

**TWELFTH ANNUAL REPORT
OF THE UNITED STATES
TARIFF COMMISSION**



1928



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and ordered to be printed

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UNITED STATES TARIFF COMMISSION
Office: Seventh and E Streets NW., Washington, D. C.

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LETTER OF TRANSMITTAL

UNITED STATES TARIFF COMMISSION,
Washington, December 3, 1928.

MY DEAR MR. SPEAKER: In compliance with the provisions of section 708 of the act of Congress approved September 8, 1916, "to increase the revenue, and for other purposes," there is transmitted herewith a copy of the Twelfth Annual Report of the United States Tariff Commission.

Very truly yours,

THOMAS O. MARVIN,
Chairman.

HON. NICHOLAS LONGWORTH,
Speaker of the House of Representatives,
Washington, D. C.

TWELFTH ANNUAL REPORT OF THE UNITED STATES TARIFF COMMISSION

WASHINGTON, D. C., *December 3, 1928.*

To the Congress:

The United States Tariff Commission herewith submits its twelfth annual report, for the year 1927-28.

I. CHANGES IN PERSONNEL

Commissioner Marvin was again designated chairman of the commission for a term of one year beginning January 15, 1928.

Commissioner Dennis was again designated vice chairman of the commission for a term of one year beginning July 22, 1928.

Commissioner Edward P. Costigan, who resigned March 14 of the current year, was one of the original members of the commission, having received his appointment March 21, 1917.

As ranking member in point of service Mr. Costigan rendered great service to the commission in defining the scope, method, and legal limitations under which it functioned during the fluid and formative years of its existence. A mind naturally gifted and highly trained in the principles of legal procedure represented only in part the high qualifications which he was privileged to bestow upon his work. To his mental equipment he added qualities of personal character which brought him the respect and admiration of his associates, whether or not they were able in all cases to agree with his judgments. Opinions may differ as to whether he was on the right side or the wrong side of certain great controversial issues which have come before the commission for determination, but there can be no difference of opinion as to the sincerity, intelligence, and conscience which Mr. Costigan put into his daily task.

His former colleagues take this occasion to express their appreciation of Mr. Costigan's lasting services to the commission and to wish him happiness and success in the private professional work upon which he has now entered.

The nomination of Mr. Frank Clark, of Florida, was submitted to the Senate by the President on March 21, 1928, for the unexpired term ending on September 7, 1930, to fill the vacancy caused by the resignation of Commissioner Costigan, and was confirmed by the Senate on April 11, 1928. Mr. Clark took the oath of office on April 12, 1928.

The term of office of Commissioner Lowell expired on September 7, 1928. He was reappointed by the President, in the recess of the Senate, for the term beginning on September 8, 1928, and, on June 13, 1928, took the oath of office under that appointment. [Since

this report went to press Mr. Lowell's nomination has been confirmed by the Senate (December 19). Mr. Lowell took the oath of office on December 27.]

II. ORGANIZATION OF THE TARIFF COMMISSION

The Tariff Commission was created by the provisions of Title VII of the revenue act of September 8, 1916. (39 Stat. 795, ch. 463, secs. 700 to 709, U. S. Code, p. 529, secs. 91-106.) The functions of the commission as thus established were primarily those of an advisory body which should gather and prepare for the use of the President and the Congress economic and industrial information concerning the foreign and domestic trade of the United States as related to and affected by customs duties, laws, regulations, and usages, not only in the United States but in other commercial nations as well. The precise scope of the commission's work as thus defined was extended and much enlarged upon the enactment of the special provisions of sections 315, 316, 317, and 318 of the tariff act of 1922. (U. S. C. p. 575, secs. 154-158; p. 578, secs. 174-180, 182-190.)

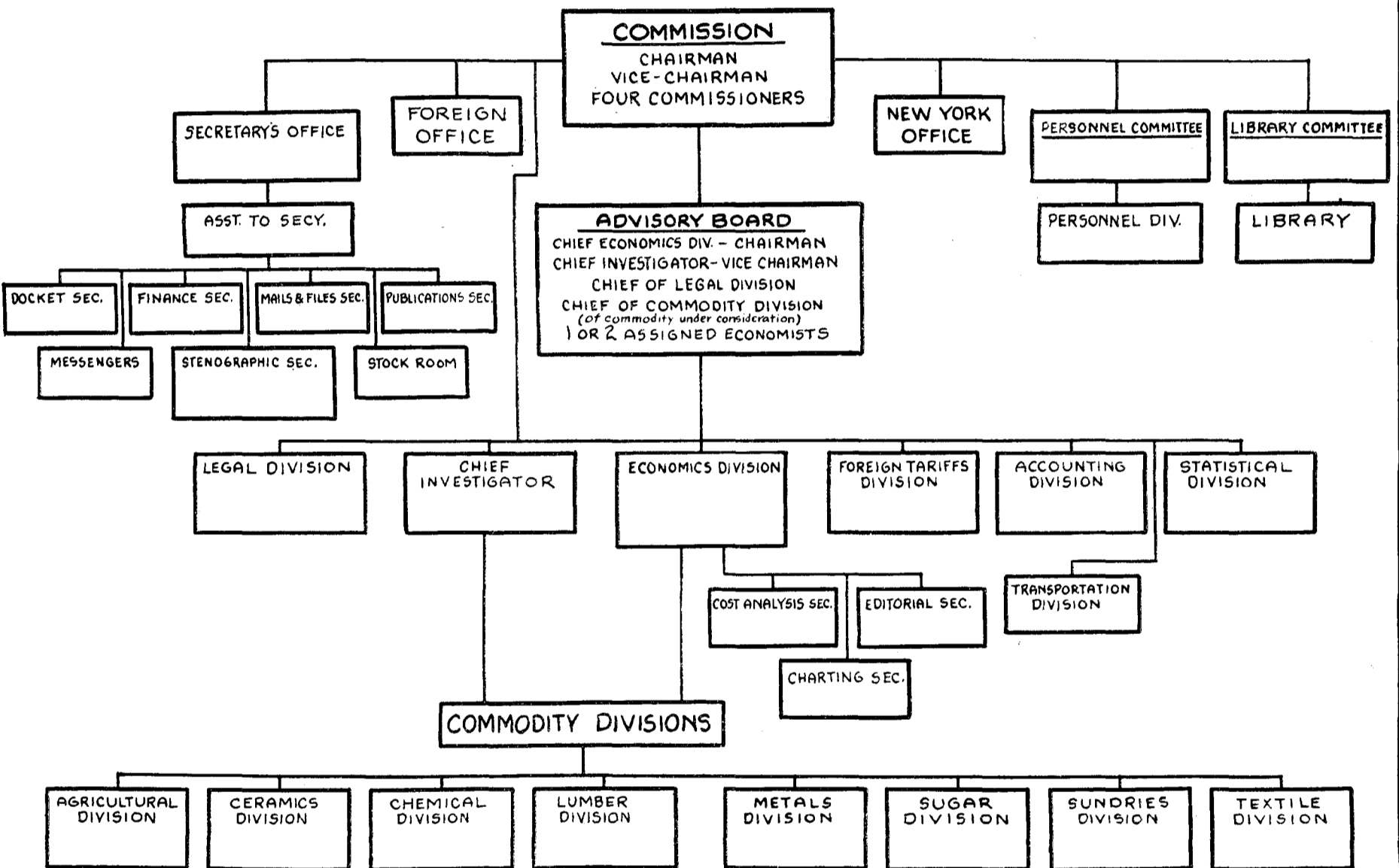
Section 315 authorizes the President, after investigation by the Tariff Commission, to proclaim such changes in classification or increases or decreases in rates of duty, within the limit of 50 per cent thereof, as may be necessary to equalize ascertained differences in costs of production of like or similar articles in the United States and in the principal competing foreign country. The section provides further that when such action by the President does not equalize differences in costs of production of articles upon which the duty is assessed wholly or in part upon the basis of their valuation he shall proclaim such findings and thereafter the duty shall be assessed upon the American selling price as defined elsewhere in the statute.

The section further provides that certain factors shall be taken into consideration in determining differences in costs of production, that no increase or decrease in any rate of duty shall be proclaimed in excess of 50 per cent of the existing rate, and that no article may be transferred from the dutiable list to the free list or vice versa, nor shall the form of any duty be changed.

Section 316 declares unlawful unfair methods of competition and unfair acts in the importation and sale of foreign articles. It provides that the Tariff Commission shall investigate alleged violations of these provisions and shall report thereon to the President, who is empowered to assess certain additional duties to offset the practices complained of, or in extreme cases to forbid entry to imported articles.

Section 317 deals in a comprehensive manner with discrimination by foreign countries against the commerce of the United States. It imposes upon the Tariff Commission the duty to ascertain, and at all times to be informed, whether any such discriminations against the commerce of the United States as enumerated in the section are practiced by any country and, upon the discovery of such practices, to bring them to the attention of the President with recommendations. The President is authorized, whenever he shall find the existence of such discriminatory practices, to specify and proclaim new or additional rates of duty as he may determine will

**UNITED STATES TARIFF COMMISSION
STAFF ORGANIZATION**



offset such practices, or he may direct the exclusion from importation of such articles of the offending country as he may deem the public interests of the United States require.

Section 318 provides that in addition to other duties previously imposed upon it by law the Tariff Commission shall ascertain conversion costs and costs of production of articles in the principal growing, producing, or manufacturing centers of the United States, whenever in the opinion of the commission it is practicable, and shall ascertain in foreign countries when feasible the costs of like or similar articles for comparison. The commission is also directed by this section to describe and keep on file samples of imported articles and domestic articles which are comparable, to ascertain the import costs of such foreign articles and the selling prices in the United States of comparable domestic articles, and to ascertain all other pertinent facts affecting competition between domestic and imported articles in the principal markets of the United States. This section authorizes the establishment and maintenance of an office of the commission at the port of New York, and authorizes the commission to adopt an official seal, which shall be judicially noticed.

Section 701 of the act of 1916 provides that the commission shall consist of six members, that it shall appoint a secretary, and shall have authority to employ such special experts, clerks, and others as may be necessary for the performance of its duties. It is the purpose of the commission to have a technically trained staff to assist it in the consideration of all problems involved in its work, and a sufficient auxiliary force of clerks, stenographers, messengers, and others to produce economically the most effective results.

The administrative work of the commission is under the direction of the secretary, who is also the Budget officer. The administrative division includes the finance section, docket section, mails and files section, stenographic section, publications section, duplicating section, and supplies section.

The technical staff as now organized consists of the division of economics, the office of the chief investigator, the legal division, the division of international relations, the transportation division, the accounting division, the statistical division, and the several commodity divisions corresponding in general to the schedules in the tariff law. The operations of these divisions are coordinated through the advisory board, which is composed of the chief of the economics division (chairman), the chief investigator, the chief of the legal division, the chief of the commodity division concerned, and an economist assigned to the subject under consideration. The library and the personnel division are under the direct supervision of a committee of commissioners.

The commission maintains a principal office in Washington, D. C., a New York office, and a European office with headquarters in Brussels, Belgium.

(1) PRINCIPAL OFFICE

The organic act creating the commission requires that the principal office of the commission shall be in the city of Washington, but that it may meet and exercise all its powers at any other place. Since April, 1922, the offices of the commission have been located in the old Land Office Building at Seventh and Eighth, E and F Streets.

(2) NEW YORK OFFICE

The New York office of the Tariff Commission, established pursuant to provisions of section 318 of the tariff act of 1922, is located in the customhouse. That office is used by the commission for two major purposes. It serves as a permanent agency for procuring original data of the import and export trade of the United States from customs records and from importers and producers in New York and vicinity. It serves also as a means of contact between the commission and those persons in New York and vicinity with whom the commission and its agents have occasion to transact official business. All agents of the commission operate from that office while in New York whether dealing with other agencies of the Government or with representatives of industries affected by the commission's investigations.

(3) EUROPEAN HEADQUARTERS

The commission's headquarters in Europe are in Brussels, Belgium, where they have been located since June, 1925. All activities of the commission in Europe are transacted through that office either by the agents stationed there or through their cooperation with experts of the commission sent from Washington on particular investigations which may be in progress and which require that technical data and other information be obtained direct from European countries. That office not only makes the necessary contacts with European governmental and business agencies with which the commission has to conduct business, but also conducts investigations not requiring the participation of agents sent from the main office at Washington. By correspondence and by cable it furnishes the commission from time to time, as needed, special reports on economic and industrial conditions as related to problems under consideration by the commission. It also keeps in touch with foreign trade papers and other publications of interest to the commission. The Brussels office contributes materially to the work of the commission, assists in investigations involving comparative studies in the foreign field, and supplies the commission with information not otherwise available.

III. THE WORK OF THE COMMISSION

1. The Tariff Commission was created by the revenue act of 1916, to investigate and report upon "the administration of the customs laws" and their "fiscal and industrial effects"; upon the "relations between the rates of duty on raw materials and finished or partly finished products"; upon "the effects of ad valorem and specific duties and of compound, specific, and ad valorem duties"; upon "all questions relative to the arrangement of schedules and classifications of articles in the several schedules"; and upon "the volume of importations compared with domestic production and consumption, and conditions, causes, and effects relating to competition of foreign industries with those of the United States, including dumping and cost of production." The commission is authorized "to investigate the tariff relations between the United States and foreign countries, commercial treaties, preferential provisions, economic alliances, the effect of export bounties and preferential transportation rates." It is re-

quired to put at the disposal of the President, the Committee on Ways and Means and the Committee on Finance, whenever requested, all information at its command, and also to make special investigations and reports when requested by the President or by either branch of the Congress or by the committees of Congress.

These original investigatory duties of the commission continue in full force and effect, but some of them have been broadened or extended by subsequent legislation. By section 318 of the tariff act of 1922 more detailed and specific tasks are assigned to the commission with respect to investigating matters pertaining to competitive conditions, "in order that the President and the Congress may secure information and assistance." It is to go as thoroughly as may be into costs of production at home and abroad, import costs, domestic selling prices, and to select and describe imported and domestic articles that are representative and comparable. In short, certain numerical data and other information are to be ascertained to make more complete and conclusive the sort of information respecting competitive conditions gathered for the President and the Congress under the revenue act of 1916. Again, the original powers of the commission respecting the investigation of "the tariff relations between the United States and foreign countries," and "preferential" acts or conditions affecting our trade have been broadened and extended by section 317 of the tariff act of 1922. In that section certain powers are conferred upon the President with respect to discriminations against the commerce of the United States practiced by foreign countries, and the United States Tariff Commission is charged with the duty "to ascertain and at all times to be informed whether any of the discriminations * * * are practiced by any country; and if and when such discriminatory acts are disclosed * * * to bring the matter to the attention of the President, together with recommendations."

For the performance of the several duties referred to above, the commission has organized its work so as to effect a careful division of labor.

The legal division has to do preeminently with the administration of the tariff law. The division of international relations deals with matters of foreign discrimination, preferential tariffs, treaties, etc. The gathering of material with respect to the economic or competitive features of the tariff, article by article, is performed by eight commodity divisions, corresponding in the main with the schedules of the tariff act. An economics division reviews the work of the commodity divisions and assists in the solution of all economic problems. The cost accounting and statistical divisions contribute basic data in the form needed by the commodity and other divisions. Much of the work performed by these divisions is not reflected in the current publications of the commission. For instance, not all the cases of foreign discrimination against our commerce require action by the President under section 317. The division of international relations is nevertheless constantly accumulating information on foreign commerce and when an occasion for action does occur it has at hand a fund of pertinent information. Again, not all investigations under the general powers of the commission can be published in separate reports, yet the commodity divisions are constantly gathering information regarding prices, costs, and competitive conditions generally, and are systematically organizing the material for use when needed. Information thus obtained is published in part from time to time in the form

of tariff information surveys and all of it is available for use of the Congress in tariff legislation. And so it is with respect to the legal division which publishes no surveys or reports currently, but constantly keeps informed as regards decisions and all other legal aspects of the administration of the customs laws.

2. By the tariff act of 1922 not only were the old powers and duties of the Tariff Commission materially extended, but also certain wholly new powers and duties were added. Thus by section 316 "unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale" are declared to be unlawful, and the President is given certain powers of dealing with such cases when they arise. "To assist the President in making any decisions under this section the United States Tariff Commission is * * * authorized to investigate any alleged violation hereof on complaint under oath or upon its initiative." The commission has acted so far only upon complaint. Public hearings are held and findings with recommendations are made upon the evidence in the investigation and reported to the President.

Perhaps the most considerable new duty or function added to the original duties of the commission by the tariff act of 1922 is its duty of furnishing the President basic data upon which to proceed in the administration of section 315, or what has come to be popularly known as the flexible provision of the tariff. Investigations undertaken for the purposes of section 315 follow, when found to be warranted, a preliminary investigation of an application for either an increase or a decrease of existing tariff rates. Investigations are also undertaken in response to requests of the President and congressional resolutions. The power of final action is conferred upon the President; the commission participates solely as a fact-finding body.

But the establishment of certain facts and the gathering of collaterally supporting information by the commission, when thus assisting in the performance of a definite, executive act carried through by the President, is quite different from its activities when engaged in gathering and organizing information for the use of the Congress. For one thing, there are certain prescribed methods of procedure which must be observed by reason of the limitations or requirements of the statute. For instance, the investigation must ascertain, for comparison with domestic costs, the costs of production not of all foreign countries collectively, but of the "principal competing country." What country is the principal competing country must be established as a definite fact, and frequently that is not a simple matter. Again, costs of production must be compared with respect to "like or similar articles" imported and domestic. Often the selection of like or similar articles whose costs of production are to be compared is a task that presents difficulties—sometimes almost insuperable. Selection upon the basis of physical likeness alone will not answer.

But it is the ascertainment of the costs themselves, whatever article may be the subject of investigation, which occasions the most painstaking and time-consuming effort. Just what is involved in the so-called cost finding for purposes of section 315 investigations is set forth on pages 28 to 32 in the description of the work of the accounting division. Here it is sufficient to repeat that rarely on the books of any producer are costs found in the form in which they can be

used for the purposes of section 315. What, as a rule, the commission's accountants find are records kept in sufficiently good form to supply the data from which they may laboriously compute costs. Occasionally book records are so meager that recourse must be had to other evidences of costs, such as the market quotations of the price of materials, the rates of wages paid to certain classes of labor, and the known general conditions of the industry respecting technical operation and the relationship between overhead and other expense. Sometimes, to secure data for a constructive set of piece rates to be used in calculating specific and separable costs of the particular article or articles being costed, the commission's agents follow in detail certain operations over a period of time. It is not to be overlooked that unit costs (costs per pound, or per ton, or per bushel, etc.) alone can be used in the final comparisons of cost, and to obtain unit costs not only must the aggregate outlay of expense be ascertained, but also the quantity of production for which that expense was incurred. Here often the records of individual establishments are most defective, largely because ordinary bookkeeping is concerned only with the financial results of the business, and the accountants must in consequence ascertain from other records of the establishment the quantity produced during the costing period of the article being costed.

Although the commission does not itself initiate section 315 investigations, it is under the necessity of making a selection of the investigations to be undertaken. It is out of the question to institute an investigation in every instance where one is requested. The making of a choice among applications can not be by general rule or principle; it has to be done upon the basis of information and evidence. And this involves a preliminary inquiry which often occasions field work and considerable deliberation upon the results of the field work. The information respecting competitive conditions, volume of imports, prices, and other matters which the commodity divisions are accumulating all the time is frequently of great service here.

At the public hearing which is held in the course of each investigation for the purposes of section 315 all parties interested are afforded opportunity to be present, to produce evidence, and to be heard. At these public hearings much latitude is necessarily given persons who appear and desire to be heard. The hearings can not be conducted like cases in a court where the issue is between parties litigant. Because of the latitude allowed in the presentation of evidence the hearings take a great deal of time. The evidence produced is regarded as additional information supplementing or amending the evidence gathered by the commission; the whole proceeding with respect to any person who appears carries out the theory that he is not defending rights at law but furnishing assistance to the commission.

In order that the public hearing may serve the purpose for which it was intended, the parties interested should know in advance at least in a general way what are the results of the investigation thus far conducted and should be afforded an opportunity to examine the methods followed in the conduct of the investigation. To this end a preliminary statement of information is prepared by the commission and is made available to parties interested. The preparation of this preliminary statement of information is a task that necessarily takes time. It is the practice of the commission to set forth clearly the

methods of procedure followed and to call attention to the more important questions involved in the investigation. The commission is unable to supply interested parties with a statement of information containing all of the data in its possession because of the statutory restriction concerning the disclosure of trade secrets or processes. The commission takes measures to present data in such a way that not even by calculation may the figures given divulge confidential information.

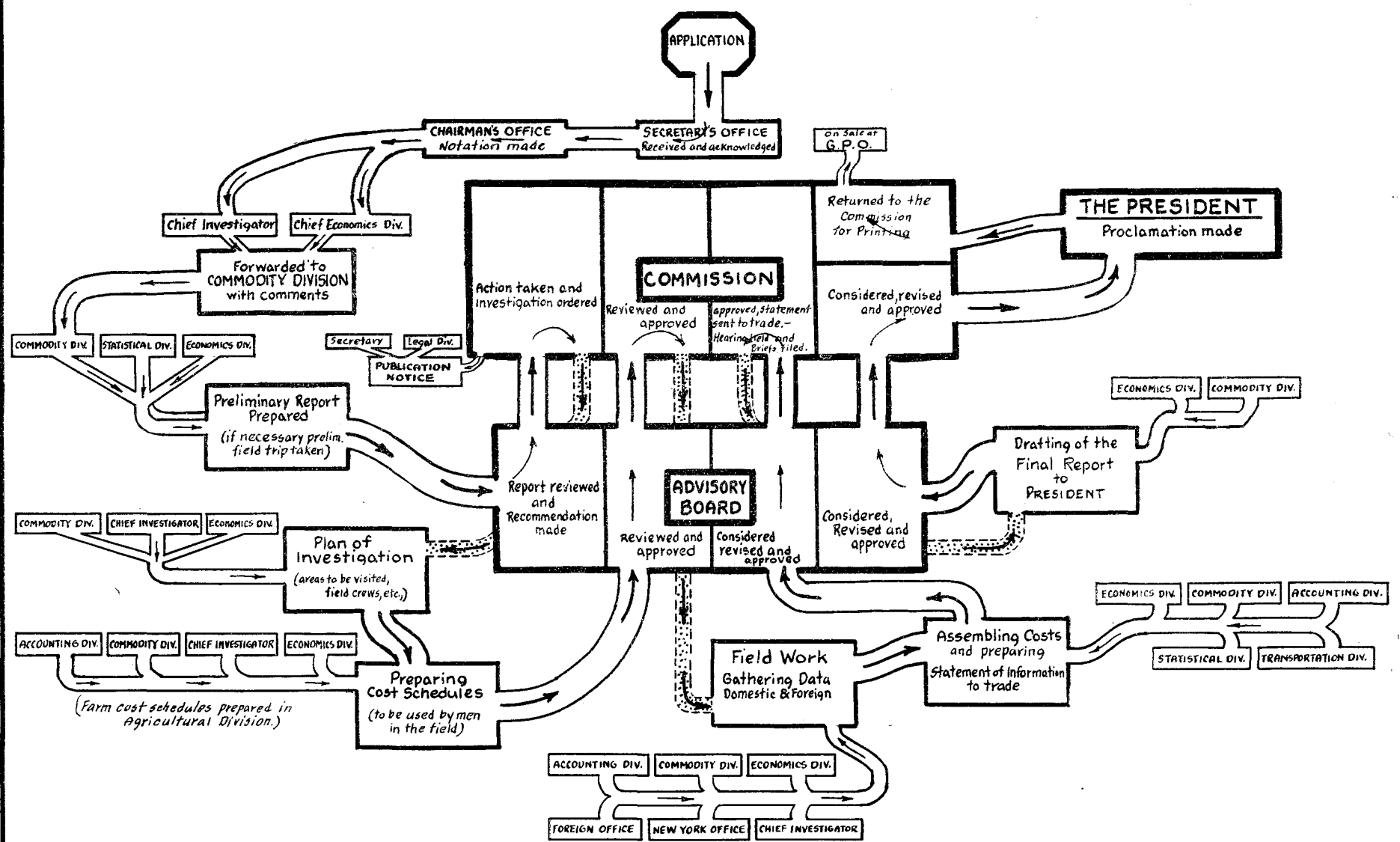
In the preliminary statement of information the commission is careful not to commit itself to definite positions or decisions; the results of the investigation so far conducted are merely tentative. Because of this attitude it gives both sides of every doubtful question and often presents several alternative methods for solving problems. After the hearing the facts gathered by the commission and the questions raised at the hearing and in the briefs submitted are carefully considered and weighed and a new report is formulated which focuses the major problems of the investigation. Decisions are reached in regard to the matters in question which were merely set forth in the preliminary statement without decision. Necessarily these decisions take a great deal of time. If every effort to reach an agreement with regard to controversial matters fails, the respective views of the members of the commission are presented in the report to the President.

The main feature of a section 315 investigation, at all stages, is the ascertainment of the difference in domestic and foreign costs of production. When the commission first began its work under this section its labors were almost entirely confined to costs as incurred in the establishment, factory, or on the farm where the commodity being investigated was produced. During the last two years the extent and difficulty of this work of cost determination have been greatly increased by the Attorney General's interpretation of certain phases of the statute. The Attorney General has expressed the opinion that the President shall, in so far as practicable, take into consideration not only the actual costs of production or fabrication at the place of production but also the costs of transportation.

