, 1923.....	106
No. 31, amino acid salts, ordered—August 11, 1923.....	107
No. 7, sodium nitrite—	
Argument heard—September 26, 1923.....	116
Hearing adjourned until October 6, 1923.....	116
No. 30, rare sugars—	
Public hearing—September 27, 1923.....	116
Hearing adjourned.....	116
No. 31 of amino acid—	
Public hearing—September 27, 1923.....	116
Hearing adjourned.....	116
No. 32 of lace ordered—October 25, 1923.....	136
No. 33 of wheat and wheat products ordered—November 14, 1923.....	147
No. 34 of vegetable and animal oils and fats—February 8, 1924.....	211
Draft of report submitted by Commissioner Burgess in respect of certain Spanish importations—February 9, 1924.....	212
No. 35 of logs of fir, spruce, cedar, or western hemlock ordered— April 1, 1924.....	235
No. 36 of gold leaf ordered—April 5, 1924.....	239
No. 37 of men's sewed straw hats ordered—May 29, 1924.....	280
Of butter, milk and cream, ordered—July 10, 1924.....	317
No. 38, of butter ordered—July 14, 1924.....	322
Swiss cheese to be ordered—August 5, 1924.....	358
No. 39 Swiss cheese ordered—August 9, 1924.....	368
No. 40 of halibut; authorized—August 11, 1924.....	370
No. 41 of earthen and china tableware ordered—March 19, 1925.....	462
No. 42 of bent-wood chairs ordered—April 23, 1925.....	483
No. 43 of rag rugs ordered—April 24, 1925.....	484
No. 44 of bobwhite quail ordered—May 19, 1925.....	494

Investigations—Continued.		Page
Under section 315—Continued.		
No. 45 of granite, ordered—July 24, 1925.....		542
No. 46 ordered on glue—July 24, 1925.....		542
No. 47 ordered on edible gelatin—July 24, 1925.....		543
No. 48 ordered on methanol—July 24, 1925.....		544
No. 49 ordered on sodium silicofluoride—July 24, 1925.....		544
No. 51 of fluor spar ordered—January 13, 1926.....		628
Under section 316—		
Revolvers, notification to Secretary of the Treasury.....		78
No. 2, brierwood pipes ordered—August 11, 1923.....		105
Spanish revolvers—June 3, 1924.....		286
Docket No. 1 of revolvers ordered—July 9, 1925.....		531
Under section 318—		
Under general powers of commission thymol ordered—August 14, 1923.....		108
Investigator, Chief: (See Chief investigator.)		
Iron:		
Oxide. See Oxide of iron.....		261
Pig—		
Advisory board instructed to prepare plans of investigation—January 2, 1923.....		14
Investigation under section 315 ordered—		
March 2, 1923.....		22
March 16, 1923.....		25
Copy of order—March 27, 1923.....		35
Travel authorization—		
April 10, 1923.....		44
June 29, 1923.....		81
July 6, 1923.....		84
July 31, 1923.....		98
April 2, 1925.....		471
June 4, 1925.....		511
Cost schedule approved—May 1, 1923.....		48
Motion to include steel billets, slabs, sheets, etc., in investigation—May 15, 1923.....		57
Cost of production in Europe not to be obtained—August 14, 1923.....		108
Advisory board's report awaiting action by commission—March 26, 1924.....		232
Committee appointed to consider differences in cost of production under section 315—March 17, 1925.....		461
Report submitted by the advisory board—March 17, 1925.....		461
Report from legal division on investigation No. 9 received—March 24, 1925.....		465
Preparation of preliminary statements to include certain expert information ordered—March 24, 1925.....		466
Memorandum recommending certain field work—April 3, 1925.....		471
Iron and steel products:		
Investigation ordered—		
February 4, 1923.....		18
March 2, 1923.....		22
Metals division asked to report on advisability of investigation—		
May 15, 1923.....		57
Advisory board requested to submit survey on—June 9, 1923.....		68
Advisory board asked to report on advisability of investigation—September 17, 1923.....		114
Consideration of investigation in Europe, postponed—November 13, 1923.....		147
Italian Embassy.....		465
Communication relative duty on cigars—May 29, 1925.....		507
Italy:		
Application for investigation of discrimination against cottonseed oil from United States, action suspended—October 25, 1923.....		135
Report of committee on unfair practices in export of olive oil from, approved—April 28, 1925.....		485
Jacobson, M., re appointment—July 3, 1923.....		83
Japanese rice-straw rugs. (See Rugs.)		



	Page
Jayne, S. O.:	
Re appointment—September 27, 1923.....	117
Employment extended—November 28, 1923.....	158
Jewelers' saws:	
Investigation refused—August 7, 1923.....	103
Investigation not warranted—March 26, 1924.....	232
Johnson, Lester D.:	
Re appointment—February 23, 1923.....	20
Salary—March 20, 1924.....	226
Resignation—December 9, 1924.....	433
Joint resolution No. 136; farm relief—June 10, 1924.....	290
Jones, Eliot, re appointment—December 19, 1922.....	13
Jones, Esther L., salary increase—March 20, 1923.....	28
Jones, Dr. Grinnell:	
Re services—November 24, 1922.....	11
Re services—May 25, 1923.....	62
Address before American Chemical Society—December 13, 1923.....	163
Article on American dyestuff industry—February 9, 1924.....	212
Re services—June 3, 1924.....	285
Re services—June 4, 1924.....	287
Re appointment—June 7, 1924.....	289
Transferred to field service—June 20, 1924.....	299
Employment, part-time, authorized—September 12, 1924.....	374
Permission to deliver certain addresses—October 7, 1924.....	384
Re employment—November 11, 1924.....	414
Employment authorized—June 26, 1925.....	524
Jones, Lucille T., transfer authorized—April 6, 1923.....	43
Jones, W. O., re appointment—July 12, 1923.....	86
Joyce, Thomas H.:	
Services one month special expert—November 30, 1923.....	158
Extension temporary employment—December 31, 1923.....	184
Extension temporary employment—January 29, 1924.....	195
Employment extended—February 21, 1924.....	215
Employment extended—June 7, 1924.....	289
Employment extended—October 10, 1924.....	386
Permanently employed—December 16, 1924.....	435
Judd, E. K., re appointment—November 24, 1922.....	11
Justice, Department of, requests services of Benjamin Wall—May 23, 1924.....	268
Jute, spindles and flyers, travel authorized—January 12, 1923.....	16
Juve, O. A.:	
Employment continued—	
December 4, 1923.....	160
June 24, 1924.....	308
July 29, 1924.....	347
Salary—July 29, 1924.....	347
Transferred temporarily field service—August 14, 1924.....	373
Compensation—January 1, 1925.....	438
Assigned acting chief agricultural division February 19, 1925.....	452
Kaolin, investigation authorized—October 13, 1922.....	4
Kean, Evelina P.:	
Re employment—May 1, 1925.....	487
Employment—May 19, 1925.....	493
Continued in service—July 24, 1925.....	540
Kelley, Thomas E.:	
Re appointment—July 23, 1923.....	94
Protests pay deductions—August 1, 1924.....	355
Kellner, Ludwig, re appointment—April 24, 1923.....	46
Kenkel, Anthony B.:	
Re employment—November 13, 1924.....	415
Employment extended—May 19, 1925.....	494
Employment continued—November 10, 1925.....	579
Kerr, Hon. John H., conference re peanuts—December 23, 1925.....	602
Keyser, Prof. A.:	
Re employment—August 14, 1923.....	109
Employment authorized—September 27, 1923.....	116
Klock, Laura, salary increase—March 20, 1923.....	28

	Page
Knitting Arts Exposition, travel authorization—April 3, 1923.....	42
Knitting industry:	
J. N. McCullaugh invited to conference—January 19, 1923.....	17
Secretary authorized to communicate with Fritz Ahlfeld—February 21, 1923.....	19
Travel authorization—April 3, 1923.....	42
Knitting machines, travel authorization—May 21, 1925.....	495
Knives, pocket, investigation under section 315—March 2, 1923.....	22
Knowles, A. Sidney, re appointment—February 23, 1923.....	20
Koch, Frederick L.:	
Assigned New York office—December 19, 1922.....	13
Compensation fixed—January 12, 1923.....	16
Appointed chief of Ceramics Division—December 4, 1923.....	159
Authorized to purchase supplies as samples—December 4, 1923.....	160
Attendance at antidumping hearing—June 4, 1924.....	288
Transfer to field service—June 2, 1925.....	510
Placed in charge investigation china and earthen ware—June 2, 1925.....	510
Transfer from field service—November 27, 1925.....	588
Assigned ceramics division—November 27, 1925.....	588
Salary—December 2, 1925.....	589
Kopp, Herman K.:	
Re appointment—February 23, 1923.....	20
Leave of absence—May 12, 1925.....	491
Engaged part time—June 18, 1925.....	520
Authorized field service—July 24, 1925.....	541
Committee appointed to see Veterans' Bureau for appropriate allotment—September 12, 1925.....	548
Part-time employment rescinded—September 12, 1925.....	548
Reinstatement disallowed—October 1, 1925.....	556
Krows, Eva T., re appointment—February 23, 1923.....	21
Kurtz, William J.:	
Re employment—August 14, 1923.....	109
Employment extended—November 28, 1923.....	158
Employment continued—May 29, 1924.....	284
Employment continued—July 29, 1924.....	347
Labor, Department of, conference re wage rates in Cuba—October 23, 1923.....	134
Lace (investigation No. 32):	
Travel authorization—	
February 27, 1923.....	22
May 15, 1923.....	58
October 9, 1923.....	126
November 13, 1923.....	146
December 18, 1923.....	167
January 2, 1924.....	185
January 15, 1924.....	189
January 19, 1924.....	191
February 9, 1924.....	212, 213
February 21, 1924.....	216
February 23, 1924.....	216
October 17, 1924.....	395
October 30, 1924.....	411
November 12, 1925.....	582
Preliminary report from advisory board ordered—May 1, 1923.....	49
Refusal of firms to divulge information concerning industry—June 27, 1923.....	79
Vote to consider report of advisory board on—October 4, 1923.....	124
Report of advisory board considered—October 9, 1923.....	125
Motion to investigate under section 315—October 9, 1923.....	125
Textile division instructed to report—October 9, 1923.....	126
Investigation ordered—October 25, 1923.....	136
Substitute motion to investigate under section 318 rather than 315—October 25, 1923.....	136
Motion to investigate under section 315 called up—October 25, 1923.....	136

	Page
Lace—Continued.	
Vote on ordering investigation—October 25, 1923.....	137
Public hearing—December 10, 1923.....	162
Public hearing closed—December 11, 1923.....	162
Motion in re preliminary statement—May 29, 1925.....	500
Public hearing date tentatively set—October 15, 1925.....	566
Preliminary report submitted to commission—October 27, 1925.....	573
Hearings postponed—October 27, 1925.....	574
Preliminary statement considered—November 3, 1925.....	578
Consideration of preliminary statement—November 5, 1925.....	578
Final revision preliminary statement—November 12, 1925.....	581
Need of additional information—November 12, 1925.....	581
Discussed proposed hearing—December 14, 1925.....	599
Public hearings—December 15, 16, and 17, 1925.....	599, 600
Extension of time for filing briefs granted—January 15, 1926.....	629
Precedence to be given to in future meeting—January 26, 1926.....	635
La Follette, Senator R. M.:	
Letter requesting information in re sugar—	
August 1, 1924.....	355
August 5, 1924.....	358
August 7, 1924.....	363
Laird, Joseph S., re appointment—February 14, 1923.....	18
Lamb, George F.:	
Interview—September 29, 1922.....	2
Conference—October 6, 1922.....	3
Lampblack:	
Advisory board report considered—September 14, 1923.....	113
Investigation held not warranted—	
October 4, 1923.....	123
March 26, 1924.....	232
Lamps, incandescent electric, report from advisory board—May 20, 1924.....	261
Landenberger & Co., refuse to furnish information—June 12, 1923.....	70
Langenbeck, Karl:	
Travel authorization—	
September 19, 1922.....	1
October 13, 1922.....	4
Salary—March 20, 1923.....	28
Resignation tendered—December 20, 1923.....	174
Resignation accepted—December 20, 1923.....	175
Langley, Ruth H., re appointment—February 23, 1923.....	21
Lard, letter to President—January 26, 1924.....	202
Laughlin, Earl C., transfer from Bureau of Standards authorized—April 10, 1923.....	44
Laws, Tariff Commission, translations into French and German authorized—July 20, 1925.....	537
League of Nations, foreign wage rates—November 15, 1923.....	153
Leather, calf, tanning:	
Senate Resolution No. 256, cooperation with Department of Commerce requested—July 29, 1924.....	347
Commissioner Glassie's draft of letter to Secretary of Commerce—August 8, 1924.....	367
Investigation voted September 23, 1924.....	378
Travel authorization September 23, 1924.....	378
Questionnaire and schedule approved—October 7, 1924.....	384
Travel authorization—November 11, 1924.....	414
Letter from Secretary of Commerce concerning—December 5, 1924.....	432
Advisory board report on—January 20, 1925.....	442
Report ordered to be transmitted to Secretary of Commerce—January 22, 1925.....	442
Leather, cut soles for shoes, travel authorization—September 11, 1923.....	111
Legal division, memorandum on reciprocity treaty with Cuba re duty on sugar—May 26, 1924.....	276
Legal section, chief, member of advisory board—July 20, 1923.....	90
Le Gardeur, R. E.:	
Employment as accountant—August 7, 1923.....	101
Employment extended—October 16, 1923.....	131

	Page
Leggings, leather:	
Reports from advisory board—May 20, 1924.....	261
Preliminary reports already submitted—January 5, 1925.....	614
Lemons:	
Travel authorization—	
December 12, 1922.....	13
March 31, 1924.....	235
Advisory board instructed to prepare plans of investigation—February 14, 1923.....	19
Investigation ordered—March 2, 1923.....	22
Agricultural division requested to report on advisability of investigation—May 5, 1923.....	56
Advisory board ordered to prepare survey for President—May 24, 1923.....	60, 70
President advised concerning investigation—May 24 and June 13, 1923.....	60
Survey requested from advisory board—June 9, 1923.....	68
Leonard, F. M.:	
Appointment offered—October 27, 1922.....	8
Salary increase voted—July 6, 1923.....	84
Salary—	
March 27, 1925.....	468
April 16, 1925.....	479
Lewis, Carlton K.:	
Salary—March 20, 1923.....	28
Expenses authorized—February 6, 1924.....	210
Salary—June 6, 1925.....	513
Lewis, David J.:	
Committee appointments—	
On preparation formal orders for investigations, etc.—March 16, 1923.....	26
To consider commercial discriminations—May 31, 1923.....	63
To confer with Secretary Hughes—June 1, 1923.....	63
To consider readjustment of employees' salaries while traveling in foreign countries—June 6, 1923.....	64
On publicity—June 12, 1923.....	69
Division of agricultural section—July 19, 1923.....	89
Paint-brush handles—	
July 19, 1923.....	89
August 11, 1923.....	104
To consider price index, Department of Labor—September 14, 1923.....	113
Preparation of certain reports—October 2, 1923.....	122
On depression among wheat producers—October 4, 1923.....	123
On committee to supervise order in re logs—October 16, 1923.....	130
To prepare statement in re wall pockets—October 18, 1923.....	132
In re various investigations—December 18, 1923.....	167
To draft supplemental statement on cost of production of sugar—February 9, 1924.....	212-213
To report on chemical schedules—February 27, 1924.....	219
To draft report on sugar—June 14, 1924.....	293
To investigate source of newspaper articles being published—July 17, 1924.....	335
To inquire into legal status of minutes of Tariff Commission—August 7, 1924.....	365
For certain investigations—October 14, 1924.....	388
On procedure—December 4, 1924.....	431
On farm marketing—January 15, 1925.....	440
Mrs. Mary P. Fairfield—January 30, 1925.....	445
Miscellaneous—	
Authorized to travel to New York to investigate imports of articles not produced in this country—January 2, 1923.....	14
Travel authorization, plate glass—May 15, 1923.....	58
To report findings on print rollers—February 6, 1924.....	210
Submits draft of supplemental statement of information in re sugar—February 13, 1924.....	213

Lewis, David J.—Continued.	
Miscellaneous—Continued.	Page
Takes exception to withdrawal of Commissioner Burgess from meeting on sugar—May 26, 1924.....	272
Communication sent President by Commissioners Marvin and Burgess re sugar without knowledge of other commissioners—October 24, 1924.....	405
Moves removal of Ralph Whitehouse for cause—October 30, 1924.....	410
Submits report on vacancies in staff of commission—November 13, 1924.....	415
Motions—	
To consider employment of George R. Day—June 20, 1923....	74
On action re refusal of New York firms to furnish information on lace—June 27, 1923.....	79
Regulations governing advisory board—July 20, 1923.....	90
To institute investigation vegetable oils under section 315—July 27, 1923.....	98
Commissioner Costigan's substitute motion re press notices seconded by—December 20, 1923.....	177
On tabling Commissioner Culbertson's motion re press notices—December 20, 1923.....	178
Raising point of order—December 20, 1923.....	178
Re vegetable, animal, and fish oils—December 20, 1923.....	181
Challenging correctness of statements in preamble to motion to submit report on sugar to advisory board—May 26, 1924....	272
Statements—	
Relative to minutes—June 21, 1923.....	77
Concurrence with Mr. Glassie re logs of fir, etc.—April 1, 1924.....	236
Outline for final report on sugar—June 21, 1924.....	300
On unfairness of vote by Commissioners Burgess and Marvin on report of sugar division—June 21, 1924.....	305
On reports of Commissioners Marvin and Burgess—July 30, 1924.....	352
On minutes of the commission—August 5, 1924.....	361
Questioning Doctor Bernhardt—October 15, 1924.....	390
Votes—	
On motion to institute several investigations—March 2, 1923....	22
On ordering certain investigations—March 16, 1923.....	25
On asking President for suggestions on broad questions of policy—March 16, 1923.....	26
On fixing salaries of commissioners' stenographers—March 20, 1923.....	27
On publishing information re investigations under section 315—March 22, 1923.....	29
On broadening investigation of cotton hosiery—May 5, 1923....	55
On motion for report as to advisability of investigation glass industry—May 5, 1923.....	55
On including cast polished plate glass in investigation mirror plates—May 5, 1923.....	55
On motion to broaden investigation pig iron to include steel ingots, slabs, sheets, etc.—May 15, 1923.....	57
On advising President of grounds for investigation of hosiery—May 18, 1923.....	59
On appointment of committee selection special counsel sugar investigation—June 1, 1923.....	63
On transmitting preliminary hosiery report to President—June 14, 1923.....	72
On motion relative to employment of Mr. George R. Day—June 20, 1923.....	74
On sustaining ruling of Chair on routine matters—June 20, 1923.....	74
On increasing compensation of commission's agents—June 20, 1923.....	75
On notice that preliminary hearing will be incorporated in public order for investigation—July 2, 1923.....	81
On adding names of other qualified experts in sugar industry—July 3, 1923.....	83
On adoption of substitute motion—July 3, 1923.....	83
On amended motion submitted by Mr. Glassie—July 3, 1923....	83
Re offering commissions records in evidence, etc.—July 17, 1923..	87

Lewis, David J.—Continued.

Votes—Continued.

	Page
On motion that Mr. Marvin be in charge of hearing on paint brush handles—July 17, 1923.....	87
On motion re furnishing summary of cost inquiry to interested parties—July 17, 1923.....	88
Re linseed-oil cost schedule—July 19, 1923.....	88
On setting date for sugar hearing—July 20, 1923.....	90
On organization of the advisory board—July 20, 1923.....	90
On furnishing copies of all applications for modification of duties to interested parties—July 27, 1923.....	97
On sugar investigation in Louisiana—August 7, 1923.....	101
On investigation of acetaldehyde, butyraldehyde, cretonaldehyde, paracetaldehyde—August 11, 1923.....	105
On employment of R. E. Le Gardeur—August 14, 1923.....	110
On motion to investigate animal and vegetable oils—October 9, 1923.....	126
On motion in re President's authority to change rate of duty on logs—October 12, 1923.....	129
On substitute motion to investigate lace under section 318—October 25, 1923.....	136
On ordering investigation of lace—October 25, 1923.....	137
On motion disqualifying commissioners, etc.—December 19, 1923.....	169
On motion re press notices—December 20, 1923.....	177-180
On motion re vegetable and fish oils—December 20, 1923.....	181
On submitting summary of applications and information pertaining to animal and vegetable oils and fats, to President—December 20, 1923.....	182
On including mill-feed costs in wheat investigation report to President—March 4, 1924.....	220
On assignment and compensation of P. W. Bidwell—March 18, 1924.....	224
On making economic investigation of lemon and olive-oil industries—March 31, 1924.....	235
On investigation of bent-wood chairs, mesh bags, gold leaf, men's straw hats—April 5, 1924.....	239
On letter to President in re mandamus of Norwegian Nitrogen Products Co.—April 15, 1924.....	242
On deferring consideration men's straw hats and bent-wood chairs—May 6, 1924.....	249
On making bent-wood chairs and straw hats next order of business—May 6, 1924.....	249
On reissuing travel order regarding cotton hosiery—May 16, 1924.....	258
On attendance reports from economics division—May 20, 1924.....	261
On motion to refer sugar report to advisory board—May 23, 1924.....	267
On submission of sugar report—May 23, 1924.....	268
On motion directing Doctor Bernhardt to submit report on sugar to advisory board—May 26, 1924.....	272
On procedure in sugar investigation—May 26, 1924.....	273
On 10 separate motions of Chairman Marvin regarding procedure in sugar investigation—May 26, 1924.....	273
On sugar investigation—May 26, 1924.....	274
On motion to postpone investigation of men's sewed straw hats—May 27, 1924.....	278
On substitute motion made by Commissioner Burgess re sugar report—June 14, 1924.....	294
On motion made by chairman re draft of letter to the President with respect to sugar June 16, 1924—June 18, 1924.....	297
On motion to consider personnel questions—June 20, 1924.....	298
On motion that committee report on paint brush handles—June 20, 1924.....	299
On motion that Mr. McNabb discuss legal questions in connection with sugar—June 21, 1924.....	300
On substitute motion to adopt Burgess sugar report—June 21, 1924.....	304

## Lewis, David J.—Continued.

## Votes—Continued.

	Page
On amended motion to discharge sugar committee—June 21, 1924	304
On tentative adoption of report of sugar division—June 21, 1924	305
On cooperation of staff in re sugar report—June 21, 1924	306
On increase in salary to Misses Priest and Hockensmith—July 1, 1924	313
On completion of sugar report—July 2, 1924	314
On separation of butter investigation from that of milk and cream—July 11, 1924	319
On butter investigation—July 14, 1924	322
On postponing consideration of investigation of milk and cream—July 15, 1924	324
On butter investigation—July 17, 1924	334
On referring sugar report to advisory board—July 19, 1924	337
On setting date to submit sugar report to the President—July 19, 1924	338
On travel authorization of Kemper Simpson—July 25, 1924	342
On approving revised report on sugar to President—July 26, 1924	346
On extension of time for filing opinions on sugar report—July 26, 1924	347
On employment and compensation of Professor Misner as butter expert—July 29, 1924	348
On transmitting final sugar report to the President—July 30, 1924	350
On keeping sugar report until transmission—July 30, 1924	352
On submitting information on sugar to Senator La Follette—August 5, 1924	361
On sending certain employees to Europe to secure butter costs—August 8, 1924	366
In re foreign work on Swiss cheese investigation—August 9, 1924	369
On extension of employment of Dr. H. G. A. Brauer—August 11, 1924	371
On employment of J. H. Greenhalgh and travel to Denmark on butter—August 14, 1924	372
On requesting information regarding sugar costs—October 7, 1924	382
On acceptance of resignation of Dr. John R. Turner as chief economist—October 9, 1924	385
On taking minutes of Doctor Bernhardt's answers to questions on sugar—October 15, 1924	390
On submission of letter to President on sugar—October 16, 1924	394
On ordering staff to await instructions regarding assignments—October 21, 1924	400
On instructing Doctor Brossard to give undivided attention to sugar-beet costs—October 21, 1924	400
On investigation of olive oil under section 316—October 22, 1924	403
On amendment re sugar beets—October 24, 1924	406
On motion of Commissioner Costigan in re sugar report—October 24, 1924	407
On adoption of motion re sugar and sugar beets—October 24, 1924	407
On compliance with requests of President—October 24, 1924	407
On motions on letter of transmittal of sugar report to President—November 14, 1924	417, 418
On transmittal of supplemental report on sugar to the President—November 17, 1924	420
On motion for dismissal of Mr. Gilbert Hirsch—November 25, 1924	429
On assignment of acting chief of agricultural division—February 19, 1925	452
On motion made by Commissioner Costigan re linseed oil report for the President—February 24, 1925	454
On transmission of linseed-oil report to the President—March 3, 1925	456

	Page
Lewis, Walter S.:	
Assigned to work on wool schedule—October 3, 1922.....	2
Salary increase voted—March 20, 1923.....	28
In charge fieldwork in Europe on hosiery—June 6, 1923.....	64
Library books: List approved—November 24, 1922.....	11
Licorice extract:	
Preliminary inquiry voted—November 26, 1923.....	157
Desirability of investigation of—December 18, 1923.....	167
Linseed. ( <i>See</i> Flaxseed.)	
Linseed oil. ( <i>See</i> Oil, linseed.)	
Logs of fir, spruce, etc.:	
Voted special order of business—March 21, 1924.....	227
Mr. Culbertson urges action—June 26, 1923.....	78
Investigation ordered—July 2, 1923.....	81
Preliminary hearing date set—July 2, 1923.....	81
Hearings adjourned as mark of respect to late President Harding— August 3, 1923.....	99
Hearings—August 6, 1923.....	100
Report made special order of business—October 11, 1923.....	127
Motion of Commissioner Lewis investigation be discontinued—Octo- ber 12, 1923.....	128
Motion to refer question of the President's authority to change rate duty to the President, etc.—October 12, 1923.....	128
Motion adopted to transmit to the President copies of the commis- sion's order on—October 12, 1923.....	129
Motion to discontinue investigation—October 12, 1923.....	129
Committee appointed to supervise order re logs—October 16, 1923.....	130
Motion to investigate—March 18, 1924.....	224
Made special order of business—March 25, 1924.....	230
Investigation under section 315 ordered—April 1, 1924.....	235
Statement by Mr. Glassie re investigation ordered—April 1, 1924.....	236
Report of advisory board upon extension of investigation referred to Commissioners Costigan and Glassie for report—May 2, 1924.....	247
Advisory board requested to submit methods for investigation—May 9, 1924.....	253
Plan for investigation approved—May 9, 1924.....	253
Travel authorization—	
May 9, 1924.....	253
May 23, 1924.....	268
June 10, 1924.....	291
June 20, 1924.....	299
Authorization of incidental expenses incurred in travel—May 20, 1924.....	262
Preliminary statement ready—May 29, 1925.....	499
Preliminary statement received from advisory board—June 16, 1925.....	517
Consideration of draft of preliminary statement—June 22, 1925.....	520
Preliminary statement discussed—June 23, 1925.....	521
Arrangements for hearing on—June 25, 1925.....	523
Commissioners Marvin, Costigan, and Dennis appointed committee to hold hearing on—June 25, 1925.....	523
Public hearing ordered—June 25, 1925.....	524
Consideration of preliminary statement—July 1, 1925.....	527
Draft of preliminary statement of investigation approved—July 2, 1925.....	528
Additional graphs for report—July 3, 1925.....	529
Time for filing of briefs in investigation No. 35 extended—September 12, 1925.....	547
Time for filing of briefs extended—October 13, 1925.....	565
Logs, lignum-vitæ:	
Report from advisory board—May 20, 1924.....	261
Preliminary reports already submitted—January 5, 1925.....	613
Logwood, extract:	
Investigation under section 315 ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	33
Travel authorization—	
May 31, 1923.....	63
July 12, 1923.....	86



	Page
Logwood, extract—Continued.	
Public hearing ordered—September 28, 1923.....	118
Report of findings in investigation submitted to commission—February 27, 1924.....	219
Investigation already ordered—March 26, 1924.....	232
Hearing already closed—March 26, 1924.....	233
Consideration of—April 3, 1924.....	238
Consideration of draft of report—April 30, 1924.....	246
Considered draft of report to the President—May 1, 1924.....	247
Investigation awaiting action—October 14, 1924.....	388
Investigation report ready for consideration—May 29, 1925.....	499
Loomis, M. A., re casein—August 7, 1923.....	102
Lourie, H. L.:	
Re employment—January 16, 1923.....	17
Salary—January 19, 1924.....	192
Assigned to preferential tariffs division for one week—April 7, 1925.....	472
Salary—June 5, 1925.....	513
Low-grade salt. (See Salt, low-grade.)	
Lumber:	
Request that investigation of logs, be extended to include lumber referred to Commissioners Costigan and Glassie—May 2, 1924.....	247
Letter from State Department relative to removal of duties on lumber imported by Canada—March 6, 1925.....	457
Lumber, American red gum, report on Spanish discrimination approved—April 24, 1925.....	485
Lumber industry, travel authorization—January 19, 1923.....	17
Lumber and shingles, telegram concerning duty—April 8, 1924.....	241
Lundy, L. H., salary—June 6, 1925.....	514
McCarrell, Arthur H.:	
Interview—October 20, 1922.....	4
Appointment offered—November 9, 1922.....	9
Compensation—March 20, 1924.....	226
Salary increased—July 16, 1925.....	535
McCullaugh, John Nash, invited to offices of commission re knitting industry—January 19, 1923.....	17
McKinley, Bruce, authorized to rent office—November 11, 1924.....	414
McKissick, W. D., appointed as special expert—March 9, 1923.....	23
McKnight, Ada F., salary increase—March 20, 1923.....	28
McKnight, Ray S.:	
Re appointment—February 23, 1923.....	20
Compensation—March 20, 1924.....	226
Resignation accepted—March 31, 1925.....	470
McNabb, Charles E.:	
Appointed representative of legal division—October 20, 1922.....	5
Salary increase—March 20, 1923.....	28
Examination and report on writ of mandamus referred to—December 14, 1923.....	166
Designated to appear for commission in Norwegian Nitrogen Products Co. case—January 3, 1924.....	186
Attendance at antidumping hearing authorized—June 4, 1924.....	288
Commission voted appreciation of special services September 19, 1924.....	375
McNall, P. E.:	
Re employment—July 17, 1924.....	334
Employment—July 25, 1924.....	343
Services with commission continued and transferred to field service—October 7, 1924.....	383
McNary-Haugen bill:	
Request of Chairman of Committee on Ways and Means re relationship of articles mentioned in—April 3, 1924.....	237
McNeill, Marvin C., employment as accountant—August 2, 1923.....	99
McSparren, Frank W.:	
Appointment offered—October 27, 1923.....	8
Salary increase—April 10, 1923.....	44
Adjournment of commission in respect of sudden death of—February 4, 1925.....	447

	Page
Macaroni:	
Advisory board report on, submitted to commission—December 4, 1924.....	431
Statement submitted re pending investigation of—February 20, 1925.....	452
Travel authorization—February 24, 1925.....	452
Communication from Thos. F. Gleason affecting industry—March 19, 1925.....	463
Representatives of industry present to discuss pending application for investigation under section 315—March 20, 1925.....	464
Preliminary reports already submitted—January 5, 1925.....	614
Machines, knitting. <i>See</i> Knitting machines.	
Mackerel, report of advisory board on, received—June 27, 1924.....	310
Magee, J. D.:	
Employment authorized—May 31, 1923.....	63
Appointed—June 6, 1923.....	65
Magnesite:	
Abstract and summary of data to date requested—December 7, 1923.....	161
Chief investigator authorized to prepare plan for investigation No. 29—September 21, 1923.....	115
Confidential brief by Mr. Franklin—December 7, 1923.....	161
Committee appointed to consider differences in cost of production under section 315—March 17, 1925.....	461
Made special order of business for March 12—March 10, 1925.....	458
Report from legal division on investigation received—March 24, 1925.....	465
Preparation of preliminary statements to include certain expert information ordered—March 24, 1925.....	466
Memorandum recommending certain field work received—April 3, 1925.....	471
Report on pending investigation from advisory board received—March 24, 1925.....	465
Suggestion to Mr. Franklin to present sworn evidence—December 7, 1923.....	161
Travel authorization—December 9, 1924.....	433
Travel authorization—April 2, 1925.....	471
Magnesite and magnesite brick:	
Investigation to be ordered—August 11, 1923.....	106
Investigations ordered—March 12, 1925.....	459
Postponed date of hearing voted—September 14, 1923.....	112
Public hearing, adjourned—September 28, 1923.....	119
Travel authorization—October 5, 1924.....	124
Investigation No. 29, public hearing closed—December 5, 1923.....	161
Communication from C. S. Maltby submitted—January 8, 1924.....	187
Magnesite brick. ( <i>See</i> Magnesite and magnesite brick.)	
Magnesite, caustic calcined, authorization to prepare reports on—February 24, 1925.....	453
Magnesite industry, voted to furnish schedules of cost of production to Austro-American Magnesite Co.—September 17, 1923.....	114
Magnesium metallic:	
Travel authorization—July 12, 1923.....	86
Investigation ordered—July 27, 1923.....	97
Delay in action reported—May 29, 1925.....	500
Mahoney, E. B., salary, June 6, 1925.....	514
Mail:	
Adoption of rules of procedure governing the handling of official mail—July 20, 1923.....	91
Committee to consider dispatch of—May 9, 1924.....	252
Proposed rule for office procedure referred back to committee—May 13, 1924.....	256
Referred back to committee a proposed rule regarding—May 20, 1924.....	259
Mailing list, plan—November 9, 1922.....	9
Malay States, memoranda on discrimination.....	71
Mandamus, writ of:	
Filed in District Supreme Court against United States Tariff Commission—December 13, 1923.....	165
Copies of petition referred to Mr. McNabb—December 14, 1923.....	166
Letter in reference to—December 19, 1923.....	168

	Page
Manganese ores and ferromanganese, application of Marion Steam Shovel Co. requested withdrawn. Permission granted—September 29, 1925..	555
Mantles, gas, advisory board directed to report on—December 1, 1922..	12
Maple sirup. (See Sirup, maple.)	
Maps:	
Advisory board's recommendation re—December 20, 1923.....	175
Report—March 26, 1924.....	231
Preliminary reports already submitted—January 5, 1925.....	614
Marble and marble articles, travel authorization—February 9, 1924.....	212
Marion Steam Shovel Co., withdrawal of application re manganese ores and ferromanganese requested—September 29, 1925.....	555
Marriot, Crittenden:	
To review artificial silk report—July 25, 1924.....	344
Employment—June 23, 1925.....	522
Salary increased—July 16, 1925.....	534
Transfer from economics division to lumber and paper division—December 5, 1925.....	591
Marsh, Benjamin C., letter treated as application—May 29, 1925.....	499
Martin & Co.:	
Investigation of lampblack refused—October 4, 1923.....	123
Communication to be sent to—October 4, 1923.....	124
Marvin, Commissioner Thomas O.:	
Committee appointments on—	
Reclassification of employees and adjustment of salaries—March 16, 1923.....	26
Administrative handling of official papers—July 3, 1923.....	83
Accounting division—October 2, 1923.....	122
Solving depression among wheat producers—October 4, 1923.....	123
Employees' compensation—March 18, 1924.....	224
Personnel, etc.—June 20, 1924.....	298
Appropriations—June 25, 1925.....	522
Hearing on logs—June 25, 1925.....	523
Reclassification—June 30, 1925.....	525
Hearing on halibut—June 30, 1925.....	526
Print rollers—October 24, 1925.....	573
Draft of factual section of report to President on cotton hosiery—January 26, 1926.....	636
Motions to—	
Authorize directing hearings on paint-brush handles—July 17, 1923.....	87
Investigate lace under section 318—October 25, 1923.....	136
Govern press notices—December 20, 1923.....	178
Hold public hearings on vegetable and fish oils—December 20, 1923.....	181
Consider salaries—June 20, 1924.....	298
Refer question of personnel to committee—June 22, 1924.....	298
Amend motion re giving information on sugar to Senator La Follette—August 4, 1924.....	357
Refer participation of Commissioner Glassie to Comptroller General—August 4, 1924.....	357
Send information to Senator La Follette—August 5, 1924.....	361
Revoke orders inconsistent with requests of President's letters—October 24, 1924.....	407
Include table of costs in halibut report—October 24, 1925.....	572
Consider certain points in butter report—December 10, 1925.....	594-595
Statements on—	
Vote on advice to President on lemons, citrate of lime, and citric acid—June 13, 1923.....	70
Hosiery report—June 14, 1923.....	72
Preliminary hearing notice—July 2, 1923.....	81
Vote on wheat investigation—November 14, 1923.....	151
Letters of President and Senator Edge and replies re vegetable oils—February 2, 1924.....	197
Reply to President's letter re vegetable oils—February 2, 1924.....	197, 198
Inclusion in record of Commissioner Costigan's statement re policy in respect to letters of President and Senator Edge—February 8, 1924.....	199

## Marvin, Thomas O.—Continued.

## Statements on—Continued.

	Page
Letters of President and Senator Edge—March 3, 1924.....	205
Financial relations with butter industry—May 23, 1924.....	264
Qualification of interested commissioners to participate—May 23, 1924.....	265
Motion of Mr. Costigan on procedure in sugar investigation—May 26, 1924.....	273
Vote of oral discussion by McNabb of legal questions in sugar report—June 21, 1924.....	300
Vote re tentative adoption of sugar division's report on sugar—June 21, 1924.....	305
Sugar—July 2, 1924.....	314
Sugar—July 9, 1924.....	316
Message from President on butter—July 9, 1924.....	316
Meetings of commission—July 11, 1924.....	318
Sugar and butter—October 25, 1924.....	331
Date of sugar report—July 19, 1924.....	338
Publicity on sugar—August 1, 1924.....	355
Pending business—August 5, 1924.....	358
Minutes of commission—August 5, 1924.....	360
Information to Senator LaFollette—August 5, 1924.....	360
Minutes of the commission—August 5, 1924.....	362
Sugar investigation—October 7, 1924.....	382
Letter to President on sugar—October 16, 1924.....	394
Sugar report to President—October 21, 1924.....	396
Work of Doctor Brossard on sugar—October 21, 1924.....	400
Letter of President—October 24, 1924.....	405
Withholding of letter of Mr. Hirsch—October 28, 1924.....	409
Preparation of data on sugar for transmission to the President—November 17, 1924.....	422-426
Salary of P. M. Tyler—April 16, 1925.....	479
Delay of investigations—May 29, 1925.....	504
Resignation of Commissioner Burgess—June 2, 1925.....	508
Method of handling the butter report—December 10, 1925.....	596
Applications—January 8, 1926.....	615
Motion made by Commissioner Costigan re pending applications—January 8, 1925.....	616
Nebraska costs of butter—January 16, 1926.....	631
Votes recorded on—	
Motion to institute several investigations—March 2, 1923.....	22
Ordering certain investigations—March 16, 1923.....	25
Asking President's suggestion on broad question of policy—March 16, 1923.....	26
Fixing salaries of commissioners' stenographers—March 20, 1923.....	27
Publishing information re investigations under section 315—March 22, 1923.....	29
Motion for report re advisability of investigation of glass industry—May 5, 1923.....	55
Broadening investigation of cotton hosiery—May 5, 1923.....	55
Transmitting preliminary hosiery report to President—June 14, 1923.....	72
Giving notice of preliminary hearing in public order for an investigation—July 2, 1923.....	81
Adding names of other qualified experts in sugar industry—July 3, 1923.....	83
Adopting substitute motion—July 3, 1923.....	83
Amended motion submitted by Commissioner Glassie—July 3, 1923.....	83
Hearing on paintbrush handles—July 17, 1923.....	87
Motion offering commission's records in evidence, etc.—July 17, 1923.....	87
Motion re furnishing summary of cost inquiry to interested parties—July 17, 1923.....	87
Motion re linseed oil-cost schedule—July 19, 1923.....	88
Setting date of sugar hearing—July 20, 1923.....	90
Advisory board regulations—July 20, 1923.....	90

Marvin, Thomas O.—Continued.

Votes recorded on—Continued.

	Page
Furnishing copies of all applications for modification of duties to interested parties upon request—July 27, 1923.....	97
Investigation of acetaldehyde, etc.—August 11, 1923.....	105
Employment R. E. Le Gardeur—August 14, 1923.....	110
Motion for investigation of animal and vegetable oils—October 9, 1923.....	126
Motion that the question of the President's authority to change rate of duty on logs be referred to the President, etc.—October 12, 1923.....	129
Appointing committee to supervise order in re sugar hearings—October 16, 1923.....	131
Substitute motion to investigate lace industry—October 25, 1923.....	136
Ordering investigation of lace—October 25, 1923.....	137
Disqualifying commissioners—December 19, 1923.....	169
Tabling substitute motion re press notices—December 20, 1923.....	177
Adopting substitute motion re press notices—December 20, 1923.....	177
Tabling Commissioner Culbertson's motion re press notices—December 20, 1923.....	178
Original motion re press notices—December 20, 1923.....	178
Adopting his motion re press notices—December 20, 1923.....	179
Commissioner Costigan's motion re press notices—December 20, 1923.....	180
Commissioner Glassie's motion re press notices—December 20, 1923.....	180
Motion in re scope of oils investigation—December 20, 1923.....	181
Substitute motion in re enlarging scope of oils investigation—December 20, 1923.....	181
Motion for holding public hearing on vegetable and fish oils—December 20, 1923.....	181
Original motion re investigation of vegetable, animal, and fish oils—December 20, 1923.....	181
Substitute motion re investigation of vegetable, animal, and fish oils—December 20, 1923.....	181
Submitting summary of application and information in re animal and vegetable oils and fats to the President—December 20, 1923.....	182
Further public hearing on supplemental information in sugar investigation—February 23, 1924.....	217
Including mill-feed costs in wheat investigation report to President—March 4, 1924.....	220
Compensation and assignment of P. W. Bidwell—March 18, 1924.....	224
Making investigation of lemon and olive oil industries—March 31, 1924.....	235
Letter to President—April 15, 1924.....	243
Applications for investigation of bent-wood chairs, mesh bags, gold leaf, men's sewed straw hats—April 5, 1924.....	239
Deferring consideration of bent-wood chairs and men's straw hats—May 6, 1924.....	249
Making bent-wood chairs and straw hats next order of business—May 6, 1924.....	249
Rescinding travel order in re cotton hosiery—May 16, 1924.....	258
Attendance reports from economics division—May 20, 1924.....	261
Motion to refer sugar report to advisory board—May 23, 1924.....	267
Submission of sugar report—May 23, 1924.....	268
Motion directing Doctor Bernhardt to submit report on sugar to advisory board—May 26, 1924.....	272
Ten separate motions of chairman regarding procedure in sugar investigation—May 26, 1924.....	273
Procedure in sugar investigation—May 26, 1924.....	273
Sugar investigation—May 26, 1924.....	274
Motion to postpone motion providing for investigation of men's sewed straw hats—May 27, 1924.....	278
Substitute motion of Commissioner Burgess re sugar report—June 14, 1924.....	294

Marvin, Thomas O.—Continued.

Votes recorded on—Continued.