One result of the required inclusion in the reports of section 315 investigations of complete data and conclusions respecting costs of transportation has been greatly to increase the work of research with respect to costs and to add to the difficulties of agreement with respect to methods of procedure and ways of presenting results. Costs of transportation to what market? Often there are no principal or outstanding markets in the United States to which costs of transportation may be reckoned, but a diffused and general market. Often the imported article has little or no sale in the interior of the United States because it can not bear the cost of transportation from the coast in addition to paying the existing duty, and compete at interior places. When such actual markets as the foreign commodity has, under existing conditions including the duty, are confined to the seaboard, the question naturally arises whether potential markets should not also be taken into consideration and the foreign transportation costs computed to them. Furthermore, the contrasted question arises, costs of transportation from what places of origin? This particular question with respect to the imported article presents little difficulty. The transportation costs of the imports from the

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PROCEDURE UNDER SECTION 315



principal competing country are a unified or unifiable entity. But the domestic industry may be carried on in many sections of the vast territory of the United States and the problem is difficult of solution as to whether transportation costs shall be secured from all centers of production, or only from some of them, to such markets or centers of consumption as may have been selected. The domestic plants are often located where they are precisely for the purpose of supplying local markets and thus escaping the burden of profitless transportation. Especially is this true if the commodity be a heavy and low-value one. Shall it be assumed that they may all potentially ship to any market; that is, to any market that stands out prominently as regards total sales or which is the principal place of consumption of the imported article? It can not be overemphasized that the time-consuming features of section 315 investigations have been greatly increased by the inclusion of costs of transportation.

Thus it will be seen, first, that the work being done by the commission under its general powers is much greater than appears from the record of current publications; and second, that the time taken for section 315 investigations is in great measure necessary and unavoidable. The volume of output of completed section 315 investigations, this past year or any other year, is not great; it ought to be clear that on the whole, under the existing complications and difficulties, it can not be otherwise.

IV. PROBLEMS AND LIMITATIONS IN THE ADMINISTRATION OF SECTION 315

1. DIFFICULTIES ARISING IN INVESTIGATIONS

In each of the annual reports of the commission since the enactment of the tariff act of 1922 mention has been made of difficulties in the administration of section 315 of that act. Some of these difficulties may be restated and additional ones presented.

A. TRANSPORTATION COSTS

On February 2, 1926, the Attorney General expressed the opinion that the President should take transportation costs into consideration as far as he finds it practicable from an analysis of the data in each case. Since that date whenever the analysis has shown that such expenses constitute an advantage or a disadvantage in competition between foreign and American producers, the reports of the commission have included transportation costs in cost comparisons.

Difficulties have arisen with respect to the methods of calculating transportation costs. This calculation presupposes the determination by the commission of the principal market or markets for the commodity in question in the United States. In some cases the determination of this fact is not difficult because there may be one or two outstanding centers of marketing for the product under consideration. In many other cases, however, the product may be widely sold throughout the United States through many centers of wholesale distribution. The determination of the principal market or markets, the sources of the products reaching these markets, and the transportation charge upon them, is a difficult task, especially with respect

to the domestic product if widely produced in the United States. Invoices of foreign merchandise state the transportation and other charges incident to the shipment of goods from a foreign country to the United States, and a tabulation of the data from these invoices is usually feasible, although the time and expense required are considerable. Such a direct source of information with respect to transportation is usually not available for the domestic industry at a centralized point, such as New York, for imported goods. Shipments of merchandise by individual factories to their several destinations can usually be obtained only by an examination of individual sales invoices extending over the period of the investigation, usually one or two years.

With the actual sales distribution data available both for the domestic and foreign product, a number of difficult questions yet remain unanswered. Upon what basis, for example, should domestic transportation to the principal market, wherever located, be calculated? Upon the basis of the nearest group of plants, the most distant group of plants, or upon the basis of an average transportation charge from all points? And should transportation costs be based upon shipment of the total production of each domestic plant to the principal market, whether or not the total or any part of such production moves to that point, or should it be based upon actual shipments from each plant to the principal market?

Under existing circumstances, it may be found that a principal market for the domestic product is at one point and the principal market for imported goods is at another point. In fact, the domestic and imported goods may not actually meet in the same market. If they do not meet in the same market, should transportation for both domestic and imported articles be calculated to their respective markets only? In such event how shall the commission determine the principal market?

These questions may need to be considered in connection with the opinion of the Supreme Court of the United States in *Hampton v. United States*. (276 U. S. 394.)

In stating what the Congress intended by section 315 the Chief Justice, speaking for the entire court, said in part (p. 404):

Its plan was to secure by law the imposition of customs duties on articles of imported merchandise which should equal the difference between the cost of producing in a foreign country the articles in question and laying them down for sale in the United States, and the cost of producing and selling like or similar articles in the United States, so that the duties not only secure revenue but at the same time enable domestic producers to compete on terms of equality with foreign producers in the markets of the United States.

Transportation costs materially affect competition. Domestic and foreign costs of production, including transportation, may be materially affected by the market taken as the point of cost comparison. When included, transportation costs sometimes constitute a substantial part of the total cost of production of a commodity delivered at the principal market. This is particularly true of a commodity subject to high transportation charges. If, under the cost equalization plan of section 315, a market upon the Atlantic seaboard be taken as the point of cost comparison, inclusion of transportation from inland domestic factories would increase domestic costs to the disadvantage of foreign manufacturers and im-

porters. Conversely, if an inland market be taken as the point of cost comparison, inclusion of transportation would increase the foreign costs and place domestic manufacturers at a disadvantage.

In a pending investigation the principal market for the foreign article is New York and the principal market for the domestic article is Chicago. Some shipments of the domestic article are made to New York. Larger shipments of the imported article are made to Chicago. Should transportation costs for the foreign article stop at New York and for the domestic at Chicago, or should New York or Chicago be treated as the market for both imports and domestic shipments? Would either "enable domestic producers to compete on terms of equality with foreign producers in the markets of the United States" as contemplated by the Supreme Court in the foregoing excerpt from its opinion in *Hampton v. United States*, supra?

B. SELLING EXPENSES

The question arises whether in the Hampton case the court's expression "the difference between the cost of producing in a foreign country the articles in question and laying them down for sale in the United States and the cost of producing and selling like or similar articles in the United States" means that selling expenses shall be taken into consideration for the purposes of section 315.

C. PRINCIPAL COMPETING COUNTRY

Since the issuance of its eleventh annual report the commission has experienced added difficulties in determining the principal competing country. An entirely new phase of the problem arose in an investigation not yet completed. The commodity is produced in two European countries at substantially different costs. A cartel or syndicate controls production and marketing. If the higher cost country is found to be the principal competing country, upon the basis of volume of imports or otherwise, the duty necessary to equalize the difference between costs of production in that country and in the United States would not equalize the difference in costs of the article produced in the lower cost country and in the United States. After the proclamation by the President of a change in rate the cartel could restrict shipments to the United States to those from the country producing the goods at the lower cost. To that extent section 315 might thereby be nullified.

D. INVOICE PRICES AS EVIDENCE OF COST OF PRODUCTION

In the eleventh annual report of the commission the opinion of the Attorney General rendered on October 19, 1927, upon invoice prices as evidence of cost is discussed at considerable length. Other significant difficulties may be added to those therein set forth. In several investigations within the past year, the invoice prices with the addition of existing duties, increased by the full amount permissible under the existing law, have exceeded the domestic costs of production. In these circumstances how shall invoice prices be used as evidence of foreign costs? The price paid for merchandise includes in the ordinary course of business a profit varying in amount with

the article. If the goods are obtained otherwise than by actual purchase, the invoice must state, conformably to the law, the foreign value in lieu of a price paid. This value may be more or less than the price that is ordinarily paid or would be paid for the goods purchased by American importers. Profit is a factor the same as in the purchased importations.

Another difficulty in the use of invoice prices as evidence of the cost of production in the principal competing country is the fact that such prices may merely reflect world-market prices for the commodity and afford slight evidence of its cost of production in the particular country. Or the invoice prices may merely reflect peculiar or special conditions in the United States, and therefore indicate only remotely the cost of production in the principal competing foreign country. Again, conditions in the particular industry may have been such as to necessitate sale of the product at a price below its cost of production.

It will be seen that if invoice data in such circumstances do not furnish sufficient evidence of foreign costs, the administration of section 315 may be much hampered or, indeed, made impossible when foreign costs of production are not obtained from producers' books of record.

2. LIMITATION OF POWERS

A. CHANGES IN DUTIES

A provision of subdivision (a) of section 315 restricts the total increase or decrease of rates of duty thereunder to 50 per cent of the rates specified in Title I. In a number of investigations cost data warranted a greater increase or decrease, and the rate proclaimed by the President fell short of the rate necessary to equalize differences in foreign and domestic costs of production. For some commodities the difference was several hundred per cent.

Under the provision limiting changes in duty to 50 per cent of the rates specified in Title I, specific duties can not in any event be increased or decreased more than 50 per cent, no matter what may be the cost difference shown by investigation. In the case of ad valorem duties, on the contrary, when a 50 per cent increase fails to equalize the ascertained cost difference, resort may be had to the provision of subdivision (b) of section 315 of assessment upon the American selling price. In such cases the ad valorem rate of duty may not be increased, but it is obvious that under certain conditions the duty upon the different and presumptively higher basis of assessment may be greater than the existing duty by more than 50 per cent.

B. TREATMENT OF DUTIABLE ARTICLES UNDER SECTION 315

Section 315 provides that "Nothing in this section shall be construed to authorize the transfer of an article from the dutiable list to the free list or from the free list to the dutiable list." Applications have been filed with the commission for investigations looking toward complete removal of the duties on certain articles, or the imposition of duties on articles now on the free list. By reason of the foregoing provision of section 315, the commission can take no action upon a request for the imposition of duties on articles now on the free list and

only within limitations can it take action upon applications for the complete removal of existing duties. Although the President's power is restricted in such cases the information obtained by the commission is available for the use of the Congress.

C. EFFECTIVE DATE OF PROCLAMATION

The commission again calls attention to inharmonious provisions of section 315 whereby changes in duty proclaimed under subdivision (a) take effect 30 days after the date of proclamation, whereas changes in rates of duty proclaimed under subdivision (b) take effect 15 days after date of the proclamation.

D. CHANGE IN FORM OF DUTY

The statute expressly prohibits a change in the form of a duty; that is, a change from a specific to an ad valorem rate, or vice versa, or from a compound to a simple form, or vice versa.

E. MAXIMUM AND MINIMUM RATES

Whenever any paragraph of Title I of the act of 1922 limits the duty to a specified maximum ad valorem rate, no rate determined and proclaimed under the provisions of section 315 upon such articles is permitted to exceed the ad valorem rate so specified. This limitation operates regardless of the difference in costs of production indicated by the commission's investigation. No corresponding mention is made of minimum rates.

F. LIKE OR SIMILAR ARTICLES

A strict construction of section 315 would apparently preclude the commission from conducting investigations of comparative costs of production in cases in which important commodities have no counterpart either wholly or on a commercial scale in domestic production or manufacture.

V. LEGAL PROCEEDINGS UNDER SECTION 315

(1) CONSTITUTIONALITY

Section 315 of the tariff act of 1922 was held to be constitutional by the Supreme Court of the United States on April 9, 1928. (*J. W. Hampton, jr. & Co. v. United States*, 276 U. S. 394.) The importers had two contentions; first, that section 315 is invalid in that it delegates to the President a legislative power, which by Article I, section 1, of the Constitution is vested in Congress; and, second, it is invalid in that it was enacted with the avowed intent and for the purpose of protecting the industries of the United States, and that under the Constitution Congress may lay taxes only for revenue.

The court first considered the purpose of section 315. The Chief Justice, speaking for the whole court, said:

It seems clear what Congress intended by section 315. Its plan was to secure by law the imposition of customs duties on articles of imported merchandise which should equal the difference between the cost of producing in a foreign country the

articles in question and laying them down for sale in the United States, and the cost of producing and selling like or similar articles in the United States, so that the duties not only secure revenue but at the same time enable domestic producers to compete on terms of equality with foreign producers in the markets of the United States.

And then that—

It may be that it is difficult to fix with exactness this difference, but the difference which is sought in the statute is perfectly clear and perfectly intelligible. Because of the difficulty in practically determining what that difference is, Congress seems to have doubted that the information in its possession was such as to enable it to make the adjustment accurately, and also to have apprehended that with changing conditions the difference might vary in such a way that some readjustments would be necessary to give effect to the principle on which the statute proceeds. To avoid such difficulties, Congress adopted in section 315 the method of describing with clearness what its policy and plan was and then authorizing a member of the executive branch to carry out this policy and plan, and to find the changing difference from time to time, and to make the adjustments necessary to conform the duties to the standard underlying that policy and plan. As it was a matter of great importance, it concluded to give by statute to the President, the chief of the executive branch, the function of determining the difference as it might vary. He was provided with a body of investigators who were to assist him in obtaining needed data and ascertaining the facts justifying readjustments. There was no specific provision by which action by the President might be invoked under this act, but it was presumed that the President would through this body of advisers keep himself advised of the necessity for investigation or change and then would proceed to pursue his duties under the act and reach such conclusion as he might find justified by the investigation, and proclaim the same if necessary.

The court made plain that neither the Tariff Commission nor the President fixes the duties; that is done by the Congress. Of the Tariff Commission it was said:

The Tariff Commission does not itself fix duties, but before the President reaches a conclusion on the subject of investigation, the Tariff Commission must make an investigation and in doing so must give notice to all parties interested and an opportunity to adduce evidence and to be heard.

Quoting from *Interstate Commerce Commission v. Goodrich Transit Co.* (224 U. S. 194, 214), the court said:

The Congress may not delegate its purely legislative power to a commission, but, having laid down the general rules of action under which a commission shall proceed, it may require of that commission the application of such rules to particular situations and the investigation of facts, with a view to making orders in a particular matter within the rules laid down by the Congress.

* * * * *

It is conceded by counsel that Congress may use executive officers in the application and enforcement of a policy declared in law by Congress and authorize such officers in the application of the congressional declaration to enforce it by regulation equivalent to law. But it is said that this never has been permitted to be done where Congress has exercised the power to levy taxes and fix customs duties. The authorities make no such distinction. The same principle that permits Congress to exercise its rate-making power in interstate commerce, by declaring the rule which shall prevail in the legislative fixing of rates, and enables it to remit to a rate-making body created in accordance with its provisions the fixing of such rates, justifies a similar provision for the fixing of customs duties on imported merchandise. If Congress shall lay down by legislative act an intelligible principle to which the person or body authorized to fix such rates is directed to conform, such legislative action is not a forbidden delegation of legislative power. If it is thought wise to vary the customs duties according to changing conditions of production at home and abroad, it may authorize the Chief Executive to carry out this purpose, with the advisory assistance of a tariff commission appointed under congressional authority.

Field v. Clark (143 U. S. 649, 680) was declared to sustain that conclusion. What the President was required to do there, the Chief

Justice said, was merely in execution of the act of Congress. He was the mere agent of the law-making department.

Upon the second point, namely, that section 315 is invalid because of its purpose to protect the industries of the United States, the court said in part:

It undoubtedly is true that during the political life of this country there has been much discussion between parties as to the wisdom of the policy of protection, and we may go further and say, as to its constitutionality; but no historian, whatever his view of the wisdom of the policy of protection, would contend that Congress, since the first revenue act, in 1789, has not assumed that it was within its power in making provision for the collection of revenue, to put taxes upon importations and to vary the subjects of such taxes or rates in an effort to encourage the growth of the industries of the Nation by protecting home production against foreign competition.

* * * * *

In this first Congress sat many members of the Constitutional Convention of 1787. This court has repeatedly laid down the principle that a contemporaneous legislative exposition of the Constitution when the founders of our Government and framers of our Constitution were actively participating in public affairs, long acquiesced in, fixes the construction to be given its provisions. (*Myers v. United States*, 272 U. S. 52, 175, and cases cited.) The enactment and enforcement of a number of customs revenue laws drawn with a motive of maintaining a system of protection, since the revenue law of 1789, are matters of history.

More than a hundred years later, the titles of the tariff acts of 1897 and 1909 declared the purpose of those acts, among other things, to be that of encouraging the industries of the United States. The title of the tariff act of 1922, of which section 315 is a part, is "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States and for other purposes." Whatever we may think of the wisdom of a protection policy, we can not hold it unconstitutional.

So long as the motive of Congress and the effect of its legislative action are to secure revenue for the benefit of the General Government, the existence of other motives in the selection of the subjects of taxes can not invalidate congressional action. As we said in the *Child Labor Tax* case (259 U. S. 20, 38): "Taxes are occasionally imposed in the discretion of the legislature on proper subjects with the primary motive of obtaining revenue from them, and with the incidental motive of discouraging them by making their continuance onerous. They do not lose their character as taxes because of the incidental motive." And so here, the fact that Congress declares that one of its motives in fixing the rates of duty is so to fix them that they shall encourage the industries of this country in the competition with producers in other countries in the sale of goods in this country, can not invalidate a revenue act so framed. Section 315 and its provisions are within the power of Congress.

The judgment of the Court of Customs Appeals was affirmed upon both grounds. (*J. W. Hampton, Jr., & Co. v. United States*, 276 U. S. 394.)

The complete text of the opinion appears in the appendix, page 144.

(2) FINALITY OF PRESIDENT'S ACTION

Section 315 gives to importers no express right to have reviewed by protest changes in duty under proclamations pursuant to section 315, but section 514 of the same act gives importers the right to file protests against decisions of collectors of customs, "including the legality of all orders and findings entering into the same, as to the rate and amount of duties chargeable, and as to all exactions of whatever character (within the jurisdiction of the Secretary of the Treasury), and his decisions excluding any merchandise from entry or delivery, under any provision of the customs revenue laws, and his liquidation of any entry * * *."

Protests have been filed by importers against the action of collectors of customs in assessing duties upon various products as to which proclamations have been issued by the President. All of these protests have unconstitutionality of section 315 as the sole or principal claim. Some of the protests relate to sodium nitrite, the duty on which was changed from 3 to 4½ cents per pound by proclamation effective June 5, 1924. This commodity was involved in the suit brought in the courts of the District of Columbia by the Norwegian Nitrogen Products Co. (Inc.), sales agent in the United States of the Norwegian manufacturer. A petition asking for a writ of mandamus to compel the Tariff Commission to divulge cost data obtained in the course of its investigation for the purposes of section 315 was denied by the Supreme Court of the District of Columbia, which held individual production costs to be trade secrets forbidden disclosure by section 708 of the revenue act of 1916. Before an appeal was decided by the Court of Appeals of the District of Columbia the President issued his proclamation increasing the duty. Because of the President's action the court of appeals held that mandamus would afford no relief and for that reason affirmed the decision of the court below. (United States ex rel. Norwegian Nitrogen Products Co. (Inc.) v. United States Tariff Commission, 6 Fed. (2d) 491.) The Supreme Court of the United States declared that the petition to compel the commission to reopen the investigation had become moot when the President fixed the duties and remanded the case with instructions to dismiss the petition. (United States ex rel. Norwegian Nitrogen Products Co. (Inc.) v. United States Tariff Commission, 274 U. S. 106, 112.)

Protests are pending in the customs court upon questions other than the constitutionality of section 315. One of the protests with respect to sodium nitrite was selected as typical for a test case. This protest questions the sufficiency of the hearing accorded by the commission and the basis for the President's proclamation increasing the rate of duty on that commodity from 3 to 4½ cents per pound. On November 20, 1928, the case was transferred to Washington, D. C., for the taking of evidence.

VI. TARIFF CHANGES UNDER SECTION 315

Since publication of the eleventh annual report of the commission the following changes in rates of duty imposed in the tariff act of 1922 have been proclaimed by the President pursuant to investigation by the Tariff Commission under section 315:

Cherries, sulphured or in brine, stemmed or pitted.—Duty increased from 2 cents to 3 cents per pound, effective January 2, 1928.

Rag rugs, of the type commonly known as "hit-and-miss," composed wholly or in chief value of cotton.—Basis of 35 per cent ad valorem changed from foreign value to the American selling price, effective February 28, 1928.

Barium carbonate, precipitated.—Duty increased from 1 cent per pound to 1½ cents per pound, effective April 25, 1928.

Sodium silicofluoride.—Basis of duty of 25 per cent ad valorem changed from foreign value to American selling price, effective September 15, 1928.

Fluorspar containing not more than 93 per cent of calcium fluoride.—Duty increased from \$5.60 per ton to \$8.40 per ton, effective November 16, 1928.

Potassium permanganate.—Duty increased from 4 cents per pound to 6 cents per pound, effective December 16, 1928.

The appended table is a list of the subjects with respect to which changes in rates of duty have been proclaimed by the President under the provisions of section 315 since the enactment of the tariff act of 1922.

| Article | Change in duty | Date of proclamation | Effective date of change |
|--|--|----------------------|--------------------------|
| Wheat..... | Increased from 30 cents to 42 cents per bushel (60 pounds). | Mar. 7, 1924 | Apr. 6, 1924 |
| Flour, semolina, etc..... | Increased from 78 cents to \$1.04 per 100 pounds..... | do..... | Do. |
| Millfeeds, bran, etc..... | Decreased from 15 per cent to 7½ per cent ad valorem. | do..... | Do. |
| Sodium nitrite..... | Increased from 3 cents to 4½ cents per pound..... | May 6, 1924 | June 5, 1924 |
| Barium dioxide..... | Increased from 4 cents to 6 cents per pound..... | May 19, 1924 | June 18, 1924 |
| Diethylbarbituric acid (Veronal). | Increased; duty (25 per cent ad valorem) changed to American selling price. | Nov. 14, 1924 | Nov. 29, 1924 |
| Oxalic acid..... | Increased from 4 cents to 6 cents per pound..... | Dec. 29, 1924 | Jan. 28, 1925 |
| Potassium chlorate..... | Increased from 1½ cents to 2¼ cents per pound..... | Apr. 11, 1925 | May 11, 1925 |
| Bobwhite quail..... | Decreased from 50 cents to 25 cents each (valued at \$5 or less each). | Oct. 3, 1925 | Nov. 2, 1925 |
| Taximeters..... | Increased from \$3 each plus 45 per cent ad valorem on foreign value, to \$5 each plus 27.1 per cent on American selling price. | Dec. 12, 1925 | Dec. 27, 1925 |
| Men's sewed straw hats..... | Increased from 60 per cent to 88 per cent ad valorem on hats valued at \$9.50 or less per dozen. | Feb. 12, 1926 | Mar. 14, 1926 |
| Butter..... | Increased from 8 cents to 12 cents per pound..... | Mar. 6, 1926 | Apr. 5, 1926 |
| Print rollers..... | Increased from 60 per cent ad valorem to 72 per cent ad valorem. | June 21, 1926 | July 21, 1926 |
| Paintbrush handles..... | Decreased from 33¼ per cent to 16¾ per cent ad valorem. | Oct. 14, 1926 | Nov. 13, 1926 |
| Methanol (methyl or wood alcohol). | Increased from 12 cents to 18 cents a gallon..... | Nov. 27, 1926 | Dec. 27, 1926 |
| Gold leaf..... | Increased from 55 cents to 82¼ cents per 100 on leaves not exceeding in size 3¾ by 3¾ inches, and on larger leaves in proportion. | Feb. 23, 1927 | Mar. 25, 1927 |
| Pig iron..... | Increased from 75 cents to \$1.12½ per ton..... | do..... | Do. |
| Emmenthaler type Swiss cheese. | Increased from 5 cents per pound, but not less than 25 per cent ad valorem, to 7½ cents per pound, but not less than 37½ per cent ad valorem. | June 8, 1927 | July 8, 1927 |
| Cresylic acid..... | Decreased from 7 cents per pound plus 40 per cent ad valorem, based on American selling price, to 3½ cents per pound plus 20 per cent ad valorem, based on American selling price. | July 20, 1927 | Aug. 19, 1927 |
| Phenol..... | Decreased from 40 per cent ad valorem and 7 cents per pound, based on American selling price, to 20 per cent ad valorem and 3½ cents per pound, based on American selling price. | Oct. 31, 1927 | Nov. 30, 1927 |
| Crude magnesite..... | Increased from ⅙ of 1 cent to ⅙ of 1 cent per pound..... | Nov. 10, 1927 | Dec. 10, 1927 |
| Caustic calcined magnesite. | Increased from ⅙ of 1 cent to ⅙ of 1 cent per pound..... | do..... | Do. |
| Cherries, sulphured, or in brine, stemmed or pitted. | Increased from 2 cents to 3 cents per pound..... | Dec. 3, 1927 | Jan. 2, 1928 |
| Rag rugs, cotton (hit-and-miss type). | Increased; duty (35 per cent ad valorem) changed to American selling price. | Feb. 13, 1928 | Feb. 28, 1928 |
| Barium carbonate, precipitated. | Increased from 1 cent to 1½ cents per pound..... | Mar. 26, 1928 | Apr. 25, 1928 |
| Sodium silicofluoride..... | Increased; duty (25 per cent ad valorem) changed to American selling price. | Aug. 31, 1928 | Sept. 15, 1928 |
| Fluorspar..... | Increased from \$5.60 to \$8.40 per ton on fluorspar containing more than 93 per cent of calcium fluoride. | Oct. 17, 1928 | Nov. 16, 1928 |
| Potassium permanganate. | Increased from 4 cents to 6 cents per pound..... | Nov. 16, 1928 | Dec. 16, 1928 |

VII. PROCEEDINGS UNDER SECTION 316

(1) COMPLAINTS AND INVESTIGATIONS

Section 316 of the tariff act of 1922 declares unlawful unfair methods of competition and unfair acts in the importation or sale of articles in the United States.