	Page
Chairman's motion re Commissioner Culbertson's motion of June 16, 1924—June 18, 1924.....	297
Motion to consider personnel questions—June 20, 1924.....	298
Motion for committee report on paintbrush handles—June 20, 1924.....	299
Oral discussion by McNabb of legal questions in sugar report—June 21, 1924.....	300
Substitute motion to adopt Commissioner Burgess's sugar report—June 21, 1924.....	304
Tentative adoption of report of sugar division on sugar—June 21, 1924.....	305
Cooperation of staff re sugar—June 21, 1924.....	306
Increase of salary to Misses Priest and Hockensmith—July 1, 1924.....	313
Fixing date for completion of sugar report—July 2, 1924.....	314
Butter investigation being separate from milk and cream—July 11, 1924.....	319
Butter investigation—	
July 14, 1924.....	322
July 17, 1924.....	334
Postponement of further consideration of milk and cream investigation—July 15, 1924.....	324
Sugar report being referred to advisory board for scrutiny—July 19, 1924.....	337
Date set for filing opinions re time to submit sugar report to the President—July 19, 1924.....	338
On travel authorization of Kemper Simpson—July 25, 1924.....	342
Approving revised report on sugar to President—July 26, 1924.....	346
Extension of time for filing opinions on sugar report—July 26, 1924.....	347
Employment and compensation of Professor Misner as butter expert—July 29, 1924.....	348
Transmitting final sugar report to the President—July 30, 1924.....	350
On transmitting final sugar report to the President—July 30, 1924.....	351
Submitting information on sugar to Senator La Follette—August 5, 1924.....	361
Sending certain employees to Europe to secure butter costs—August 8, 1924.....	366
Foreign work on Swiss cheese investigation—August 9, 1924.....	369
Extension of employment of Doctor Brauer—August 11, 1924.....	371
Requesting information regarding sugar costs—October 7, 1924.....	382
Accepting resignation of Doctor Turner—October 9, 1924.....	385
Taking minutes of Doctor Bernhardt's answers to questions on sugar—October 15, 1924.....	390
Submission of letter on sugar to President—October 16, 1924.....	394
Ordering staff to await instructions regarding assignments—October 21, 1924.....	400
Instructing Doctor Brossard to give undivided attention to sugar beet costs—October 21, 1924.....	400
Investigation of olive oil under section 316—October 22, 1924.....	403
Amendment relating to sugar beets—October 24, 1924.....	406
Motion re sugar and sugar beets—October 24, 1924.....	407
Motion by Commissioner Costigan in re sugar report—October 24, 1924.....	407
Compliance with requests of President—October 24, 1924.....	407
Motions on letters of transmittal of sugar report to President—November 14, 1924.....	417
Motion for dismissal of Mr. Gilbert Hirsch—November 25, 1924.....	429
Assignment of acting chief of agricultural division—February 19, 1925.....	452
Motion of Commissioner Costigan re linseed oil report for the President—February 24, 1925.....	454
Transmission of linseed oil report—March 3, 1925.....	456
Appointment acting chairman advisory board—April 9, 1925.....	474

## Marvin, Thomas O.—Continued.

	Page
Votes recorded on—Continued.	
Foreign office organization—April 9, 1925.....	475
Changing title of foreign office chief—April 9, 1925.....	475
Foreign field economist—April 9, 1925.....	475
Moving office to Brussels—April 9, 1925.....	476
Promotion of F. M. Leonard to chief of metals division—April 16, 1925.....	479
Recommendations re rag rugs—April 24, 1925.....	484
Appointing A. M. Fox as chief of the economics section—April 30, 1925.....	486
Rescinding employment of Arthur L. Faubel as special expert in pottery—May 22, 1925.....	497
Disposing of business before the commission—June 2, 1925.....	509
Transferring E. B. Brossard and increasing his salary—June 15, 1925.....	518
Increasing salary of A. M. Fox—June 16, 1925.....	518
Reclassifying and increasing salary of S. J. Bergner—June 16, 1925.....	518
Motion to investigate granite—July 24, 1925.....	542
Resolution to investigate methanol—July 24, 1925.....	544
Resolution to investigate sodium silicofluoride—July 24, 1925.....	545
Submitting halibut report to President—October 23, 1925.....	570
Employment of Vern C. Woolley—December 8, 1925.....	593
Employment of economic statisticians—December 8, 1925.....	593
Motion re handling of butter report—December 10, 1925.....	595
Substitute motion on butter report—December 10, 1925.....	595
Including transportation costs in letter to President—December 31, 1925.....	605
Changes in letter to President in re transportation costs—De- cember 31, 1925.....	606
Investigation of fluorspar—January 8, 1926.....	619
Motion re barium carbonate investigation—January 8, 1926.....	619
Motion by Commissioner Brossard re employment of Vern C. Woolley—January 12, 1926.....	625
Letter to President re employment of Vern C. Woolley—January 26, 1926.....	637
Miscellaneous—	
Plan for mailing list—November 9, 1922.....	9
Travel authorization, re staff—November 28, 1922.....	11
Authorized to attend meeting of American Lace Manufacturers Association—January 5, 1923.....	15
Travel authorization—February 27, 1923.....	21
Authorized to negotiate with Alan Goldsmith for his services— February 27, 1923.....	21
Designated by President as chairman—January 15, 1924.....	189
Reports awaited of committees to prepare findings of completed investigations for President—February 1, 1924.....	196
Copy of letter sent by President on vegetable oils—March 3, 1924.....	206
Letter sent President on vegetable oil tariff, February 9, 1924, submitted to commissioners—March 3, 1924.....	207
Presents draft of letter to President re vegetable and animal oils and fats—February 9, 1924.....	212
Concurrence in statement by Mr. Glassie re logs of fir, spruce, cedar, or western hemlock—April 1, 1924.....	236
Withdraws from meeting on sugar—May 26, 1924.....	276
Submits draft of material prepared by himself and Commissioner Burgess re sugar—November 13, 1924.....	415
Designated as chairman by Executive order—January 15, 1925.....	440
Official travel from Seattle to California ratified—September 24, 1925.....	551
Designated chairman for one year, by President—January 19, 1926.....	632
Says reports due from committees—January 26, 1926.....	634
Massing, William P., appointment of—February 23, 1923.....	21

	<b>Page</b>
Meeds, Robert M.:	
Transfer to preferential tariffs division—April 9, 1925.....	474
Probational appointment authorized—April 30, 1925.....	486
Meenehan, Miss Marie:	
Salary—July 1, 1924.....	313
Salary—June 6, 1925.....	514
Menchion, Thomas D. L.:	
Travel authorization—June 9, 1923.....	69
Travel authorization—June 12, 1923.....	69
Men's straw hats. (See Hats, men's sewed straw.)	
Merrill, Gilbert R.:	
Temporary employment authorized—June 9, 1923.....	68
Travel authorization—June 12, 1923.....	69
Merrill, Roy R.:	
Reappointment—February 23, 1923.....	20
Compensation—March 20, 1924.....	226
Salary—June 6, 1925.....	513
Mesh bags:	
Travel authorization—November 7, 1923.....	144
Travel authorization—December 21, 1923.....	182
Report—March 26, 1924.....	231
Memorandum re feasibility of obtaining foreign costs—April 1, 1924.....	236
Consideration of—April 5, 1924.....	238
Advisory board requested to submit preliminary report on—June 17, 1924.....	296
Report of advisory board and preferential tariffs division received—June 24, 1924.....	307
Messenger:	
Employment at New York authorized—May 4, 1923.....	50
Metals division:	
Travel authorization—December 19, 1922.....	13
Report on advisability of investigation of basic iron and steel products ordered—May 15, 1923.....	57
Cooperation with Bureau of Mines authorized—May 25, 1923.....	62
Special reports ordered May 5 and 15 referred to advisory board—May 25, 1923.....	62
Metallic magnesium. (See Magnesium, metallic.)	
Methanol:	
Investigation to be instituted—July 23, 1925.....	540
Memorandum under consideration—July 23, 1925.....	540
Investigation No. 48 ordered under section 315—July 24, 1925.....	544
Travel authorization—July 24, 1925.....	545-6
Travel authorization—September 24, 1925.....	550
Travel ratified—September 24, 1925.....	551
Methyl alcohol. (See Methanol.)	
Meurer, Albert J. T.:	
Probational appointment authorized—April 30, 1925.....	486
Assigned assistant draftsman in economics division—July 23, 1925.....	539
Promoted—September 29, 1925.....	554
Appointment date fixed as April 1, 1925—October 13, 1925.....	563
Meyers, Prof. W. S., appointment offered—October 27, 1922.....	8
Mica:	
Investigation authorized—October 15, 1922.....	4
Report from advisory board—May 20, 1924.....	261
Preliminary reports already submitted—January 5, 1925.....	613
Middleton, George:	
Appointed as special expert—December 19, 1922.....	13
Reimbursed for expenses in lace investigation—September 12, 1924.....	374
Salary—June 6, 1925.....	513
Miles, R. T.:	
Employment of—November 28, 1923.....	157
Milk and cream:	
Investigation ordered—July 10, 1924.....	318
Separate order from butter to be issued—July 11, 1924.....	319
Postponement of further consideration of investigation—July 15, 1924.....	324



	Page
Miller, F. M.:	
Transfer authorized June 20, 1923.....	75
Miller, P. L.:	
Employed on butter investigation—July 17, 1924.....	334
Miller, W. G.:	
Salary—June 6, 1925.....	514
Mill feed:	
Report requested by President—March 21, 1924.....	226
Mill feed costs:	
Relation to wheat investigation discussed—March 4, 1924.....	220
Millinery Chamber of Commerce:	
Application of—November 6, 1923.....	142
Request conference postponed—January 19, 1924.....	192
Communication re application for investigation of women's trimmed hats—March 26, 1924.....	233
Minerals:	
Information, plan for obtaining—May 25, 1923.....	62
Mineral waters, natural:	
Preliminary inquiry voted—November 26, 1923.....	157
Travel authorization—November 28, 1923.....	158
Mining:	
Information, plan for obtaining—May 25, 1923.....	62
Minutes of meetings:	
Secretary to furnish copies to commissioners—March 27, 1923.....	40
Entry of order re investigation of linseed oil—May 5, 1923.....	54
Statements concerning publicity—August 5, 1924.....	360
Committee appointed to inquire into legal status—August 7, 1924.....	363
Mirror plate. <i>See</i> Glass, plate.	
Misner, E. G.:	
Conference requested—July 25, 1924.....	342
Consulted on butter investigation—July 29, 1924.....	348
Re employment and compensation—July 29, 1924.....	348
Mixter, Charles W.:	
Re appointment—March 20, 1923.....	28
Offered appointment as special expert—March 31, 1923.....	41
Designated economist—May 29, 1923.....	62
Memorandum on countable cotton cloths referred to—December 19, 1923.....	168
Classification—June 24, 1924.....	308
Appointed on committee on surveys—December 16, 1924.....	435
Assigned as economist in granite investigation—October 23, 1925.....	570
Mohair, travel authorization—June 16, 1925.....	519
Molasses and blackstrap:	
Report from advisory board—July 16, 1925.....	534
Memorandum submitted—July 17, 1925.....	535
Memorandum under consideration—July 23, 1925.....	540
Investigation voted—July 23, 1925.....	540
Travel authorization—July 24, 1925.....	546
Travel authorization—October 30, 1925.....	577
Travel authorization—January 21, 1926.....	633
Monsanto Chemical Works:	
Communication to—April 3, 1924.....	237
Moore, L. W.:	
Secretary authorized to negotiate with for employment—June 9, 1923.....	69
Acting Secretary—June 4, 1924.....	288
Salary—June 6, 1925.....	518
Moorehouse, Prof. L. A.:	
Re employment of—August 14, 1923.....	109
Morgan, Albert L.:	
Employment voted—December 8, 1925.....	592
Morocco, report of tariff and trade relations with, approved for transmittal to President—October 24, 1924.....	405
Morse, Irving H., re employment—May 5, 1923.....	66

	Page
Mosquito bar:	
Advisory board to prepare plans for investigation of—January 2, 1923	14
Advisory board report in re investigation to be considered—September 14, 1923	113
Mott, Richard H.:	
Employment as accountant—July 31, 1923	98
Mountain States Beet Growers' Association	432
Moynihan, D. C.:	
Re appointment—February 23, 1923	20
Travel authorization—April 3, 1923	42
Resignation accepted—October 5, 1923	124
Re employment—May 9, 1924	253
Voted against his application for reinstatement—May 13, 1924	257
Mullins, Edward I.:	
Employment authorized—June 27, 1923	79
Salary—September 11, 1923	111
Murphy, Frances M.:	
Salary—March 20, 1923	28
Salary—June 6, 1925	513
Nankin ticking, preliminary reports submitted—January 5, 1925	614
National Association of Wool Manufacturers:	
Letter from president of, with respect to confidential information—June 27, 1924	310
Reply submitted—July 1, 1924	312
National Council of American Cotton Manufacturers:	
Request samples of imported cotton fabrics—October 3, 1924	381
Request samples of certain imported cotton fabrics—November 11, 1924	413
Draft of letter submitted by Commissioner Glassie—November 13, 1924	415
National Council of American Importers and Traders (Inc.), notice of motion to file briefs—October 31, 1924	411
National Dairy Union, request re casein—August 7, 1923	102
National Milk Producers' Association:	
Letter requesting copies of applications re casein—July 27, 1923	96
Committee appointed to consider letter re casein—September 28, 1923	117
Committee approves request to submit data on casein—October 2, 1923	120
Protest—October 25, 1923	134
Conference with commission on butter—January 22, 1926	634
Motion of, referred to legal division—January 26, 1926	635
National Monetary Association, travel authorization—May 25, 1923	61
Natural mineral waters, re investigation of—December 18, 1923	167
Naughton, Edna V.:	
Salary—March 20, 1923	28
Transfer to New York office authorized—June 13, 1923	71
Salary—June 6, 1925	514
Navias, Dr. Louis:	
Appointed special expert—March 22, 1923	29
Resignation—March 25, 1924	229
Nelson, Thomas, negotiation for services—March 22, 1923	29
Neilson, Preston M.:	
Re employment—September 24, 1925	551
Remarks on, by Commissioner Costigan, inserted in minutes—January 26, 1926	637
Nerlove, Samuel H., re appointment—February 23, 1923	20
New Bedford Textile Council, letter respecting cotton cloth industry—June 27, 1924	310
Newman, Laurence G.:	
Re appointment—February 23, 1923	20
Salary—June 6, 1925	513
Newton, Harry H.:	
Re employment of—July 6, 1923	84
Compensation—January 1, 1925	437

	Page
New York office:	
Opening—January 12, 1923.....	16
Travel authorization—March 30, 1923.....	41
Authorization of expenses of New York office—February 8, 1924.....	211
Mc Temporary charge, of F. L. Koch—March 25, 1924.....	229
Commissioner Burgess to negotiate for—October 9, 1924.....	304
Inquiry by Commissioner Burgess into need of personnel—March 6, 1925.....	457
Mc Report on personnel—March 19, 1925.....	463
Mc Travel authorization to Commissioner Burgess—March 27, 1925.....	468
Nitrite of sodium. (See Sodium nitrite.)	
Nolan, C. T., communication re chart—April 3, 1924.....	237
Norris, George W., Senator:	
Letter regarding publication of sugar-beet investigation—December 9, 1924.....	432
North, Dexter:	
Salary—March 20, 1923.....	28
Temporary charge of chemical division—June 20, 1923.....	76
Leave of absence authorized—May 12, 1925.....	491
Leave granted—October 6, 1925.....	558
Resignation—December 18, 1925.....	600
Norwegian Nitrogen Products Co.:	
Committee to consider sodium nitrite—September 28, 1923.....	117
Denied access to confidential information re sodium nitrite—October 2, 1923.....	120
Permission to file brief—October 6, 1923.....	125
Attorney General asked to designate officer to appear in behalf of Commission in re writ of mandamus filed by—December 13, 1923.....	165
Commissioner Glassie's answer approved—January 3, 1924.....	185
Statement of Commissioner Costigan—January 3, 1924.....	186
Commissioners Glassie, Culbertson, and Chas. E. McNabb, designated to appear for Tariff Commission—January 3, 1924.....	186
Case reported—February 1, 1924.....	197
Commissioners Glassie and Culbertson continue to act in legal proceedings—May 8, 1924.....	251
Submission of brief in Court of Appeals of District of Columbia authorized—September 12, 1924.....	375
National Council of American Importers and Traders, motion to file brief in re above action—October 31, 1924.....	411
Court decision reported—April 7, 1925.....	473
Notz, Miss Cornelia, classification—June 27, 1924.....	311
Notz, Dr. W. F., re appointment—November 17, 1922.....	10
Novadelox, investigation not warranted—March 26, 1924.....	232
Nuckols, S. B.:	
Re employment—August 14, 1923.....	109
December 13, 1923.....	163
January 8, 1924.....	187
February 6, 1924.....	210
Nye, John A.:	
Re appointment—February 23, 1923.....	20
Temporary increase in salary—May 4, 1923.....	49
Temporary salary increase voted—June 1, 1923.....	63
Approval of field expense—January 29, 1924.....	195
Re compensation—March 20, 1924.....	226
O'Connor, Daniel J.:	
Re employment—March 19, 1925.....	464
April 16, 1925.....	478
Office, foreign. (See Foreign office.)	
Office, New York. (See New York office.)	
Offices of Tariff Commission:	
Remodeling—July 19, 1923.....	89
Committee on allocation—January 27, 1925.....	444
Committee to consider—June 30, 1925.....	525
Allocation approved—July 17, 1925.....	535
Official papers, committee to consider administration—July 3, 1923.....	83
Ogaard, A. J., re employment—November 28, 1923.....	157
O'Hara, Alfred T., appointment in New York office—April 16, 1925.....	478

Oil:	Page
Coconut—	
Vote to consider report of advisory board—October 4, 1923 .....	124
Motion for investigation under section 315—December 20, 1923 ..	181
Re letter to President—January 26, 1924 .....	202
Refining, cost schedule approved—July 29, 1924 .....	347
Survey sent to chairman's office January 28, 1924—February 11, 1924 .....	201
Cottonseed—	
Application for investigation of Italian discrimination—October 25, 1923 .....	135
Motion for investigation under section 315—December 20, 1923 ..	181
Re letter to President—January 26, 1924 .....	201-202
Refining, cost schedule approved—July 29, 1924 .....	347
Survey to chairman—January 28, 1924—February 11, 1924 .....	201
Vote to consider report of advisory board on—October 4, 1923 ..	124
Fish—	
Advisory board report—September 14, 1923 .....	113
Application for investigation of—December 18, 1923 .....	167
Motion for investigation under section 315—December 20, 1923 ..	181
Motion to submit applications and information to President—De- cember 20, 1923 .....	182
Voted to consider report of advisory board on—October 4, 1923 ..	124
Flaxseed—	
Advisory board's report awaits action of comission—March 26, 1924 .....	231
Change of hearing—January 29, 1924 .....	195
Chart submitted by Mr. C. T. Nolan—March 5, 1924 .....	237
Consideration of report—January 29, 1925 .....	445
Consideration resumed—	
January 21, 1925 .....	442
January 27, 1925 .....	444
January 30, 1925 .....	445
January 31, 1925 .....	446
February 3, 1925 .....	446
February 5, 1925 .....	447
February 10, 1925 .....	448
February 11, 1925 .....	449
February 17, 1925 .....	451
February 19, 1925 .....	452
February 24, 1925 .....	454
March 3, 1925 .....	455
Cost schedule submitted—July 19, 1923 .....	88
Date for completion—February 24, 1925 .....	453
Date for filing briefs announced—March 7, 1924 .....	222
Draft of final report—October 21, 1924 .....	401
Hearing adjourned—February 5, 1924 .....	208
Hearing continued—	
March 5, 1924 .....	220
March 6, 1924 .....	221
Hearing closed—March 7, 1924 .....	222
Investigation not combined with wheat—December 13, 1923 .....	164
Investigation under section 315 ordered—May 4, 1923 .....	50
Preliminary reports submitted—January 5, 1925 .....	614
Public hearing ordered—December 13, 1923 .....	164
Re letter to President—January 26, 1924 .....	201
Report to President considered—	
January 7, 1925 .....	438
January 15, 1925 .....	440
Secretary directed to transmit report to President—March 3, 1925 .....	456
Statement to press—May 5, 1923 .....	54
Travel authorization—	
May 18, 1923 .....	59
July 23, 1923 .....	94
October 23, 1923 .....	134
December 31, 1923 .....	184

## Oil—Continued.

Linseed. (See Oil, flaxseed.)

## Olive—

	Page
Complaint under section 316—October 22, 1924.....	402, 403
Committee appointed to confer with Secretary of State concerning—March 19, 1925.....	465
Date for consideration of—October 21, 1924.....	401
Investigation under section 316 requested—October 16, 1924....	393
Letter to Secretary of State submitted—March 27, 1925.....	468
Letter to Secretary of State approved—April 28, 1925.....	485
Preliminary inquiry—November 26, 1923.....	157
Re investigation—December 18, 1923.....	167
Report of advisory board—June 27, 1924, March 17, 1925.....	310, 461
Special order of business—March 10, 1925.....	458
Travel authorization—	
May 25, 1923.....	62
March 31, 1924.....	235
June 24, 1924.....	308
July 1, 1924.....	313

## Peanut:

Cost schedule approved—July 29, 1924.....	347
Motion for investigation under section 315—December 30, 1923..	181
Survey sent to chairman January 28, 1924—February 11, 1924..	201-202

## Soya bean:

Commission considers report of advisory board—October 4, 1923..	124
Cost schedule approved—July 29, 1924.....	347
Motion for investigation under section 315—December 20, 1923..	181
Survey sent to chairman January 28, 1924—February 11, 1924..	201

## Oils and fats, animal and vegetable:

Advisory board report—September 14, 1923.....	113
Application for investigation of—December 18, 1923.....	167
Assistance in field authorized—July 29, 1924.....	347
Authorization of secretary to approve expenses for supplies, assistance, etc., abroad—June 10, 1924.....	292
Chairman advisory board requested to report status of—May 6, 1924..	249
Consideration of statement—November 20, 1925.....	586
Cost schedules approved—July 29, 1924.....	347
Draft of statement—December 3, 1925.....	589
European investigation—April 5, 1924.....	240
Expense authorized—January 8, 1925.....	439
Expenses for printing schedules approved—January 27, 1925.....	444
Extension of investigation considered—June 3, 1924.....	285
Foreign field work—June 10, 1924.....	290
Hearing—March 7, 1924.....	222
Hearing continued—	
March 8, 1924.....	222
March 10, 1924.....	222
March 11, 1924.....	223
March 12, 1924.....	223
Investigation by Commissioner Burgess moved re—December 20, 1923.....	180
Investigation to be ordered under section 315—	
July 23, 1923.....	94
July 27, 1923.....	98
Investigation instituted—February 6, 1924.....	209
Investigation No. 34 ordered—February 8, 1924.....	211
Motion for investigation—October 9, 1923.....	126
Motion for public hearing—December 20, 1923.....	181
Motion to submit applications and information to President—December 20, 1923.....	182
Plan of investigation—	
March 25, 1924.....	229
May 6, 1924.....	248, 249