During the past year the docket of complaints filed under section 316 has been brought strictly to date. Complaints with respect to thermometers, barometers, and combination thermometers and barometers, sodium nitrite, pineapples, cocoa butter, artificial teeth, oriental rugs, dolls and doll hands, weartex rugs, olive oil, tuning pins, and wire rope were dismissed without prejudice.

These complaints alleged unfair methods of competition and unfair acts in violation of letters patent; the use of inferior materials; the substitution of the imported for the domestic article, and simulation. In each instance preliminary investigation by the commission disclosed that the institution of an investigation was not warranted.

LAMINATED BAKELITE PRODUCTS

This investigation was concluded and findings were sent to interested parties on March 23, 1928. Complaint had been filed by domestic manufacturers on April 22, 1927. Investigation was instituted by the commission on December 23, 1927. Hearings were held on January 30 and 31 and February 1, 2, and 3, 1928. At the close of the hearings, the commission sent a report to the President setting forth the facts disclosed by the investigation and recommending that pending the completion of its findings a temporary order of exclusion based upon the violation of patents, decreed as valid by a court of competent jurisdiction be issued under the provisions of subdivision (f) of section 316. On February 24, 1928, the Secretary of the Treasury, pursuant to the request of the President, directed that the articles the subject of investigation be excluded from entry into the United States pending completion of the commission's investigation. (Treasury Decision 42607.) On March 23, 1928, the commission completed and published its findings. In brief the findings of the commission were:

(1) The industry in the United States engaged in the manufacture of laminated Bakelite products is efficiently and economically operated within the meaning of section 316.

(2) By reason of the large sale of laminated Bakelite products in the United States by complainants under the trade name "Bakelite," a good will for said products has been established and the name "Bakelite" has become identified with complainants' products.

(3) Products have been imported into the United States and sold therein in violation of patent rights, and that such importation and sale constitute an unfair method of competition or unfair act within the meaning of section 316.

(4) Unfair competition consisting in violation of rights under patents is aggravated by the sale in the United States by importers of imported laminated products under the complainants' trade name "Bakelite" by the removal of markings indicating country of origin, and by the use of a sample of genuine "Bakelite" to obtain an order and filing such order with imported material.

Commissioner Dixon concurred in the commission's findings except in so far as they are based wholly or partly upon a patent which had not been the subject of an adjudication upon the merits. In the opinion of Commissioner Dixon the jurisdiction of the Tariff Com-

mission in investigations for the purposes of section 316 does not extend to unfair competition based upon violation of patents, but if such jurisdiction be assumed, as in this investigation, consideration should be confined to patents which have been held to be valid by a court of competent jurisdiction

(2) APPEAL TO THE COURT OF CUSTOMS APPEALS

SYNTHETIC PHENOLIC RESIN

On May 25, 1928, the United States Court of Customs Appeals rendered a decision that the provision in section 316 of the tariff act of 1922; giving to importers and consignees the right of appeal to the Court of Customs Appeals from findings of the Tariff Commission upon a question or questions of law, is constitutional. (16 Ct. Cust. Appls. —; T. D. 42827.) This case arose from a motion filed by the Bakelite Corporation to dismiss an appeal to the Court of Customs Appeals from the findings of the Tariff Commission in an investigation for the purposes of section 316 with respect to synthetic phenolic resin. As is pointed out in the commission's eleventh annual report, respondent importers had appealed to the Court of Customs Appeals alleging a lack of jurisdiction in the Tariff Commission "to inquire into issues of law and fact arising out of patent rights and/or patent infringements." Pending determination of this appeal, the Bakelite Corporation et al., who were complainants before the Tariff Commission, moved for an order to dismiss the appeal upon the ground that the Court of Customs Appeals has no jurisdiction to entertain the same for the reason that the matter before the court is not a "case" or "controversy" within the meaning of section 2 of Article III of the Constitution of the United States—that the United States Court of Customs Appeals is an inferior court created by Congress under and by virtue of the authority of section 1 of Article III of the Constitution and as such can hear only "cases" and "controversies" provided for in section 2 of Article III.

The court, in overruling the motion to dismiss the appeal, reviewed at length the legislative history of the Court of Customs Appeals and prior decisions as to what constitutes an inferior court under Article III of the Constitution and concluded "that when Congress enacted the legislation which brought this court into existence it was proceeding under and by virtue of the authority extended to it by Article III of the Constitution" and that the court was therefore required to confine its jurisdiction to "cases" and "controversies" and for the same reasons that apply to other inferior courts and to the Supreme Court.

The remaining question the court said is "to determine whether or not the appeal in the instant case brings to us for review such a 'case' or 'controversy.'" After reviewing some of the authorities the court said in part:

Here are real parties litigant, whose rights and status are vitally affected by the litigation. If the presence of parties to the action is the test, then the requirement is fulfilled in that particular. The legal question submitted for this court's decision is not academic or moot, and the rights of the litigants before us are vitally affected by the judgment of this court. A question of law, involving the construction of a "law of the United States," which prescribes the rights of the litigants, is here tried, in the regular form of judicial procedure, and when decided becomes a "final" judgment and the basis of future action.

The court further said:

We must bear in mind that the act under consideration definitely states "that the judgment of said court shall be final, except that the same shall be subject to review by the United States Supreme Court upon certiorari applied for within three months after such judgment of the United States Court of Customs Appeals," and we think that the judgment of this court, or the judgment of the United States Supreme Court, upon the question of law involved, is binding and final as to the whole world. The parties, under authority of a law of the United States, submitted to the tribunal below the initial determination of the question of unfair methods, etc. When the case reached this court on "a question or questions of law only" an important and valuable right between interested present parties was to be adjudicated with "final" effect.

The question before us is: When the case reaches us is it a "case" or a "controversy"? It is not a question as to what it was in the tribunal below, but what it is when it reaches us. A long line of decisions of the Supreme Court holds that there are matters involving public and private rights, position, and status which, if presented in such form that the judicial power is capable of acting thereon, become susceptible of judicial determination and that such matters may be, by Congress, brought to the cognizance of inferior courts of the United States. [Citing cases.]

We think, under the last-cited cases, the instant matter is presented in such a form as to call for the exercise of the judicial powers of this court in so far as the question involves a trial and adjudication, in a judicial procedure, of rights and privileges which by the judgment of this court is made "final" as to the matters involved as against all parties. Whether the importers are denied the right to import is not the question. But if it were, and their legal status had been adjudicated, adversely to them, prevention from the continuance of such unlawful status, we think, might be had. [Citing cases.] The parties have had their day in court where a definite, legal issue, involving a valuable right, is finally and judicially adjudicated. The status of the importers being thus finally and definitely fixed, as the basis of future action, what future action, if any, may be taken is, to the courts, of no concern.

The court concluded that its judgment in the matter at bar was a judicial judgment rather than an administrative decision "because it is the final, conclusive judicial determination of the fact as to whether or not the party has been guilty of unfair methods, etc., and a final and conclusive judgment applying the law to the facts, and, as such, it would be regarded as *res adjudicata* of that issue in any court whenever questioned." The court went on to say:

And, furthermore, it could not be collaterally attacked. If a "judicial judgment" be one which is final and conclusive as between the parties on the issues involved and not subject to collateral attack, then the judgment of this court in the matters now before it meets the test and is a "judicial judgment." Such a judgment does not have to be for money, or for the recovery of a thing, or involve anything that a writ or process may enforce, but may be the determination of a status, or a right, or a privilege, or "the basis of action." [Citing cases.] The ultimate test is: Is the judgment final?

The court further said:

We can not agree with the argument made by the appellees, the Bakelite Corporation et al., that our judgment in this case must be one that will be enforceable by execution or process. If it declares or denies the existence of a right or a status (and does so conclusively and finally) which in turn affects a valuable interest or right, and otherwise meets the requirements of a "case" and "controversy," under the foregoing decisions cited, it certainly is such. [Citing case.]

Let us suppose that this court, and the Supreme Court, reviewing our judgment, should hold that the violation of a patent right is, in law, not an unfair method of competition or an unfair act in importation. Could the President lawfully hold that it was? We think not. The statute would seem to leave the definition of these terms to the courts as it did in the Federal Trade Commission act. [Citing cases.] As an illustration of this conclusion, let us again suppose that after this court or the Supreme Court had held that the violation of a patent right was not such an "unfair method," etc., the President would decide that it

was, and such decision would cause the collector to reject the entry of respondent's merchandise, and he would litigate the matter on the theory that the question had been adjudicated. What could any court do but hold that as between the parties the matter had been finally and conclusively determined in the court and that its decision was *res adjudicata*?

The provisions of section 316 were compared with the Federal Trade Commission act and found to be in some respects an absolute and precise copy.

In view of all of the foregoing, the court concluded that—

the matters presented in the instant appeal are presented in such form as to call for the exercise of the judicial powers of this inferior court, and that our exercise of the same is not in contravention of the provisions of the Constitution.

The opinion of the Court of Customs Appeals is printed in full in the appendix, p. 150.

(3) PETITION FOR WRIT OF CERTIORARI

On August 24, 1928, the Bakelite Corporation presented a petition to the Supreme Court of the United States for the issuance of a writ of certiorari to review the foregoing judgment of the Court of Customs Appeals. Subsequently the Bakelite Corporation filed a petition for a writ of prohibition to restrain the Court of Customs Appeals from entertaining the appeal from the findings of the Tariff Commission. On October 29, 1928, the Supreme Court denied the petition for a writ of certiorari and set down the petition for a writ of prohibition for hearing as the second case at the January term of that court.

(4) IMPORTANCE OF COMMISSION'S JURISDICTION OF PATENT INFRINGEMENTS

Existing law, apart from section 316, is wholly inadequate to protect domestic owners of patents from violation of their patent rights through the importation and sale of infringing articles. Such infringing articles may be and are imported in large quantities and distributed throughout the United States. The owner of a patent, seeking to protect himself, is confronted with the necessity of proceeding against individual wholesalers or retailers. The resulting multiplicity of suits imposes an impossible burden. Stoppage of importation of infringing articles through an order of exclusion from entry is the only effectual remedy. The jurisdiction of district courts and the scope of any decree issued by them do not extend to the importation or exclusion of imported merchandise from entry into the United States. Section 316, therefore, as construed by the Tariff Commission in its findings now before the Court of Customs Appeals for review, affords an exclusive remedy.

(5) TEMPORARY ORDER OF SUSPENSION OF ENTRY

The litigation referred to in the foregoing pages further delays action upon the bonds given by importers pursuant to section 316 (f). Subdivision (f) reads:

That whenever the President has reason to believe that any article is offered or sought to be offered for entry into the United States in violation of this section but has not information sufficient to satisfy him thereof, the Secretary of the Treasury shall, upon his request in writing, forbid entry thereof until such investigation as the President may deem necessary shall be completed: *Provided*, That the Secretary of the Treasury may permit entry under bond upon such conditions and penalties as he may deem adequate.

This provision has been applied in four investigations, namely, those relating to revolvers, synthetic phenolic resin of Form C, and products thereof, manila rope, and laminated products. Orders of suspension of entry followed reports by the Tariff Commission based upon the sworn allegations of the complaints and the supporting evidence submitted therewith, with respect to revolvers, synthetic phenolic resin and manila rope. A hearing was held by the Tariff Commission before the report upon laminated products was sent to the President.

In its tenth annual report the commission pointed out some of the difficulties of administering that provision so as, on the one hand, to afford interested parties opportunity to be heard before action was taken, and, on the other hand, not to permit the ends of the statute to be defeated. This provision was first invoked in the investigation with respect to synthetic phenolic resin of Form C. The commission understands that considerable quantities of merchandise were imported during the term of the temporary order of exclusion and bonds given therefor. The appeal taken from the findings of the commission in this investigation automatically suspended submission of the final report to the President. This had the effect of deferring action upon the bonds until determination of the questions raised on appeal.

VIII. PUBLIC HEARINGS

Hearings held by the commission since the publication of the eleventh annual report are shown in the following table:

| Subject | Date of hearing | Pages of transcript of minutes of public hearing |
|-----------------------------------|--------------------------------------|--|
| Section 315: | | |
| Brierwood pipes | Mar. 29, 30, 1928 | 251 |
| Corn | Aug. 1, 1928 | 128 |
| Cream of tartar | July 25, 1928 | 145 |
| Eggs | July 10, 11, 1928 | 329 |
| Glue | Apr. 26, 27, 1928 | 180 |
| Milk and cream | Feb. 23, 24, 25, 1928 | 636 |
| Onions | Feb. 9, 10, 11, 1928 | 468 |
| Peanuts | July 17, 18, 19, 1928 | 481 |
| Pearls, imitation and pearl beads | Oct. 23, 24, 25, 26, 1928 | 628 |
| Potassium permanganate | Apr. 19, May 21, 1928 | 97 |
| Tartaric acid | July 25, 1928 | 145 |
| Tomato paste | Sept. 18, 19, 20, 21, 1928 | 616 |
| Tomatoes, canned | do | 616 |
| Tomatoes, fresh | June 25, 26, 27, 1928 | 442 |
| Whiting | June 20, 1928 | 87 |
| Window glass | Sept. 11, 12, 13, 14, 1928 | 476 |
| Section 316: | | |
| Laminated bakelite products | Jan. 28, 30, 31,; Feb. 1, 2, 3, 1928 | 759 |

At least 30 days in advance of each public hearing for the purposes of section 315, a preliminary statement of information is issued for the use of parties interested. This statement summarizes the data on production, trade, prices, costs, marketing, and transportation obtained by the commission in the investigation up to the time of the issuance of the statement. Costs of manufacture of individual concerns and other information in the nature of trade secrets or processes are excluded from the statement, as required by section 708 of the

venue act of 1916. At the public hearings discussions center around the tentative data presented in the statement.

Each investigation involves problems peculiar to the subject under consideration. The statement of information sets forth questions designed to stimulate discussion of problems raised with a view to assisting the commission in their solution.

Problems arising in the investigations of brierwood pipes and onions may serve to illustrate some of the matters with which the commission must deal. In the brierwood-pipe investigation it was found that there were several distinct grades of pipes imported into the United States, retailing as low as 25 cents and as high as \$10. This wide disparity in quality immediately raises a serious question of comparability. For the purposes of cost comparison under section 315, an average to be taken of the costs of all imported and domestic pipes regardless of quality, and if not, what distinction should be drawn? In the preliminary statement of information issued by the commission prior to the public hearing, cost and other data were presented for pipes classified in retail price groups.

The investigation with respect to onions involves the same question and others. Three distinct types of imported onions, namely, Spanish, Bermuda, and strong, compete directly or indirectly with domestic Spanish, Bermuda, and strong onions. Here, again, the question is presented whether an average cost of all types shall be compared in ascertaining differences in costs of production for the purposes of section 315 or whether cost comparisons shall be made of certain types such as for instance domestic Spanish with imported Spanish, or domestic strong with imported strong or domestic Spanish, Bermuda, and strong with imported Spanish or strong. The importation of Bermuda onions is small.

IX. THE ADVISORY BOARD

The advisory board has continued to function during the past year as the planning, coordinating, and directing agency of the commission in its work of administering sections 315, 316, and 318 of the tariff act of 1922. It is charged, furthermore, with responsibilities of review, criticism, revision, and interpretation of the results of investigations when presented in final form for transmission to the commission. In the performance of these duties it is assisted by the economic division, the commodity divisions, the accounting division, and others.

Because of the nature of its responsibilities the supervising authority of the advisory board is exercised at all stages of investigations. When Tariff Information Surveys are in course of preparation, it passes upon the plan or outline for the undertaking, keeps track of the prosecution of the work, revises and otherwise participates in the presentation of the final result. With respect to applications for an investigation for the purposes of section 315, the advisory board recommends to the commission, after preliminary inquiries, either that an investigation be instituted or denied, and states in full its reasons for or against granting the request of the applicant. When an investigation is instituted it participates in the formulation of the plans of procedure calculated to secure representative and comparable tests and other data in the United States and in the competing foreign

countries. During the progress of an investigation it takes such action as may be necessary to anticipate or solve difficulties and to prevent omissions, inconsistencies, and inaccuracies. Upon the completion of any stage of an investigation the advisory board has responsibility for the substantive matter as well as for the form of the report submitted to the commission, and frequently in its letter of transmission interprets the report at length, and offers suggestions as to alternative methods for the solution of problems involved. The statements of fact in an investigation, both those embodied in tables and in the text, must not only be substantiated as complete and accurate but also they must establish, as far as possible, bases for the ultimate determinations.

The section 315 investigations in progress or completed during the past year, the various tariff information surveys completed or in progress, and other tasks performed by the commission, all or most of which have come before the advisory board, are given elsewhere in this report.

X. THE ECONOMICS DIVISION

In the execution of the duties imposed upon the advisory board the board is assisted by all members of the staff, but in certain matters especially by the economics division. At each stage of an investigation the members of the division are called upon to participate by making contributions for which their training and experience qualify them. In accordance with the policy that the members of the economics division shall not function in a critical capacity only, and at a time when often it is too late to be effective, they are assigned to investigations at the beginning and take part in the field work. This course has been pursued during the past year in the investigations of onions, peanuts, plate glass, milk and cream, and eggs and egg products.

Because of the need of a body of reliable basic data for use in cost of production comparisons in section 315 investigations, the economics division during the past year has been strengthened by the addition of a cost-analysis section made up of persons proficient in accounting. The members of this section help, in particular, in the preparation of the cost schedules before field work is begun. These members of the economics division participate both at the initial stage and at all later stages in determining the proper bases for the ascertainment of costs, the employment of proper methods of allocation, the coordination of the accounting field crews, and in scrutinizing, testing, and organizing the material constituting the data for costs. This sort of work by the economics division has been done during the past year notably in the investigations of glass tableware and handkerchiefs.

During the past year particular attention has been given to the problem of selecting for costing samples that may be truly representative of the many products produced by the industry and fairly comparable with the foreign commodity. The samples, whether of domestic or foreign origin must satisfy certain tests of selection, either upon the basis of physical likeness or upon the basis of commercial likeness, as belonging to the same competitive class as evidenced by price groups. In most of the conferences held for the purpose of determining the representativeness and the comparability of samples the chief of the economics division has participated with groups of

importers and manufacturers and with important consumers of the products.

In general, the members of the economics division participate in gathering and presenting information respecting the competitive phases of an investigation both in the preliminary inquiry before an investigation is instituted and afterwards when a report is being drafted; they share largely in the ascertainment of marketing conditions and in the determination of what are the principal markets and how the costs of transportation to those markets shall be handled; they assist prominently in the formulation of the questions which shall be incorporated in a preliminary statement of information and presented at the public hearing in an investigation.

Inasmuch as the staff may not be interrogated by interested persons at a public hearing, every effort is made to tell exactly how the investigation was conducted and how all statements of fact are substantiated, and to make the whole presentation such as to focus attention on the main problems and to develop pertinent and useful comment. In the preparation of the final report to the President the task of organization and presentation is somewhat different, and the peculiarly economic problems involved often assume even greater importance—such as questions of marketing and transportation, questions of conversion of the foreign costs into American money, questions as to what categories of cost may be validly included or not included, and questions of the method of application of the ascertained differences in cost to the duties provided in the tariff act. At this stage of an investigation members of the economics division, in common with other members of the staff, are frequently consulted by commissioners and often furnish specially written reports to them. A detailed account of just what has been done specifically by the economics division during the past year would be difficult to present; its members have had a share, and often a considerable share, in practically all the work reported in detail under the commodity divisions.

Within the economics division, there is an editorial section available for the assistance of all members of the staff at any stage in the writing of reports. Also there is a charting section, which during the year has designed and executed many graphs, maps, and charts incorporated in the reports of all the more important investigations and which have materially added to the usefulness of those reports. These maps and charts are made by the mimeoscope process to the considerable saving of time and expense.

XI. OFFICE OF THE CHIEF INVESTIGATOR

The office of the chief investigator is concerned partly with administrative matters pertaining to investigations in progress and partly with economic and technical phases of reports prepared by the commodity and other divisions.

In the exercise of its administrative functions, as well as in its supervision of economic work, the chief investigator's office works in close cooperation with other divisions. When an investigation is instituted by the commission plans of investigation are drawn by an informal committee, consisting of one representative each of the chief investigator's office, the commodity division concerned with the sub-

ject, and of the economics division. When these plans have been revised and approved, first by the advisory board and then by the commission, they are executed under the direction of the chief investigator in cooperation with the advisory board.

Another important part of the work of the chief investigator's office is to meet persons who call at the commission to obtain information as to the status of investigations or of applications requesting investigations. In these interviews care must be taken to place before interested persons the conditions confronting the commission, not only respecting the particular subject in which the interviewer is interested, but of all the current work of the commission and the relative urgency of the work on the various subjects.

Routine matters connected with the field work are under the direction of the head of the field crew. Questions of importance arising in the field are taken up with the head of the commodity division in question, or if they are economic or accounting problems with the head of the proper division. If the questions raised are of sufficient importance, the chief of the division concerned brings them to the attention of the chief investigator and the chief of the economics division or submits them to the entire advisory board. This arrangement enables the advisory board to be informed at all times of the progress of such investigation and to take up with the commission when necessary important current problems arising in the field.

In the drafting of reports the chief investigator's office is in direct contact with the advisory board. All reports concerning applications and investigations are transmitted to the advisory board through the chief investigator's office, but no important revisions are made except the correction of errors that may be found or to supply obvious omissions. Later, when the advisory board takes up the report, a representative of the chief investigator's office, as a member of the advisory board, offers criticisms and suggests revisions in detail; when necessary, he acts as a member of a committee selected to recast the report.

XII. THE LEGAL DIVISION

In all undertakings of the commission legal matters are involved to a greater or less degree, and it is the function of the legal division to make whatever contributions are required with respect to them. Its responsibilities are discharged partly by supervision and inspection of the work of others to guard against legal error in published statements, partly by collaboration with others where the legal aspects of the work are prominent, and partly by its own specific contributions. The legal division serves in an advisory capacity to members of the commission and of its staff and assists, in so far as practicable, in litigation affecting the commission and its functions. The legal division through membership in the advisory board participates in all matters coming before the board, whatever may be their character.

The most obvious participation of the legal division as the agency in work of the commission arising under the tariff act of 1922 is in the administration of section 316. This section declares unfair methods of competition or unfair acts in the importation or sale of foreign articles to be unlawful and directs the commission to assist the President in taking action in the case of violations. The legal

division, assisted by the division of international relations, passes upon all complaints of alleged unfair competition, and, if a hearing be had before the commission, follows everything that takes place in the hearing. After the hearing the legal division formulates for the commission the findings of law and fact which serve as the basis of the commission's report to the President.

In the administration of section 317 of the tariff act of 1922, which has to do with discriminations by foreign countries and gives the President certain powers with respect to them, the international relations division is the leading agency of investigation for the commission; but it requires and receives the assistance of the legal division. To all published tariff information surveys, executed under the general powers of the commission as extended and amplified by section 318 of the tariff act of 1922, there is appended by the legal division a section stating the decisions and other information defining the legal status of the article or articles dealt with in the survey.

Certain aspects of the work of the commission in which the legal division made distinctive contributions when the tariff act was revised in 1922, and upon which it is preparing information for future tariff legislation may be illustrated by the work done in the reclassification of the chemicals, oils, and paints schedule. Many of the provisions of this schedule in the existing tariff act were obscure in meaning, difficult to administer, or not in accord with modern commercial practice. Some of these faults could be remedied by changes in name or description of the commodity; others, by the elimination of obsolete articles or by the specific mention of new commodities or of old ones that had recently become commercially important. No discussion of the relative merits of ad valorem or specific rates was attempted, but in some instances the facts disclosed made evident to the Congress the desirability of the one or the other. In this work of reclassification of the chemical schedule the chief of the chemical division was constantly assisted by the head of the legal division who drew upon his knowledge of the precise features of the litigation that had arisen with respect to chemical imports and the Treasury and court decisions relating thereto.

The investigation of the administration of the customs laws, which is among the general and original duties of the commission, is a matter with important legal aspects, and early received attention. In anticipation of the tariff legislation of 1922 a complete revision and codification of the customs administrative laws, with suggested changes, was prepared. This was done after hearings, conferences, and extended correspondence with manufacturers, importers, customs brokers, members of the customs bar, and others, and eventually was presented to the Committee on Ways and Means of the House of Representatives. This draft of a plan of revision and codification of customs administrative laws was found to be of material assistance to the Congress and became the basis of Title IV of the tariff act of 1922 as enacted. This particular work of the commission was executed wholly through the agency of the legal division.

The foregoing indicates some of the work which the legal division has done and is doing, separately or in conjunction with commodity divisions, to prepare for rendering like service in the next revision of the tariff. To that end, among others, this division keeps informed on legal matters connected with the tariff and its administration and

of the need of changes in classifications and the correction of ambiguities, inconsistencies, and inequalities in dutiable schedules, and the free list, and in special and procedural provisions of the act of 1922.

One other distinct subject calls for brief mention, and that is the contacts and communications of the legal division with outside persons, Members of Congress and others, who make inquiries respecting tariff matters and involving some legal aspect of them. These contacts and communications call for immediate, well-considered, and accurate answers. The attention given to such matters constitutes a considerable portion of the unrecorded and unpublished activities of the legal division.

XIII. THE ACCOUNTING DIVISION

The accounting division is occupied chiefly in obtaining and organizing cost data for the purposes of investigations executed under section 315 of the tariff act of 1922, and for investigations carried out under the general powers of the commission. Its activities consist broadly in gathering cost information in the field and in working up such information into tabulated figures of cost at the Washington office. Frequently the time taken in the office is greater than the time taken in the field, but the greater difficulties, calling for much versatility on the part of the accountants engaged, are encountered in the field. In both the field work and the office work the accountants cooperate with the commodity expert in whose field the particular investigation lies. There are two main classes of commodities with which section 315 cost investigations have to do—manufactured commodities and agricultural commodities, the investigations of the latter being conducted in quite a distinctive manner. The accounting division is chiefly concerned with manufactured products.