Oils and fats, animal and vegetable—Continued.		Page
Plans for investigation considered—		
May 27, 1924	-----	278
May 29, 1924	-----	281, 282
Plans for investigation approved—May 29, 1924	-----	283
Plan approved—July 25, 1924	-----	343
Preliminary statement—May 29, 1925	-----	499
Printing of statement authorized—June 26, 1925	-----	524
Public hearing set—October 15, 1925	-----	566
Re letter to President—January 26, 1924	-----	201-2
Re letters of President and Senator Edge—February 1, 1924	-----	197
Re President's letter—February 2, 1924	-----	197, 198
Re letters of President Coolidge and Senator Edge—February 7, 1924	-----	198-199
Re letter to President—		
February 9, 1924	-----	212
February 11, 1924	-----	199, 203
February 20, 1924	-----	203
March 3, 1924	-----	207
Re letters of President and Senator Edge—March 3, 1924	-----	205
Re letter of Senator Wadsworth—February 11, 1924	-----	202
Re services of expert—June 3, 1924	-----	285
Report of advisory board on—October 4, 1923	-----	124
Request for consideration of report—May 20, 1924	-----	262
Service of translators authorized—January 8, 1925	-----	438
Substitute motion for a general investigation—December 20, 1923	-----	181
Travel authorization—		
February 21, 1924	-----	216
May 29, 1924	-----	284
June 10, 1924	-----	290
June 13, 1924	-----	293
June 20, 1924	-----	299
June 24, 1924	-----	317
July 1, 1924	-----	313
July 25, 1924	-----	343
August 7, 1924	-----	365
August 14, 1924	-----	373
September 12, 1924	-----	375
October 31, 1924	-----	412
November 11, 1924	-----	414
November 25, 1924	-----	427
December 16, 1924	-----	435
January 8, 1925	-----	439
January 20, 1925	-----	442
February 3, 1925	-----	446
March 26, 1925	-----	466
April 16, 1925	-----	479
Oldfield, William A., letter requesting information regarding work of Tariff Commission under flexible tariff—April 16, 1924	-----	243
Oleomargarine, included in report on butter—May 23, 1924	-----	263
Oklahoma Millers' League, protest re wheat mill feeds—April 8, 1924	-----	240
Olives:		
Preliminary inquiry voted—November 26, 1923	-----	157
Re investigation—December 18, 1923	-----	167
Travel authorization—		
November 28, 1923	-----	158
July 21, 1925	-----	538
September 12, 1925	-----	548
Olive oil. (See Oil, olive.)		
Oliver, E. L.:		
Re appointment—October 7, 1924	-----	383
Re employment—July 17, 1924	-----	334
Olivor, Edith, salary—March 20, 1923	-----	28
Olson, P. J., re employment—December 4, 1923	-----	160
Omaha Bee, press notice dated November 30, 1923—December 20, 1923	-----	176

	Page
O'Neill, Agnes:	
Classification—June 30, 1925.....	525
Salary—	
March 20, 1923.....	28
June 6, 1925.....	513
Travel authorization—September 24, 1925.....	551
Onions:	
Preliminary inquiry—November 26, 1923.....	157
Re investigation of—December 18, 1923.....	167
Travel authorization—November 28, 1923.....	158
Opdyke, Myrtle M.:	
Re appointment—February 23, 1923.....	21
Salary—June 6, 1925.....	513
Orchids, cut, report from advisory board—May 20, 1924.....	261
Ores, plan for obtaining information—May 25, 1923.....	62
Organs, pipe:	
Report from advisory board—May 20, 1924.....	261
Reports submitted—January 5, 1925.....	614
Oriental rugs. ( <i>See Rugs, oriental.</i> )	
Ornamental fruits, flowers, etc. ( <i>See Fruit, flowers, etc., ornamental.</i> )	
Osier or willow, recommendation—December 20, 1923.....	175
Ossman, Harry, re appointment—May 4, 1923.....	50
Oxalic acid. ( <i>See Acid, oxalic.</i> )	
Oxide of iron:	
Report of advisory board—May 20, 1924.....	261
Reports submitted—January 5, 1925.....	613
Page, Dr. Thomas Walker:	
Broad silk report—	
Requested to read—October 21, 1924.....	401
Acceptance of offer to review—October 30, 1924.....	410
Compensation—February 6, 1924.....	209
Cotton small wares, requested to review—June 10, 1924.....	291
Employment authorized in sugar investigation—March 31, 1923.....	42
Engaged to confer with Doctor Mixer in re import statistics—July 19, 1923.....	88
Loan of manuscript—October 11, 1924.....	387
Revision of cotton small-wares report—October 30, 1924.....	411
Tariff Dictionary, requested to review—August 2, 1923.....	99
Paintbrush handles:	
Appointment of committee on summary of costs—July 19, 1923.....	89
Chairman Marvin in charge of public hearing—July 17, 1923.....	87
Commissioner Burgess reports on—February 1, 1924.....	196
Commissioner Burgess requests expedition of report to President—April 30, 1925.....	486
Commissioners Lewis and Glassie appointed committee—August 11, 1923.....	104
Commissioners Baldwin and Brossard appointed committee—November 10, 1925.....	579
Consideration of—	
April 3, 1924.....	238
May 1, 1924.....	247
May 16, 1924.....	259
Records postponed—October 15, 1923.....	129
Report for President—June 17, 1924.....	296
Copy of order—March 27, 1923.....	36
Delay in action reported—May 29, 1925.....	500
Draft of report to President—	
Committee to prepare statement—October 19, 1923.....	132
• Referred back to committee—May 20, 1924.....	262
Submitted—March 20, 1924.....	226
Extension of time for filing briefs—September 14, 1923.....	112
Glassie moves committee report on—June 20, 1924.....	298
Inquiry by Henry H. Glassie regarding report—May 23, 1924.....	268
Investigation—	
Awaiting action—October 14, 1924.....	388
Been ordered—March 26, 1924.....	232
Ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	36

	Page
Paintbrush handles—Continued.	
Motion re furnishing summary of cost inquiry—July 17, 1923.....	87
Public hearing—	
Set for June 6, 1923—July 17, 1923.....	65
Notice—June 8, 1923.....	67
Date—July 19, 1923.....	89
Closed—September 6, 1923.....	110
Record special order of business—October 16, 1923.....	131
Report by committee—	
Ready—December 20, 1923.....	176
Special order of business—October 11, 1923.....	127
Reports be expedited—June 18, 1925.....	519
Special order of business for committee report—December 20, 1923.....	176
Statement by William Burgess regarding report—May 23, 1924.....	268
Travel authorization—	
March 23, 1923.....	30
April 21, 1923.....	45
May 5, 1923.....	57
May 31, 1923.....	63
October 23, 1923.....	133
December 4, 1923.....	160
Withholding records—July 17, 1923.....	87
Paper, coated and glazed, report of advisory board—May 20, 1924.....	261
Paper with coated surfaces, preliminary reports already submitted— January 5, 1925.....	614
Paracetalddehyde:	
Motion for investigation—August 11, 1923.....	105
Travel authorization—March 10, 1925.....	458
Parater, George H., salary—September 11, 1923.....	111
Parker, Cornelius A., brief submitted on butter—May 12, 1925.....	491
Parmalee, H. C., re employment—February 17, 1925.....	451
Paterson, Frank E., re appointment—February 23, 1923.....	20
Pattern files, Swiss. (See Swiss pattern files.)	
Peanuts:	
Application for investigation—December 18, 1923.....	167
Cost schedule approved—August 5, 1924.....	358
Letter to President—January 26, 1924.....	202
Preliminary reports already submitted—January 5, 1925.....	614
Reply to request of growers for informal conference—December 23, 1925.....	602
Report—March 26, 1924.....	231
Penning, C. H.:	
Appointed special expert—February 15, 1923.....	19
Compensation—March 20, 1924.....	226
Salary—June 6, 1925.....	513
Transferred to field service, with increased salary—June 20, 1924.....	299
Peppers, red, preliminary inquiry voted—November 26, 1923.....	157
Peroxide, barium. (See Barium, peroxide.)	
Personnel:	
Commissioner Brossard, classification officer—September 15, 1925.....	549
Committee appointed on reclassification, etc.—March 16, 1923.....	26
Conference with Doctor Dewey, of the Massachusetts Institute of Technology—November 21, 1924.....	426
Distribution in various divisions re curbing expenditures—May 16, 1924.....	259
Employees assigned—January 5, 1923.....	15
List of vacancies to be prepared—October 21, 1924.....	401
Organization—October 17, 1922.....	4
Personnel, committee—September 19, 1922.....	1
Recommendations submitted—June 16, 1925.....	518
Referred to committee—June 20, 1924.....	298
Secretary authorized to visit colleges—November 3, 1922.....	9
Personnel Classification Board:	
Appeal from Miss Blanche C. Howlett—July 24, 1925.....	541
Classification of secretaries and other employees in grade 6—July 24, 1925.....	541
Temporary allocation of A. M. Fox to chief of economic division— April 7, 1925.....	472



	Page
Peters, M. C., Mill Co., letter on mill feed discussed—March 21, 1924....	226
Peterson, Ruth E. K., appointed special expert—October 10, 1922.....	3
Salary—June 6, 1925.....	513
Phenolic resin, synthetic:	
Advisory board ordered to report on—March 21, 1924.....	227
Hearing already closed—March 26, 1924.....	233
Hearing January 24, 1924; briefs to be filed until February 23, 1924..	193, 194
Investigation awaiting action—October 14, 1924.....	388
Investigation under section 315 to be ordered—March 2, 1923.....	22
Investigation under section 315 ordered—May 4, 1923.....	51
Preliminary statement—May 29, 1925.....	500
Public hearing ordered—December 13, 1923.....	164
Report ready—May 29, 1925.....	499
Smokers' articles of, investigation under section 315 ordered—May 4, 1923.....	51
Time extended for filing of briefs—February 15, 1924.....	214
Travel authorization—	
May 31, 1923.....	63
October 23, 1923.....	134
Philippine Islands:	
Dr. Frank R. Rutter requested to prepare memorandum on sugar costs and production—July 23, 1923.....	94
Inclusion in sugar investigation—March 18, 1924.....	225
Not included in sugar investigation—February 27, 1924.....	219
Photostat equipment, authorized—June 12, 1923.....	69
Picha, Ben, employment during wheat investigation—December 4, 1923..	160
Pig iron. <i>See</i> Iron, pig.	
Pike, blue, etc., delegation in support of application—January 27, 1925..	444
Pile fabrics, investigation under section 315 ordered—March 2, 1923.....	22
Pimentos, onions, olives, mineral waters, etc., travel authorizations— November 28, 1923.....	158
Pineapples:	
Advisory board report submitted to commission—December 4, 1924..	431
Preliminary reports already submitted—January 5, 1925.....	614
Pingrey, Hazen B., re appointment—October 23, 1923.....	133
Pins, tariff information survey submitted—January 27, 1925.....	444
Pipe organs. ( <i>See</i> Organs, pipe.)	
Pipes, brierwood:	
Advisory board ordered to report—March 21, 1924.....	227
Advisory board report referred to committee—May 27, 1924.....	277
Charles F. Yauch instructed to make preliminary investigation in Europe—October 7, 1924.....	382
Communication received for the purpose of section 316—March 6, 1925.....	457
Consideration of—April 3, 1924.....	237
Continuation November 8, 1923.....	144
Counsel for domestic manufacturers requests continuance of investiga- tion—October 7, 1924.....	382
Delay in action reported—May 29, 1925.....	500
Early action requested by applicants—December 5, 1924.....	432
Factory costs analysis submitted by parties interested—October 8, 1925.....	561
Hearing—September 24, 1923.....	115
Hearing date set October 17, 1923—September 24, 1923.....	115
Hearings adjourned—October 17, 1923.....	131
Hearing adjourned until November 8—October 31, 1923.....	138
Hearing of October 31 adjourned to November 2—October 23, 1923..	133
Hearing of October 31 adjourned to November 8—October 30, 1923..	137
Hearings postponed—October 11, 1923.....	127
Investigation awaiting action—October 14, 1924.....	388
Investigation under section 315 ordered—May 4, 1923.....	53
Memorandum submitted by Mr. Culbertson regarding final disposi- tion—December 18, 1924.....	436
Radiogram by Charles F. Yauch—November 11, 1924.....	414
To procure European costs—November 11, 1924.....	414
Travel authorization—	
May 15, 1923.....	59
August 11, 1923.....	105

	Page
Pitted cherries, preliminary hearing suggested—July 25, 1924.....	341
Plantains, advisory board directed to report—December 11, 1922.....	12
Plate glass. <i>See</i> Glass, plate.	
Plates, mirror. <i>See</i> Glass, plate.	
Poitras, Paul, re brierwood pipes—September 19, 1923.....	114
Pond, Prof. Geo. A.:	
Employment—July 17, 1924.....	334
September 23, 1924.....	378
November 11, 1924.....	413
Porcelain. ( <i>See</i> Pottery.)	
Potassium, chlorate:	
Committee to report on findings—February 27, 1924.....	219
Confidential section adopted—April 2, 1925.....	470
Consideration of—April 3, 1924.....	238
Consideration of report—	
March 10, 1925.....	458
March 13, 1925.....	460
March 26, 1925.....	467
March 31, 1925.....	469
April 2, 1925.....	470
Economist ordered to assist preparation of report to the President—	
March 13, 1926.....	460
Investigation awaiting action—October 14, 1924.....	388
Investigation ordered—	
March 16, 1923.....	25
Copy of order—March 27, 1923.....	34
March 26, 1924.....	232
Public hearing—	
November 14, 1923.....	151
Ordered—September 28, 1923.....	118
Closed—March 26, 1924.....	233
Travel authorization—	
April 21, 1923.....	45
May 5, 1923.....	56
December 7, 1923.....	162
Pottery:	
Accountants assigned for preliminary field work in connection with	
investigation of—May 8, 1925.....	489
Advisory board instructed to prepare plans of investigation—Feb-	
ruary 14, 1923.....	19
Authorization to prepare reports—February 24, 1925.....	453
Conference with expert on—April 28, 1925.....	485
Discussion of report and draft ordered to submit to commission—	
March 12, 1925.....	459
Employment of special accountant authorized—May 5, 1925.....	488
How to obtain costs of production considered—October 2, 1925.....	557
Investigation ordered—	
March 2, 1923.....	22
March 19, 1925.....	462
Made special order of business for March 12—March 10, 1925.....	458
Memorandum from chief investigator and chief of ceramics division	
re field work—April 16, 1925.....	479
Motion for report on advisability of investigation—May 5, 1923.....	55
Preliminary report from advisory board ordered—May 1, 1923.....	49
Report on, called to attention of chairman—March 25, 1924.....	230
Special disbursing agent authorized—June 2, 1925.....	510
Survey requested from advisory board—June 9, 1923.....	68
Tentative draft of committee report submitted—March 17, 1925.....	461
Travel authorization—	
March 31, 1923.....	42
May 15, 1923.....	58
December 9, 1924.....	433
March 24, 1925.....	464
April 16, 1925.....	479
May 8, 1925.....	489
May 22, 1925.....	497

Pottery—Continued.	
Travel authorization—Continued	Page
May 26, 1925.....	498
June 2, 1925.....	510
November 20, 1925.....	586
January 5, 1926.....	612
January 12, 1926.....	621
Powell, P. C., letter to Commissioner Culbertson re Omaha Bee articles by—December 20, 1923.....	177
Preferential tariffs, employment of special expert—January 20, 1925.....	442
Preferential tariffs division requests R. B. Meeds be appointed clerk— April 7, 1925.....	473
Preserves, vegetable, desirability of investigation—December 18, 1923..	167
President:	
Asks investigation of butter and cheese—August 4, 1924.....	358
Committee appointed to consider request of relief for wheat pro- ducers—October 4, 1923.....	123
Commissioner Costigan moved that question of President's authority to change rate of duty on logs be referred to, etc.—October 12, 1923.....	128
Communication re hosiery—May 18, 1923.....	59
Communication re lemons, citrate of lime, and citric acid—May 24, 1923.....	60
Communications to commission, rules of procedure—July 18, 1924..	336
Conference of April 20, re flexible tariff—April 21, 1923.....	45
Draft of letter to, re vegetable oils—	
January 26, 1924.....	201
February 9, 1924.....	212
Glove report transmitted to—June 12, 1925.....	516
Informs chairman that he has no objection to publication of corre- spondence re wall pockets—December 5, 1925.....	591
Letter from, requesting report under section 317 on discrimination by Spain—October 2, 1923.....	119
Letter of condolence to—July 8, 1924.....	315
Letter drafted regarding Bureau of Budget; asking further considera- tion of estimates—October 9, 1924.....	384
Letter, October 16, 1924, re sugar investigation—October 16, 1924..	393
Letters re cotton warp-knit fabric gloves, and wall pockets, straw hats—October 6, 1925.....	559
Letter re transportation costs—October 13, 1925.....	564
Letter requesting investigation of halibut—July 25, 1924.....	341
Letter to, requesting permission to publish report on wheat and wheat products—March 25, 1924.....	227
Letter sent Chairman Marvin on vegetable oils, January 19, 1924, sub- mitted—March 3, 1924.....	206
Letter sent re sugar—October 24, 1924.....	405
Letter to, re wall pockets, approved—September 29, 1925.....	555
Letter transmitted to Chairman Marvin in re vegetable-oil report— February 1, 1924.....	197
Memorandum on wheat investigation—November 14, 1923.....	148
Mr. Marvin presents message from re dropping sugar and concen- trating on butter—July 9, 1924.....	316
Offices closed; death of President Harding—August 7, 1923.....	103, 104
Oral message delivered by Chairman Marvin to commissioners— January 15, 1924.....	189
Permission requested from, to issue copies of report on wheat and wheat products—March 21, 1924.....	226
Question re halibut—October 23, 1925.....	570
Report by commission on discriminations against American railroads transmitted to—October 7, 1924.....	383
Report to, on inclusion of Philippine Islands in sugar investigation— March 18, 1924.....	225
Requests additional data on sugar costs—October 1, 9, 1924.....	385
Request for written statement from, in re suspension of sugar report in order to initiate investigation of butter—July 11, 1924.....	320
Requests information on sugar investigation—October 2, 1924.....	380
Requests mill-feed report—March 21, 1924.....	226

	Page
President—Continued.	
Returns letters of commission and separate communication—October 24, 1924.....	405
Transmits letter re paragraph 1700 of act of 1922—June 2, 1925.....	509
Re consultation of—March 16, 1923.....	26
Statement to, on wheat investigation—November 13, 1923.....	146
Tabulations of sugar costs requested by, considered—October 11, 1924.....	387
Telegram regarding policy—March 17, 1923.....	27
Telegram of sympathy—July 31, 1923.....	98
Unfair methods of competition re revolvers—June 15, 1923.....	73
Voted to transmit report on discriminations—December 5, 1924.....	432
Press notices. <i>See</i> Publicity.	
Price, H. B.:	
Expenses for clerical assistance approved—April 5, 1924.....	240
Temporary employment—December 7, 1923.....	162
Price Index:	
Department of Labor, committee appointed to consider use in commission's work—September 14, 1923.....	113
Priest, Florence M.:	
Salary—	
March 20, 1923.....	28
June 24, 1924.....	308
July 1, 1924.....	313
Reassignment and salary increase—September 11, 1923.....	111
Print rollers:	
Advisory board to submit report and recommendations re work of Paul Hermes—June 20, 1923.....	76
Commissioner Baldwin appointed to supervise preparation of report on—June 25, 1925.....	522
Commissioners Lewis and Burgess appointed to report findings—February 6, 1924.....	210
Committee appointed to prepare reply to Commissioner Costigan's statement—October 24, 1925.....	573
Hearing January 29, 1924.....	195
Hearing continued—February 4 and 5, 1924.....	208
Hearing closed—March 26, 1924.....	233
Investigation—	
Awaiting action—October 14, 1924.....	388
Ordered—May 4, 1923.....	53
Report ready—May 29, 1925.....	499
Public hearing ordered—December 13, 1923.....	164
Reply to Commissioner Costigan's statement—November 12, 1925.....	583
Report to the President—	
Approved—October 6, 1925.....	561
Considered—	
September 29, 1925.....	555
September 30, 1925.....	556
October 1, 1925.....	557
Not complete—June 23, 1925.....	521
Reports requested—September 12, 1925.....	547
Statement submitted by Commissioner Costigan—October 24, 1925.....	572
Travel authorization—	
January 12, 1923.....	16
June 6, 1923.....	65
June 20, 1923.....	69, 76
July 6, 1923.....	84
Voted that reports be expedited—June 18, 1925.....	519
Procedure, rules of ( <i>see also</i> Investigations):	
Adopted—October 20, 1922.....	3
Amended—	
March 23, 1923.....	3
May 15, 1923.....	57
July 20, 1923.....	90
Amended to require affidavit from producers in-re costs of production—April 6, 1923.....	43
Committee appointed on disposition of applications under sections 315 and 316—December 4, 1924.....	431

Procedure, rules of—Continued.	Page
Committee on-----	1
Consideration of—	
July 20, 1923-----	89
December 19, 1923-----	168
For subpoenas—October 20, 1922-----	6
Glassie calls up motion for change of—July 1, 1924-----	312
Governing the handling of official mail—July 20, 1923-----	91
Interpretation—May 1, 1923-----	48
Meeting arranged for consideration and revision—July 19, 1923-----	89
Motion relative to—December 18, 1923-----	167
Motion re, called up—June 20, 1924-----	299
Proposed for reports to commission following public hearings—May 20, 1924-----	259
Recorded votes on 10 motions of Chairman Marvin re procedure in sugar investigation—May 26, 1924-----	269, 273
Regarding disposition of applications under sections 315 and 316—December 11, 1924-----	434
Request for publication of, under provisions of section 316-----	73
Revision of commission's rules of procedure—November 30, 1923-----	159
Rules of October 20, 1922, amended—May 15, 1923-----	57
Special form to be used in extension of investigation—June 6, 1923-----	64
Statement by Burgess on applications—June 24, 1924-----	308
Statement of time interval between issue of preliminary statement and notice of public hearings in all investigations—November 12, 1925-----	581
Statements of Commissioners Burgess and Culbertson regarding sugar investigation—May 23, 1924-----	267
Submission of amendment to—July 20, 1923-----	90
Supplemental statement re commission's powers and method of—April 22, 1923-----	46
Under sections 315, 316, and 317-----	5
William S. Culbertson called up draft of rules submitted July 10, 1923—July 23, 1923-----	96
<b>Publications:</b>	
Voted to furnish set of Tariff Commission reports to Imperial University of Tokyo, Japan—December 21, 1923-----	183
Publication of orders—February 14, 1923-----	19
Public Building Commission, communication to secretary Tariff Commission—March 9, 1923-----	24
<b>Publicity:</b>	
Casein investigation—December 14, 1923-----	165
Commissioner Costigan's substitute motion—December 20, 1923-----	179
Commissioner Culbertson's substitute motion—December 20, 1923-----	177
Commissioner Dennis designated committee on—July 3, 1925-----	528
Commissioner Glassie's motion—December 20, 1923-----	179
Commissioner Marvin's motion—December 20, 1923-----	178
Committee appointed—October 17, 1922-----	4
Discharged-----	72
Committee appointed to consider subject of—May 9, 1924-----	252
Committee to investigate article in Washington Post of July 31, 1924—July 31, 1924-----	353
Consent of commission needed—December 20, 1923-----	180
President requested to promulgate order—December 20, 1923-----	176
Presidential order suggested—December 20, 1923-----	176
Rejection of Commissioner Costigan's substitute motion—December 20, 1923-----	180
Rejection of Commissioner Glassie's motion—December 20, 1923-----	180
Responsibility for—December 19, 1923-----	169, 174
Rule adopted—May 13, 1924-----	256
Rule to control publication of newspaper articles—July 18, 1924-----	336
Statement by Edward P. Costigan re sugar—August 1, 1924-----	355
Statement by Thomas O. Marvin—August 1, 1924-----	355
Statement to press regarding misrepresentation—July 31, 1924-----	353
Substitute motion by Commissioner Costigan submitted—December 20, 1923-----	178
<b>Public hearings. See Hearings, public.</b>	