A preliminary feature of all field work is the preparation of a cost schedule on which to record the detailed information gathered in the field for the determination of costs. Its purpose is to insure that nothing essential shall be omitted and that there shall be, as far as possible, uniformity of method, one establishment with another, throughout the whole investigation. Obviously results can not be comparable unless they rest upon the same bases for the whole industry, domestic and foreign. Because of variations in manufacturing conditions and methods of accounting in the different industries and in different establishments within each industry, the cost schedule must be designed separately for each investigation; no standardized form can be used. Recourse is had to cost systems proposed by associations, by various publications, and by field trips to ascertain actual practices and conditions. It frequently happens that before a cost schedule is finally adopted for use, it is tried out in a number of establishments to make certain that it is comprehensive and adapted to conditions in the industry. In this work of preparing the cost schedule, an important feature of the general planning for an investigation, the accounting division collaborates with the advisory board and others.

The major difficulties encountered by the division in the performance of its function are in its field inquiries, and arise mainly from one outstanding cause—the necessity of obtaining specific costs for specific products. The commission is required to ascertain the costs

of particular articles or grades of articles, and the records of most producers are generalized and cover their entire output irrespective of particular articles or specified grades. Occasionally, but not often, the accountants assigned to an investigation enter an establishment where the desired particular costs can be found. After verification, they report to the commission. Never has an investigation under section 315 been made where all the establishments comprising the industry had cost-accounting systems adequate to the requirements of the commission. In most of them what is found at best are records in the books which constitute the materials from which the accountants can construct the desired segregated costs. Sometimes, in many establishments comprising an industry, the bookkeeping methods are such that the materials for costing the particular articles are not available. As a result of the commission's cost investigations a number of industries have realized the importance of adequate accounting systems and have subsequently installed improved methods.

Under the conditions usually encountered in an investigation, not only do the book records of different establishments vary greatly with respect to fullness, accuracy, and usability, but also the manufacturing methods, and therefore the basic accounting conditions, are widely divergent. Some producers in an industry, for instance, will purchase certain materials or services, while others will make the materials or provide the services themselves. Again, wholly different raw materials may be used by different producers, or, with the same raw materials widely different methods of processing may be employed. Some establishments may manufacture the containers used for the product, and others purchase them; and the cost of containers may be an important part of the total costs. The kind of commodity dealt with may be a principal or main product, or it may be a joint product, or a by-product. If it be a by-product, often the raw material from one point of view may be considered to have a cost and from another point of view considered to have no cost at all; and usually some kind of adjustment has to be made. For joint products it is practically always necessary to determine costs upon the basis of relative value, and that involves an elaborate inquiry into prices. A distinctive main product may be one of a few products produced by an establishment or an industry, or it may be one of many hundreds or even thousands of articles produced.

In all cases the costs to be assigned to the commodity costed are of two main sorts—direct and indirect. From pay rolls and other records the material can be gathered for direct costs, and it is usually a comparatively simple matter to determine them separately for the particular article or articles being costed. But always the handling of overhead is difficult. The basic information in the books with respect to overhead can not be drawn off easily, like information from a pay roll, and, whatever its amount, the assignment or allocation of it to particular products, so that the proper amount attaches to each product, presents various problems. The method of allocation used depends upon manufacturing conditions and the available information in the plant records. Furthermore, the quantity of production as contrasted with pecuniary outlay of expense must be gone into in obtaining costs. The commission can use in the final cost comparisons only unit costs, and to determine unit costs usually

the aggregate of expense incurred must be divided by the amount of the resulting production. Frequently the record of the quantity produced of particular articles is imperfectly kept by manufacturing establishments. Sometimes unit costs are obtained by methods which preclude the necessity of knowing quantities produced, but even in such cases the knowledge of quantities is required in the end, if there is to be a weighted averaging and not a simple averaging of the unit costs.

In industries and establishments where thousands of articles are produced section 315 investigations present peculiar difficulties. It is out of the question to cost all the articles produced; some of them must be selected and taken as representative of the whole. The specimens or samples taken must match up on both sides, domestic and foreign, as being on some appropriate basis like or similar; otherwise there can be no comparability in the costs as finally obtained. This work of selecting the samples is done for the accounting division by other members of the staff; its task is to obtain the costs for the list of samples presented to it, sample by sample.

In such circumstances the accountants proceed with a minuteness of analysis of elements, and subsequent combination of elements, which is not called for in the other investigations. In the ordinary investigations the major items of factory cost (direct labor, raw materials, power, maintenance, etc.) are determined separately as directly attached to or attachable to the article or articles being costed, without reference to the particular operations and processes involved in making them. In the investigations now being described operations and processes are dealt with. The procedure in these cases is not always the same in all particulars, but it always involves some kind of determination, by using the experience of the industry or by more exact methods, of the time required per unit of measurement for performing the operations or processes. In all investigations of this kind the accountants, as well as the commodity experts, must become thoroughly familiar with operations, processes, and manufacturing conditions generally; they can not merely work from the books.

In one investigation of this general character now in progress, such are the complications of process and plant equipment, and the elaborateness of costing methods required, that nine accountants will be occupied in the field alone for about five months. Twelve establishments on the domestic side of the undertaking are to be visited and from thirty to thirty-five articles, out of thousands of articles produced, costed in each. The operations or processes of manufacture consist in part in preparatory acts leading up to recognizable, distinct objects and in part in finishing operations performed upon such objects which finally become the completed products. Each establishment, for purposes of costing the selected products, is divided into some 30 subestablishments, or departments, upon the basis of peculiarity of equipment or of function. There are in each of the establishments about 10 so-called service departments and twice as many production departments.

The first step in the procedure, outlined briefly, is to reconcile with the company's profit and loss statement the leading kinds of expense recorded in the books—labor, raw materials, shop supplies, superintendence, depreciation, etc. Then each of these is attached to one or more of the departments, some items charged directly, others

allocated on appropriate bases, and subsequently the costs of the service departments are distributed to the production departments. The accumulated expenses of the power plant, for example, are distributed to the production departments which use power in proportion to the horsepower hours required by them; the costs of the steam department are assigned to the subdivisions of the plant which are heated according to the floor space occupied by each, and so on with all the other service departments. The costs of each of the production departments are applied to the specific articles being costed by means of cost rates for the operations performed by each and embodied in the articles. These rates are for common-denominator units of measurement such as shop hours, melting hours, weight of ware, etc. For example, the total shop hours of the hand-shop department was determined and divided into the total expenses of that department which gave that department's cost rate. And in a similar fashion the hourly cost rate of the melting department is found, but based upon melting hours. After this to get the costs attached to the specific articles being costed is a matter of determining the number of hours of the operations performed on each article in each department and multiplying these hours by the departmental rates that apply. Where production losses have to be reckoned with, the operation costs for the article up to the point at which the losses occur, less any salvage value, are charged against the good pieces produced.

There are many details of this costing procedure omitted from the foregoing description—a procedure which must be followed in substantially its present form if costs in the industry are to be obtained. During the past year and the year before there were a number of investigations of this sort. They represent but a small percentage of the whole number of section 315 investigations; but they occupy, in field work and office work together, the greater part of the time of the members of the accounting division.

Some other aspects of the work of the accounting division call for particular mention. One of these is finding, at home and in the foreign country, the distinctive item of cost known as imputed interest or the cost, other than the regular depreciation charges, of using the capital investment in plant and equipment, and in other assets connected with the manufacture of the article or articles being costed. The idea is that the plants and other assets of any industry, for reasons connected with general American economic conditions, may cost the domestic producers more than they cost their foreign competitors, and therefore constitute a factor in comparative advantage or disadvantage in competition. The main feature in obtaining the amount of imputed interest for any plant is the determination of the value of its assets, to which as a base the common rate of interest of the industry is applied. Such a value is not easy to determine and often involves the detailed investigation of original investment costs incurred, and subsequent additions and deductions, over a long series of years.

Another matter with which the accountants are concerned in the field, but only to a slight extent in the office, is the cost of transportation. To obtain costs of transportation, even in the form of a simple average for all producers comprising an industry, it is necessary to know to what places the commodity goes; and to obtain a weighted average cost it is also necessary to know the quantities shipped by each producer. Rarely do the records of any concern show the sales

distribution summarized by markets, and the accountants accordingly must have recourse to the whole file of invoices and laboriously draw off and compile particular shipments to particular places. Sometimes accounts receivable are analyzed, and salesmen's commission accounts, in order to ascertain the sales distribution. By reason of the immense detail not infrequently involved, the ascertainment of sales distribution by markets requires much time and effort on the part of the accounting division. The transportation division furnishes the rates for different hauls used in the computation of transportation costs, and still other sections of the staff deal with the especially difficult problems connected with transportation.

The office analyses and the tabulation of cost of production data take quite as much time and often more time than is consumed by the field crews in obtaining such data. The figures must be carefully scrutinized with respect to all the items in the field schedule, plant by plant, to guard against clerical error. Anomalous entries in the schedules, and the problems presented by exceptional conditions in the field, are discussed and a decision is reached as to how they shall be handled. As supporting data for the summarized tables of costs, which are the bases of the ultimate comparison of costs, many subordinate or detailed tabulations are made.

Finally with the completed cost investigation there usually goes a comprehensive accounting report describing the various stages of the field work, the allocations and other processes by which the work was accomplished, and just what is included in each of the major items of cost. It must be made clear what the accountants have done and exactly to what their findings apply.

During the past year the accounting division obtained in the field and organized in the office cost-of-production data on a large number of commodities, among them linseed oil, imitation pearls, and imitation pearl beads, window glass, canned tomatoes, glass-stoppered perfume bottles, eggs and egg products, sodium phosphate, and whiting.

XIV. THE STATISTICAL DIVISION

The statistical work of the commission is carried on largely by a statistical division, consisting of 20 employees. The work falls into three classes: (1) the tabulation of statistics on specific commodities for the use of the commission and its experts; (2) the collection and analysis of general statistics of trade and commerce for studies being made by other divisions, such as the division of international relations and (3) independent statistical studies of tariff problems, such as the relative volume and value of importations of raw materials and finished products under various tariff acts, and the ad valorem equivalent of the duties paid under various tariff acts for specified classes of commodities.

Although the sources of information drawn upon by the statistical division are usually the published documents of other branches of the Government, foreign publications, and trade and industrial journals, the collection of statistics bearing upon any particular subject necessitates long and careful research. As a rule in studying the effects of particular tariff rates it is necessary to assemble information respecting a given commodity over a period of many years and from a great variety of sources. Import statistics are tabulated

from the annual and monthly publications of the Department of Commerce, domestic production statistics are obtained from reports of the Bureau of the Census, and the Department of Agriculture, and foreign trade statistics are obtained from foreign official publications.

Price statistics are obtained from many publications, both foreign and domestic. In tabulating prices from different sources special care must be taken to determine the identity and quality of the product under consideration. For example, comparative prices of wool, in various countries, ranging from 25 cents to more than \$1 per pound, are meaningless unless exact grades and conditions of the wool are known. The conversion of statistical material from units of foreign weights and measures, and foreign moneys, into the equivalent weights and measures and monetary values in the United States, must be carefully done. Another difficulty in statistical tabulations for commodities mentioned in a number of tariff acts is the difference in tariff classifications in successive acts and the changes in statistical classifications. Statistics are not comparable, therefore, from year to year, unless they are segregated in detail, and retabulated from the point of view of the particular variety of the general class of commodities under consideration.

In many instances the most recent statistics of imports, prices, and production are obtained by the statistical division from unpublished information. The statistical blotters of the Department of Commerce, in which commodities are listed by code numbers, are used continuously for the latest information concerning the imports of particular products, and customs invoices are tabulated for the latest price and other information contained in them.

Statistical tabulations have been undertaken during the current year on commodities the subject of investigation either for the purposes of section 315 or under the commission's general powers, and on a great variety of other commodities. The work done on each of these commodities has not been the same, but in general it consists of compiling statistics of production and imports not only by totals but by countries and by customs districts, of exports, of prices, and rates of duty, both upon the specific and ad valorem bases, and in many cases of the trade of other countries in the same commodities.

General statistical tabulations undertaken in cooperation with other divisions of the commission include studies of the effects of trade agreements of this and other countries in which a statistical background is necessary. Recent work of the commission to this end includes an examination of the Cuban reciprocity agreement, the trade status of the Philippines with the United States, the effects of Canadian preferential tariffs, and our trade with France.

Other important compilations made by the statistical division are tabulations of the production, import duties, and prices of important commodities which the farmer produces as compared with the same information for the important commodities which the farmer buys.

Much work has been done during the year by way of revision and completion through the year 1927 of the publication of the Tariff Commission known as Statistics of Imports and Duties, first published for the use of the Congress in 1920. This is perhaps the largest single statistical undertaking of the division, and is prepared primarily for use in future tariff legislation. It contains import statistics in detail, for each year in the tariff acts of 1913 and of 1922.

COOPERATION WITH OTHER DEPARTMENTS OF THE GOVERNMENT

The publication by the Department of Commerce of the detailed tables of imports entered for consumption, showing the commodities and the duties paid, has been expedited by the cooperation of the statistical division of the commission with the statistical division of the Bureau of Foreign and Domestic Commerce. This cooperation has resulted in making information concerning imports available for the use of the commission at a much earlier date than in previous years.

XV. THE TRANSPORTATION DIVISION

TRANSPORTATION COSTS

Since the Attorney General has expressed the opinion (February 10, 1926) that the President should take into consideration, in so far as he finds it practicable, costs of transportation in determining the differences in costs of production for the purposes of section 315, the commission has given special attention to the transportation charges upon all commodities which have been the subject of investigation.

The study of transportation costs involves the determination of the principal ports of entry and principal markets for the product in question in the United States and the principal sources of supply of the product, both foreign and domestic. The study of the transportation costs of imported articles includes the foreign inland transportation to the seaboard, foreign port and transfer charges, ocean freight and insurance, handling charges at the American port of entry, and the internal transportation charges where the imported product moves inland. Most of these charges can be obtained from the records of foreign producers, or from customs invoices of the imported product. Where such charges are not available from these sources, and where checking is necessary, the transportation division supplies the necessary data.

The transportation costs upon that portion of the supply produced by the domestic manufacturers consist for the most part of freight charges from their factories to the principal markets and to the principal ports of entry.

In obtaining information with respect to important markets and the charges incurred in the transportation of goods to these points, a tabulation is first made in the field of all available data, including that from the records of the individual producers. When this study has been completed, the transportation division is furnished with a statement showing the shipping points and the principal markets, and that division computes and tabulates the various rates applicable to the product, such as for car lots or less than car lots, via all rail or water routes, or a combination of both, together with any other charges incident to the movement of the commodity under consideration.

During the past year the transportation division has supplied other divisions of the commission freight rates for about 100 products, some of which individually required the computation of hundreds of rates. The most important of these products from the point of view of the number of rates supplied were canned goods, cottonseed, eggs and egg products, flaxseed, corn, milk and cream, onions, fresh tomatoes, china clay, china and earthenware, window glass, glassware, tile, barium

carbonate, linseed oil, soya-bean oil, sodium phosphate, bentwood chairs, iron and steel products, such as bars, billets, and iron pipe, pig iron, ferromanganese, manganese ore, and cattle hides.

PASSENGER TRAVEL

In addition to furnishing freight rates on commodities, the transportation division makes arrangements for the official travel of the members of the commission's staff engaged in field work. Itineraries are prepared from Washington, and railroad and steamship accommodations are engaged. By studying the various routes and fares it is often possible to save considerable time and expense in the commission's field work. Where possible a round-trip ticket is obtained. The savings in travel expense thus made during the past have amounted to several thousand dollars.

PUBLICATIONS IN THE FILES OF THE DIVISION

The division has added to its files in the last year several hundred freight and passenger tariffs issued by the various carriers. The files now contain about 3,000 such tariffs. It is not practicable to maintain a complete file of railroad freight rates. Only tariffs stating the rates to and from important ports and centers are kept on file; other rates are obtained from the Interstate Commerce Commission.

The commission subscribes to several periodicals containing information on transportation. Other publications that have proved useful and that are kept at hand are time-tables, ship sailings, maps, hotel guides, mileage tables, and travel literature.

XVI. THE DIVISION OF INTERNATIONAL RELATIONS

[Commercial Policy and Treaties, Preferential Tariffs, Unfair Competition, and Miscellaneous Research]

The division of international relations (heretofore designated the division of preferential tariffs and commercial treaties) is occupied largely with the investigations authorized and the duties prescribed by three provisions of law. (1) In cooperation with the legal division, and where necessary with the commodity divisions, it makes the preliminary investigations and drafts the preliminary and final reports on cases of unfair competition under section 316 of the tariff act of 1922. (2) Under section 317 of the tariff act of 1922, it makes investigations and reports upon discriminations by foreign countries against the commerce of the United States. (3) From time to time it makes special studies of "tariff relations between the United States and foreign countries, commercial treaties, preferential provisions, and economic alliances," as provided in section 704 of the act of 1916, creating the Tariff Commission. The results of such a study are summarized below under the heading, "The Effects of the Cuban Reciprocity Treaty of 1902."

The division is concerned in many ways with the relations between the United States and foreign countries. It is called upon to prepare or to contribute to all reports, memoranda, and correspondence relating to the tariff, commercial treaties, and commercial policies of foreign countries, and to questions of American policy concerning

which the President or the Secretary of State from time to time requests information gathered by, and the point of view of, the Tariff Commission. These requests are confidential and are not enumerated here. They relate to a wide variety of commercial questions, including the advisability of protesting or of negotiating certain points, the nature of the protests or the reservations to be made, the inclusion or rejection of certain clauses in commercial treaties, the advisability of taking part in international conferences which may affect the commercial and economic relations of nations, and the attitude to be taken by the United States Government at such conferences.

The division has given special attention to discriminations by foreign countries and has been active in preparing memoranda for use in commercial negotiations with France. The division maintains files of information on subjects within its jurisdiction and answers numerous inquiries from Members of Congress and others; but it does not ordinarily duplicate the work of the Division of Foreign Tariffs of the Department of Commerce in supplying rates of duty in force in foreign countries.

PROCEEDINGS UNDER SECTION 316

(See p. 36)

PROCEEDINGS UNDER SECTION 317

Section 317 of the tariff act of 1922 was framed in accordance with the suggestions of the Tariff Commission in its report of 1919 entitled "Reciprocity and commercial treaties." It follows the precedent established by the maximum and minimum provisions of the tariff act of 1909, which "had for its purpose the obtaining of equality of treatment for American overseas commerce." Section 317, however, is adaptable while the provisions of the act of 1909 were inflexible and, as experience showed, comparatively ineffective, because they could not be fitted to the circumstances of each case.

Section 317 of the act in force (1928) covers discriminations "in fact" of all varieties, whether in customs duties or other charges, or in classifications, prohibitions, restrictions, or regulations of any kind. This division prepares the material upon which the commission bases its reports and recommendations to the President. If the commission finds that discriminations are being practiced, the President may then impose upon importations of the products of the country practicing such discriminations new or additional duties not to exceed 50 per cent ad valorem; and if thereafter the foreign country maintains or increases its discriminations against the commerce of the United States, products of that country may be excluded from importation.

Subdivision (e) provides for countervailing duties to offset industrial advantages obtained by foreign countries through differential export duties imposed by other foreign countries or subdivisions thereof.

Since the passage of the tariff act of 1922, reports have been submitted to the President pursuant to the provisions of section 317, upon all important existing discriminations against the commerce of the United States by means of tariff rates and regulations. Without actually imposing the retaliatory duties, the President has secured the removal of important discriminations.

EFFECTS OF THE CUBAN RECIPROCITY TREATY OF 1902

The commission has in press a report upon the effects of the Cuban reciprocity treaty of 1902. This is the only reciprocity treaty to which the United States is now a party, and an understanding of its operation is important. Suggestions that the treaty needed revision made it desirable to make a more extensive study of the subject than that embodied in the summary report of the commission, published in 1919, covering the whole field of reciprocity and commercial treaties. The new study examines particularly the extent to which the reciprocity treaty enabled the United States to expand its exports to Cuba.

The reciprocity treaty, effective December 27, 1903, provided that the United States and Cuba should each give favorable treatment to the "products of the soil or industry of the other," namely, reductions of existing or future duties and a continuance of the existing free lists. The United States accorded a uniform reduction of 20 per cent of its duties; Cuba accorded reductions of 20, 25, 30, or 40 per cent of her duties upon all dutiable products except tobacco. The Cuban negotiators conceded the greater percentages of reduction because the treaty was expected to prove advantageous to all products exported from Cuba, while it was believed that many American products, either because they already dominated the Cuban market or because they would be unable to compete therein, would receive no material stimulus from reductions limited to 20 per cent of the comparatively low Cuban duties.

A review of the entire trade between the United States and Cuba since 1900 shows that the trade on which the United States has made reductions of duty has greatly exceeded the trade on which Cuba has made reductions, Cuba having what is called a "favorable" balance of trade with the United States. Expressing the concessions on the two sides, not as percentages of the duties but as percentages of the value of the trade (i. e., in ad valorem equivalents), it is seen that the reductions of 20 per cent of the American tariff rates considerably exceeded the reductions of 20 to 40 per cent of the Cuban rates. The greater trade received the greater concessions, and the total nominal sacrifice of revenue on the part of the United States has been three times as great as the nominal sacrifice by Cuba. The sacrifice of revenue has been largely nominal. Cuba readjusted her tariff rates on February 1, 1904, so as to produce a greater revenue than was obtained prior to the treaty. The treaty left the United States equally free to change its tariff rates, but Congress reenacted the rates upon sugar and tobacco in 1909 and in 1913 reduced the duty upon sugar. State and private finances are altogether different, since the State has power to adjust its income to the expenditures voted by the representatives of the people; the remission of taxation by a government is presumably no sacrifice by it but is a relief to its citizens. But in the early years of the operation of the treaty the United States made a real and important sacrifice of revenue, since a considerable part of the revenue remitted upon imports of sugar took the form of higher prices for the Cuban producers.

Both before and after reciprocity the United States took practically all of Cuba's sugar until Cuban exports outgrew the import requirements of the United States. The United States is Cuba's natural

market. The preferential rates accorded by the United States have not in any important degree expanded the American demand for the products of Cuba in the sense of diverting to the United States products which would otherwise have had to seek a market elsewhere; but the reciprocity treaty has given to Cuban sugar such an advantage over sugar from other exporting countries as to practically eliminate the importation into the United States of sugar from countries other than Cuba.

The treaty was of particular value to Cuba in the earlier years when American buyers bid up the price of Cuban sugar to avoid as far as possible the necessity of buying full-duty sugars. Up to July 1, 1909, the United States had remitted \$48,000,000 in sugar duties, a considerable part of which went to the Cuban producers. This part of the remission was most important in the development of the Cuban sugar industry, both directly, and in giving investors and creditors confidence in the future of that industry. The political relations between the United States and Cuba contributed to this confidence.

The great expansion of the Cuban sugar industry compelled the planters after 1911 to look for markets outside the United States and thus deprived them of the price premium they had formerly enjoyed in the United States; but their industry continued to expand and to supply the United States with increasing percentages of its total consumption of sugar. The American sugar industry has also expanded (except for continental United States, since 1922), but even including noncontiguous territory the expansion has been slower than the Cuban, and beginning with the fiscal year 1913 Cuba has supplied more than half of the sugar consumed in the United States.

In more recent years the exclusive concessions which Cuba enjoys have not been without value to her in guaranteeing to her a favored market, in preventing similar concessions by the United States to other countries, and in obtaining special advantages for minor products, especially those which enter free from Cuba though dutiable when produced elsewhere, such as manganese ore, coconuts, alligator pears, and logs of cedar and mahogany.

Whatever advantages have accrued to the United States from the reciprocity treaty must be sought, in contrast to the advantages to Cuba, wholly to the extent that it has facilitated the expansion of American exports in competition with Cuban imports from other sources; for the exporters of the United States have not received through the operation of the reciprocity treaty higher profits per unit on sales to Cuba than on other sales.

Looking only at the growth of United States exports to Cuba, one might easily be misled into attributing undue importance to the reciprocity treaty. Broad comparisons and detailed analysis put a different light upon the matter. Comparisons with United States exports to Canada (in spite of the British preference fully established in 1900), to Mexico, and to eight Caribbean countries show that the total value of exports to Cuba developed somewhat more rapidly than did total values to the other nearby markets, if average imports in 1905-1907 are taken as showing the immediate effects of reciprocity; but that by 1912-1914 the expansion both in Canada and the eight Caribbean countries exceeded that in Cuba.

More significant are the figures showing the changes in the percentages of total imports derived from the United States. With

reciprocity, the percentage of Cuban imports obtained from the United States increased from 1900 to 1905-1907 from 44.2 to 49.4; but without reciprocity, the percentage for six Caribbean countries combined rose from 41.1 to 50.8, and for Mexico, from 50.6 to 62.6 per cent. After a score of years of reciprocity, in 1922-1925 the United States supplied 65.6 per cent of Cuba's imports, 66.9 per cent of Canada's, 67.3 per cent of those of the six Caribbean countries, and 69.1 per cent of Mexico's. These percentages are not presented as conclusive, but they are undeniably suggestive and significant. The values and the percentages together suggest that, while, owing to reciprocity and to other favorable factors such as political stability and the investment of foreign capital, Cuba's purchasing power rapidly increased after reciprocity and the total value of her purchases from the United States developed with special rapidity for several years, this special rapidity had ceased before 1912-1914, and by 1922-1925 Cuba was no more favorable a market for American goods than were other neighboring countries.

As a final test of the immediate effectiveness of the reciprocity treaty, the commission has compared Cuban imports from the United States for 1902-3 and for 1905-1907, taking 130 leading articles separately, and showing the development of the trade with the *ad valorem* equivalents of the tariff reductions based on the trade of 1905. This survey, covering over 90 per cent of the trade, shows that two-thirds of the trade made no material shift in favor of the United States—in each item the percentage of total imports supplied by the United States either decreased or increased by less than 5 per cent of the total. On the other hand, 52 items imported from the United States to an average annual value of \$12,252,000 in 1905-1907, being 34 per cent of the total here analyzed, show increases in percentages supplied by the United States ranging from 5 to 66 points. For 17 of these items, representing annual trade of \$2,438,000, the Cuban tariff concessions were less than 5 per cent *ad valorem*, and it seems improbable that the increases in the trade should be attributed to the concessions. This leaves 35 items, representing \$9,814,000 of annual trade, upon which there was a moderate or substantial concession and a moderate or substantial increase in the percentage of imports supplied by the United States. These 35 items cover 27.1 per cent of the trade represented by the 130 items examined. Caution forbids the hasty conclusion that the preference accounted for this increase in 27 per cent of the total trade. The need for caution is suggested by such facts as that for natural fertilizers, which are free of duty and therefore without preference, the increase in the percentage supplied by the United States rose by not less than 73 points. Evidently there must be a further check before concluding that substantial concessions on 35 items were the cause of substantial increases in the percentages of total imports supplied by the United States. Further comparisons offer such a check.

It is difficult to match the classifications of the Cuban and American statistics, but United States export figures for 13 classifications are found to cover 72 per cent of the total trade of the above 35 items, excluding coffee. For these 13 classifications, tabulations of exports by countries show that every substantial development, both absolute and relative, in the United States trade with Cuba between 1902-3 and

1095-1907 was paralleled by a perhaps equally significant improvement in Central America, South America, Mexico, or Canada. Boots and shoes are an important item. The figures show not only that United States exports to Central America increased relatively more rapidly than exports to Cuba, but also that the exports to Cuba were displacing Cuban imports from other sources more rapidly before than after reciprocity. The detailed statistics, therefore, support the indications of the previous analysis that in a large measure the growth of American exports to Cuba even in the years immediately following the establishment of reciprocity was not dependent upon tariff concessions but would have taken place in the absence of the reciprocity treaty as it was doing at the same time in other markets.

An appraisal of the whole situation leads to the conclusion that the concessions granted by Cuba have exerted an influence upon trade which, even in the years immediately following the treaty, accounted for but a minor part of the expansion of United States exports to that island, and which at present is not the determining factor in any considerable percentage of the total trade. The tariff concessions which Cuba extends to the United States averaged in 1923 only 4.6 per cent of the total value of Cuba's dutiable imports from the United States. The conclusion seems warranted that with respect to most varieties of manufactured goods, Cuba's tariff concessions, seldom exceeding 10 per cent ad valorem, have exerted and now exert very much less influence upon the course of trade than was anticipated by the negotiators of the treaty.

The present study has taken no notice of the revision of the Cuban tariff in October, 1927. Its changes on the whole seem more likely to decrease than to increase the advantages which the reciprocity treaty affords to the United States.

XVII. ACTIVITIES OF NEW YORK OFFICE AND EUROPEAN HEADQUARTERS

THE NEW YORK OFFICE

The New York office of the commission, established in the customhouse through the cooperation of the Treasury Department, has been active in the performance of its major function of furnishing original data respecting imports and other information secured directly from the customs records which may not be taken from the customhouse building. In those section 315 investigations where invoice prices are used as evidence of foreign costs, the New York office is in a position to acquire detailed and accurate figures on f. o. b. prices and all subsequent charges such as ocean freights, consular fees, marine insurance, and landing costs. This work it is enabled to accomplish readily and cheaply because of its location at New York and through its established connections with importers and others. It obtains information required by the commission not only from customhouse records but by going directly to individuals.

In the preparation of preliminary reports on applications for section 315 investigations, and also other reports and surveys, it is often important to ascertain the volume of imports of a commodity included in a general provision of the tariff. This specific information the office obtains partly from analyses of the customs records and partly from interviews with the appraisers and the importers. Sometimes

information in regard to segregated imports can be obtained only after extended research, sometimes it can be furnished promptly in response to a telegram from Washington.

In practically all investigations the New York office is so located and equipped as to be able to furnish information, the obtaining of which would otherwise require the sending of some one from the headquarters office of the commission at Washington. This makes for a considerable saving in expense. When experts do go from Washington to New York to make investigations, the contacts which the New York office has made with importers, manufacturers, and others in New York and vicinity, and the other cooperating assistance which it is enabled to render effect a great saving in time and consequently in expense.

It is difficult to indicate by any one general statement the functions performed and the kind of information and assistance furnished by the New York office. Its work does not relate to imports alone. For instance, during the past year the office has made special reports upon internal sales distribution of bent-wood chairs and imitation pearls. In a word, any information to be found in New York needed by the commission in any investigation, the New York office either itself gets or assists others to get.

THE EUROPEAN HEADQUARTERS

The headquarters maintained by the commission at Brussels, Belgium, serves chiefly as the agency of the commission in making contacts for all cost investigations in Europe. This it accomplishes partly through diplomatic channels and partly through its established associations with individuals. In the less complicated investigations the commission has obviated the expense of sending experts from Washington, by relying on the Brussels office both to make contacts and to obtain cost data and other data needed. In the more complicated investigations—window glass, for instance—in connection with which experts were sent from Washington, the European office has been of material assistance not only in making the contacts for the cost finding but also in getting the more general information required. In all investigations the office furnishes a detailed economic report.

A phase of the work of the European office which has considerably developed during the past year is the collection, upon the request of the commodity divisions of the Washington staff, of material for use in tariff information surveys and other commission publications. Under this head a study of wages and of the productivity of labor in European tanneries, undertaken in response to Senate Resolutions 163 and 169 concerning calf and kid leather, and involving field work in Belgium, Holland, England, France, and Germany is in progress. Studies have been completed and reports transmitted on the following subjects: Wages in Germany in the Textile and Knit Goods Industries; Prices of Hardware; Manufactures of Hand-Made Lace in Belgium, France, and Italy; Whale and Fish Oil.

During the year the office has continued the preparation and transmission of weekly reports containing up-to-date information of interest to all persons connected with tariff matters. These reports,

covering distinct subjects or items to the number of 178, have in general been concerned with industrial and financial conditions abroad in various industries and the trade developments having a bearing upon competitive conditions and the tariff.

During the past year the Brussels office has had the cooperation of the offices maintained abroad by various departments of the United States Government. The commission desires to express its appreciation of the assistance given by American consular and diplomatic officials, and the courtesies extended by the representatives of foreign governments and commercial associations. American consular officials have been particularly helpful; almost without exception they have responded promptly to the commission's inquiries and in a number of instances have voluntarily prepared reports which have proved valuable.

XVIII. SURVEYS, REPORTS, AND INVESTIGATIONS

SCHEDULE I, CHEMICALS, OILS, AND PAINTS

(a) GENERAL STATEMENT

The chemical division is concerned with chemicals, dyes, drugs, paints, varnishes, pigments, perfumes, and oils of all kinds. Its work during the past year may be outlined as follows:

(1) Surveys and reports for the information of the Congress; (2) census of dyes and other synthetic organic chemicals; (3) compilation of import statistics of dyes and synthetic organic chemicals, in cooperation with the Department of Commerce; (4) investigations for the purposes of sections 315 and 316 of the tariff act of 1922.

(b) SURVEYS AND REPORTS

During the current year, the division has been chiefly occupied with work entailed by applications and investigations for the purposes of section 315 and with the annual publication of the Census of Dyes and Other Synthetic Organic Chemicals. No new surveys were written, but published surveys on the following commodities were elaborated and brought up to date: Amber, amber oil, gum arabic, chicle, chrome colors, chromic acid, crude phosphates, and soaps. These surveys are not in form for distribution, but upon short notice are available to the Congress.

In accordance with the plan of the commission to publish condensed forms of surveys, known as Summaries of Tariff Information, the division has compiled about 50 such summaries on various chemical commodities including crude botanical drugs.

SUMMARY OF CENSUS OF DYES AND OF OTHER SYNTHETIC ORGANIC CHEMICALS, 1927

The Census of Dyes and Other Synthetic Organic Chemicals, published annually by the Tariff Commission, has become an international authority on the dye industry. Frequent references in foreign and domestic trade journals and other publications evidence its authoritativeness. In a speech delivered before the Color Users Association, on the occasion of their ninth annual meeting, at Manchester, England, June 29, 1928, H. Sutcliffe Smith said:

It is very humiliating to admit that our chief source of information in regard to the progress, not only of the industry in this country but throughout the world, is from that valuable publication, the Census of Dyes and Other Synthetic Organic Chemicals, published by the United States Tariff Commission annually since 1917. The annual return now made by the dyestuffs industry development committee is useful and is of assistance to us, but the information it furnishes is incomplete and not at all comparable with that given in the American census of dyes.

A résumé of the eleventh Census of Dyes and Other Synthetic Organic Chemicals, published in October, 1928, follows:

COAL-TAR DYES

Domestic production.—The 1927 production of coal-tar dyes was the largest in the history of the American dye industry. The output of 95,000,000 pounds was an increase of 8 per cent over the previous year. Sales of dyes in 1927 amounted to 98,200,000 pounds, valued at \$38,200,000. Compared with sales in 1926, this represents an increase of 13.8 per cent in quantity and 5.2 per cent in value. The average selling price of dyes in 1927 was 39 cents per pound, or 7 per cent less than that in 1926. Fifty-five firms reported production in 1927 as compared with 61 in 1926.

Domestic manufacturers supplied about 94 per cent of the quantity of dyes consumed in the United States in 1927, and in addition exported nearly 27,000,000 pounds. The industry continued to advance in the manufacture of vat dyes, alizarin derivatives, direct dyes, and special colors for dyeing rayon and mixed fabrics, and in the development of new colors, many of which even the older dye-producing countries had not produced.

Decline in domestic dye prices.—The weighted average price per pound of all domestic dyes sold in 1927 was 7 per cent less than the weighted average of those sold in 1926. High-priced as well as low-priced dyes shared in the decline. Comparative prices in recent years were as follows: 1917, \$1.26; 1922, 60 cents; 1924, 54 cents; 1925, 47 cents; 1926, 42 cents; 1927, 39 cents.

Imports.—In 1927, as in 1926, imports of coal-tar dyes decreased. The 1927 import of 4,182,026 pounds, valued at \$3,423,918, was a decline of 10 per cent in quantity, and 16.5 per cent in value, from 1926. The dyes imported are almost entirely from Germany and Switzerland, and are largely of the high cost specialty type.

Exports.—The total exports of coal-tar dyes in 1927 was 26,766,168 pounds, valued at \$5,491,466. This is an increase of 4 per cent in quantity, but a decrease of 8 per cent in value, as compared with 1926. The principal foreign markets are China, Japan, British India, and Ceylon. As in previous years, indigo and sulphur black were the principal dyes exported.

SYNTHETIC ORGANIC CHEMICALS NOT DERIVED FROM COAL TAR

The production of synthetic organic chemicals not of coal-tar origin continues to increase more rapidly than that of coal-tar products. The domestic production of 280,992,825 pounds in 1927 is an increase of 31 per cent over the 1926 production. Sales in 1927 amounted to 201,548,089 pounds, valued at \$36,600,628, or an increase of 23 per cent over the 1926 value of sales. The increased production in 1927 is due in large part to the increased output of lacquer and pyroxylin plastic solvents.

Solvents showing a substantial increase in production are butanol, amyl alcohol, methanol (synthetic), and ethers of ethylene glycol. Certain solvents are now made in large quantities for use in the manufacture of nitrocellulose lacquers. Because of their brilliancy, relatively low cost of application, and durability, they are also used in house interiors and on furniture. These lacquers have almost entirely replaced varnishes and enamels for automobile finishes.

INTERNATIONAL DYE TRADE IN 1927

Significant developments took place in the international dye trade in 1927. The year was marked by increased activities of the Interessen Gemeinschaft, the largest chemical and dye organization of Germany. With an increase of 250,000,000 marks in capital, this company extended German manufacturing interests both at home and abroad. It centralized and coordinated dye manufacture, expanded the export trade in dyes, and greatly increased the production of nitrogen and synthetic gasoline. International agreements have been a factor in the progress that Germany has made toward recovery of her pre-war position in the dye trade of the world. By the terms of the Franco-German agreement, competition in dyes between France and Germany is eliminated, technical aid is furnished the French dye industry, and an export quota on dyes is assigned to France.

Although Great Britain is not yet a party to any international agreement, a distinct trend toward centralized control of the British dye industry is manifest. The Imperial Chemical Industries (Ltd.), the large chemical organization in the United Kingdom, has, through the issuance of 6,580,000 preference shares of £1 each out of the existing authorized but unissued capital, provided funds for taking over other chemical companies in Great Britain.

Other developments of significance are the world-wide trend toward the use of fast dyes, and the manufacture of many new types of fast dyes and specialties.

As a result of expansion during and shortly after the war, the world's capacity to produce dyes is more than 600,000,000 pounds a year. Although the principal producing nations have expanded their export trade, production statistics for 1927 indicate that the producing nations, as a whole, are operating at not more than 60 per cent of capacity. This excess capacity to produce has precipitated a struggle for foreign markets, particularly in the Orient where the lower priced bulk colors are sold. It has also resulted in the elimination of some producers and in a continued recession of prices, and has led each nation to adopt special measures for the protection of its home market.

(c) COOPERATION WITH OTHER GOVERNMENT DEPARTMENTS

Department of Commerce.—The commission continues to cooperate with the Department of Commerce in an arrangement started in January, 1923, to compile and publish a monthly list of imports of dyes and other coal-tar chemicals provided for in paragraphs 27 and 28 of the tariff act of 1922. Beginning with August, 1925, these monthly lists were extended to include chemicals other than those of coal-tar origin coming within paragraphs 1, 5, 23, and 61, viz, acids

and acid anhydrides, chemical compounds, n. s. p. f., drugs and medicinal chemicals in capsules, pills, and similar forms, and perfume materials. The prompt publication of these lists in the first week of the month following the importation of the dyes is an aid to domestic manufacturers in planning their production programs, and to consumers in purchasing dyes.

Since May, 1923, the commission has also cooperated with the Department of Commerce in issuing a semiannual report on bacteriological stains, indicators, and research chemicals imported for consumption in the United States.

(d) INVESTIGATIONS FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

(1) APPLICATIONS RECEIVED AND INVESTIGATIONS INSTITUTED

Since July 1, 1927, the commission has received applications for investigations for the purposes of section 315, looking toward a change in duty on methanol, compounds used in the purification of illuminating gas, barium chloride, argols, peanut oil, and perfumes.

In order to assist the commission in determining whether investigations were warranted, the division made a preliminary study of each of these commodities covering production, consumption, imports, exports, prices, costs of production, and competitive conditions. Some of these studies required field work.

In April, 1928, the commission instituted investigations for the purposes of section 315, of refined potassium nitrate; in July, 1928, barium chloride; and in August, 1928, decolorizing carbons.

In response to a Senate resolution, dated May 28, 1928, that the commission investigate the cost of production of fertilizer urea, a report on the subject was sent to the Senate.

(2) REPORTS TO THE PRESIDENT

Barium carbonate.—On January 8, 1926, the commission instituted an investigation for the purposes of section 315, of the costs of production of precipitated barium carbonate. Cost data were obtained for 1924 and 1925 from three domestic producers and from three producers in Germany.

The annual domestic consumption of barium carbonate increased from an average of about 7,500 short tons in the period from 1918 to 1922, inclusive, to over 12,000 short tons in 1926. Information obtained by the commission as to the proportions used in 1925 by the chief consuming industries shows that 46.2 per cent was used in face brick, terra cotta, roofing and building tile, and sewer pipe; 21.3 per cent in enamelware, plumbing, and electrical fixtures; 18.4 per cent in barium chemicals; 11.4 per cent in casehardening compounds; and 2.7 per cent in the purification of water.

Sales by domestic producers decreased from 6,052 short tons in 1924 to 3,962 short tons in 1925. Imports increased from 3,752 short tons in 1924, valued at \$128,217, to 7,180 short tons in 1925, valued at \$160,164, to 9,224 short tons in 1926, valued at \$189,167, but decreased to 4,918 short tons in 1927, valued at \$119,014. In value per ton, however, imports showed a decline, the average being as follows: 1924, \$34.20; 1925, \$22.28; 1926, \$20.51; 1927, \$24.20. Germany has been the chief source of imports.

The principal raw material used in the domestic production of precipitated barium carbonate is barytes, a natural barium sulphate mineral mined in Missouri, Georgia, and Tennessee. Witherite, a mineral containing about 92 to 94 per cent of barium carbonate, is used to a limited extent as a substitute for precipitated barium carbonate in the manufacture of brick and of casehardening compounds.

The difference in costs of production in the United States and in Germany, the principal competing country in 1924 and 1925, including transportation from domestic and foreign plants to Willoughby, Ohio, the principal market, were found to be 1.621 cents per pound. The difference of 1.621 cents was greater than the duty of 1 cent per pound, and greater than the maximum duty; namely, 1½ cents per pound, permissible under section 315, subdivision (b).

On March 26, 1928, the President issued a proclamation increasing the duty on precipitated barium carbonate from 1 cent per pound to 1½ cents per pound, effective April 25, 1928.

Sodium silicofluoride.—On July 24, 1925, the commission instituted an investigation for the purposes of section 315 of the tariff act of 1922, of the costs of production of sodium silicofluoride. Domestic cost data covering the production of 11 plants were obtained for the year 1924, and of 8 plants for the first 6 months of 1925, the entire number of plants operating during these years. Foreign costs of production were obtained for the same years in Denmark and Holland.

The largest uses of sodium silicofluoride are in the manufacture of enamelware and opalescent glassware, and as an acid rinse in laundries. For the former use, about 3,000,000 pounds are annually required, and for the latter, about 2,000,000 pounds.

Domestic production in 1923 was approximately 5,000,000 pounds, valued at a little more than \$300,000; in 1924, approximately 3,000,000 pounds, valued at \$200,000; and in 1925, about 2,768,000 pounds, valued at \$138,000. Imports as compiled from invoices amounted to 1,943,794 pounds in 1924, or about 62 per cent of the apparent domestic consumption; in 1925, 2,458,974 pounds, or about 91 per cent of the apparent domestic consumption; and 2,654,048 pounds in 1926: Imports have come chiefly from Denmark and Holland and to a less extent from Germany.

The differences in weighted average costs of production in the United States and in Denmark and Holland, the principal competing countries, were found to be 2.89 cents and 2.27 cents per pound for 1924 and 1925, respectively, as recorded in the books of the company; and 2.11 cents and 1.31 cents per pound for 1924 and 1925, respectively, with adjustment for depreciation. Since production costs for Denmark and Holland could not be published separately without revealing confidential information, costs for the two countries were combined. Costs were lower in Denmark than in Holland, hence the average of the two countries is higher than the figure for Denmark.

Where the maximum increase in duty of 50 per cent ad valorem, provided for in Title I, does not equalize the difference in costs of production in the United States and the principal competing country, the statute requires the application of subdivision (b) of section 315. Subdivision (b) provides that in case the maximum increase of 50 per cent does not equalize the ascertained difference in costs of production, the ad valorem duty shall be based upon the American

selling price as defined in subdivision (f) of section 402 of the act of 1922.

The difference in costs of production between the United States and Denmark, the principal competing country, was greater than the maximum increase permissible under the statute.

On August 31, 1928, the President issued a proclamation, effective September 15, 1928, changing the duty on sodium silicofluoride from 25 per cent ad valorem on the foreign value, to 25 per cent ad valorem on the American selling price as defined in subdivision (f) of section 402 of the act of 1922.

Potassium permanganate.—On May 25, 1927, the commission instituted an investigation for the purposes of section 315 of the tariff act of 1922, of the costs of production of potassium permanganate. Domestic and foreign costs of production were obtained in the latter part of 1927.

The largest use of potassium permanganate is in the purification of the zinc salts used in the manufacture of the pigment lithopone; other important uses are as a chemical laboratory reagent, as an antiseptic, and a disinfectant in medicine, and in the compounding of remedies for poultry diseases. An important military use is as an ingredient of the filler in gas-mask cannisters for the absorption of lethal gases.

Since 1923 there has been only one domestic manufacturer of potassium permanganate. In Europe, Germany is the principal producing country, and Czechoslovakia probably the second.

Imports of potassium permanganate in 1923 amounted to 1,121,613 pounds, valued at \$142,877, or \$0.13 per pound; in 1926 to 235,688 pounds, valued at \$20,852, or \$0.092 per pound; and in 1927 to 319,332 pounds, valued at \$26,931, or \$0.084 per pound. About 70 per cent of the imports in 1926 and in 1927 originated in Germany.

Because costs of production were obtained from only one domestic and one German company, the difference in their costs can not be published without revealing confidential information. The difference was greater than 6 cents per pound, the maximum duty permissible under the provisions of section 315, whether cost comparisons include transportation costs to New York, the principal market for the domestic and the imported articles, or transportation costs for the domestic and the foreign articles, respectively, to their important markets in the United States.

On November 16, 1928, the President issued a proclamation increasing the duty on potassium permanganate from 4 cents per pound to 6 cents per pound, effective December 16, 1928.

(3) INVESTIGATIONS IN PROGRESS

Linseed oil.—An investigation for the purposes of section 315 of the tariff act of 1922, of the costs of production of linseed oil was instituted by the commission on May 4, 1923. Costs of production were obtained in the latter part of 1923 from domestic crushers and from British and Dutch producers. Hearings were held and briefs filed during 1924, and the report of the commission was sent to the President on March 3, 1925. On March 5, 1926, the President asked for data covering a longer period than that for which the commission had submitted costs and for raw material costs. In response to the President's request, the commission obtained costs from both do-

mestic and English producers of linseed oil for 1925 and 1926. Producers in Holland did not give production costs for these years. Costs of production of linseed oil were calculated for Holland, 1925-26, on the basis of conversion costs obtained previously by the commission, and of prices paid for flaxseed and prices received for the oil and cake.

Linseed oil is a drying oil obtained from flaxseed and used chiefly in the manufacture of paints, varnishes, oilcloth, and linoleum. Prior to 1923, the United States imported more than half of its requirements of flaxseed, chiefly from Argentina. Since 1923, production has been slightly greater than imports. During the fiscal years 1924-1927, inclusive, the average annual production was 21,500,000 bushels, and the average annual import, 19,000,000 bushels. The imported seed is crushed in mills along the Atlantic seaboard; the domestic is crushed chiefly in the Middle West.

Imports of linseed oil reached a maximum in 1922, amounting to 19,184,826 gallons, as compared with a domestic production of 61,072,233 gallons. Thereafter decreased quantities came in, as shown by the following figures: 5,697,235 gallons in 1923; from 1,281,319 to 1,854,173 gallons in the three years 1924-1926; and 848,038 gallons in 1927. Domestic production in 1926 was 96,014,659 gallons, and in 1927, 103,561,933 gallons. Prior to and including the period for which the original costs of production were obtained, and also in 1925, England was the chief source of imports and Holland the next largest. In 1926 and 1927 Holland supplied more than any other country.

A preliminary statement of information, embodying the additional information obtained by the commission, has been issued to the trade and for use at the public hearing to be held in the offices of the commission on December 18, 1928.

Glue.—On July 24, 1925, the commission instituted an investigation for the purposes of section 315 of the tariff act of 1922, of the costs of production of glue. Costs of production for extracted bone glue and hide glue were obtained in the United States, and for extracted bone glue in Great Britain and Germany. In Great Britain the principal producer refused representatives of the commission access to the company's cost records, but another large manufacturer furnished cost data.

Glue is made from hides and bones. Its chief uses are as an adhesive in the manufacture of furniture and other wood products; as a binder for calcimine, for sizing paper and leather goods, and in compounding rubber.

Since 1921 the annual domestic production of hide glue has ranged between 58,000,000 and 65,000,000 pounds; extracted bone glue, between 8,000,000 and 9,000,000 pounds; and green bone glue, from 28,000,000 to 35,000,000 pounds. During the same period imports have been from 5,000,000 to 7,000,000 pounds annually, and have consisted largely of extracted bone glue. From 1923 to 1927, inclusive, Great Britain was the chief source of imports, but in 1926 imports from Germany all but equaled those from Great Britain. Imports from Great Britain are nearly all bone glue, those from Germany are probably 75 per cent bone, and the remainder low-grade hide glue.

A preliminary statement of information was issued prior to a public hearing held in the offices of the commission in Washington

March 23, 1928. Since that date the commission has obtained costs of production of hide glue in Germany, the principal source of imports.

Tartaric acid.—On March 4, 1926, the commission instituted an investigation for the purposes of section 315 of the tariff act of 1922, of the costs of production of tartaric acid. Costs of production were obtained for the United States, Italy, and Germany, for the years 1924 to 1926, inclusive.

Tartaric acid is made from argols and wine lees, which are almost entirely imported. The baking powder and pharmaceutical industries are the largest consumers of tartaric acid. Photography, package gelatin, confectionery, soft drinks, and tartrazine dyes are also consuming industries.

In 1925 the domestic production of tartaric acid was 5,498,920 pounds, as compared with imports of 3,472,252 pounds. A preliminary statement of information was issued prior to a public hearing held in the offices of the commission in Washington, July 25, 1928. Briefs were filed by interested parties on September 17, 1928. A report to the President is in course of preparation.