	Page
Pumice stone:	
Preliminary reports already submitted—January 5, 1925.....	613
Report from advisory board—May 20, 1924.....	261
Quail, bobwhite:	
Commissioners appointed to hold hearings—July 24, 1925.....	546
Hearings held—September 10, 1925.....	546
Investigation under section 315 ordered—May 19, 1925.....	494
Plans for investigation approved—June 16, 1925.....	517
Preliminary statement considered—July 20, 1925.....	536
Preliminary statement of investigation approved—July 20, 1925.....	536
Public hearings, date set—July 20, 1925.....	536
Report approved—September 15, 1925.....	549
Report on investigation to be transmitted by mail to Commissioner Costigan—September 15, 1925.....	550
Travel authorization—	
May 21, 1925.....	495
May 29, 1925.....	508
June 2, 1925.....	509
June 16, 1925.....	517
June 22, 1925.....	520
Printing of report to the President authorized—October 13, 1925.....	563
Rabbit skins and hatters' fur, report—March 26, 1924.....	231
Rabenau, John, re appointment—February 23, 1923.....	20
Radcliffe, Lewis:	
Appointment offered.....	4
Resignation accepted—October 24, 1923.....	135
Rafter, Adolphe:	
Re employment—June 29, 1923.....	80
Temporary services authorized—July 2, 1923.....	81
Rag rugs. <i>See</i> Rugs, rag.	
Rail, Mill, and Timber Bureau. Telegram on lumber and shingles— April 8, 1924.....	241
Rails, iron and steel, investigation ordered—March 2, 1923.....	22
Rare sugars. <i>See</i> Sugars, rare.	
Rayner, O. S., re employment of—September 21, 1923.....	115
Rayon:	
Travel authorization—	
December 5, 1922.....	12
May 1, 1923.....	49
Raw materials, letter from War Department—March 25, 1924.....	229
Razors, investigation ordered—March 2, 1923.....	22
Read, Frank G., re employment—July 12, 1923.....	86
Reciprocity, legal division requested to prepare memorandum on treaty with Cuba in relation to duty on sugar—May 26, 1924.....	276
Reclassification:	
Committee appointed to consider—June 30, 1925.....	525
Salary increases July 16, 1925—July 21, 1925.....	537
Records, motion not to permit commission's records to be offered in evi- dence—July 17, 1923.....	87
Red peppers, desirability of investigation of—December 18, 1923.....	167
Reed, David A., Senator, inquiry re action on taximeters—September 12, 1925.....	547
Reed, Hon. Daniel A., appearance in support of lake fish applications, January 27, 1925.....	444
Reed, James A., Senator, request for papers re sugar—October 1, 1925.....	556
Reed, T. Chandler, conference in re employment—July 23, 1923.....	94
Reese, A. L.:	
Re transfer to staff—May 4, 1923.....	50
Salary—June 6, 1925.....	513
Regulations:	
Additional regulations adopted—July 23, 1923.....	94
Report on revision for conduct of investigations—November 6, 1923.....	140
Revision for conduct of investigations—November 2, 1923.....	139
Statement of Thomas O. Marvin regarding authorized procedure with respect to applications under section 315—May 26, 1924.....	269
Secretary authorized to have printed such as are ready—June 10, 1924.....	292

	Page
Report, annual:	
Draft of, submitted by committee—November 25, 1924.....	429
Draft of, referred to committee to be placed in final form—November 26, 1924.....	429
Reports:	
Advisory board directed to present summary of, regarding applications—December 29, 1925.....	603
Reports of staff, confined to legal and economic questions—October 2, 1923.....	123
Resin, synthetic phenol. <i>See</i> Phenolic resin, synthetic.	
Revolvers:	
Appeals from findings of the commission not received—October 13, 1925.....	563
Approved draft of letter to Secretary of State in re unfair practices—May 9, 1924.....	253
Alleged violation of section 316 in importation and sale.....	72, 73, 78
Communication to President relative to unfair competition of.....	73
Communication from Secretary of State—November 15, 1923.....	153
Consideration of—April 3, 1924.....	238
Copies of bindings in the investigation to be sent to parties of record—July 9, 1925.....	531
Delay in action reported—May 29, 1925.....	500
Deposition of Geo. W. Wickersham authorized to be denied—August 11, 1924.....	369
Designation of person to take depositions of witnesses requested by Smith & Wesson—August 9, 1924.....	369
Designation of Wm. J. Dolan, Esq., to take depositions—August 11, 1924.....	371
Desirability of investigation of—December 18, 1923.....	167
Extension of time—July 23, 1924.....	341
Extension of time requested August 7, 1924—October 21, 1924.....	367, 400
Evidence submitted returned—February 6, 1925.....	448
Hearing—September 29, 30, and October 1, 1924.....	379
Investigation under section 316 ordered—July 9, 1925.....	531
Letter from Secretary of State referred to committee for reply—May 27, 1924.....	277
Letter from Secretary to the President referred to the committee—May 29, 1924.....	279
Letter to Secretary of State—November 23, 1923.....	155
Memorandum from preferential tariffs division in re unfair practices—May 9, 1924.....	253
Preliminary inquiry voted—November 26, 1923.....	157
Phone conversation in re correspondence—December 20, 1923.....	174
Public hearing set—July 21, 1924.....	339
Refusal of entry, report to President—June 3, 1924.....	287
Report of committee submitted—June 3, 1924; investigation order of June, 1923, vacated—June 3, 1924; investigation ordered—June 3, 1924.....	286
Report of unfair acts from legal and preferential tariffs divisions received—April 3, 1925.....	471
Report of unfair practices submitted—July 9, 1925.....	531
Report on application No. 194 referred to committee on procedure.....	70
Unfair practices in respect of importation and sale of, memorandum to be prepared—October 3, 1924.....	381
Unfair importation, chairman and vice chairman to confer with Secretary of State—October 23, 1923.....	134
Voted unnecessary to write Smith & Wesson as resolved May 13—May 16, 1924.....	259
In re submission of further data—May 13, 1924.....	254
Smith & Wesson, in re conference—May 13, 1924.....	256
Revolvers, Spanish. <i>See</i> Revolvers.	
Richey, Mary J.:	
Salary—March 20, 1923.....	28
Annual leave 30 days in 1925 allowed—October 1, 1925.....	556
Expense authorized in connection with investigation of glass bottles—January 19, 1926.....	632

	Page
Rice, Carlton C., appointment offered—November 21, 1922.....	11
Salary—June 6, 1925.....	513
Rice straw rugs. <i>See</i> Rugs, Japanese rice straw.	
Riddle, Lester C.:	
Compensation—March 20, 1924.....	226
Employment as accountant—July 23, 1923.....	94
Salary—June 6, 1925.....	513
Salary—July 21, 1925.....	537
Ridgway, Ruth M.:	
Salary increase voted—March 20, 1923.....	28
Salary continued—May 19, 1925, June 2, 1925, June 16, 1925.....	494, 509, 518
Roads, Mrs. Minnette:	
Employment January 23, 1925.....	443
Assignment for duty in the lumber and paper division voted—December 5, 1925.....	591
Roberts, V. A.:	
Salary—June 6, 1925.....	513
Salary—July 21, 1925.....	537
Transfer to field—June 2, 1925.....	510
Robertson, Mrs. Bertha M.:	
Salary—March 20, 1923.....	28
Classification—November 12, 1925.....	583
Rods, wire. <i>See</i> Wire rods.	
Rogers, John Jacob, conference in re textile industry—May 15, 1924.....	258
Roll covers, appointment of committee to consider communication—July 19, 1923.....	88
Roorbach, G. B.:	
Employment authorized in re investigation and analysis of imports—April 6, 1923.....	43
Re conference on analysis of imports—May 22, 1923.....	60
Roper, Grace H.:	
Salary—March 20, 1923.....	28
Annual leave—November 17, 1925.....	585
Rufener, Louis A.:	
Offered appointment as special expert—March 20 and 31, 1923.....	28, 42
Employment authorized January 23, 1925.....	443
Re employment—February 17, 1925.....	451
Conference—February 24, 1925.....	454
Ruffin, Nathaniel, to chief messenger grade and salary raised—July 1, 1924, October 13, 1925.....	313, 563
Rugs:	
Japanese rice straw—	
Advisory board report—December 4, 1924.....	431
Report on application from advisory board—April 3, 17, 1925.....	471, 481
Submission of advisory board's report on—April 24, 1925.....	483
Oriental—	
Attention of commission called to reports—January 5, 1926.....	614
Authorization of preliminary report on—January 15, 1926.....	630
Consideration of report from advisory board re oriental rugs—January 8, 1926.....	620
Rag—	
Investigation under Section 315 ordered April 24, 1925.....	484
Report on application from advisory board—April 3, 17, 24, 1925.....	471, 481, 483
Travel authorization—	
January 13, 1925.....	439
May 12, 1925.....	490
June 18, 1925.....	520
July 21, 1925.....	537
Memorandum pending investigation—July 21, 1925.....	537
Rules of procedure. <i>See</i> Procedure, rules of.	
Ruling, Philippine sugar not included in investigation—February 27, 1924.....	219
Rutter, Dr. Frank:	
Employed as special expert on sugar investigation—July 10, 1923.....	85
Employment authorized—June 26, 1925.....	524
Employment extended—June 7, 1924.....	289
Re employment—May 15, 1924.....	267



	Page
Rutter, Dr. Frank—Continued.	
Re temporary appointment—January 2, 1924.....	185
Requested to prepare memorandum on sugar costs and production in Philippine Islands—July 23, 1923.....	94
Temporary employment extended—January 6, 1925.....	438
Transferred to field service—June 20, 1924.....	299
Ryder, Oscar B.:	
Authorized to proceed to New York, etc., on silk investigation—Sep- tember 26, 1922.....	2
Salary—October 17, 1922.....	4
Salary—March 20, 1923.....	28
Designated economist—June 18, 1925.....	520
Saffron:	
Desirability of investigation—December 18, 1923.....	167
Preliminary inquiry voted—November 26, 1923.....	157
Salaries:	
Commissioners Marvin and Costigan, and Secretary Bethune ap- pointed committee on reclassification and salary adjustments— March 16, 1923.....	26
Committee appointed on—March 18, 1924.....	224
Committee for consideration—July 10, 1923.....	85
Continuance of, for—	
Edith M. Street—June 2, 1925.....	509
Ruth M. Ridgway—June 2, 1925.....	509
Compensation of employees on duty in Europe—June 2, 1925.....	510
Increases of, for specified employees—July 6, 1923.....	84
Report referred to committee—May 29, 1925.....	508
Consideration of adjustments—June 6, 1925.....	512
Secretaries to commissioners—June 6, 1925.....	512
Staff—March 20, 1924.....	226
Salt:	
Coarse—Report, March 26, 1924.....	231
Sea—	
Investigation held not warranted—September 19, 1924.....	376
Letter regarding investigation—October 22, 1924.....	404
Salts, amino, delay in action reported—May 29, 1925.....	500
Salvador, report on tariff discriminations for transmission to the President approved—December 5, 1924.....	432
Salvant, M., transfer to staff—May 4, 1923.....	50
Sanitary napkins:	
Appointment of Commissioner Costigan on committee—November 17, 1925.....	584
Commissioner Culbertson to prepare memorandum—October 3, 1924..	381
Committee appointed to prepare tentative report—December 12, 1924.....	434
Investigation ordered—October 14, 1924.....	389
Investigation ready—May 29, 1925.....	499
Preliminary reports already submitted—January 5, 1925.....	614
Public hearing held—November 18, 1924.....	426
Re section 316—October 10, 1924.....	386
Time for filing briefs extended—December 4, 1924.....	431
Savoy, William, classification—July 1, 1924.....	313
Saws, jewelers'. See Jewelers' saws.	
Schedule J, travel authorization—December 5, 1922.....	12
Schedule 1, travel authorization in re investigations thereunder—April 3, 1923.....	42
Schnaidt, Herbert, appointed special investigator—December 31, 1923...	184
Schneider-Spliedt Co., accept bid of, for remodeling hearing room—June 29, 1923.....	80
Schoenfeld, Samuel:	
Re appointment—May 15, 1923.....	57
Salary—	
May 15, 1923.....	57
June 1, 1923.....	63
June 6, 1925.....	513

Schoenfeld, Samuel—Continued.	
Resignation—	<b>Page</b>
December 29, 1925.....	603
January 5, 1926.....	612
Schoenrich, Edwin:	
Appointment offered—November 21, 1922.....	11
Salary—April 10, 1923.....	44
Compensation—March 20, 1924.....	226
Acceptance of resignation—October 31, 1924.....	412
Schultz, Dr. Henry:	
Conference with—June 25, 1925.....	523
Employment as economist, considered—	
October 9, 1925.....	562
October 30, 1925.....	577
November 6, 1925.....	578
Employment voted—November 12, 1925.....	582
Schwartz, Paul J., employment as clerk—July 23, 1923.....	94
Scientific instruments:	
Advisory board report submitted—April 24, 1925.....	483
Investigation ordered—April 24, 1925.....	483
Motion passed for investigation—April 24, 1925.....	483
Report on application from advisory board—April 3, 1925.....	471
Travel authorization—	
May 12, 1925.....	490
May 29, 1925.....	508
September 25, 1925.....	552
Scissors, investigation under section 315 ordered—March 2, 1923.....	22
Secretary of commission:	
Authorized to visit colleges for personnel—November 3, 1922.....	9
Directed to visit the New York office—December 19, 1922.....	14
Appointed to committee on reclassification—March 16, 1923.....	26
Authorized to confer with architect re space—March 27, 1923.....	40
Appointed to committee re repairing of hearing room—June 27, 1923.....	79
Authorized to accept certain bids re furnishing, etc.—June 29, 1923.....	80
Additional clerical help approved—December 2, 1924.....	430
Appointed to committee on allocation of office space—January 27, 1925.....	444
Classification of office of—November 12, 1925.....	582
Committee on personnel—June 20, 1924.....	298
Secretary of State. <i>See</i> State, Secretary of.	
Secretary of the Treasury, requested to keep Tariff Commission informed on importations of revolvers.....	78
Section 315:	
Access to applications open for inspection—March 27, 1923.....	40
Additional regulations adopted—July 23, 1923.....	94
Advisory board directed to present summary of reports regarding application under—December 29, 1925.....	603
Application received for investigation of certain clays.....	457
Chairman says commission awaiting reports from advisory board—January 26, 1926.....	634
Chairman says reports due from committees—January 26, 1926.....	634
Cost production of men's sewed straw hats approved and transmitted to President—July 14, 1925.....	534
Emilo Amoros employed to translate section into Spanish—April 10, 1923.....	44
Formal order for butter investigation—July 14, 1924.....	322
Information requested by Hon. W. A. Oldfield—April 16, 1924.....	244
Interpretation of scope—March 16, 1923.....	26
Investigations ordered:	
Aluminum ware—	
February 14, 1923.....	18
March 2, 1923.....	22
Amino acids and amino acid salts—August 11, 1923.....	107
Artificial fruits, flowers, etc., ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	40
Barbital—March 2, 1923.....	22
Barium carbonate, precipitate—January 13, 1926.....	627

## Section 315—Continued.

## Investigations ordered—Continued.

	Page
Barium dioxide—	
March 2, 1923.....	22
March 16, 1923.....	25
March 27, 1923.....	32
Barium peroxide—February 14, 1923.....	18
Bent-wood chairs—April 23, 1925.....	483
Blankets and similar articles—March 2, 1923.....	23
Bobwhite quail—May 19, 1925.....	494
Brier-wood pipes—May 4, 1923.....	53
Butter, milk, and cream—July 10, 1924.....	318
Calcium carbide—	
February 14, 1923.....	18
March 2, 1923.....	22
Cascin—	
February 14, 1923.....	18
March 2, 1923.....	22
March 16, 1923.....	25
June 27, 1923.....	79
Cast polished plate glass—May 5, 1923.....	56
Cotton hosiery—March 2, 1923, June 21, 1923.....	22, 76
Cottonseed—	
February 14, 1923.....	18
March 2, 1923.....	22
Cotton warp-knit fabric—March 16, 1923.....	25
Cresylic acid—	
March 2, 1923.....	22
May 4, 1923.....	52
Chamoisette gloves—March 2, 1923.....	22
Chinaware—March 2, 1923.....	22
Citric acid—	
February 14, 1923.....	18
March 2, 1923.....	22
Cutlery—February 14, 1923.....	18
Diethylbarbituric acid and derivatives—March 16, 1923.....	25
Earthen and china tableware—March 19, 1925.....	462
Edible gelatin—July 24, 1925.....	543
Feeder cattle—	
February 14, 1923.....	18
March 2, 1923.....	22
Fluorspar—January 13, 1926.....	628
Gloves—	
February 14, 1923.....	18
March 16, 1923.....	25
Glue—July 24, 1925.....	542
Gold leaf—April 5, 1924.....	239
Granite—July 24, 1925.....	542
Hosiery—February 14, 1923.....	18
Infants' cotton hosiery—March 16, 1923.....	25
Iron products—	
February 14, 1923.....	18
March 2, 1923.....	22
Lace—October 25, 1923.....	136
Lemons—March 2, 1923.....	22
Linseed or flaxseed oil—May 4, 1923.....	50
Logs of fir, spruce, cedar, and western hemlock—	
July 2, 1923.....	82
April 1, 1924.....	235
Logwood extract—March 16, 1923.....	25
Magnesite and magnesite brick—August 11, 1923.....	106
March 12, 1925.....	459
Men's sewed straw hats—May 29, 1924.....	280
Methanol—July 24, 1925.....	544
Metallie magnesium—July 27, 1923.....	97
Mirror plates—March 16, 1923.....	35

## Section 315—Continued.

## Investigations ordered—Continued.

	Page
Oxalic acid—	
February 14, 1923.....	18
March 2, 1923.....	22
March 16, 1923.....	25
Paint-brush handles—March 16, 1923.....	25
Phenol—May 4, 1923.....	52
Phenolic resin, synthetic—May 4, 1923.....	51
Pig iron—March 16, 1923.....	25
Copy of order March 27, 1923.....	35
Pipes, brierwood—May 4, 1923.....	53
Potassium chlorate—March 16, 1923.....	25
Pile fabrics—March 2, 1923.....	23
Pocket knives—March 2, 1923.....	22
Print rollers—May 4, 1923.....	53
Razors—March 2, 1923.....	22
Refined cresol—March 2, 1923.....	22
Rag rugs—April 24, 1925.....	484
Rare sugars—August 11, 1923.....	106
Scissors—March 2, 1923.....	22
Smokers' articles made from synthetic phenolic resin—May 4, 1923.....	51
Sodium nitrite—	
February 14, 1923.....	18
March 2, 1923.....	22
March 16, 1923.....	25
Sodium silicofluoride—July 24, 1925.....	544
Steel products—February 14, 1923.....	18
Sugar—	
February 14, 1923.....	18
March 2, 1923.....	22
March 16, 1923.....	25
March 27, 1923.....	37
Swiss cheese—	
August 5, 1924.....	358
August 9, 1924.....	368
Swiss pattern files—	
February 14, 1923.....	18
March 2, 1923.....	22
March 16, 1923.....	25, 36
March 27, 1923.....	36
Synthetic phenolic resin—	
March 2, 1923.....	22
May 4, 1923.....	51
Table cutlery—March 2, 1923.....	22
Tops—March 2, 1923.....	23
Taximeters—May 4, 1923.....	54
Unmanufactured wool—March 2, 1923.....	22
Vegetable and animal fats and oils—February 8, 1924.....	211
Wall pockets ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	39
Warp-knit fabrics for chamoisette gloves—March 2, 1923.....	22
Wheat and wheat products—	
November 14, 1923.....	147
December 21, 1923.....	182
White earthen tableware—March 2, 1923.....	22
Wool—February 14, 1923.....	18
Woolens—March 2, 1923.....	23
Worsteds—March 2, 1923.....	23
Yarns—March 2, 1923.....	23
Investigation held not warranted:	
Agate button blanks or molds—October 4, 1923.....	124
Bone black—October 4, 1923.....	123
Lampblack—October 4, 1923.....	123
Sea salt—September 19, 1924.....	376

	Page
Section 315—Continued.	
Lewis, Burgess, Glassie appointed committee to prepare formal orders for—March 16, 1923.....	26
Lists of reports—March 26, 1924.....	231-233
List of investigations in which public hearings completed—October 22, 1924.....	402
Motion re withholding records on paint brush handles—July 17, 1923.....	87
Motion to furnish summary of cost investigation—July 17, 1923.....	87
Motion offered to investigate logs of fir, spruce, cedar or western hemlock—March 18, 1924.....	224
Order for investigation of sugar recorded in minutes—February 23, 1924.....	217
Publishing information re investigations under this section— March 22, 1923.....	29
Regulations considered—July 20, 1923.....	89
Report of advisory board on varnish laid aside for further considera- tion—October 9, 1923.....	125
Report on paint-brush handles submitted to commission—March 20, 1924.....	226
Report on wheat and wheat products ordered published—March 25, 1924.....	228
Resolution on March 27, 1923, in re inspection of applications by interested parties reconsidered; further action deferred—March 30, 1923.....	41
Secretary requested to prepare list of investigations under—October 10, 1924.....	387
Statement to President—April 21, 1923.....	45
Section 316	
Applications open for inspection March 27, 1923.....	40
Reconsidered March 30, 1923.....	41
Additional regulations adopted July 23, 1923.....	94
Brierwood pipes—	
Investigation ordered August 11, 1923.....	105
Hearings postponed October 11, 1923.....	127
Public hearing October 31, 1923.....	138
Committee ordered to report on, October 7, 1924.....	383
Olive oil, investigation requested, October 16, 1924.....	393
Revolvers—	
Referred to committee on procedure.....	70
Investigation instituted June 15, 1923.....	72
Letter ordered to be transmitted to President June 15, 1923.....	73
Letter to Secretary of Treasury June 26, 1923.....	78
Action on application suspended July 31, 1923.....	98
Draft of preliminary report to President submitted June 3, 1924.....	286
Extension of time for depositions requested August 8, 1924.....	367
Report requested from Commissioner Culbertson October 3, 1924.....	381
Public hearing September 29, 30, October 1, 1924.....	379, 380
Report to President considered July 9, 1925.....	531
Sanitary napkins—	
Investigation requested October 3, 1924.....	381
Investigation ordered October 10, 1924.....	386
Order adopted October 14, 1924.....	389
Public hearing November 18, 1924.....	426
Translation into Spanish authorized April 10, 1923.....	44
Section 317:	
Preparation of questionnaire approved January 5, 1923.....	15
Access to applications March 27, 1923.....	40
Above resolution reconsidered March 30, 1923.....	41
Translation into Spanish authorized April 10, 1923.....	44
Committee appointed to consider data May 31, 1923.....	63
Memoranda to President re, June 14, 1923.....	71
Regulations pertaining to, July 23, 1923.....	95
Report on discrimination by Spain October 2, 1923.....	119
Reports on Morocco and France to President October 24, 1924.....	405