Cream of tartar.—On March 4, 1926, the commission instituted an investigation of the cost of production of cream of tartar.

Domestic costs of production were obtained from four manufacturers of cream of tartar. Costs of production were sought from individual producing companies in France, the principal source of imports, but were not obtained. Invoice prices were used as an evidence of foreign costs.

Cream of tartar is produced from the same raw materials as tartaric acid. Its principal use is as an ingredient of baking powders; other products into which it enters are self-raising flour and candy.

The apparent annual consumption of cream of tartar is about 7,250,000 pounds. In 1925 domestic production amounted to 7,041,766 pounds and imports to 315,652 pounds. In recent years, France has been the chief source of imports.

A preliminary statement of information was issued to the trade prior to a public hearing held in the offices of the commission on July 25, 1928. Briefs were filed by interested parties on September 17, 1928. A report to the President is in course of preparation.

Whiting and precipitated chalk.—On May 26, 1927, the commission instituted an investigation for the purposes of section 315 of the tariff act of 1922, of the costs of production of whiting and precipitated chalk. During the period July to November, 1927, the commission obtained domestic cost data from the five companies engaged in the production of whiting for sale, and from the two manufacturers of precipitated chalk. In August and September of 1927, the commission obtained foreign costs from two of the four manufacturers of whiting in Belgium, and from the principal producer of precipitated chalk in England.

Whiting is finely ground natural chalk, and is used chiefly in the manufacture of calcimine, wall paints, putty, and in the compounding of rubber. The whiting produced in the United States is made almost entirely from imported Belgian and French chalk. Precipitated chalk is made by a chemical process from limestone, and is chiefly used in the manufacture of tooth pastes. Production in the United States is wholly from domestic raw material.

Complete statistics on the domestic production of whiting are not available. Data collected by the commission on total sales in the period 1922 to 1926 by firms manufacturing whiting for sale show a maximum of 136,000,000 pounds sold in 1923 and a minimum of 110,000,000 pounds sold in 1926. The annual production of six companies manufacturing for their own consumption is estimated at 78,000,000 pounds.

Imports increased from less than 34,000,000 pounds in 1922, to 62,707,306 pounds in 1926. Apparent consumption in that year was about 251,000,000 pounds. Belgium is the chief source of imports.

Statistics of the domestic production of precipitated chalk can not be published without revealing confidential information. An estimate given before the Senate Finance Committee in 1922 put the annual consumption at 5,000,000 pounds.

Imports in 1926 amounted to 3,132,527 pounds and in 1927 to 2,766,401 pounds. Statistics are not available for earlier years. England was the chief source of imports in 1926 and 1927, supplying about 80 per cent of the total.

A preliminary statement of information on whiting and precipitated chalk was issued prior to the public hearing held in the offices of the commission on June 20, 1928. Briefs on whiting were filed by interested parties on July 23, 1928. A report to the President is in course of preparation.

Sodium phosphate.—On May 25, 1927, an investigation for the purposes of section 315 of the tariff act of 1922, of the costs of production of sodium phosphate was instituted by the commission.

Three kinds of sodium phosphate are known in commerce—mono, di, and tri sodium phosphate—all made from the same raw material, phosphoric acid, and each having its distinct uses. Monosodium phosphate is relatively unimportant, only small quantities being used for baking powders and for medicinal purposes. Disodium phosphate is used in weighting silk, from 75 to 90 per cent of total consumption being used for this purpose. Trisodium phosphate, the form that the bulk of domestic production takes, is used chiefly in household and industrial cleaning preparations.

Domestic cost data for the calendar year 1926 were obtained in the latter part of 1927 from the six manufacturers. Costs of production of disodium phosphate were obtained from the principal producer in Germany for the calendar year 1926, and of di and tri sodium phosphate from the single manufacturer in Belgium for the periods July 1, 1925, to June 30, 1926, July 1, 1926, to June 30, 1927, and July 1 to December 31, 1927.

Census figures for 1925 show a production of 106,000,000 pounds of trisalt, and 30,500,000 pounds of mono and di salts, of which the monosalt constitutes only a small proportion. In 1926 imports of all forms of sodium phosphate amounted to 9,066,657 pounds, valued at \$228,313, or \$0.0252 per pound. Of the total imports, disalt constituted the largest percentage and trisalt the next. In 1927 imports of all kinds of sodium phosphate were approximately double those of 1926.

Foreign competition is chiefly from disodium phosphate, the principal market for which is near the Atlantic seaboard. The consumption of trisodium phosphate is widely scattered over the country.

A preliminary statement of information has been issued for use at a public hearing to be held on January 15, 1929.

Nitrate of potash, refined.—On April 18, 1928, the commission instituted an investigation for the purposes of section 315 of the tariff act of 1922, of the costs of production of refined nitrate of potash. Costs of production were obtained from the domestic producer in 1928.

About 30 per cent of the refined nitrate of potash consumed in the United States is used in the manufacture of black powder, 20 per cent in fireworks, 45 per cent by the meat-packing industry, and the remainder in drugs, and certain kinds of glass and enamel ware. The total domestic consumption for several years following the war is estimated at ten to fifteen million pounds annually.

Imports of refined nitrate of potash increased from 5,924,564 pounds in 1923, to 10,145,305 pounds in 1926, and decreased to 8,429,036 pounds in 1927. These imports came largely from Germany. In the latter part of 1924 the plant of the largest domestic producer was destroyed by fire. A new plant was completed in 1926, and operated during 1927.

Barium chloride.—On July 20, 1928, the commission instituted an investigation for the purposes of section 315 of the tariff act of 1922, of the costs of production of barium chloride. Domestic and foreign field work in Germany has been completed.

Barium chloride is used chiefly in the preparation of color lakes for lithographic inks and paints; as a weighting agent in kid leather; and in the purification of salt brine. There are two domestic manufacturers. Imports in recent years have averaged about 3,500,000 pounds. In 1927 Germany and Belgium were the principal sources of imports, each supplying almost equal quantities. During the first six months of 1928 Belgium was the chief source.

Decolorizing and deodorizing carbons.—On August 11, 1928, the commission instituted an investigation for the purposes of section 315 of the tariff act of 1922, of the costs of production of decolorizing and deodorizing carbons. Domestic field work is completed and negotiations for obtaining costs of production in Holland are under way.

Decolorizing and deodorizing carbons are certain kinds of charcoal which have been activated by special processes, so that they are capable of absorbing much greater quantities of coloring matter or of impurities than ordinary charcoals or bone char. The industrial application of these carbons, also known as activated carbons, is a result of the war-time development of carbons for gas mask cannisters to absorb chemically inert lethal gases. Decolorizing and deodorizing carbons are dutiable under paragraph 71.

The principal uses of decolorizing and deodorizing carbons are in the refining of sugar and sirups, vegetable oils and fats, glycerin, crystallized chemicals (both organic and inorganic), and the recovery of dry-cleaners' solvents.

Bone char is at the present time (1928) the chief decolorizing material used by the sugar and sirup industry. For cane sugar it has two distinct advantages over decolorizing carbons: (1) It will remove a far greater proportion of the mineral salts; (2) the spent material is at present more satisfactorily revived than are the spent decolorizing carbons. Activated carbons are much more powerful decolorizing agents than bone char, hence correspondingly smaller quantities are

required. The resultant saving in cost of equipment, materials, and operation per pound of sugar, is substantial. Development work is being carried out looking toward the further displacement of bone char by decolorizing carbons. Indications are that the present depressed condition of the sugar industry, with its overcapacity, and the large amount of capital tied up in bone-char equipment and material, offer serious obstacles to the general replacement of bone char by decolorizing carbons in the near future, but the development of other promising uses for decolorizing carbons should greatly increase their consumption.

There are two domestic manufacturers of decolorizing carbons. Imports in 1927 amounted to 1,126,446 pounds, doubling the quantity imported in 1925. Holland is the principal source of the imports, but the organization of cartels and the negotiation of international agreements among European producers indicate that Germany is endeavoring to obtain an increased share of the United States markets.

(e) EFFECT OF CHANGES IN DUTY ON IMPORTS AND PRICES

(1) *Barium dioxide*.—The President, by a proclamation effective June 18, 1924, increased the rate of duty on barium dioxide from 4 to 6 cents per pound. Imports in 1925, amounting to over 1,270,000 pounds, were about one-third less than imports in 1923. Beginning with 1926, imports have been insignificant compared with former years.

The following table shows imports of barium dioxide from 1923 to June, 1928.

Barium dioxide: Imports for consumption, 1923-1928 (six months)

[Source: Foreign Commerce and Navigation of the United States]

[Rate of duty under act of 1922, 4 cents per pound. Rate of duty changed by presidential proclamation to 6 cents per pound, June 18, 1924]

| Year | Quantity | Foreign value | Unit value |
|-------------------------|------------------------------|---------------|------------|
| 1923..... | <i>Pounds</i> 1, 810, 593 | \$152, 270 | \$0. 084 |
| 1924 ¹ | 698, 949 | 52, 587 | . 075 |
| 1924 ² | 1, 021, 756 | 87, 787 | . 066 |
| 1924 (total)..... | 1, 720, 705 | 120, 374 | . 070 |
| 1925..... | 1, 270, 443 | 70, 553 | . 056 |
| 1926..... | 98, 901 | 8, 157 | . 082 |
| 1927..... | 11, 496 | 1, 264 | . 110 |
| 1928 (6 months)..... | 12, 142 | 1, 261 | . 104 |

¹ Imports prior to June 18, 1924, date of increase in rate of duty.

² June 18 to Dec. 31, 1924.

Following the change in rate, New York spot prices of both domestic and imported barium dioxide remained constant at 17 cents and 15 cents, respectively, until May, 1925. They then declined to 13 cents per pound for both domestic and imported, a level that was maintained for the domestic through December, 1927, and for the imported through June, 1927. Imported barium dioxide was quoted at 12 cents from July, 1927, through August, 1928.

The following table shows the price per pound of domestic and imported barium dioxide in the spot New York market from 1923 to August, 1928.

Barium dioxide: Price¹ per pound, 86 to 88 per cent, New York spot market, 1923-1928

| Month | 1923 | | 1924 | | 1925 | | 1926 | | 1927 | | 1928 | |
|-----------|----------|----------|----------|-----------------------|----------|----------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| | Domestic | Imported | Domestic | Imported | Domestic | Imported | Domestic ² | Imported ² | Domestic ² | Imported ³ | Domestic ² | Imported ³ |
| January | \$0.18 | \$0.14 | \$0.17 | \$0.13 ^{1/2} | \$0.17 | \$0.15 | \$0.13 | \$0.13 | \$0.13 | \$0.13 | ----- | \$0.12 |
| February | .18 | .14 | .17 | .13 ^{1/2} | .17 | .15 | .13 | .13 | .13 | .13 | ----- | .12 |
| March | .17 | .14 | .16 | .15 | .16 | .15 | .13 | .13 | .13 | .13 | ----- | .12 |
| April | .17 | .14 | .17 | .14 ^{1/2} | .16 | .15 | .13 | .13 | .13 | .13 | ----- | .12 |
| May | .17 | .14 | .17 | .14 ^{1/2} | .13 | .13 | .13 | .13 | .13 | .13 | ----- | .12 |
| June | .17 | .14 | .17 | .15 | .13 | .13 | .13 | .13 | .13 | .13 | ----- | .12 |
| July | .17 | .14 | .17 | .15 | .13 | .13 | .13 | .13 | .13 | .13 | ----- | .12 |
| August | .17 | .14 | .17 | .15 | .13 | .13 | .13 | .13 | .13 | .13 | ----- | .12 |
| September | .17 | .14 | .17 | .15 | .13 | .13 | .13 | .13 | .13 | .13 | ----- | .12 |
| October | .17 | .14 | .17 | .15 | .13 | .13 | .13 | .13 | .13 | .13 | ----- | .12 |
| November | .17 | .14 | .17 | .15 | .13 | .13 | .13 | .13 | .13 | .13 | ----- | .12 |
| December | .17 | .14 | .17 | .15 | .14 | ----- | .13 | .13 | .13 | .12 | ----- | .12 |

¹ The low quotation on the date nearest the 1st of each month. Source: Drug and Chemical Markets (1923-1927) and Oil, Paint, and Drug Reporter (1928).

² 88 per cent.

³ 86 to 88 per cent.

⁴ Increase in rate of duty, effective June 18, 1924.

(2) *Diethylbarbituric acid (barbital)*.—On November 4, 1924, the President issued a proclamation, effective November 29, 1924, changing the basis of the assessment of duty on diethylbarbituric acid from 25 per cent ad valorem on the foreign market value to 25 per cent ad valorem on the "American selling price" as defined in subdivision (f) of section 402 of the tariff act of 1922 of similar products produced in the United States and sold under their respective chemical names or under their respective trade names (including barbital and barbital sodium) "not using for the purpose of said basis and assessment such price of such articles when sold under the trade-mark name Veronal or Veronal-sodium."

The incompleteness of import statistics for this chemical makes it difficult to determine the effect of the change in duty on foreign shipments to this country.

Following the change in duty the price of imported barbital increased. In November, 1924, it was quoted at \$3.30 per pound, and in December, immediately after the increase, at \$4.50. In February, 1925, there was a decline to \$4, which price was maintained until November, when it increased to \$4.20. In January-March, 1926, the quotation was \$4.15 per pound; from April, 1926, to March, 1927, inclusive, it was \$4, since when it has remained at \$3.85 through November, 1927. Since February, 1928, the price has been \$3.65.

Domestic barbital, on the other hand, declined from \$10 per pound preceding the change in duty to \$8 for the month following the change in duty. This price was maintained through November, 1927. Since then the price has been \$4.60 per pound.

The following table shows the price per pound of domestic and imported barbital, New York spot market, from January, 1924, to August, 1928.

Diethylbarbituric acid: Price¹ per pound, New York spot market, 1924-1928

| Month | 1924 | | 1925 | | 1926 | | 1927 | | 1928 | |
|----------------|-------------------|-------------------|---------------|---------------|---------------------|---------------|---------------|---------------|---------------|---------------|
| | Do- mestic | Im- ported | Do- mestic | Im- ported | Do- mestic | Im- ported | Do- mestic | Im- ported | Do- mestic | Im- ported |
| January..... | \$8.50 | ----- | \$8.00 | \$4.25 | ² \$8.00 | \$4.15 | \$8.00 | \$4.00 | \$4.60 | \$3.80 |
| February..... | 8.50 | ----- | 8.00 | 4.00 | 8.00 | 4.15 | 8.00 | 4.10 | 4.60 | 3.85 |
| March..... | 8.00 | \$4.10 | 8.00 | 4.10 | 8.00 | 4.15 | 8.00 | 4.00 | 4.60 | 3.85 |
| April..... | 8.50 | ----- | 8.00 | 4.00 | 8.00 | 4.00 | 8.00 | 3.85 | 4.60 | 3.85 |
| May..... | 10.00 | 3.75 | 8.00 | 4.00 | ³ 8.00 | 4.00 | 8.00 | 3.85 | 4.60 | 3.85 |
| June..... | 10.00 | 3.75 | 8.00 | 4.00 | 8.00 | 4.00 | 8.00 | 3.85 | 4.60 | 3.85 |
| July..... | 10.00 | 3.75 | 8.00 | 4.00 | 8.00 | 4.00 | 8.00 | 3.85 | 4.60 | 3.85 |
| August..... | 10.00 | 3.50 | 8.00 | 4.00 | 8.00 | 4.00 | 8.00 | 3.85 | 4.60 | 3.85 |
| September..... | 10.00 | 3.50 | 8.00 | 4.00 | 8.00 | 4.00 | 8.00 | 3.85 | ----- | ----- |
| October..... | 10.00 | 3.50 | 8.00 | 4.00 | 8.00 | 4.00 | 8.00 | 3.85 | ----- | ----- |
| November..... | 10.00 | 3.30 | 8.00 | 4.00 | 8.00 | 4.00 | 8.00 | 3.85 | ----- | ----- |
| December..... | ⁴ 8.00 | ⁴ 4.50 | 8.00 | 4.20 | 8.00 | 4.00 | 4.60 | 3.75 | ----- | ----- |

¹ The low quotation on the date nearest the first of each month. Source: Drug and Chemical Markets, New York.

² Drug and Chemical Markets.

³ Beginning May, 1926, quotations are from Drug Markets.

⁴ Increase in the rate of duty effective Nov. 29, 1924.

(3) *Oxalic acid*.—The President, by proclamation, increased the rate of duty on oxalic acid from 4 to 6 cents per pound, effective January 28, 1925. Imports reached their maximum in 1924 when 3,135,664 pounds were imported. Beginning with 1926 the quantities imported have been substantially less than in the years before the change in the rate of duty, 1,580,000 pounds in 1926, and 1,800,000 pounds in 1927, compared with about 2,600,000 pounds in 1923 and in 1925.

The following table shows imports of oxalic acid for the years 1923 to June, 1928.

Oxalic acid: Imports for consumption, 1923-1928 (6 months)

[Source: Foreign Commerce and Navigation of the United States]

Rate of duty under act of 1922, 4 cents per pound. Rate of duty changed by presidential proclamation to 6 cents per pound, January 28, 1925]

| Year | Quantity | Foreign value | Unit value |
|-------------------------|----------------------------|---------------|------------|
| 1923..... | <i>Pounds</i> 2,621,302 | \$206,100 | \$0.079 |
| 1924..... | 3,135,664 | 177,641 | .057 |
| 1925 ¹ | 2,569,275 | 117,639 | .046 |
| 1926..... | 1,583,011 | 71,685 | .045 |
| 1927..... | 1,843,732 | 98,657 | .054 |
| 1928 (6 months)..... | 480,554 | 25,741 | .054 |

¹ Increase in rate of duty effective Jan. 28, 1925.

For the five months preceding the change in duty the price of oxalic acid was constant at about 9½ cents per pound spot, New York. Following the change in rate both the domestic and the imported had a slightly higher market value. From March, 1925, through September, 1926, prices were fairly stable at 10¾ cents per pound for domestic and 10¾ to 11¾ cents for the imported. Since October, 1926, domestic acid has been 11 cents and imported 11 to 11¾ cents per pound.

The following table gives monthly quotations on imported and domestic oxalic acid in the New York spot market for the years 1924 to August, 1928.

Oxalic acid: Price¹ per pound, New York spot market, 1924-1928

| Month | 1924 | | 1925 | | 1926 | | 1927 | | 1928 | |
|----------------|--------------------|-----------------------|-----------------------|-----------------------|-----------------------|--------------------|---------------|-----------------------|---------------|-----------------------|
| | Do- mestic | Im- ported | Do- mestic | Im- ported | Do- mestic | Im- ported | Do- mestic | Im- ported | Do- mestic | Im- ported |
| January..... | \$0.12 | \$0.11 ^{1/2} | \$0.10 ^{1/4} | \$0.10 ^{1/4} | \$0.10 ^{1/4} | \$0.11 | \$0.11 | \$0.11 ^{1/2} | \$0.11 | \$0.11 ^{1/4} |
| February..... | .11 ^{1/2} | .11 ^{1/4} | .11 | .10 ^{1/2} | .10 ^{1/2} | .11 | .11 | .11 ^{1/2} | .11 | .11 ^{1/4} |
| March..... | .10 ^{1/2} | .10 ^{1/4} | .10 ^{1/4} | .10 ^{1/4} | .10 ^{1/2} | .11 | .11 | .11 ^{1/2} | .11 | .11 ^{1/4} |
| April..... | .10 | .10 ^{1/2} | .10 ^{1/4} | .10 ^{1/4} | .10 ^{1/2} | .11 | .11 | .11 ^{1/2} | .11 | .11 ^{1/4} |
| May..... | .10 ^{1/4} | .10 ^{1/4} | .10 ^{1/4} | .10 ^{1/4} | .10 ^{1/2} | .11 ^{1/2} | .11 | .11 ^{1/2} | .11 | .11 ^{1/4} |
| June..... | .10 ^{1/4} | .10 | .10 ^{1/4} | .10 ^{1/4} | .10 ^{1/2} | .11 ^{1/2} | .11 | .11 ^{1/2} | .11 | .11 ^{1/4} |
| July..... | .10 | .10 | .10 ^{1/4} | .11 | .10 ^{1/2} | .11 ^{1/2} | .11 | ----- | .11 | .11 ^{1/4} |
| August..... | .09 ^{3/4} | .09 ^{1/2} | .10 ^{1/4} | .11 | .10 ^{1/4} | .11 ^{1/2} | .11 | ----- | .11 | .11 ^{1/4} |
| September..... | .09 ^{1/2} | .09 ^{1/2} | .10 ^{1/4} | .11 | .10 ^{1/4} | .11 | .11 | .11 ^{1/4} | ----- | ----- |
| October..... | .09 ^{1/2} | .09 ^{1/2} | .10 ^{1/4} | .11 | .11 | .11 | .11 | .11 ^{1/4} | ----- | ----- |
| November..... | .09 ^{1/2} | .09 ^{1/2} | .10 ^{1/4} | .11 | .11 | .11 | .11 | .11 ^{1/4} | ----- | ----- |
| December..... | .09 ^{1/2} | .09 ^{1/2} | .10 ^{1/4} | .11 | .11 | .11 ^{1/2} | .11 | .11 ^{1/4} | ----- | ----- |

¹ The low quotation on date nearest the 1st of each month. Source: Drug and Chemical Markets, New York.

² Increase in rate of duty effective Jan. 23, 1925.

³ Beginning May, 1926, quotations are from Chemical Markets, and January, 1928, Oil, Paint, and Drug Reporter.

(4) *Methanol*.—The President's proclamation increasing the rate of duty on methanol from 12 to 18 cents per gallon became effective December 27, 1926. In the 12 months prior to the change in duty imports amounted to 754,917 gallons, or nearly 10 per cent of domestic consumption. In the 12 months following the change 1,714,442 gallons of methanol were imported. Importations in 1927 represent a peak in entries of methanol. Domestic production of synthetic methanol by two firms commenced in 1927 and the product was offered for sale for a price as low as 42 cents per gallon, compared with unit values of 46 cents on imports during the preceding year.

The following table shows monthly imports of methanol from January, 1926, to June, 1928, inclusive.

Methanol: Imports for consumption, 1926-1928

[Source: Oil, Paint, and Drug Reporter]

Rate of duty under act of 1922, 12 cents per gallon. Rate of duty changed by presidential proclamation to 18 cents per gallon, December 27, 1926]

| Month | 1926 | | | 1927 | | | 1928 | | |
|----------------|--------------------------|-------------------------------|--|---------------------------|------------------|-------------------------------|--------------------------|-----------------------|-------------------------------|
| | Quan- tity | Foreign value ¹ | For- eign unit value ¹ | Quantity | Foreign value | For- eign unit value | Quan- tity | For- eign value | For- eign unit value |
| January..... | <i>Gallons</i> 67,692 | \$31,044 | \$.46 | <i>Gallons</i> 312,196 | \$140,810 | \$.45 | <i>Gallons</i> 54,224 | \$13,475 | \$.248 |
| February..... | 43,486 | 19,937 | .46 | 67,241 | 29,464 | .44 | 73,939 | 18,137 | .245 |
| March..... | 71,749 | 32,390 | .45 | 145,928 | 61,283 | .42 | ----- | ----- | ----- |
| April..... | 36,215 | 15,521 | .43 | 164,349 | 67,923 | .41 | ----- | ----- | ----- |
| May..... | 55,079 | 25,334 | .46 | 316,172 | 138,582 | .44 | ----- | ----- | ----- |
| June..... | 20,436 | 9,435 | .46 | 199,541 | 87,456 | .44 | ----- | ----- | ----- |
| July..... | 34,963 | 14,393 | .41 | 102,352 | 44,380 | .43 | ----- | ----- | ----- |
| August..... | 32,865 | 15,028 | .46 | 95,008 | 41,619 | .44 | ----- | ----- | ----- |
| September..... | 80,435 | 37,171 | .46 | 52,724 | 23,606 | .45 | ----- | ----- | ----- |
| October..... | 38,966 | 18,095 | .46 | 88,385 | 32,851 | .37 | ----- | ----- | ----- |
| November..... | 71,508 | 33,790 | .46 | 76,598 | 23,338 | .31 | ----- | ----- | ----- |
| December..... | 201,625 | 93,249 | .47 | 93,918 | 26,650 | .28 | ----- | ----- | ----- |
| Total..... | 754,917 | 345,530 | .46 | 1,714,442 | 718,412 | .42 | ----- | ----- | ----- |

¹ Not including duty and other charges.

² Increased rate effective Dec. 27, 1926.

Methanol: Price¹ per gallon, New York spot market, in tanks, January, 1926, to June, 1928

[Source: Oil, Paint, and Drug Reporter]

| Month | 95 per cent | | | Pure | | |
|----------------|-------------|--------|--------|--------|--------|--------|
| | 1926 | 1927 | 1928 | 1926 | 1927 | 1928 |
| January..... | \$0.55 | \$0.80 | \$0.45 | \$0.65 | \$0.85 | \$0.50 |
| February..... | .55 | .80 | .40 | .65 | .85 | 46½ |
| March..... | .55 | .80 | .43 | .65 | .80 | 46½ |
| April..... | .53 | .80 | .43 | .65 | .85 | 46½ |
| May..... | .53 | .80 | .43 | .65 | .85 | 42½ |
| June..... | .53 | .63 | .43 | .65 | .68 | 40½ |
| July..... | .52 | .63 | ----- | .65 | .68 | ----- |
| August..... | .55 | .63 | .45 | .65 | .68 | .50 |
| September..... | .65 | .50 | ----- | .75 | .55 | ----- |
| October..... | .65 | .50 | ----- | .75 | .55 | ----- |
| November..... | .70 | .45 | ----- | .80 | .50 | ----- |
| December..... | 2.75 | .45 | ----- | 2.85 | .50 | ----- |

¹ The low quotation on the date nearest the first of the month.