	Page
Section 318:	
Investigation of thymol ordered under general powers of commission— August 14, 1923.....	108
Selby H. E., employment—November 28, 1923.....	157
Senate:	
Bill—	
No. 3411—	
Referred to advisory board for report—June 6, 1924.....	288
No. 3429—	
Marketing farm products, laid before commission—June 10, 1924.....	290
Resolution—	
No. 219—	
Cotton cloth, report on, approved—June 7, 1924.....	288
No. 221—	
Report of committee approved—June 4, 1924.....	287
No. 226—	
Butter, report on—July 1, 1924.....	312
No. 240—	
Referred to advisory board for report—June 6, 1924.....	288
No. 256—	
Calf leather tanning industry—	
Cooperation of commission requested—July 29, 1924..	347
Report on—January 22, 1925.....	443
Shapes, structural, iron and steel. <i>See</i> Steel, iron and steel structural shapes.	
Shawinigan Products Corporation, letter sent on investigation—August 11, 1923.....	105
Shears, investigation under section 315 ordered—March 2, 1923.....	22
Shelley, F. H.:	
Appointment offered—November 9, 1922.....	10
Transferred to wheat investigation—December 18, 1923.....	166
Salary—June 6, 1925.....	513
Resignation—October 1, 1925.....	556
Sherman & Sons Co., communication re roll covers and bolster covers.....	89
Shingles:	
Request to include with investigation of logs, report from advisory board referred to Commissioners Costigan and Glassie—May 2, 1924.....	247
Telegram on—April 8, 1924.....	241
Shirtings, fine cotton, reports from advisory board—May 20, 1924.....	261
Signal Mountain Portland Cement Co., complaint of unfair methods of competition—May 23, 1924.....	268
Silk, artificial, etc. <i>See</i> Rayon.	
Silk, broad:	
Travel authorization—November 14, 1922.....	10
To be printed as a commission report—June 29, 1923.....	80
Services of Dr. Thomas Walker Page in connection with prepara- tion of report—July 19, 1923, October 21, and October 30, 1924.....	88,401,410
Report referred to Mr. Culbertson—October 17, 1924.....	395
Simpson, Kemper:	
Appointment offered—December 12, 1922.....	13
Assigned to advisory board—January 5, 1923.....	15
Designated economist—May 29, 1923.....	62
Leave of absence without pay approved—July 9, 1925.....	530
Ordered to return to Washington—March 20, 1924.....	226
Temporary increase in salary—May 4, 1923.....	49
Temporary salary increase—May 31, 1923.....	63
To assist Achenbach in Europe on subject of German currency— February 6, 1924.....	209
Travel authorization to assist foreign agents—May 1, 1923.....	48
Travel authorization—May 22, 1923.....	60
Sirup, cane:	
Memorandum submitted—July 17, 1925.....	535
Memorandum under consideration—July 23, 1925.....	540
Report from advisory board—July 16, 1925.....	534

	Page
Sirup, cane—Continued.	
Travel authorization—July 24, 1925, January 21, 1926.....	546,633
Voted: An investigation be instituted—July 23, 1925.....	240
Sirup, maple:	
Canadian cooperation—October 27, 1925.....	574
Duplicate copies of schedules furnished Vermont Agricultural Ex- periment Station—October 6, 1925.....	558
Employment of expert—November 27, 1925.....	587
Expenditure by Dr. C. O. Townsend ratified—September 12, 1925.....	548
Form of schedule approved, September 26, 1925.....	553
Investigation voted—July 23, 1925.....	540
Memorandum submitted—July 17, 1925.....	535
Memorandum under consideration—July 23, 1925.....	540
Report from advisory board, July 16, 1925.....	534
Temporary employment of special expert farm cost accountant— November 27, 1925.....	587
Travel authorization, July 24, 1925.....	546
September 26, 1925.....	553
October 16, 1925.....	566
October 27, 1925.....	574
December 8, 1925.....	591
December 29, 1925.....	603
Smith, Franklin H.:	
Appointment—September 26, 1922.....	2
Offered appointment as special expert—October 10, 1922.....	3
Smith, Mark A., re employment—September 15, 1925.....	549
Smith, Stephen E.:	
Authorized to travel to Philadelphia, etc., on cotton hosiery investi- gation.....	78
Requested to attend public hearing—November 13, 1923.....	146
Secretary authorized to negotiate with for services.....	72
Smith & Hulse:	
Acceptance of bid of—July 12, 1923.....	86
Smith & Wesson:	
Action on application under section 316 suspended—July 31, 1923.....	98
Communication to President relative to unfair competition of re- volvers—June 15, 1923.....	73
Evidence submitted re revolvers returned—February 6, 1925.....	448
Investigation of revolvers instituted.....	72
Investigation of Spanish revolvers, simulating—June 3, 1924.....	286
Report on application referred to committee on procedure.....	70
Secretary of Treasury notified of complaint.....	78
Subject of telephone conversation, between chairman and State De- partment—December 20, 1923.....	174
Smoker's articles of synthetic phenolic resin:	
Communication read entering substitute attorneys for investigation of; went over for further consideration—February 13, 1925.....	450
Investigation under section 315 ordered—May 4, 1923.....	51
Preliminary report ready—May 29, 1925.....	500
Travel authorization—May 15, 1923.....	59
July 19, 1923.....	89
October 20, 1925.....	568
Snap fasteners:	
Advisory board's recommendation re—December 20, 1923.....	175
Preliminary reports already submitted—January 5, 1926.....	613
Report—March 26, 1924.....	231
Travel authorization—July 31, 1923.....	98
Snively, Dr. Tipton R.:	
Re appointment—June 10, 1924.....	291
Re conference—June 24, 1924.....	307
Requested to review Tariff Dictionary—August 2, 1923.....	99
Soap:	
Castile, preliminary inquiry voted—November 26, 1923.....	157
Letters to President—January 26, 1924.....	202
Soda, formate of, preliminary reports already submitted—January 5, 1925.....	613

	Page
Sodium nitrite:	
Advisory board instructed to prepare plans of investigation—January 2, 1923.....	14
Arguments heard—September 26, 1923.....	116
Commissioner Costigan reports delay due to mandamus proceedings pending in Supreme Court—February 1, 1924.....	196
Committee appointed consisting of Commissioners Costigan and Burgess—November 6, 1923.....	142
Committee appointed to consider motion of Nitrogen Products Co.—September 28, 1923.....	117
Committee reports on motion re Nitrogen Products Co.—October 2, 1923.....	120
Commission rules on request to examine original records and cross-examine investigators—October 2, 1923.....	120
Consideration of draft of report—April 22, 23, 24, 1924.....	245
Consideration of record made the special order of business—October 16, 1923.....	131
Considered—April 15, 1924.....	243
Investigation under section 315 ordered—	
February 14, 1923.....	18
March 2, 1923.....	22
March 16, 1923.....	25
March 26, 1924.....	232
Copy of order, March 27, 1923.....	34
Letter from the President requesting report on—April 10, 1924.....	241
Letter in reply to the President—April 16, 1924.....	242
Notice of motion to fix date of public hearing—July 19, 1923.....	89
Postponement of hearing—September 21, 1923.....	115
Public hearing on, adjourned until September 26, 1923—September 10, 1923.....	110
Public hearing voted—July 20, 1923.....	91
Public hearings—October 6, 1923.....	125
Report made order of business—October 11, 1923.....	127
Report to President on, returned with correction by Glassie—June 20, 1924.....	298
Secretary directed to send report on to printer—June 20, 1924.....	298
Submission of brief in Court of Appeals of District of Columbia, re Norwegian Nitrogen Products Co., authorized—September 12, 1924.....	375
Secretary to President writes report may be published.....	251
Travel authorization—	
May 1, 1923.....	49
May 5, 1923.....	56
July 12, 1923.....	86
Sodium silicofluoride:	
Investigation No. 49 ordered under section 315—July 24, 1925.....	544
Moved an investigation be instituted—July 23, 1925.....	540
Travel authorization—	
March 10, 1925.....	458
July 24, 1925.....	546
September 12, 1925.....	548
September 15, 1925.....	549
September 24, 1925.....	550
Votes recorded on resolution to investigate—July 24, 1925.....	545
Soles, leather, cut for shoes. <i>See</i> Leather, cut soles for shoes.	
Soya-bean oil. ( <i>See</i> Oil, soya-bean.)	
Soya beans:	
Cost schedule approved—August 5, 1924.....	358
Tariff information survey referred to chief economist—February 21, 1924.....	216
Spain:	
Discrimination, red gum lumber, report approved—April 24, 1925.....	485
Letter from President requesting report on discrimination by—October 2, 1923.....	119
Re revolver investigation—November 15, 1923.....	153
Sparger, C. B., Re appointment—February 23, 1923.....	20
Spencer, W. J., appointment offered—November 14, 1922.....	10
Spices, travel authorization—May 25, 1923.....	62



	Page
Spindles, jute, travel authorized—January 12, 1923.....	16
Spring clothespins. <i>See</i> Clothespins, spring.	
Spruce, logs of:	
Considered by commission—March 25, 1924.....	230
Date set for preliminary hearing—July 2, 1923.....	81
Investigation ordered—July 2, 1923.....	81
Motion offered to investigate—March 18, 1924.....	224
Travel authorization—June 10, 1924.....	291
Stadler, Robert B., re appointment—February 23, 1923.....	21
Staff of Tariff Commission—September 29, 1922.....	2
Employees assigned—January 5, 1923.....	15
Stained glass windows. <i>See</i> Windows, stained glass.	
Stancill, Mrs. May C.:	
Classification—June 30, 1925.....	525
Official travel from Seattle to California ratified—September 24, 1925.....	551
Salary—	
March 19, 1925.....	462
June 6, 1925.....	513
July 16 and 17, 1925.....	535
October 30, 1925.....	577
Starr, I. W., salary—June 16, 1925.....	514
State Department:	
Communication re revolver investigation—November 15, 1923.....	153
Inquiry re formal reply relative to Smith & Wesson (Inc.)—December 20, 1923.....	174
Letter received relative to removal of Custom duties on lumber imported by Canada—March 6, 1925.....	457
Letter sent re Swedish granite—June 16, 1925.....	516
Transmits letter from French Embassy with reference to activities of commission's agents in investigations in France—July 1, 1924.....	312
State, Secretary of:	
Communication to—November 23, 1923.....	155
Reply to—July 15, 1924.....	325
To acquaint Secretary of State with scope of wheat investigation—November 20, 1923.....	155
Stationery:	
For certain officials, authorized—May 24, 1923.....	60
Stationery, foreign:	
Printing authorized—November 6, 1923.....	143
Statistical division:	
Recommendation that work by statistical clerks on census of dyes and other synthetic organic chemicals, 1923, be published, is disapproved—August 14, 1924.....	373
Travel authorization—January 19, 1924.....	191
Steed, J. N.:	
Secretary authorized to request transfer from War Department—March 30, 1923.....	41
Steel products:	
Advisory board's recommendation re—December 20, 1923.....	175
Advisory board requested to prepare report on advisability or inadvisability of investigation cost of production—September 17, 1923.....	114
Investigation, steel ingots, iron and steel sheets, iron and steel structural shapes, under section 315, ordered—February 14, 1923.....	18
Motion to include in investigation of pig iron acted upon—May 15, 1923.....	57
Report on advisability of investigation ordered—May 15, 1923.....	57
Report on, called to attention of chairman—March 25, 1924.....	230
Report—March 26, 1924.....	231
Request of president of Texas Steel Co. to be heard May 1—April 17, 1925.....	480
Voted consideration be postponed—November 13, 1923.....	147
Stetson, Francis C.:	
Employment rated—December 8, 1925.....	592

	Page
Stewart, Stella:	
Classification—June 24, 1924.....	308
Salary—	
March 20, 1923.....	28
July 6, 1923.....	84
June 6, 1925.....	513
Stone, Kenneth L.:	
Employment—August 2, 1923.....	99
Salary—	
June 6, 1925.....	513
July 21, 1925.....	537
Stoneware, chemical:	
Report from Advisory Board—May 20, 1924.....	261
Preliminary reports already submitted—January 5, 1925.....	613
Strand, C. H.:	
Re employment—June 27, 1923.....	79
Straw hats. <i>See</i> Hats, men's sewed straw.	
Streett, Mrs. Edith M.:	
Assigned as stenographer—July 16, 1925.....	534
Annual leave authorized—September 12, 1925.....	548
Continuance of employment recommended—June 16, 1925.....	518
Salary continued—June 2, 1925.....	509
Salary—June 30, 1925.....	525
Resignation—October 27, 1925.....	574
Streett, William I.:	
Re appointment—June 6, 1923.....	65
Salary—June 6, 1925.....	513
Salary increase recommended—June 16, 1925.....	518
Salary and classification—June 25, 1925.....	522
Salary—July 21, 1925.....	537
Strontium nitrate:	
Advisory board report considered—April 23, 1925.....	482
Report from advisory board received—March 24, 1925.....	465
Report from advisory board submitted—March 27, 1925.....	468
Report of advisory board considered—April 17, 1925.....	481
Request for investigation denied—April 23, 1925.....	482
Sugar:	
Advisory board instructed to report plans for sugar investigation— July 31, 1923.....	98
Article from Denver Post—July 15, 1924.....	324
Assignment of office space—July 19, 1923.....	88
Certain members of the staff ordered to submit criticisms and sug- gestions—June 21, 1924.....	305
Chairman states that certain information had been transmitted to President—November 14, 1924.....	416
Chief of legal division requested to prepare memorandum on reci- procity treaty with Cuba—May 26, 1924.....	276
Clerical employment authorized—August 7, 1923.....	102
Commissioner Burgess—	
Dissents from outline of report submitted by Lewis—June 21, 1924.....	302
Modifies motion of October 15, 1924—October 24, 1924.....	406
Withdraws from commission meeting—May 26, 1924.....	272
Commissioner Costigan—	
Moves continuation of consideration of report—May 26, 1924..	272
Substitutes motion of Commissioner Burgess re sugar—October 24, 1924.....	406
Commissioner Culbertson submits draft of supplemental report to President—November 17, 1924.....	419
Commissioner Lewis and commission not acquainted with contents of communication sent President by Commissioners Marvin and Burgess—October 24, 1924.....	405
Commissioners Lewis and Costigan take exception to withdrawal of Commissioner Burgess from meeting—May 26, 1924.....	272
Commissioners' opinions, time to file extended—July 26, 1924.....	346
Committee appointed for special counsel—June 1, 1923.....	63
Committee appointed to revise material—June 25, 1924.....	309

Sugar—Continued.	Page
Committee appointed to supervise execution of order in re hearings— October 16, 1923.....	130
Committee discharged—June 21, 1924.....	304
Committee (William Burgess and David J. Lewis) requested to pre- pare draft of report—June 16, 1924.....	294
Consideration of report—June 18, 1924.....	297
Cooperation and comments of staff requested—June 21, 1924.....	306
Cost data ordered from sugar division and chief investigator—Feb- ruary 6, 1924.....	210
Date for public hearing—July 20, 1923.....	90
Date of hearing suggested—July 19, 1923.....	89
Date set for consideration of President's request for information— October 14, 1924.....	369
Date set for filing of briefs— February 15, 1924.....	214, 216
March 28, 1924.....	235
Date set for filing opinions as to proper time to submit report— July 19, 1924.....	338
Date set for hearing on supplemental information—February 23, 1924	216
Date set for producing evidence—February 15, 1924.....	214
Date set for submission of arguments—February 15, 1924.....	214
Discussion, November 14, 1924.....	416
And votes—May 26, 1924.....	274
As to delay of report—October 25, 1924.....	331
As to wording of letter to the President, transmitting final report on—July 30, 1924.....	349, 350, 351
Of answer to letter from President—October 2, 1924.....	396
Of report to President—October 16, 1924.....	393
On information requested by President—October 15, 1924.....	390
Re costs submitted by Doctor Bernhardt—October 15, 1924.....	391
Regarding furnishing costs—October 7, 1924.....	381
Doctor Bernhardt directed to submit report to advisory board— May 26, 1924.....	271
Doctor Bernhardt's plan for investigation ordered—July 3, 1923.....	83
Doctor Brossard requested to cooperate with sugar division in answering President's questions—October 2, 1924.....	380
Draft of letter prepared by Chairman Marvin and Commissioner Burgess, submitted—November 13, 1924.....	415
Draft of reply to governor approved—August 11, 1924.....	372
Employment of accountants— Action of May 1, modified—May 4, 1923.....	49
Authorized—May 1, 1923.....	48
Employment of Dr. Thomas Walker Page—March 31, 1923.....	42
Employment of John R. Turner—March 31, 1923.....	42
Employment of special experts authorized—July 10, 1923.....	85
Extension of time for report—July 17, 1924.....	335
Final changes of report before submitting to the commission— July 26, 1924.....	344
Final report to remain with secretary until transmission—July 30, 1924.....	352
General administrative priority ordered.....	66
Information requested by Senator La Follette—August 1, 1924.....	355
Information for Senator La Follette discussed—August 4, 1924.....	357
Instructions by Commissioner Lewis approved—February 13, 1924..	213
Investigation under section 315 ordered— February 14, 1923.....	18
March 2, 1923.....	22
March 16, 1923.....	25
Copy of order—March 27, 1923.....	37
Investigation No. 12, under section 315, recorded—February 23, 1924.	217
July 12, 1924, fixed as day for completion of report to President— July 2, 1924.....	314
Letter from Senator La Follette requesting information considered— July 31, 1924.....	354
Letter from Senator La Follette regarding certain sugar costs— August 7, 1924.....	363

Sugar—Continued.	Page
Motion by Commissioner Culbertson to specify wording of letter of transmittal to President—November 14, 1924.....	417
Motion by Commissioner Marvin to transmit data to President—November 14, 1924.....	417
Motion in re hearings—October 16, 1923.....	130
Motion of William S. Culbertson amended—June 18, 1924.....	296
Motion on publication of report held over—July 7, 1925.....	529
Motion that report of cost of production be published—July 1, 1925.....	527
Motions for committee to prepare final draft of report—June 14, 1924.....	293, 294
Motions re report of legal division—June 18, 1924.....	297
Mr. McNabb ordered to discuss orally legal questions—June 21, 1924.....	300
Memorandum on production in Philippine Islands requested—July 23, 1923.....	94
Mill costs on cane sugar approved—August 7, 1923.....	102
Minutes of investigation to be transmitted to Senator La Follette—July 31, 1924.....	354
Negotiations for services of experts authorized—May 4, 1923.....	49
Outline for final report on, submitted by Commissioner Lewis—June 21, 1924.....	300
Philip G. Wright employed to review report—March 30, 1923.....	41
Philippine Island product, not to include in investigation—February 27, 1924.....	219
Plan of investigation.....	77
Adopted—June 20, 1923.....	76
By advisory board ordered—January 2, 1923.....	14
Postponement of report discussed—May 27, 1924.....	278
President:	
Letter re disagreement of commissioners—October 24, 1924.....	405
Letter requesting information—November 14, 1924.....	416
Letter to re publishing report—July 10, 1925.....	532
Request for information—October 2, 1924.....	380
Request for additional data—October 9, 1924.....	385
Requests all material submitted at one time—October 25, 1924.....	408
Protest against consideration of report of advisory board—May 23, 1924.....	266
Public hearings—	
January 15, 1924.....	190
January 16, 1924.....	190
January 17, 1924.....	191
January 18, 1924.....	191
January 21, 1924.....	191
January 22, 23, and 24, 1924.....	193, 194
March 27, 1924.....	234
March 28, 1924.....	234
Published notice of hearing authorized—February 23, 1924.....	217
Published accounts referred to Attorney General—July 15, 1924.....	324
Questions relating to procedure at hearing—January 15, 1924.....	189
Recital of facts by Commissioner Costigan concerning preparation of reply to President—November 14, 1924.....	416, 417
Recommendations in re investigation in Louisiana approved—August 7, 1923.....	100, 101
Recommendations of advisory board in re hearings—October 16, 1923.....	130
Re eligibility of interested parties to participate—May 23, 1924.....	264
Removal of tax on imports from Virgin Islands requested—August 9, 1924.....	369
Report by legal division submitted—June 18, 1924.....	297
Report considered—	
May 28 and June 2, 4, 7, 9, 10, 11, and 14, 1924.....	279, 285, 289, 292, 293
June 16, 1924.....	294
June 28 and 30, 1924.....	311
July 7 and 9, 1924.....	314, 315