² Increase in rate of duty effective Dec. 27, 1926.

Following the change in duty the New York wholesale prices on all grades of methanol increased approximately 5 cents per gallon, and the 85 per cent grade another 5 cents the next month.

A fairly uniform level was then maintained through May when, owing to competition of imported material and seasonal depression, prices receded to 50 cents per gallon for 95 per cent and 55 cents for pure methanol in September, with gradual recessions to 43 cents for 95 per cent and 40½ cents for pure in June, 1928. There was a strengthening to 45 and 50 cents per gallon in August.

(5) *Potassium chlorate*.—The President, by proclamation, increased the rate of duty on potassium chlorate from 1½ to 2¼ cents per pound; effective May 11, 1925. Imports of potassium chlorate and perchlorate were not shown separately prior to May 11, 1924, but were chiefly potassium chlorate. Imports of potassium chlorate in 1924 amounted to 7,520,700 pounds;^a in 1925, 5,551,381 pounds; 1926, 12,000,000 pounds; and 1927, 13,000,000 pounds. The volume of imports in 1926 and in 1927 was about the same as in 1923 and in previous years.

The following table shows imports of potassium chlorate for the years 1923 to June, 1928, inclusive.

Potassium chlorate: Imports for consumption, 1923-1928 (six months)

[Source: Foreign Commerce and Navigation of United States]

[Rate of duty, under act of 1922, 1½ cents per pound. Rate of duty changed by presidential proclamation to 2¼ cents per pound, May 11, 1925]

| Year | Quantity | Foreign value | Unit value |
|-------------------------|---------------|---------------|------------|
| | <i>Pounds</i> | | |
| 1923 ¹ | 13,498,145 | \$569,399 | \$0.042 |
| 1924 ¹ | 7,520,700 | 310,643 | .041 |
| 1925 ² | 3,761,444 | 141,530 | .038 |
| 1925 ³ | 5,551,381 | 202,014 | .036 |
| 1925 (total)..... | 9,312,825 | 343,544 | .037 |
| 1926..... | 12,110,875 | 450,883 | .038 |
| 1927..... | 13,122,384 | 476,887 | .036 |
| 1928 (6 months)..... | 6,161,354 | 216,570 | .035 |

¹ Includes potassium perchlorate.

² Imports prior to May 11, 1925, date of increase in rate of duty.

³ May 11 to Dec. 31, 1925.

• Includes potassium perchlorate.

The average invoice price of imports of potassium chlorate since the change in duty is practically the same as before. From January, 1924, to August, 1928, domestic potassium chlorate was quoted at ½ cents a pound. Imported potassium chlorate, quoted at 6¾ to 9 cents a pound from January to April, 1925—a period prior to the change in duty—advanced to 8½ cents in June and to 9 cents in July, following the change. The quoted price from August, 1925, to November, 1927, was uniformly 8¼ cents a pound. Since then it has varied irregularly from 7½ to 7¾ cents.

The following table shows the prices of imported and domestic potassium chlorate in the spot New York market from January, 1924, to August, 1928, inclusive.

Potassium chlorate, powdered: Price¹ per pound, New York spot market, 1924-1928

| Month | 1924 | | 1925 | | 1926 | | 1927 | | 1928 | |
|----------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| | Domestic | Imported | Domestic | Imported | Domestic | Imported | Domestic | Imported | Domestic | Imported |
| January..... | \$. 08½ | \$. 07½ | \$. 08½ | \$. 06¾ | \$. 08½ | \$. 08½ | \$. 08½ | \$. 08½ | \$. 08½ | \$. 07½ |
| February..... | . 08½ | . 07½ | . 08½ | . 06¾ | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 07½ |
| March..... | . 08½ | . 07 | . 08½ | . 07 | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 07½ |
| April..... | . 08½ | . 07½ | . 08½ | . 09 | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 07½ |
| May..... | . 08½ | . 06¾ | 2. 08½ | 2. 08½ | 3. 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 07½ |
| June..... | . 08½ | . 06¾ | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 07½ |
| July..... | . 08½ | . 06¾ | . 08½ | . 09 | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 07½ |
| August..... | . 08½ | . 07 | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | ----- |
| September..... | . 08½ | . 06¾ | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | ----- |
| October..... | . 08½ | . 06½ | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | ----- |
| November..... | . 08½ | . 06½ | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | ----- |
| December..... | . 08½ | . 06½ | . 08½ | . 08½ | . 08½ | . 08½ | . 08½ | . 07½ | ----- | ----- |

¹ The low quotation on the date nearest the 1st of each month. Source: Drug and Chemical Markets, New York.

² Increase in rate of duty effective May 11, 1925.

³ May, 1926, to December, 1927, quotations are from Chemical Markets; 1928, from Oil, Paint and Drug Reporter.

(6) *Sodium nitrite*.—The President's proclamation increasing the rate of duty on sodium nitrite from 3 to 4½ cents per pound became effective June 5, 1924. From a volume of 4,500,000 pounds in 1923 and in 1924, imports decreased to about 1,900,000 pounds in 1925 and in 1926, to 291,726 pounds in 1927, and to 44,975 pounds during the first six months of 1928.

The following table shows imports of sodium nitrite for the years 1923 to June, 1928.

Sodium nitrite: Imports for consumption, 1923-1928 (six months)

[Source: Foreign Commerce and Navigation of the United States]

Rate of duty under act of 1922, 3 cents per pound. Rate of duty changed by presidential proclamation to 4½ cents per pound, June 5, 1924]

| Year | Quantity | Foreign value | Unit value |
|-----------------------|-----------|---------------|------------|
| 23..... | 4,685,527 | \$209,029 | \$. 045 |
| 24 ¹ | 3,277,065 | 129,167 | . 039 |
| 24 ² | 1,234,274 | 49,198 | . 040 |
| 24 (total)..... | 4,511,339 | 178,365 | . 040 |
| 25..... | 1,971,105 | 78,149 | . 040 |
| 26..... | 1,927,189 | 69,575 | . 036 |
| 27..... | 291,726 | 10,809 | . 037 |
| 28 (6 months)..... | 44,975 | 1,675 | . 037 |

¹ Imports prior to June 5, 1924, date of increase in rate of duty.

² June 5 to Dec. 31, 1924.

Following the change in duty, the price of both the domestic and the imported sodium nitrite increased, the imported slightly more than the domestic. During the three months preceding the change prices were stable at 8½ cents for both the domestic and the imported. By the early months of 1925 quotations had become fairly constant at 8⅝ cents for domestic and 9½ cents for imported. These prices were maintained until September, 1925, when both the imported and domestic sold for about 9 cents. During the first eight months of 1926 the domestic price was constant at 9 cents. From June, 1926, to March, 1927, the imported was quoted at 8¾ cents and since then at 8½ cents. The domestic product dropped to 8¾ cents in September, 1926, to 8 cents in April, 1927, 7½ cents in December, 1927, and 7¼ cents in March, 1928, at which price it has since been quoted.

The following table shows the monthly price of sodium nitrite, domestic and imported, in the spot New York market from January, 1923, to September, 1928, inclusive.

Sodium nitrite: Price¹ per pound 96 to 98 per cent, New York spot market, 1923-1928

| Month | 1923 | | 1924 | | 1925 | | 1926 | | 1927 | | 1928 | |
|----------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| | Do- mes- tic | Im- port- ed | Do- mes- tic | Im- port- ed | Do- mes- tic | Im- port- ed | Do- mes- tic | Im- port- ed | Do- mes- tic | Im- port- ed | Do- mes- tic | Im- port- ed |
| January..... | \$0.10 | \$0.08 | \$0.08 | \$0.08¼ | \$0.08½ | \$0.09¼ | \$0.09 | \$0.087½ | \$0.08½ | \$0.08¼ | \$0.07½ | \$0.08¼ |
| February..... | .10 | .08½ | .07¾ | .07¾ | .08½ | .09½ | .09 | .09 | .08¾ | .08¼ | .07½ | .08½ |
| March..... | .10 | .08¾ | .08¼ | .08¼ | .08½ | .09½ | .09 | .08½ | .08¼ | .08¼ | .07¼ | .08½ |
| April..... | .10 | .08¾ | .08¼ | .08¼ | .08½ | .09¼ | .09 | .08½ | .08 | .08½ | .07¾ | .08½ |
| May..... | .10 | .08¾ | .08¼ | .08¼ | .08½ | .09¼ | .09 | .08½ | .08 | .08½ | .07¾ | .08¼ |
| June..... | .08¾ | .08 | .08½ | .08¼ | .08½ | .09¼ | .09 | .08¼ | .08 | .08½ | .07¾ | .08¼ |
| July..... | .07¾ | .07¾ | .08½ | .08¼ | .08½ | .09¼ | .09 | .08¼ | .08 | ----- | .07¾ | .08¼ |
| August..... | .07¾ | .07½ | .08¼ | .08¼ | .08½ | .09¼ | .09 | .08¼ | .08 | ----- | .07¾ | .08¼ |
| September..... | .07¾ | .07½ | .08¼ | .08¼ | .08½ | .09 | .08¼ | .08 | ----- | .08½ | ----- | ----- |
| October..... | .07¾ | .07½ | .08 | .08 | .08½ | .09 | .08¼ | .08 | ----- | .08½ | ----- | ----- |
| November..... | .07¾ | .07½ | .08 | .08¼ | .08 | .09 | .08¼ | .08 | ----- | .08½ | ----- | ----- |
| December..... | .08 | .07½ | .09¼ | .09½ | .09½ | .09 | .08¾ | .08¼ | .07½ | .08½ | ----- | ----- |

¹ The low quotation on the date nearest the 1st of each month. Source: Oil, Paint, and Drug Reporter, New York.

² Increase in rate of duty effective June 4, 1924.

³ Beginning May, 1926, quotations are from Chemical Markets.

(7) *Cresylic acid*.—The President, by proclamation, effective August 19, 1927, decreased the rate of duty on cresylic acid from 7 cents per pound and 40 per cent ad valorem on the basis of the American selling price to 3½ cents per pound and 20 per cent ad valorem on the basis of the American selling price.

Imports of cresylic acid amounted to 441,646 pounds in 1924, decreased greatly in 1925 and 1926, and were negligible in 1927 up to the time of the decrease in the rate of duty. In October and November, 1927, and May, 1928, imports were unusually large. The following table shows monthly imports of cresylic acid from January, 1926, to June, 1928.

Prices of cresylic acid, 97-99 per cent, pale, had an upward tendency in the London market beginning April, 1927, and in the New York market, beginning May, 1927, from 40 and 60 cents per gallon, respectively, to 54 cents in London from September, 1927, through March, 1928; and 72 to 73 cents in New York from October, 1927,

through November, 1928. During April, May, and June, 1928, London prices increased to 59 cents per gallon, but in June again dropped back to 54 cents.

Cresylic acid: Imports for consumption, 1926-1928

[Source: Foreign Commerce and Navigation of the United States]

Rate of duty under act of 1922: September 22, 1922, 7 cents per pound plus 55 per cent; September 22, 1924, 7 cents per pound plus 40 per cent (based on American selling price). Rate of duty changed by presidential proclamation to 3¼ cents per pound plus 20 per cent, based on the American selling price, effective August 19, 1927]

| Month | 1926 | | | 1927 | | | 1928 | | |
|----------------|---------------|-------|------------|---------------|--------|------------|---------------|----------|------------|
| | Quantity | Value | Unit value | Quantity | Value | Unit value | Quantity | Value | Unit value |
| | <i>Pounds</i> | | | <i>Pounds</i> | | | <i>Pounds</i> | | |
| January..... | | | | | | | 350,529 | \$19,200 | \$0.055 |
| February..... | | | | 10 | \$4 | \$0.400 | | | |
| March..... | | | | | | | | | |
| April..... | 501 | \$90 | \$0.180 | | | | 112,024 | 10,378 | .093 |
| May..... | | | | | | | | | |
| June..... | 915 | 80 | .087 | | | | | | |
| July..... | | | | 1,964 | 135 | .140 | | | |
| August..... | | | | | | | | | |
| September..... | 22,604 | 4,145 | .183 | | | | | | |
| October..... | | | | 1,126 | 160 | .142 | | | |
| November..... | 1,912 | 433 | .226 | 196,054 | 12,875 | .066 | | | |
| December..... | | | | 411,732 | 24,272 | .059 | | | |
| Total..... | 25,932 | 4,748 | .183 | 609,886 | 37,446 | .061 | | | |

¹ Decrease in rate of duty effective Aug. 19, 1927.

Prices of cresol, U. S. P., a refined grade of cresylic acid used for medicinal purposes, at New York were constant at \$1.52-\$1.74 per gallon from October, 1927, to March, 1928, inclusive, but in April dropped to \$1.22-\$1.48 per gallon, this price being maintained through June, 1928.

The following table shows monthly prices of cresylic acid, 97-99 per cent, pale, in the London and New York markets, and cresol, J. S. P., in the New York market, from January, 1926, to June, 1928.

Cresylic acid, 97-99 per cent pale: Prices at New York¹ and London,² January, 1926, to June, 1928

| Month | 1926 | | 1927 | | 1928 | |
|----------------|---------------|---------------|---------------|---------------|--------|---------------|
| | London | New York | London | New York | London | New York |
| January..... | \$0.32-\$0.35 | \$0.60-\$0.72 | \$0.40-\$0.51 | \$0.60-\$0.63 | \$0.54 | \$0.72-\$0.74 |
| February..... | .32-.37 | .65-.72 | .40-.42 | .60-.63 | .54 | .72-.74 |
| March..... | .32-.36 | .65-.72 | .40-.46 | .60-.63 | .54 | .73-.75 |
| April..... | .31-.35 | .65-.72 | .41-.44 | .60-.63 | .59 | .73-.80 |
| May..... | .34-.35 | .63-.72 | .43-.51 | .65-.67 | .59 | .73-.80 |
| June..... | .34-.35 | .62-.72 | .46-.51 | .65-.67 | .59 | .73-.80 |
| July..... | .34-.37 | .58-.64 | .52-.54 | .65-.67 | .54 | .73-.80 |
| August..... | .41-.42 | .56-.60 | .52-.54 | .66-.68 | | .72-.75 |
| September..... | .41-.44 | .59-.65 | .54-.55 | .65-.70 | | .72-.75 |
| October..... | .40-.42 | .62-.67 | .54-.55 | .72-.75 | | .72-.75 |
| November..... | .40-.42 | .58-.63 | .54-.55 | .72-.74 | | |
| December..... | .40-.56 | .60-.63 | .54-.55 | .72-.74 | | |

¹ Oil, Paint, and Drug Reporter, New York.

² Chemistry and Industry, London, from January, 1926, to June, 1927; Chemical Trade Journal, from June, 1927, to August, 1928, inclusive. Prices from London journal are "net and naked sellers' works."

Cresol, U. S. P.: Prices at New York, January, 1926, to June, 1928

[Source: Oil, Paint, and Drug Reporter, New York]

| Month | New York | | |
|----------------|---------------|---------------|---------------|
| | 1926 | 1927 | 1928 |
| January..... | \$1.57-\$1.74 | \$1.52-\$1.74 | \$1.52-\$1.74 |
| February..... | 1.57- 1.74 | 1.52- 1.74 | 1.52- 1.74 |
| March..... | 1.57- 1.74 | 1.52- 1.74 | 1.52- 1.74 |
| April..... | 1.57- 1.74 | 1.52- 1.74 | 1.22- 1.48 |
| May..... | 1.57- 1.74 | 1.52- 1.74 | 1.22- 1.48 |
| June..... | 1.57- 1.74 | 1.52- 1.74 | 1.22- 1.48 |
| July..... | 1.57- 1.74 | 1.52- 1.74 | 1.22- 1.48 |
| August..... | 1.57- 1.74 | 1.52- 1.74 | 1.22- 1.48 |
| September..... | 1.57- 1.74 | 1.52- 1.74 | ..... |
| October..... | 1.52- 1.74 | 1.52- 1.74 | ..... |
| November..... | 1.52- 1.74 | 1.52- 1.74 | ..... |
| December..... | 1.52- 1.74 | 1.52- 1.74 | ..... |

(8) *Phenol*.—The President, by proclamation effective November 30, 1927, decreased the rate of duty on phenol from 7 cents per pound, and 40 per cent ad valorem based on the American selling price, to 3½ cents per pound and 20 per cent ad valorem, based on the American selling price.

Imports of phenol reached a maximum under the act of 1922 of 256,126 pounds in 1925, and decreased each following year to 500 pounds in 1927. During the first six months of 1928 only 533 pounds were imported. The following table shows monthly imports of phenol from January, 1927, to June, 1928.

Phenol: Imports for consumption, 1927, to June, 1928

[Source: Foreign Commerce and Navigation of the United States]

[Rate of duty under act of 1922: September 22, 1922, 7 cents per pound plus 55 per cent; September 22, 1924, 7 cents per pound plus 40 per cent, based on American selling price. Rate of duty changed by presidential proclamation to 3½ cents per pound plus 20 per cent, based on American selling price, effective November 30, 1927]

| Month | 1927 | | | 1928 | | |
|----------------|----------|-------|------------|----------|-------|------------|
| | Quantity | Value | Unit value | Quantity | Value | Unit value |
| January..... | | | | | | |
| February..... | | | | | | |
| March..... | | | | 500 | \$90 | \$0.180 |
| April..... | | | | | | |
| May..... | | | | | | |
| June..... | | | | 33 | 7 | .212 |
| July..... | | | | | | |
| August..... | | | | | | |
| September..... | | | | | | |
| October..... | | | | | | |
| November..... | 500 | \$100 | \$0.200 | | | |
| December..... | (1) | (1) | | | | |
| Total..... | 500 | 100 | .200 | | | |

† 1 Decrease in rate of duty effective Nov. 30, 1927.

Prices of phenol in 1927, prior to the change in the rate of duty, had an irregular tendency in both the London and New York markets. In the London market the price was 14.2 cents per pound in January, 1927, decreasing the next two months to 12.1 cents in March, then increasing in the next two months to 17.2 cents in May, which price held through August. Since then there has been a gradual decrease to 13 cents per pound in February, 1928, this quotation prevailing

through July, 1928. The domestic market has been more stable, with quotations of 17 cents per pound during the first quarter of 1927, 16 cents during the next four months, 18 cents in August and September, 17 cents from October, 1927, to May, 1928, inclusive, declining to 15 cents in July, and 12¾ cents in August, 1928.

The following table gives monthly prices of phenol from January, 1927, to July, 1928, in the United States and in Great Britain:

*Phenol: Prices per pound in the United States and in Great Britain, January, 1927, to July, 1928*¹

| Month | 1927 | | 1928 | |
|----------------|---------------|---------------|---------------|---------------|
| | Great Britain | United States | Great Britain | United States |
| January..... | \$0.1416 | \$0.17 | \$0.15 | \$0.17 |
| February..... | .1263 | .17 | .13 | .17 |
| March..... | .1214 | .17 | .13 | .17 |
| April..... | .1265 | .17 | .13 | .17 |
| May..... | .1720 | .16 | .13 | .17 |
| June..... | .1720 | .16 | .13 | .15 |
| July..... | .1720 | .16 | .13 | .15 |
| August..... | .1720 | .16 | ----- | .12¾ |
| September..... | .16 | .18 | ----- | ----- |
| October..... | .16 | .17 | ----- | ----- |
| November..... | .16 | .17 | ----- | ----- |
| December..... | .15 | .17 | ----- | ----- |

¹ Prices in United States are for phenol U. S. P. in drums, taken from Oil, Paint, and Drug Reporter; English prices are for carbolic acid, crystallized 40, taken from Chemistry and Industry, London, for 1927 and from Chemical Trade Journal for 1928. The United States product designated "Phenol U. S. P." is comparable in quality with the British product known as carbolic acid crystallized 40.

² Decrease in rate of duty effective Nov. 30, 1927.

(9) *Barium carbonate*.—The President, by proclamation effective April 25, 1928, increased the rate of duty on barium carbonate, precipitated, from 1 to 1½ cents per pound.

Imports increased greatly in the two months preceding the change in the rate of duty. In the first month following, imports were negligible, and in the second month there were none. The following table shows monthly imports of barium carbonate, precipitated, from January, 1927, to June, 1928:

Barium carbonate, precipitated: Imports for consumption, 1927-28

[Source: Foreign Commerce and Navigation of the United States]

[Rate of duty under act of 1922, 1 cent per pound; rate of duty changed by presidential proclamation to 1½ cents per pound, effective April 25, 1928]

| Month | 1927 | | | 1928 | | |
|----------------|---------------|-----------|------------|---------------|----------|------------|
| | Quantity | Value | Unit value | Quantity | Value | Unit value |
| | <i>Pounds</i> | | | <i>Pounds</i> | | |
| January..... | 804, 125 | \$10, 381 | \$0. 013 | 684, 391 | \$9, 769 | \$0. 014 |
| February..... | 891, 902 | 10, 750 | . 012 | 966, 347 | 10, 550 | . 011 |
| March..... | 1, 120, 152 | 13, 839 | . 012 | 1, 114, 668 | 11, 607 | . 010 |
| April..... | 462, 272 | 5, 316 | . 011 | 4, 412, 816 | 49, 728 | . 011 |
| May..... | 953, 446 | 11, 431 | . 012 | 1, 57, 119 | 667 | . 012 |
| June..... | 1, 153, 722 | 14, 427 | . 013 | ----- | ----- | ----- |
| July..... | 462, 040 | 5, 577 | . 012 | ----- | ----- | ----- |
| August..... | 111, 728 | 1, 459 | . 013 | ----- | ----- | ----- |
| September..... | 825, 746 | 9, 589 | . 012 | ----- | ----- | ----- |
| October..... | 1, 147, 056 | 14, 312 | . 012 | ----- | ----- | ----- |
| November..... | 1, 010, 127 | 11, 559 | . 011 | ----- | ----- | ----- |
| December..... | 893, 872 | 10, 574 | . 012 | ----- | ----- | ----- |
| Total..... | 9, 836, 188 | 119, 014 | . 012 | ----- | ----- | ----- |

¹ Increase in rate of duty effective Apr. 25, 1928.

Domestic barium carbonate, which had been quoted at \$47.50 to \$55 per ton for two months prior to the change in duty increased to \$57.50 to \$60 per ton the month following the change, and has remained at that level through August, 1928. This \$10 per ton increase in price is one-third of the increase in duty (1½ cents per pound is equal to \$30 per ton). Imported barium carbonate, which had been quoted at the same price as the domestic article, also increased \$10 per ton following the increase in the rate of duty.

*Barium carbonate; precipitated: Prices per ton of imported and domestic, New York market, 1927-28*¹

| Month | 1927 | | 1928 | |
|----------------|-----------|-----------|--------------|--------------|
| | Domestic | Imported | Domestic | Imported |
| January..... | \$50-\$52 | \$48-\$50 | \$48.00-\$50 | \$48.00-\$50 |
| February..... | 50-52 | 48-50 | 48.00-50 | 48.00-50 |
| March..... | 50-52 | 48-50 | 47.75-55 | 47.75-55 |
| April..... | 50-52 | 48-50 | 47.50-55 | 47.50-55 |
| May..... | 50-52 | 48-50 | 57.50-60 | 57.50-60 |
| June..... | 50-52 | 48-50 | 57.00-60 | 57.00-60 |
| July..... | 50-52 | 48-50 | 57.00-60 | 57.00-60 |
| August..... | 52-54 | 52-53 | 57.50-60 | 57.50-60 |
| September..... | 52-54 | 52-53 | ----- | ----- |
| October..... | 52-54 | 52-53 | ----- | ----- |
| November..... | 52-54 | 52-53 | ----- | ----- |
| December..... | 52-54 | 52-53 | ----- | ----- |

¹ Oil, Paint, and Drug Reporter, New York.

² Increase in rate of duty effective Apr. 25, 1928.

SCHEDULE 2. EARTHS, EARTHENWARE, AND GLASSWARE

(a) GENERAL STATEMENT

The ceramics division is concerned with all commodities included in Schedule 2 of the tariff act of 1922, except refractory brick, carbon, mica, and certain mineral substances not directly related to the pottery and glass industries. In addition it deals with common building brick, cement, and a number of other commodities specified in the sundries schedule and in the free list.

During the year the division concentrated largely on the following investigations for the purposes of section 315 of the tariff act of 1922: (1) Pottery, (2) blown glass perfume bottles, (3) manufactured and unmanufactured monumental granite, (4) plate glass, and (5) cylinder and sheet glass, commonly known as window glass. Preliminary studies have also been undertaken with respect to gauge glasses and blown glass tableware, each the subject of applications looking toward a change in rate of duty.

(b) STUDIES AND SURVEYS

During 1928 several commodities, including common building brick, Portland cement, and earthenware tiles were the subject of special studies. Data on these and other commodities have been assembled for the use of the Congress and with a view to later publication in the form of surveys. For the study of earthenware tiles, experts went into the field and obtained information from domestic manufacturers and from importers. At one large domestic plant

manufacturing processes were studied. In interviews with importers of tiles, samples of imported articles, foreign prices, transportation costs, and other expenses from foreign plants to American ports of importation, and general information regarding competitive conditions in the industry were obtained.

(c) INVESTIGATIONS UNDER THE GENERAL POWERS OF THE COMMISSION

Kaolin or china clay.—On April 20, 1928, the commission, under its general powers, instituted an investigation of kaolin or china clay.