Sugar—Continued.		Page
Report considered—Continued.		
July 11, 1924.....		321
Date for completion of report extended to July 14—July 12, 14, and 17, 1924.....		321
July 14, 1924.....		323
July 25, 1924.....		309
Report of committee on preparation of tentative final draft—June 21, 1924.....		303
Report, order of business for the 26th ordered—May 23, 1924.....		264
Report "Relation of the tariff on sugar to the rise in price" ordered printed—April 24, 1923.....		46
Report sent to President—August 1 and 7, 1924.....		363
Report tentatively adopted—June 21, 1924.....		304
Report to President on inclusion of Philippine Islands in investigation of—March 18, 1924.....		225
Reports submitted on bulk line method—June 30, 1924.....		311
Representatives from—		
Cuba to be heard January 15, 1924.—December 13, 1923.....		164
Hawaii and Porto Rico to be heard January 16, 1924.—December 13, 1923.....		164
Louisiana to be heard January 18, 1924.—December 13, 1924.....		164
Of beet sugar industry to be heard on January 15, 1924.—December 13, 1923.....		164
Request for action upon investigation.....		78
Request for briefs to be filed re hearing—February 8, 1924.....		210
Request for instructions from advisory board referred to committee—May 27, 1924.....		277
Request of Senator Reed for certain papers—October 1, 1925.....		556
Reservations by Commissioner Costigan to be inserted in appendix to report—September 12, 1925.....		547
Revised data submitted by sugar division—November 14, 1924.....		419
Revised report to President approved—July 26, 1924.....		346
Room for conference in New Orleans authorized—September 12, 1923.....		111
Salary increases for certain employees—August 7, 1923.....		102
Second preliminary statement of information approved for publication and issue—February 23, 1924.....		216
Statement by Chairman Marvin—		
July 2, 1924.....		314
July 9, 1924.....		316, 317
Statements by Commissioners Marvin, Culbertson, and Burgess regarding preparation of data for the President—November 17, 1924.....		420-426
Statement of Commissioner Glassie in re employment—June 20, 1923.....		75
Statements of opinion by commissioners discussed—July 26, 1924.....		346
Statement of Thomas O. Marvin regarding deprivation of services of Commissioner Glassie—May 26, 1924.....		269
Statements of William Burgess and William S. Culbertson regarding procedure in investigation—May 23, 1924.....		267
Substitute motion in re investigation—June 20, 1923.....		74
Substitute plan for investigation submitted—July 3, 1923.....		83
Supplemental cost statement from Commissioners Burgess and Lewis ordered—February 9, 1924.....		212, 213
Supplemental information requested—February 6, 1924.....		210
Supplemental material for report held over—July 3, 1925.....		529
Tables submitted by Doctor Brossard and Doctor Bernhardt—October 25, 1924.....		408
Tabulations of Sugar Costs requested by President—October 11, 1924.....		387
Temporary employment—November 1, 1923.....		189
Temporary salary increase voted—June 1, 1923.....		63
Thomas O. Marvin withdraws from meeting—May 26, 1924.....		276
Travel authorization—		
January 16, 1923.....		16
March 27, 1923.....		41
April 3, 1923.....		42
April 10, 1923.....		44

Sugar—Continued.	
Travel authorization—Continued.	Page
April 24, 1923.....	47
May 4, 1923.....	49
May 15, 1923.....	57
June 20, 1923.....	75
July 13, 1923.....	87
July 19, 1923.....	89
July 26, 1923.....	96
August 7, 1923.....	102
August 14, 1923.....	109
August 14, 1923.....	110
September 14, 1923.....	113
October 18, 1923.....	132
October 23, 1923.....	133
October 23, 1923.....	134
November 1, 2, 1923.....	139
November 6, 1923.....	143
December 7, 1923.....	161
December 16, 1924.....	435
June 12, 1925.....	516
Vote as to report referred to advisory board for scrutiny—July 19, 1924.....	337
Vote concerning public hearing on supplemental information—February 23, 1924.....	217
Voted that reports be brought up to date, etc.—October 20, 1922.....	5
Voted to transmit to the President supplemental report—November 17, 1924.....	419
Votes on motion to refer report to the advisory board—May 28, 1924.....	267
Votes on 10 separate motions of Chairman Marvin regarding procedure—May 26, 1924.....	273
Votes on procedure in investigation—May 26, 1924.....	273
Votes on submitting final report to President—July 30, 1924.....	350
Wage rates, Cuba—October 23, 1923.....	134
Sugar beets:	
Advisory board requested to report on feasibility of investigation.....	70
Draft of addition to report of sugar-beet investigation submitted—July 1, 1925.....	527
Employment of S. O. Jayne authorized—September 27, 1923.....	117
Employment of Prof. Alvin Keyser authorized.....	116
Investigation ordered and draft of plan requested—August 7, 1923.....	103
Means to expedite report, considered—June 18, 1925.....	519
Representatives of beet-sugar industry to be heard January 15, 1924—December 13, 1923.....	164
Supplemental material for report by Commissioners Costigan and Brossard—July 24, 1925.....	541
Sugar Maple. (See Sirup, maple.)	
Sugars, rare:	
Delay in action reported—May 29, 1925.....	500
Investigation under section 315 ordered—August 11, 1923.....	106
Public hearing—September 27, 1923.....	116
Adjournment, sine die.....	116
Request for instructions from advisory board referred to committee—May 27, 1924.....	277
Travel authorization—	
October 23, 1923.....	134
February 9, 1924.....	212
Subpoenas. (See Procedure, rules of.)	
Sundries, advisory board requested to submit plans for investigations—August 2, 1923.....	99
Supreme Court, argument before, reported upon—February 1, 1924.....	197
Supreme Court decisions, subscription for—November 14, 1922.....	10
Supreme Court of District of Columbia, mandamus against Tariff Commission—December 13, 1923.....	165
Supplies: Floor covering for hearing room—November 30, 1923.....	159

	Page
Surgical instruments:	
Schedules to be used in investigation, drafts submitted—October 8, 1925.....	62
Schedules for manufacturers and importers approved—October 15, 1925.....	566
Surveys:	
For submission to President, etc., form—May 24, 1923.....	61
Instructions relative to form of—December 16, 1924.....	435
Reprint of S-3a authorized—May 12, 1925.....	495
Requested of advisory board for President.....	68
Sweden: Feasibility of investigating cost of production of granite in—June 9, 1925.....	514
Swihart, C. E.:	
Re transfer to staff—May 4, 1923.....	50
Salary—June 6, 1925.....	513
Swiss cheese:	
Investigation No. 39 ordered—August 9, 1924.....	368
McNall, Prof. P. E., to be retained during investigation—September 19, 1924.....	377
Plans for field work in Europe considered—August 14, 1924.....	372
Travel authorization—	
August 14, 1924.....	372
September 19, 1924.....	377
Swiss pattern files:	
Advisory board requested to submit report and recommendations in re work of Paul Hermes—June 20, 1923.....	76
Inquiry into data collected by Messrs. Hermes and McKnight ordered—January 8, 1924.....	187
Investigation to be ordered—February 14, 1923.....	18
Investigation under section 315 ordered—March 2, 16, 1923.....	22, 25
Copy of order—March 27, 1923.....	36
Preliminary statement ready—May 29, 1925.....	500
Review of investigation—December 4, 1923.....	160
Travel authorization—	
March 27, 1923.....	40
April 3, 1923.....	42
June 20, 1923.....	76
July 3, 1923.....	83
August 5, 1924.....	357
Swordfish, mackerel, and boneless ground fish, report of advisory board on received—June 27, 1924.....	310
Synthetic indigo. <i>See</i> Indigo, synthetic.	
Synthetic methyl alcohol, travel authorization—March 10, 1925.....	458
Synthetic phenolic resin. <i>See</i> Phenolic resin, synthetic.	
Tackle, fishing, report from advisory board—May 20, 1924.....	261
Taggart, William G., votes on employment.....	66
Takayanagi, Kenzo, letter requesting publications for Imperial University of Tokyo—December 21, 1923.....	183
Talbot, Frank:	
Appointed special expert—February 15, 1923.....	19
Salary—June 6, 1925.....	513
Talc, investigation authorized—October 13, 1922.....	4
Tanners' Council of America—November 11, 1924.....	414
Tariff Commission:	
Act creating, with amendments.....	1
Foreign office, Berlin—March 25, 1924.....	229
Tariff Information Series, report "Broad-Silk Manufacture and the Tariff"—June 29, 1923.....	80
Tariff Information Survey:	
Authorization to be printed for publication—June 16, 1925.....	518
Dr. T. W. Page requested to read.....	72
Order for reprint of cotton cloth data rescinded—May 26, 1925.....	498
Tartaric acid and cream of tartar:	
Attention of commission called to report—January 5, 1926.....	614
Consideration of advisory board report—January 8, 1926.....	619
Motion by chairman—	
That no investigation be made—January 8, 1926.....	620
Withdrawn—January 15, 1926.....	630
Preliminary reports submitted—January 5, 1925.....	613

	Page
Taximeters:	
Advisory board requested to submit report and recommendations in re work of Paul Hermes—June 20, 1923.....	76
Commissioner Baldwin appointed committee to supervise preparation of report—June 25, 1925.....	522
Committee appointed to prepare reply to Commissioner Costigan's statement—October 24, 1925.....	573
Hearing—	
February 12, 1924.....	213
February 23, 1924.....	216
February 26, 1924.....	218
March 26, 1924.....	233
Investigation ordered—May 4, 1923.....	54
Investigation reported ready—May 29, 1925.....	499
Letter from Senator David A. Reed presented—September 12, 1925..	547
Public hearings ordered—December 13, 1923.....	165
Reply to Commissioner Costigan's statement—November 12, 1925..	583
Report—	
Requested—September 12, 1925.....	547
To President—	
Approved—September 28, 1925.....	554
Considered—	
September 24, 1925.....	551
September 25, 1925.....	552
September 26, 1925.....	553
September 28, 1925.....	553
Statement submitted by Commissioner Costigan—October 24, 1925..	572
Time extended for filing of briefs—February 23, 1924.....	216
Time for submitting briefs extended, public hearing closed—March 12, 1924.....	223
Travel authorizations—	
June 6, 1923.....	65
June 20, 1923.....	76
July 6, 1923.....	84
Voted that report be expedited—June 18, 1925.....	519
Taylor, Pauline, salary—June 6, 1925.....	514
Testimony, motion to decline to allow commissions' experts to testify—	
July 17, 1923.....	87
Textile division:	
Additional personnel requested—January 19, 1926.....	632
Directed to prepare explanation of tables submitted for publication—	
January 26, 1926.....	642
Instructed to report on lace investigation—October 9, 1923.....	126
Memorandum requesting certain samples of cotton fabrics—October 9, 1924.....	384
Ordered to report on advisability of including adults' hosiery in investigation of infants' and children's—May 5, 1923.....	55
Report on advisability of investigation of raw wool and manufactures of wool ordered—May 5, 1923.....	56
Secretary authorized to invite William L. Erwin for conference in connection with employment of special expert for—January 12, 1926	621
Special reports ordered May 5 and 15, 1923, referred to advisory board—May 25, 1923.....	62
Textile industry:	
Conference with Representative Rogers—May 15, 1924.....	258
Report January 11, 1924, of chief economist, etc.—January 19, 1924..	191
Report upon application for investigation of cotton cloth presented—	
May 21, 1925.....	496
Thies, Karl E., re appointment—February 23, 1923.....	20
Thode, Adele R.:	
Classification—June 30, 1925.....	525
Salary—	
March 20, 1923.....	28
December 21, 1923.....	183
June 6, 1925.....	513



	Page
Taymol:	
Applications for investigation approved—August 7, 1923.....	103
Investigation ordered—August 14, 1923.....	108
Travel authorization—October 23, 1923.....	134
Tile:	
Preliminary report from advisory board ordered—May 1, 1923.....	49
Preliminary report to be prepared—January 2, 1923.....	14
Tobacco, travel authorization—December 12, 1922.....	13
Tomato paste, travel authorization—May 25, 1923.....	62
Torvestad, John N.:	
Re appointment—February 23, 1923.....	20
Voted to inquire into qualifications of—May 8, 1925.....	489
Townsend, Dr. C. O.:	
Designated acting chief, sugar division—January 6, 1925.....	437
Designated chief of sugar division with increase in pay—October 9, 1925.....	562
Employed as special expert in sugar investigation—July 10, 1923.....	85
Instructed to recommend accountants re sugar investigation in Louisiana—August 7, 1923.....	101
Retention of services on regular staff—January 8, 1924.....	187
Tracey, F. E. W.:	
Employment continued—October 30, 1923.....	138
Re employment as seedsman—July 26, 1923.....	96
Trade secrets:	
Eliminations from report on sodium nitrite—June 20, 1924.....	298
Request for information with respect to treatment by Commission— June 27, 1924.....	310
Transportation costs:	
Commissioner Glassie's statement—November 17, 1925.....	584
Commissioner Costigan's statement—November 17, 1925.....	584
Consideration—November 12, 1925.....	583
Correspondence with President—	
October 6, 1925.....	560
October 13, 1925.....	564
Letter to Attorney General—January 4, 1926.....	608
Letter to President considered—December 31, 1925.....	604
Memorandum from legal division—October 30, 1925.....	576
Voted to submit statements to President for use of Attorney General— November 17, 1925.....	584
Transportation division, additional assistance needed—June 25, 1925.....	523
Travel:	
Employees to give preference to Government vessels—September 28, 1923.....	119
Readjustment of salaries of employees while traveling in foreign countries—June 6, 1923.....	64
Authority to approve travel orders in connection with investigations ordered—August 14, 1923.....	109
Advancement of public funds for traveling expenses; provision to be included in appropriation act—October 8, 1925.....	562
Treasury Department, samples, acceptance of, transfer to Washington— May 1, 1923.....	48
Trips, field, authorization and approval—October 11, 1923.....	127
Tri-State Wool Growers' Association, L. G. Conner authorized to attend conference of—February 6, 1923.....	18
Turner, Dr. John R.:	
Appointed as special expert—March 9, 1923.....	23
Employment authorized in re sugar investigation—March 31, 1923.....	42
Re appointment—February 23, 1923.....	20
Re employment—January 16, 1923.....	17
Resignation as chief economist accepted—October 9, 1924.....	385
Tyler, Paul M.:	
Application for reemployment—March 27, 1925.....	467
Reemployment and compensation—April 16, 1925.....	479
Reemployment recommended and laid over until April 10—March 27, 1925.....	468
Resignation accepted—October 2, 1923.....	122
Salary—April 16, 1925.....	479
May 21, 1925.....	495

	Page
Underwear, knit: Advisory board instructed to prepare plans of investigation—January 2, 1923.....	14
Unfair methods of competition:	
Commissioner Culbertson requested to prepare memorandum on revolvers—October 3, 1924.....	381
Commissioner Glassie's draft of letter to Secretary of State in re revolvers—November 23, 1923.....	155
Hearing continued on revolvers—October 1, 1924.....	380
Kimberly-Clark Co. request for investigation referred to Commissioner Culbertson—October 3, 1924.....	361
Public hearing, revolvers—September 29, 30, 1924.....	379
Re revolvers.....	72
Smith & Wesson request extension of time—August 8, 1924.....	367
United States Attorney for District of Columbia to appear for Tariff Commission in re mandamus—December 19, 1923.....	168
Van Casteel, Mrs. G. R.:	
Transfer—July 12, 1923.....	86
Salary—June 6, 1925.....	513
Varnish:	
Advisory board report in re investigation to be considered—September 14, 1923.....	113
Consideration of report suspended pending price study—October 24, 1923.....	135
Preliminary reports submitted—January 5, 1925.....	613
Report of advisory board laid aside for further consideration—October 9, 1923.....	125
Report—March 26, 1924.....	231
Voted to consider report of advisory board on—October 4, 1923.....	124
Vegetable, artificial. (See Flowers, artificial.)	
Vegetable oils and fats. (See Oils and fats, animal and vegetable.)	
Vegetable preserves, desirability of investigation—December 18, 1923.....	167
Vegetables, canned, travel authorization—January 21, 1926.....	633
Veith, F. K.:	
Appointed special expert—March 22, 1923.....	29
Re employment—March 9, 1923.....	23
Veneers of wood:	
Advisory board's recommendation—December 20, 1923.....	175
Preliminary reports submitted—January 5, 1925.....	613
Report—March 26, 1924.....	231
Ventilating system for the hearing room—June 20, 1923.....	75
Vermont Agricultural Experiment Station, maple sugar and sirup; duplicate copies of schedules furnished above station—October 6, 1925.....	558
Veterans' Bureau, secretary authorized to permit employment of veterans without compensation—September 28, 1923.....	118
Vice chairman:	
Commissioner Culbertson designated—	
January 15, 1924.....	189
January 15, 1925.....	440
Commissioner Dennis designated—July 23, 1925.....	539
Victor Chemical Works, requests permission to file brief—October 10, 1924.....	386
Viner, Jacob:	
Re appointment—March 20, 1923.....	28
Requested to review Tariff Dictionary—August 2, 1923.....	99
Virgin Islands:	
Reply to governor in re sugar approved—August 11, 1924.....	372
Tax on sugar; removal requested—August 9, 1924.....	369
Vogel, Milton, re appointment—February 23, 1923.....	20
Vorfeld, Robert, temporary employment authorized—January 20, 1925.....	442
Votes recorded:	
Adoption of motion relative temporary employment of Mr. G. R. Day—June 20, 1923.....	74
As to employment of Vern C. Woolley as economic statistician—December 8, 1925.....	593
Asking President's suggestion on broad questions of policy—March 16, 1923.....	26

Votes recorded—Continued.	Page
Butter to be ordered separately from milk and cream—July 11, 1924.	319
Date set for filing opinion as to proper time to submit sugar report to the President—July 19, 1924.	338
Designating Dr. P. W. Bidwell economist at Brussels, Belgium—June 2, 1925.	510
Designating Mr. Fox acting chairman advisory board—April 9, 1925.	474
Employment of J. H. Greenhalgh and travel to Denmark on butter—August 14, 1924.	372
Employment of—	
T. H. Morse.	66
William G. Taggart.	66
Extension of employment of Dr. H. G. A. Brauer—August 11, 1924.	371
Fixing salaries of commissioners's stenographers—March 20, 1923.	27
In re foreign work on Swiss cheese investigation—August 9, 1924.	369
In re sugar investigation in Louisiana—August 7, 1923.	101
July 12, 1924, fixed as day for completion of report on sugar to the President—July 2, 1924.	314
Motion of chairman as to complying with requests of President—October 24, 1924.	407
Motion of chairman re handling of butter report—December 10, 1925.	595
Motion sustaining ruling of chair on routine matters—June 20, 1923.	74
Motion to submit data on sugar and sugar beets in form for President—October 24, 1924.	407
On acceptance of resignation of Dr. John R. Turner as chief economist—October 9, 1924.	385
On adding names of other qualified experts in sugar industry—July 3, 1923.	83
On adoption of motion tabling substitute motion in re press notices—December 20, 1923.	177
On adoption of substitute motion in re sugar investigation—July 3, 1923.	83
On advising President of grounds for investigation of hosiery for men and women in respect to which no applications have been filed—May 18, 1923.	59
On organization of advisory board—July 20, 1923.	90
On amended motion submitted by Mr. Glassie in re sugar investigation—July 3, 1923.	83
On amended motion to discharge committee on sugar—June 21, 1924.	304
On amendment relating to supplemental sugar data—October 24, 1924.	406
On appointment of A. M. Fox as chief of the economics division—April 30, 1925.	486
On approving revised report to President on sugar—July 26, 1924.	346
On assignment of acting chief of agricultural division—February 19, 1925.	451
On bent-wood chairs, mesh bags, gold leaf, and men's sewed straw hats—April 5, 1924.	239
On broadening investigation of cotton hosiery for infants to include cotton hosiery for children, women, and men—May 5, 1923.	55
On butter investigation—	
July 14, 1924.	322
July 17, 1924.	334
On changes in letter to President in re transportation costs—December 31, 1925.	606
On changing title of foreign office chief—April 9, 1925.	475
On motion re press notices—December 20, 1923.	178-180
On appointment of committee to confer with Secretary Hughes in re selection of special counsel during sugar investigation—June 1, 1923.	63
On compensation and assignment of P. W. Bidwell—March 18, 1924.	224
On consideration of personnel—June 20, 1924.	298
On cooperation and comments of staff on sugar report—June 21, 1924.	306
On deferring consideration bent-wood chairs and men's straw hats—May 6, 1924.	249
On disposing of business—June 2, 1925.	509

Votes recorded--Continued.	Page
On disqualification of commissioners, etc.—December 19, 1923.....	169
On employing economist for foreign office—April 9, 1925.....	474
On employment and compensation of Professor Misner as butter expert—July 29, 1924.....	348
On employment of—	
Fritz Ahlfeld.....	68
George R. Day.....	67
R. E. LeGardeur—August 14, 1923.....	110
On extension of time for filing opinions on sugar report—July 26, 1924..	347
On foreign office organization—April 9, 1925.....	475
On furnishing copies of all applications for modification of duties to interested parties upon request—July 27, 1923.....	97
On further public hearing on supplemental information in sugar investigation—February 23, 1924.....	217
On holding public hearing re vegetable and fish oils—December 20, 1923.....	181
On including cast polished plate glass in investigation of mirror plates--May 5, 1923.....	55
On including mill feed costs in wheat investigation report to President—March 4, 1924.....	220
On increased compensation of commission's agents while in Germany—June 20, 1923.....	75
On increasing salary of A. M. Fox—June 16, 1925.....	518
On increasing salary of W. I. Streett--June 16, 1925.....	518
On instructing Doctor Brossard to give undivided attention to sugar beet costs—October 21, 1924.....	400
On investigation of acetaldehyde—August 11, 1923.....	105
On investigation of butyraldehyde—August 11, 1923.....	105
On investigation of cretonaldehyde—August 11, 1923.....	105
On investigation of fluorspar—January 8, 1926.....	619
On investigation of olive oil under section 316—October 22, 1924.....	403
On investigation of paracetaldehyde—August 11, 1923.....	105
On keeping final copies of sugar report with secretary until transmission--July 30, 1924.....	352
On letter to President in re sodium nitrite—April 15, 1924.....	242
On letter to President regarding employment of Vern C. Woolley—January 26, 1926.....	637
On letters of transmission of sugar report to President—November 14, 1924.....	417
On making bent-wood chairs and straw hats next order of business—May 6, 1924.....	249
On making economic investigation of lemon and olive oil industries—March 31, 1924.....	235
On motion directing Doctor Bernhardt to submit report on sugar to advisory board—May 26, 1924.....	272
On motion for dismissal of Mr. Gilbert Hirsch—November 25, 1924.....	429
On motion for report as to advisability of an investigation of glass industry--May 5, 1923.....	55
On motion amending motion of June 16, 1924, in re tentative final draft of sugar report--June 18, 1924.....	297
On motion made by Edward P. Costigan re linseed oil report for the President—February 24, 1925.....	454
On motion of Commissioner Costigan in re sugar report—October 24, 1924.....	407
On motion re furnishing summary of cost inquiry to interested parties--July 17, 1923.....	87
On motion re investigation calcium tartrate, cream of tartar, and tartaric acid--January 8, 1926.....	620
On motion re linseed oil cost schedule--July 19, 1923.....	88
On motion re offering commissions records in evidence, etc.--July 17, 1923.....	87
On motion re scope of oils investigation--December 20, 1923.....	181
On motion submitted by Edgar B. Brossard for employment of Vern C. Woolley--January 12, 1926.....	625

## Votes recorded—Continued.

	Page
On motion that a public hearing be held with reference to vegetable oils and fish oils—December 20, 1923.....	181
On motion that committee report on paint-brush handles—June 20, 1924.....	299
On motion that Mr. McNabb confer orally on legal questions arising in connection with sugar report—June 21, 1924.....	300
On motion that the question of the President's authority to change rate of duty on logs be referred to the President, etc.—October 12, 1923.....	129
On motion to adopt, tentatively, the report of the sugar division on sugar—June 21, 1924.....	305
On motion to appoint committee to supervise execution of order in re sugar hearings—October 16, 1923.....	131
On motion to broaden investigation of pig iron to include steel ingots, slabs, sheets, wire, etc., etc.—May 15, 1923.....	57
On motion to increase salary of Miss Bonnie Hockensmith—July 1, 1924.....	313
On motion to increase salary of Miss Florence Priest—July 1, 1924.....	313
On motion to institute investigation of animal and vegetable oils—October 9, 1923.....	126
On motion to institute various investigations—March 2, 1923.....	22
On motion to investigate granite—July 24, 1925.....	542
On motion to postpone motion providing for investigation of men's sewed straw hats—May 27, 1924.....	278
On motion to promote F. M. Leonard to chief of metals division—April 16, 1925.....	479
On motion to refer sugar report to advisory board—May 23, 1924.....	267
On moving foreign offices to Brussels, and appointing economist to staff—April 9, 1925.....	476
On notice of preliminary hearings to be incorporated in public order for investigation—July 2, 1923.....	81
On ordering investigation of lace—October 25, 1923.....	137
On ordering members of staff to await instructions regarding assignments—October 21, 1924.....	400
On original motion made re barium carbonate investigation by Commissioner Brossard—January 8, 1926.....	619
On original motion of Commissioner Glassie in re press notices—December 20, 1923.....	178
On original motion re investigation of vegetable, animal, and fish oils—December 20, 1923.....	181
On postponement of further consideration of investigation of milk and cream—July 15, 1924.....	324
On preparation of statistics in re sugar beet report—October 24, 1924.....	407
On procedure in sugar investigation—May 26, 1924.....	273
On publishing information re investigations under Section 315—March 22, 1923.....	29
On reclassifying S. J. Bergner and increasing her salary—June 16, 1925.....	518
On recommendations of advisory board re rag rugs—April 24, 1925.....	484
On referring sugar report to advisory committee for scrutiny—July 19, 1924.....	337
On requesting attendance reports from economics division—May 20, 1924.....	261
On requesting information regarding sugar costs—October 7, 1924.....	382
On rescinding employment of Arthur L. Faubel as special expert in pottery—May 22, 1925.....	497
On rescinding travel order regarding cotton hosiery—May 16, 1924.....	258
On resolution to investigate methanol—July 24, 1925.....	544
On resolution to investigate sodium silicofluoride—July 24, 1925.....	545
On setting date for sugar hearing—July 20, 1923.....	90
On submission of letter to President re sugar—October 16, 1924.....	394
On submission of sugar report—May 23, 1924.....	268
On submitting halibut report to President—October 23, 1925.....	570
On submitting information on sugar to Senator La Follette—August 5, 1924.....	361

Votes recorded—Continued.	Page
On submitting summary of the applications and information pertaining to animal and vegetable oils and fats, to the President—December 20, 1923.....	182
On substitute motion in re enlarging scope of oils investigation—December 20, 1923.....	181
On substitute motion in re investigation of vegetable, animal, and fish oils—December 20, 1923.....	181
On substitute motion in re press notices—December 20, 1923.....	177, 180
On substitute motion made by William Burgess re sugar report—June 14, 1924.....	294
On substitute motion to accept outline for sugar report prepared by Burgess—June 21, 1924.....	304
On substitute motion to investigate lace industry under section 318—October 25, 1923.....	136
On sugar investigation—May 26, 1924.....	274
On tabling Commissioner Culbertson's motion in re press notices—December 20, 1923.....	178
On taking minutes of Doctor Bernhardt's answers to questions on sugar—October 15, 1924.....	390
On 10 separate motions of Chairman Marvin regarding procedure in sugar investigation—May 26, 1924.....	273
On transferring E. B. Brossard and increasing his salary—June 16, 1925.....	518
On transmittal of supplementary report on sugar to the President—November 17, 1924.....	420
On transmitting final sugar report to the President—July 30, 1924.....	350
On transmitting linseed oil report to President—March 3, 1925.....	456
On transmitting preliminary report to President on cotton hosiery.....	72
On travel authorization—April 2, 1925.....	470
Ordering certain investigations—March 16, 1923.....	25
Re access to applications open for inspection—March 27, 1923.....	40
Statement re wheat investigation—November 14, 1923.....	151
Substitute motion as to employment of economic statisticians—December 8, 1925.....	593
Substitute motion re butter report—December 10, 1925.....	595
Sustaining chair's ruling on motion to consider employment of G. R. Day—June 20, 1923.....	74
To send certain employees to Europe to secure butter costs—August 8, 1924.....	366
Transportation costs, letter to President in re—December 31, 1925.....	604
Travel authorization—	
A. L. Faubel—June 2, 1925.....	510
C. F. Yauch, on straw hat investigation—September 12, 1924.....	374
Kemper Simpson—July 25, 1924.....	342
Wadsworth, Senator, reply to be written by Commissioners Lewis and Costigan to letters respecting status of vegetable-oil applications—February 11, 1924.....	202
Wage rates, Cuba, sugar, conference with Department of Labor authorized—October 23, 1923.....	134
Wages, foreign rates through international labor office of League of Nations—November 15, 1923.....	153
Walker, H. C.:	
Transfer from War Department requested—February 6, 1923.....	18
Salary—	
February 23, 1924.....	216
May 29, 1924.....	283
June 6, 1925.....	514
Walker, Myron R.:	
Re employment—September 19, 1923.....	114
Salary—June 6, 1925.....	513
Wall, Benjamin:	
Employment as accountant—August 2, 1923.....	99
Granted leave of absence to perform service desired by Department of Justice—May 23, 1924.....	269

	Page
Wall, Benjamin—Continued.	
Salary—	
June 6, 1925.....	513
July 21, 1925.....	537
Wall pockets:	
Investigation ordered—March 16, 1923.....	25
Copy of order—March 27, 1923.....	39
Advisory board directed to prepare summary report of evidence— September 15, 1923.....	113
Made special order of business—October 11 and October 16, 1923.....	127, 131
Commissioner Glassie reported draft of report referred to technical staff for checking—February 1, 1924.....	196
Committee appointed to prepare statement of findings—October 18, 1923.....	132
Consideration of records postponed—October 15, 1923.....	129
Delay in action reported—May 29, 1925.....	500
Disposition of commission's report to the President—April 3, 1924.....	238
Hearing set for July 24, 1923—June 6, 1923.....	65
Hearing adjourned—August 10, 1923.....	104
Increase in duty not authorized by President—October 6, 1925.....	559
Investigation awaiting action—October 14, 1924.....	388
Letters to and from the President re report—October 6, 1925.....	558
Letter to President approved—September 29, 1925.....	555
Motion relative to President's correspondence with commission about wall pockets—December 4, 1925.....	590
Public notice of hearing.....	67
Report to President on investigation requested to be submitted— September 24, 1925.....	551
Request for extension time filing briefs, granted—August 10, 1923.....	104
Travel authorization—	
March 23, 1923.....	31
October 23, 1923.....	133
Voted to hold meeting in re record of investigation—September 14, 1923.....	113
Wall tile, glazed and unglazed:	
Preliminary report from advisory board ordered—May 1, 1923.....	49
Travel authorization—July 14, 1925.....	533
Wallace, Benjamin B.:	
Appointed on committee on surveys—December 16, 1924.....	435
Attendance at antidumping hearing authorized—June 4, 1924.....	288
Classification—June 24, 1924.....	308
Granted leave to attend Williamstown Institute of Politics—July 13, 1923.....	87
Representative to confer with War Department—March 25, 1924.....	229
Salary—March 20, 1923.....	28
January 1, 1925.....	437
War Department, Letter to Commission on raw materials—March 25, 1924	229
Warp-knit fabrics for chamoisette gloves:	
Investigation ordered—March 2, 1923.....	22
Travel authorization—March 23, 1923.....	31
Warren, Dr. G. F., engaged for butter investigation—August 8, 1924.....	366
Payment authorized—October 20, 1922.....	5
Temporary employment of—February 6, 1925.....	448
Washburn, R. S.:	
Employment—November 28, 1923.....	15
Extension of services—December 18, 1923.....	167
Waters, Harry:	
Appointed as chief, New York—December 4, 1923.....	159
Interview—October 9, 1922.....	3
Salary—May 29, 1925.....	508
Waters, natural mineral, desirability of investigation—December 18, 1923.....	167
Watkins, G. P., interview—October 3, 1922.....	2
Watrous, George D., jr., employment—March 25, 1924.....	228
Re appointment—November 23, 1923.....	155
Re transfer on staff and leave of absence—June 10, 1924.....	291
Salary—January 1, 1925.....	437

	Page
Watson, Warren N.:	
Additional leave without pay authorized—September 28, 1923.....	119
Salary—	
March 20, 1923.....	28
June 6, 1925.....	513
Temporary head chemical division—May 1, 1923.....	48
Weissbrod, Benjamin:	
Compensation, March 20, 1924.....	226
Re transfer on staff—April 24, 1923.....	46
Salary—June 6, 1925.....	513
Transferred from statistical to accounting division—September 29, 1925.....	555
Wells, Carl S., appointment—September 26, 1922.....	2
Wells, Ralph A.:	
Assigned to leather schedule—November 24, 1922.....	11
Classification—June 24, 1924.....	308
Salary—	
June 6, 1925.....	513
March 20, 1923.....	28
Western hemlock, logs of:	
Considered by commission—March 25, 1924.....	230
Motion offered to investigate—March 18, 1924.....	224
Wharton, M. F.:	
Employment extended—December 18, 1923.....	166
Re appointment—October 23, 1923.....	133
Re employment of—August 14, 1923.....	109
Wheat:	
Advisory board report considered—November 13, 1923.....	147
Application for investigation—November 7, 1923.....	144
Committee appointed to consider request by President for assistance to relieve depression amongst wheat producers—October 4, 1923.....	123
Committee on statement to President—November 13, 1923.....	146
Field investigation (No. 33)—November 15, 1923.....	153
Investigation under section 315 ordered—November 14, 1923.....	147
Report ordered to be printed—March 26, 1924.....	233
Statement for transmission to President—November 14, 1923.....	147
Statement re wheat investigation—November 14, 1923.....	151
Voted to transmit to President a statement of requirements for wheat investigation—November 13, 1923.....	146
Wheat and wheat products:	
A. D. Anderson appointed special investigator—December 31, 1923.....	184
Chief investigator authorized to send men to obtain figures in United States and Canada—January 19, 1924.....	191
Chief investigator submitted report of field work progress—December 31, 1923.....	184
Clerical assistance at Fargo, N. Dak., authorized—January 15, 1924.....	189
Commissioner Culbertson authorized to travel in Canada—November 20, 1923.....	155
Commissioner Culbertson authorized to travel to Chicago, etc., for conference—November 20, 1923.....	154
Conference concerning public hearing and program of cost of production investigation in Canada—December 21, 1923.....	182
Correspondence with President in re publication of report on—March 25, 1924.....	227
Doctor Bidwell graphic charts approved—October 7, 1924.....	384
Employment of clerical assistance for Commissioner Culbertson—November 30, 1923.....	159
Employment of Mr. Fred D. Wilkinson—December 13, 1923.....	164
Employment of special expert for investigation—December 7, 1923.....	162
Employment of temporary personnel for the period—November 28, 1923.....	157
Engaging additional clerical assistants authorized—January 2, 1924.....	185
Expenses of C. K. Lewis authorized—February 6, 1924.....	210
Employment of Mr. Wharton extended, December 18, 1923.....	166
Field tabulations of records—December 18, 1923.....	166
Field trip ordered—February 9, 1924.....	212
Hearing—November 26, 27, December 21, 1923.....	156, 157, 183
Hearing postponed to February 18, 1924—December 31, 1923.....	184
Hearing, February 18, 1924.....	216



	Page
Wheat and wheat products—Continued.	
Hearing continued on February 19, 1924.....	215
Hearing continued, February 25, 1924.....	218
Hearing closed—February 26, 1924.....	218
Herbert Schnaidr appointed special investigator—December 31, 1923.....	184
Investigation of flaxseed not to be combined with—December 13, 1923.....	164
John A. Nye authorized to hire clerical help—January 8, 1924.....	187
Mr. J. J. Booth, in re employment—December 18, 1923.....	166
Per diem granted in field investigation of—December 13, 1923.....	163
President requested for permission to issue copies of report on—March 21, 1924.....	226
Press notice in Omaha Bee re Minneapolis conference on—December 20, 1923.....	176
Publication of report ordered—March 25, 1924.....	228
Relation of mill feed costs to investigation discussed—March 4, 1924.....	220
Report to President considered by commission—March 4, 1924.....	220
Report with statements attached approved and forwarded to President—March 4, 1924.....	220
Special expert investigator employed—December 19, 1923.....	167
Transfer of Mr. Shelledy to field work—December 18, 1923.....	166
Transportation and office space expenses for—December 13, 1923.....	163
Travel authorization—	
November 20, 28, 1923.....	157, 166
December 3, 1923.....	184
December 18, 1923.....	166
December 18, 1923.....	167
December 19, 1923.....	167
January 2, 1924.....	185
January 29, 1924.....	195
February 9, 1924.....	212
Voted approval of field expenses of John A. Nye—January 29, 1924.....	195
Voted transfer of M. A. Crosby from sugar beets to wheat—January 29, 1924.....	195
Wheat council of the United States:	
Application of the president of the wheat council of the United States for an investigation—November 7, 1923.....	144
Advisory board report considered—November 13, 1923.....	147
Request of Hon. Sydney Anderson, president of the wheat council, that action on the application be held up—November 10, 1923.....	145
Wheat mill feeds, protest of Oklahoma Millers' League against reduction of duty—April 8, 1924.....	240
Whitcomb, Eben M.:	
Compensation—March 20, 1924.....	226
Designated assistant chief investigator—January 6, 1925.....	437
Designated special disbursing agent—April 24, 1923.....	47
Salary—March 20, 1923.....	28
Temporary increase in salary—April 24, 1923.....	46
Transferred to field service with increased salary—June 20, 1924.....	290
Whitehouse, Ralph M.:	
Appointed special expert—February 21, 1923.....	19
Acceptance of resignation moved—October 30, 1924.....	410
Motion to remove for cause—October 30, 1924.....	410
Re appointment—February 14, 1923.....	18
Resignation—December 9, 1924.....	433
Temporary increase in salary—April 24, 1923, June 1, 1923.....	47, 63
Wieland, Mrs. Gertrude S., assigned as statistical clerk in accounting division—July 23, 1925.....	530
Wilkins, Mrs. Georgia T.:	
Classification—November 12, 1925.....	583
Salary increase voted—March 20, 1923.....	28
Wilkinson, Fred D., employment—December 13, 1923.....	164
Williams, Gladys, salary increase voted—March 20, 1923.....	28
Williams, Martha W.:	
Allowed 30 days' annual leave in 1925.....	555
Classification—June 27, 1924.....	311
Compensation—March 18, 1924.....	224

	Page
Williams, Martha W.—Continued.	
Leave of absence without pay approved—July 9, 1925.....	530
Re change in grade—June 23, 1925.....	522
Salary—	
March 20, 1923.....	28
June 6, 1925.....	513
Willow or osier, etc.:	
Advisory board's recommendation—December 20, 1923.....	175
Report—March 26, 1924.....	231
Willow furniture, preliminary reports already submitted—January 5, 1925.....	613
Wilner, Stanley, employment during wheat investigation—December 4, 1923.....	160
Windows, stained glass:	
Preliminary reports already submitted—January 5, 1925.....	613
Report from Advisory board—May 20, 1924.....	261
Wire cloth, travel authorization—October 27, November 5, 1925.....	575
Wire, plain, investigation under section 315 ordered—March 2, 1923.....	22
Wire, rods:	
Investigation under section 315 ordered—March 2, 1923.....	22
Motion to include in investigation of pig iron acted upon—May 15, 1923.....	57
Wisconsin:	
Resolution of legislature concerning duties on eggs and dairy products—June 25, 1925.....	523
Resolution of legislature entered as application on eggs, butter, and cheese—June 25, 1925.....	523
Witness fees and mileage, rules of procedure adopted for—October 20, 1922.....	7
Witnesses, rules of procedure adopted for—October 20, 1922.....	6
Wood, Elmer, re employment by commission—June 20, 1923.....	76
Wood, Eugene G.:	
Employment as accountant—July 23, 1923.....	94
Salary increased—November 12, 1925.....	583
Woodford, Mrs. B. C.:	
Secretary authorized to transfer to Washington office.....	71
Statement—February 11, 1924.....	201
Wood venter. <i>See</i> Veneers of wood.	
Woodward & Lothrop, accept proposal for furnishing and draperies for hearing room—June 27, 1923.....	80
Wool:	
Advisory board requested to submit estimate of cost of investigation—February 14, 1923.....	18
Request for modification of duties on imports of, from Carded Woolen Manufacturers' Association—November 23, 1923.....	155
Wool and woolens:	
Motion that report of advisory board be returned for revision—October 2, 1923.....	123
Report on, called to attention of chairman—March 25, 1924.....	230
Report—March 26, 1924.....	231
Wool by-products and waste, survey on—November 19, 1925.....	585
Wool, carpet ( <i>see also</i> Wool, raw):	
Advisory board instructed to prepare plans of investigation—January 2, 1923.....	14
Travel authorization—	
January 16, 1923.....	17
June 16, 1925.....	519
Wool, cloths:	
Advisory board instructed to prepare plans of investigation—January 2, 1923.....	14
Wool crêpe:	
Advisory board's recommendation re—December 20, 1923.....	175
Preliminary reports already submitted—January 5, 1925.....	614
Report—March 26, 1924.....	213
Wool growing, travel authorized—	
December 29, 1925.....	603
January 26, 1926.....	642
Wool manufacturing industries:	
Cost of production, travel authorized—February 26, 1923.....	21
Investigation under section 315 to be ordered—February 14, 1923.....	18

	Page
Wool used in the manufacture of felt boots, etc; travel authorization— January 2, 1923.....	14
Wool, raw, and manufactures of:	
Advisory board report be submitted not later than September 15, 1923 voted—August 14, 1923.....	109
Report on advisability of investigation ordered—May 5, 1923.....	56
Wool, raw, including carpet wool, advisory board instructed to prepare plans of investigation—January 2, 1923.....	14
Wool, tops:	
Advisory board instructed to prepare plans of investigation—January 2, 1923.....	14
Investigation under section 315 ordered—March 2, 1923.....	23
Wool, tops and yarns, travel authorization—November 14, 1922.....	10
Wool yarn, advisory board instructed to prepare plans of investigation— January 2, 1923.....	14
Woolen cards:	
Advisory board report on application for an investigation of—Janu- ary 23, 1925.....	443
Preliminary reports already submitted—January 5, 1925.....	613
Report submitted by the advisory board—March 17, 1925.....	461
Travel authorization—January 23, 1925.....	443
Woolen cloths and worsted:	
Travel authorization—	
April 21, 1923.....	45
September 27, 1923.....	117
Woolen fabrics:	
Secretary authorized purchase samples—March 17, 1923.....	27
Survey of woven fabrics of wool submitted—October 27, 1925.....	575
Survey referred to advisory board—October 29, 1925.....	576
Travel authorization—	
March 17, 1923.....	27
March 23, 1923.....	31
October 7, 1924.....	383
December 8, 1925.....	592
Woolen rugs, travel authorization—July 14, 1925.....	533
Woolens:	
Investigation ordered—March 2, 1923.....	23
Report on, called to attention of chairman.....	230
Travel authorization—January 19, 1923.....	17
Wools, shrinkage of, agricultural division directed to study—May 15, 1924.....	258
Worsted and woolen fabrics and cloth:	
Investigation under section 315 ordered—March 2, 1923.....	23
Travel authorization—	
January 19, 1923.....	17
March 23, 1923.....	31
April 21, 1923.....	45
May 24, 1923.....	61
September 27, 1923.....	117
Woolley, Vern C.:	
Consideration of employment of, made order of business January 12, 1926—January 8, 1926.....	615
Discussion re employment as economist—January 12, 1926.....	621
Employment, informed of protest by member of commission against appointment—January 21, 1926.....	633
Employment, letter addressed to President through Budget Bureau— January 26, 1926.....	637, 638
Moved to have him come to Washington in reference to the selection of an economic statistician—December 8, 1925.....	593
Protest against appointment by Commissioner Costigan inserted in minutes—January 26, 1926.....	637
Secretary directed to draft letter informing him of appointment to duty with commission—January 19, 1926.....	632
Wooten, E. O., employment—November 28, 1923.....	157
Wright, Dr. Chester W., re appointment—November 17, 1922.....	10
Wright, Philip G., employed to review sugar report—March 30, 1923.....	41

	<b>Page</b>
Wrought iron, investigation under section 315 ordered—March 2, 1923...	22
Yarns investigation under section 315 ordered—March 2, 1923.....	23
Yauch, Charles F.:	
Instructed to make preliminary investigation into costs of brierwood pipes and bleaching straw braid—October 7, 1924.....	382
Radiogram re straw braid and pipes—November 11, 1924.....	414
Salary—	
March 20, 1923.....	28
June 6, 1925.....	513
Transferred to field service in connection with investigation of costs on straw hats in Europe—September 26, 1924.....	379
Youngman, G. M.:	
Appointment offered—October 25, 1922.....	8
Compensation—March 20, 1924.....	226
Salary—July 16, 1925.....	535
Zapoleon, L. B.:	
Agriculturist economist; agreed to—June 12, 1925.....	516
Assigned as special expert from acting chief—February 19, 1925.....	452
Classification—June 30, 1925.....	525
Considered appointment to agricultural division—June 11, 1925.....	515
Increase in salary of—July 19, 1923.....	89
Resignation accepted—July 9, 1925.....	530