Kaolin, or china clay, as it is commonly known, is a white or nearly white burning clay of a high grade and having a relatively low percentage of impurities. It is used chiefly as a filler or as a coating in the manufacture of paper, and in the manufacture of pottery white wares, such as china or porcelain, earthenware, and the better grades of earthenware tiles.

Domestic field work extending over a period of seven weeks was conducted by a commodity expert, an economist, and an accountant. Cost of production and other data for the calendar year 1927 were obtained from the records of 2 companies in Florida, 6 in Georgia, 4 in South Carolina, and 2 in North Carolina. In addition, a study was made of plant operations and of general competitive conditions including a detailed study of sales distribution of the several plants.

No foreign field work has been undertaken in this investigation. An analysis was made of invoices for china clay imported from England in 1927 through the port of Philadelphia, Pa. England is practically the only source of domestic imports of this commodity, shipments from there in 1927 amounting to more than 95 per cent of the total china clay imported into the United States in that year. Foreign prices of different grades of the English clay and data from which to calculate average transportation costs and other expenses incidental to importation of such clays, were obtained from the records of importers at New York City. Complete information as to the 1927 sales distribution of the imported product was also obtained from the importers.

Questionnaires have been sent to a number of domestic pottery, tile, and paper manufacturers for the purpose of obtaining information regarding the grades and quantities of domestic and imported china clays used in their plants, and regarding the comparability of the various grades of the respective domestic and foreign products.

(d) INVESTIGATIONS FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

(1) APPLICATIONS RECEIVED AND PRELIMINARY STUDIES MADE

Applications were filed with the commission during the fiscal year ended June 30, 1928, requesting investigations for the purposes of section 315 with respect to: (1) Gauge glasses, and (2) articles composed of fused silica.

In order to assist the commission in determining whether investigations should be instituted, the division made preliminary studies of gauge glasses and blown-glass tableware. Blown-glass tableware had been the subject of an application in 1927.

(2) INVESTIGATIONS IN PROGRESS

China and earthenware.—On March 19, 1925, the commission instituted an investigation, for the purposes of section 315, of the costs of production of china and earthen table, toilet, and kitchen wares. After preliminary field work in the investigation, china and earthen toilet wares were omitted from the investigation.

The investigation is concerned with the costs of production of individual articles of earthen or china table and kitchen wares of the kinds ordinarily used in private homes, and in hotels, restaurants, and other public places in preparing and serving food and beverages. For the purposes of comparing the costs of production of like domestic and foreign earthen and china dinnerware, the commission has tentatively selected the number and kinds of articles ordinarily used in making up a 100-piece dinner set to be sold in the American market; for earthen and china hotel and restaurant wares it selected an assortment of one dozen each of 13 different articles, considered representative of the products of the domestic industry, and of imports of similar wares into the United States.

Cost data have been obtained in the United States and in several foreign countries for the above articles of white ware, and for such articles further advanced in manufacture by the application of several types of decorations. Similar data have been obtained also for additional dinner and hotel wares, and for certain types of earthen and china cups, saucers, plates, etc., commonly known as short-line tableware.

The domestic earthen dinnerware industry, comprising at least 60 plants, is largely concentrated in the East Liverpool (Ohio) district, in eastern Ohio, western Pennsylvania, and in West Virginia near the Ohio border. Trenton, N. J., is also an important manufacturing point, and there are a few plants widely distributed throughout eastern seaboard States, and in Indiana and California.

China dinnerware is made in the United States in relatively small quantities, and in varying types and qualities. It is produced by at least two plants in Ohio, and by one plant each in New Jersey and New York.

Earthenware for hotel and restaurant use is produced largely in the plants making earthen dinnerware. Demand for this class of product has declined in recent years, and the comparatively small production may be accounted for in part by the increasing demand for American china hotel ware. Chinaware of this type is manufactured in relatively large quantities by about 18 plants widely scattered throughout New York, New Jersey, Pennsylvania, West Virginia, and Ohio.

Recent statistics of production and of imports of china and earthenware are given in the following table.

In the United States cost data were obtained from the records of 4 companies in Ohio and 1 company in New Jersey manufacturing earthen dinnerware; 2 companies in New Jersey manufacturing earthen hotel and restaurant wares, 1 company in New York manufacturing china dinnerware; and 1 company each in New Jersey, Pennsylvania, and West Virginia, and 2 companies in New York manufacturing china hotel and restaurant wares.

Earthen, stone, china, and porcelain wares consisting almost entirely of table, toilet, and kitchen wares. Domestic production and imports for consumption, 1924-1927

| | 1924 | 1925 | 1926 | 1927 ¹ |
|--|-------------------|-------------------|-------------------|-------------------|
| DOMESTIC PRODUCTION ² | | | | |
| Earthen, stone, and crockery wares: | | | | |
| White ware, including cream colored, white granite, semiporcelain, and semivitreous porcelain..... | \$36,277,578 | \$32,815,622 | \$33,563,570 | ----- |
| Red and brown white-lined cooking ware ³ | 983,932 | (⁴) | (⁴) | ----- |
| Stoneware, yellow ware, and Rockingham ware..... | 3,960,789 | 4,349,317 | 5,311,123 | ----- |
| Total earthen, stone, and crockery wares..... | 41,222,299 | 37,164,939 | 38,874,693 | ----- |
| China and porcelain wares: | | | | |
| Porcelain china, bone china, Delft and Belleek ware..... | 1,739,905 | 966,939 | 1,291,880 | ----- |
| Hotel china..... | 9,506,330 | 9,866,975 | 10,382,279 | ----- |
| Total China and porcelain wares..... | 11,246,235 | 10,833,914 | 11,674,159 | ----- |
| Total earthen, stone, china, and porcelain wares..... | 52,468,534 | 47,998,853 | 50,548,852 | ----- |
| IMPORTS FOR CONSUMPTION ⁵ | | | | |
| Earthen, stone, and crockery wares: | | | | |
| Table, toilet, and kitchen wares..... | 4,904,954 | 5,477,025 | 5,594,387 | \$6,011,145 |
| Common yellow, brown, etc., earthen ware and salt-glazed stoneware..... | 31,564 | 31,191 | 50,423 | 36,719 |
| Rockingham ware..... | 192,899 | 220,923 | 153,003 | 162,159 |
| Total earthen, stone, and crockery wares..... | 5,129,417 | 5,729,139 | 5,797,813 | 6,210,023 |
| China and porcelain wares: | | | | |
| Table, toilet, and kitchen wares..... | 9,906,613 | 9,859,846 | 10,632,611 | 11,109,645 |
| Total earthen, stone, china, and porcelain wares.. | 15,036,030 | 15,588,985 | 16,430,424 | 17,319,668 |

¹ Production for 1927 not available.
² Census of Manufactures.
³ Probably includes in part articles composed of china.
⁴ Not separately reported.
⁵ Commerce and Navigation of the United States.

In Germany, cost of production and other data were obtained from the records of 4 companies producing china dinner ware; 4 companies producing china hotel and restaurant wares; 4 companies producing various grades of short-line china tableware; and 2 companies producing earthen tableware.

In England, data were obtained from the books and manufacturing records of 4 companies producing earthen dinner ware; 4 companies producing so-called vitrified earthen hotel and restaurant wares; and from 3 companies producing high-grade bone-china tableware. All plants from which cost data were obtained are located in the Stoke-on-Trent district, North Staffordshire, probably the largest single pottery manufacturing center in the world.

The manufacture of pottery is so complicated that the determination of costs of production for individual articles is difficult. Numerous processes are employed before the ware, white or decorated, is finally finished. At any stage of manufacture the producer may incur the loss of the partly finished ware. Such losses must be taken into consideration when computing costs.

Because of the lack of detailed cost records in the United States and England, it was necessary to analyze all expenditures by departments, and to calculate from kiln and other records the total quantity of white ware produced and fired, and the total number of cubic feet of biscuit and glost kiln space fired during the cost period. In computing the biscuit and glost firing costs for individual pieces of

ware it was necessary to determine the space occupied by it in the kiln, due allowance being made for unoccupied firing space, and for the space displaced by the saggar, the fire clay receptacle in which the ware is placed for firing.

In Germany each of the plants from which cost data were obtained maintained a cost system in which the expenditures incurred during a cost period were uniformly departmentalized and summarized. From these basic data, and from the production and other records, it was possible to compute the costs of production for any article made.

Decorating costs for several types of decorations were computed for each article for which white-ware costs were obtained. Decorating costs for the relatively inexpensive decorations applied to the bulk of the dinner and hotel wares included within the scope of the investigation were less difficult to compute than white-ware costs, as the decorators are paid largely at piecework rates.

Granite.—On July 24, 1925, the commission instituted an investigation for the purposes of section 315, of the costs of production of unmanufactured granite and of granite hewn, dressed, polished, or otherwise manufactured, suitable for use as monumental or building stone. Preliminary field work resulted in the elimination of building granite from the investigation.

Barre, Vt., is the largest monumental granite quarrying and manufacturing district in the United States. The several varieties of local gray granite manufactured in that district are widely distributed throughout the United States. Quincy, Mass., St. Cloud, Minn., Wisconsin, and Pennsylvania are also important sources of supply of several varieties of monumental granite. Comparatively little unmanufactured monumental granite is sold in Minnesota, Wisconsin, or Pennsylvania to either dealers or manufacturers, as practically all the quarriers manufacture the stone obtained from their own quarries.

In recent years Sweden has been the largest exporter to the United States of unmanufactured monumental granite; and Germany is the largest exporter to this country of the manufactured product.

During 1925 the commission obtained data in the United States with respect to 1924 quarrying costs of unmanufactured monumental granite for 3 companies in Barre, Vt., and 5 companies in Quincy, Mass., producing gray granite; 5 companies in St. Cloud, Minn., and 3 companies in Wisconsin producing several varieties of red granite; and 2 companies in Pennsylvania producing black granite. The various classes of monumental granite produced in these districts constitute the bulk of sales in the industry, and most of them are comparable with the several important types of imported unmanufactured monumental granite.

In Sweden, cost data were obtained in detail from the books of three companies said to control about 80 per cent of the total granite business—particularly the quarrying operations—of that country. Each of these companies operates in several districts where different kinds of granite are available, and their expenditures for quarrying operations were separately recorded in their books for the various kinds of granite quarried. Detailed cost data were obtained for the outstanding types produced—4 were black granite, 2 of which were from the same quarrying district, 1 was gray, and 1 red. The types of granite for which cost data were obtained from these three companies constitute by far the largest percentage of imports from Sweden of unmanufactured monumental granite.

Cost data for finished monumental granite were obtained at the plants of 8 companies in Barre, Vt., the largest producing district; 5 companies in Quincy, Mass.; 6 companies in St. Cloud, Minn.; 3 companies in Wisconsin; and 2 companies in Pennsylvania. The granite monuments—known as dies—selected for the purpose of comparing costs of production of domestic and foreign products have four sides and the tops polished. Cost data were obtained for three styles of monuments—flat top, oval top, and serpentine top—and for four sizes in each style. These selected styles and sizes are considered representative of a large portion of the total domestic production and of the bulk of the imports of granite monuments.

Determination of the cost of producing finished monumental granite in the United States was difficult because the producing companies had not kept their costs of production records in the detail required by the commission. In order to obtain unit costs for the particular types and sizes of granite dies selected for the cost comparison, it was necessary to make labor time studies for the various operations in finishing monuments, such as cutting to dimension, rough surfacing, polishing, finishing tops, and rounding corners.

Cost data were obtained in Germany from four finishing plants located in the Fichtelgebirge district of Bavaria, the principal granite-finishing center. Comparatively little difficulty was experienced in computing direct labor costs for the various manufacturing operations because wage rates in the district were standardized through a piece-rate agreement between the manufacturers and the workers' organization. From the data obtained in Germany were computed the costs of production of the selected types and sizes of dies manufactured in that country from four varieties of imported Swedish rough granite, namely, Black Swede, Beers Red, Red Swede, and Bon Accord Gray, and from one variety of native German stone known as Sprenberger Syenite. These varieties were selected because the monumental dies fabricated from these classes of stone constitute the bulk of the imports into the United States of manufactured monumental granite from Germany, the principal competing country.

Data with respect to the costs of production of monumental granite dies were also obtained from two companies in Sweden and three companies in Aberdeen, Scotland.

A preliminary statement of information summarizing the cost and other data obtained in the investigation was sent to interested parties under the dates of June 15 and July 14, 1926.

A public hearing was held on July 15, and resumed on July 28 and 29, 1926. The investigation was completed in June, 1928, but the report showing the differences in costs of production of the respective domestic and foreign products has not as yet been published.

Cast polished plate glass.—In the commission's investigation of cast polished plate glass, both domestic and foreign field work have been done at two different times. In 1923 and 1924 cost data were obtained in the United States, in Belgium, and in Germany, and a public hearing was held in November and December, 1926. At this hearing Belgian plate-glass manufacturers, through counsel, called attention to the new processes developed and in use in plate-glass manufacture since the field work had been done, and requested the commission to continue the investigation. At the same time the Belgian manufacturers offered to cooperate with representatives of

the commission in obtaining from their records detailed costs of production in Belgium. The investigation was therefore continued, and in the spring of 1926 costs and other data were again obtained from both the domestic and the Belgian plate-glass plants.

In the United States cost data for the years 1923 to 1925, inclusive, were obtained from the records of all domestic plants manufacturing polished plate glass during that period, namely, six companies operating 13 plants producing plate glass by the casting method, and two companies operating three plants producing plate glass by the new method known as the "continuous process." In addition to the cost data obtained by an examination of each company's books, an analysis was made of the sales records at each plant, in order to determine the distribution of the product.

In Belgium cost data were obtained for the years 1923 to 1925 for all of the eight companies manufacturing polished plate glass in Belgium. Practically the same methods were used for verifying the cost data in Belgium as were used in the United States.

A second preliminary statement of information, summarizing the costs of production of polished plate glass in the United States and in Belgium, and other data obtained in the course of the investigation, was prepared, and a second public hearing was held on May 9 to 13, 1927. The investigation was completed in August, 1928, but the report showing the differences in the cost of producing the domestic and foreign products has not yet been published.

Recent production and import statistics respecting plate glass are shown below.

Polished plate glass: Domestic production and imports, for the years 1923-1927

| Year | United States production | Imports |
|-----------|--------------------------|--------------------|
| | <i>Square feet</i> | <i>Square feet</i> |
| 1923..... | 59, 069, 441 | 25, 918, 562 |
| 1924..... | 91, 554, 474 | 16, 805, 367 |
| 1925..... | 117, 224, 295 | 15, 845, 383 |
| 1926..... | 128, 857, 875 | 24, 044, 969 |
| 1927..... | 111, 390, 933 | 15, 050, 337 |

Blown glass perfume and toilet bottles.—On May 26, 1927, the commission instituted an investigation, for the purposes of section 315, of the costs of production of blown glass perfume and toilet preparation bottles.

Prior to the institution of the investigation, preliminary field work was undertaken for the purpose of obtaining information from domestic manufacturers, importers, and consumers regarding competitive conditions in the industry in general and the comparability of domestic and foreign bottles.

The domestic manufacturers produce a wide range of types and sizes of perfume and toilet bottles, in addition to numerous other articles of glassware. These bottles are produced in the main for domestic manufacturers of perfumery. Approximately 85 per cent of all foreign blown glass perfume and toilet bottles used in the United States are imported directly by or for the same perfumery manufacturers.

From the many samples obtained from domestic manufacturers and importers, it was possible to select 25 bottles, each fitted with a glass stopper, which were deemed to be comparable, and representative of a large percentage of domestic production and of imports.

In August, 1927, field work was undertaken to obtain cost data for the domestic and foreign samples selected for costing. The two plants from whose records domestic costs were taken produce approximately 60 per cent of the total domestic output of blown glass perfume and toilet bottles. No foreign field work was undertaken in the investigation. As an evidence of costs, an analysis was made of imports of blown glass perfume and toilet bottles entered through the port of New York. About 85 per cent of the total imports of these bottles enter through New York. France is the principal source of imports.

A preliminary statement of information summarizing the data obtained in this investigation is in course of preparation for use of interested parties at the public hearing to be announced later.

Blown glass tableware.—On July 12, 1928, the commission instituted an investigation, for the purposes of section 315, of the costs of production of blown glass tableware. This investigation is concerned with table and kitchen glassware, blown or partly blown, and whether or not colored, cut, or decorated, as provided for in paragraph 218 of the tariff act of 1922.

During the fiscal year ending June 30, 1928, and prior to the institution of the investigation, preliminary field work was undertaken for the purpose of obtaining information as to the comparability of domestic and foreign blown glass tableware and as to competitive conditions in the industry.

The blown glass tableware produced for the American market runs into thousands of articles differing in kind, size, and shape and varying widely in color, decoration, and quality of glass. There is practically no standardization of products in the glass tableware industry, and particularly of blown glass products. Obviously the commission could not make cost calculations for all of the great variety of articles produced in the United States and imported, but had to limit its cost comparisons to selected samples. The selection itself was a task of some magnitude and one requiring discriminating judgment. Factors taken into consideration were kind and shape of article, type of decoration, quality of glass, process of manufacture, and selling price. In the selection of samples the commission had the assistance of domestic manufacturers, and of importers and buyers for large retail establishments. Through their combined efforts a tentative selection was made of a number of articles of different types, shapes, sizes, qualities, and styles of decorations that were deemed representative of the domestic industry and of the imports of foreign wares.

Domestic field work in the investigation was begun in the early part of August, 1928, and the commission's representatives are now in the field obtaining cost of production and other data from the books of record of a number of plants. Prior to the field work at the plants a conference was held with manufacturers to discuss the scope of the investigation, problems with respect to the selection of representative articles for which to obtain costs, the form of the cost schedules prepared by the commission for use in recording items of

cost, and the methods to be used in calculating costs and in compiling data with respect to sales distribution. A conference was also held with importers to discuss selection of samples, methods to be used in compiling data with respect to sales distribution, and other problems relating to imported wares.

In 1927 there were at least 45 domestic plants producing blown glass tableware. About 30 of these are in western Pennsylvania, eastern Ohio, and northern West Virginia. The remainder are in Indiana, Massachusetts, New York, New Jersey, Maryland, Oklahoma, and California. In addition to the glassware plants there are numerous establishments engaged in cutting and decorating glass tableware.

The manufacture of blown glass tableware entails highly complex and diversified processes which make the ascertainment of costs of production for individual pieces of ware extremely difficult. In no cost investigation thus far undertaken by the commission have more accounting problems arisen. In computing the cost of individual articles it will be necessary to analyze all cost and production records in each plant; the total expenditures during the cost period under consideration must be distributed to the various departments of the plant in order to compute a unit cost for each department. In computing such departmental unit costs, it will also be necessary to determine from the production records the number of pieces—both decorated and undecorated—of each of the selected articles produced during the cost period. As few plants summarize their production data for individual articles, including the decoration applied to them, the accountants must necessarily expend much time and labor in summing up the total cost from the details available from the plant records. Departmental unit costs must be ascertained because all plants manufacturing blown glass tableware produce a great variety of articles besides the ones selected for cost comparison with similar foreign articles, and all blown glass tableware articles do not go through each manufacturing and finishing process. Some also produce pressed as well as blown tableware, the manufacturing costs of which do not necessarily bear a direct relation to one another.

The determination of the principal markets in which domestic and foreign wares meet in competition and the cost of laying down the types of glassware selected for comparison are problems to be solved by a detailed analysis of the distribution of domestic and foreign products. Such analyses are exceedingly difficult and expensive because of the many diversified products produced and sold and because summarized sales records for the different kinds of wares are not available. To ascertain the distribution of blown glass tableware made by domestic manufacturers it will be necessary to obtain data as to sales distribution from practically all plants producing such ware. The same kind of analyses must be made of the sales records of importers to determine the distribution in the United States of foreign blown glass tableware.

An effort will be made by the commission to obtain detailed cost of production data for blown glass tableware in several foreign countries that supply imports for domestic consumption.

Cylinder and sheet glass, unpolished (common window glass).—On May 26, 1927, the commission instituted an investigation with respect to cylinder and sheet glass, unpolished, commonly known as window

glass. Representatives of the commission went into the field and obtained both domestic and foreign cost data covering the year 1926. Domestic costs were obtained from 25 plants, producing approximately 92 per cent of the total window glass manufactured in the United States; foreign costs were obtained from 13 Belgian plants, producing about 50 per cent of the total Belgian production.

A preliminary statement of information summarizing the data obtained in the investigation was issued to interested parties under date of July 2, 1928. A public hearing was held in the office of the commission on September 11 to 14, inclusive, when interested parties were given an opportunity to be present, to produce evidence, and to be heard.

Common window glass is made by various processes in this country and abroad. Cylinder glass is both machine and mouth blown. Window glass, known as sheet glass, is produced by drawing. The principal drawing processes now in use are the Fourcault, a Belgian patented process, and the Libbey-Owens, an American patented process.

In 1926 there were 24 window-glass companies in the United States operating 32 plants. West Virginia, with 10 plants, ranked first in production; Pennsylvania, with 7, was second; Indiana, with 2, was third; and Louisiana, with only one plant, was fourth. Twelve companies, using the cylinder-machine process in 19 plants, produced 59 per cent of the total domestic production; three companies, using the Libbey-Owens process in three plants, produced 29 per cent of the total; five companies, using the Fourcault process in five plants, produced 8 per cent; and three companies, using the hand-cylinder process, and one company, using their own patented drawing process, produced collectively the remaining 4 per cent.

The following table shows the quantity and value of window glass produced in the United States, in specified years.

Window glass: Total production in the United States¹

| Year | Quantity | Value | Average unit value |
|-----------|--------------------|--------------|--------------------|
| | <i>Square feet</i> | | |
| 1914..... | 400,998,893 | \$17,495,956 | \$.043 |
| 1919..... | 368,912,209 | 41,100,724 | .111 |
| 1921..... | 260,065,080 | 24,026,366 | .092 |
| 1923..... | 510,214,838 | 42,623,203 | .084 |
| 1925..... | 532,824,205 | 35,927,120 | .067 |
| 1926..... | 530,000,000 | 36,040,000 | .068 |

¹ Source: 1914-1925, Census of Manufactures, Bureau of the Census. 1926, Records of domestic manufacturers.

The great expansion of the domestic window-glass industry since 1921 is directly attributable to the building boom which has created an unprecedented demand for building glass of all types. More window glass was produced in the United States in 1925 than in any previous year. Very little change in production occurred in 1926, but reports from the various manufacturers show a considerably curtailed output in 1927. The application of new continuous methods of production, the Libbey-Owens and the Fourcault processes, tremendously increased productive capacity and stimulated a general

movement toward mass production. This change in method was coincident with a great expansion in building and the consequent larger demand for window glass.

In Europe window glass is produced by three processes—mouth-blown cylinder, Libbey-Owens, and Fourcault. Until the war the mouth-blown cylinder process was used exclusively. It is still used to a considerable extent, but is rapidly being displaced by the more modern mechanical methods introduced by Libbey-Owens and Fourcault. Owing to the comparative cheapness of labor, the mechanization of plants has, until recently, been slower than in America.

The existing total European production by all methods, as authoritatively estimated for 1926, is 1,180,000,000 square feet, more than half of which is produced by the Libbey-Owens and Fourcault processes. The estimated production of window glass in European countries, 1926, is as follows:

| | Square feet |
|---------------------|----------------------|
| Belgium..... | 550,000,000 |
| Germany..... | 180,000,000 |
| France..... | 125,000,000 |
| Czechoslovakia..... | 110,000,000 |
| Italy..... | 100,000,000 |
| England..... | 80,000,000 |
| Spain..... | 25,000,000 |
| Switzerland..... | 10,000,000 |
| Total..... | 1,180,000,000 |

In Belgium, the principal source of imports into the United States, window-glass manufacture is one of the main industries, with 33 plants operating in 1927.

During the war the industry became inactive but by 1924 production was back to pre-war level and in 1926 was 24 per cent above the figure for 1913. This advance has occurred since 1922 and is largely due to the introduction of mechanical processes of production.

Revolutionary changes in the Belgian industry have occurred in the last six or seven years through the substitution of machine methods for the mouth-blown process. Before the war only one Belgian factory was producing window glass by mechanical means. This was a Fourcault plant which began production in 1913. The war prevented the installation of other Fourcault machines, and not until August, 1922, was the second Fourcault plant set in operation. Between that date and July, 1927, 90 Fourcault machines were installed in 11 other factories. Some of these were entirely new plants, but most of them were transformed mouth-blowing factories.

The table on page 73 shows the output of Belgian window glass, both mouth blown and mechanically produced, in 1913 and in certain postwar years.

Before the war (1913) the total Belgian production of window glass was approximately 460,000,000 square feet, the equivalent of nine million 50-foot boxes. At that time the production of Fourcault glass amounted to only 13,674,000 square feet. In 1927 the output of mouth-blown glass had fallen to 167,000,000 square feet and that of Fourcault glass had risen to 280,301,000 square feet. Thus of the total Belgian production in 1927, approximately 30 per cent was mouth blown and 70 per cent machine made.

Window glass: Production in Belgium, 1918 and 1922-1927

[In thousands of square feet]

| Year | Mouth-blown glass | Mechanically produced glass ¹ | Total |
|-----------|-------------------|--|----------|
| 1913..... | 448, 947 | 13, 674 | 462, 621 |
| 1922..... | 330, 507 | 17, 324 | 347, 831 |
| 1923..... | 349, 254 | 62, 965 | 412, 219 |
| 1924..... | 335, 187 | 113, 187 | 448, 374 |
| 1925..... | 298, 854 | 164, 718 | 463, 572 |
| 1926..... | 281, 277 | 292, 810 | 574, 087 |
| 1927..... | 167, 277 | 399, 091 | 566, 368 |

¹ Not including the output of two plants not members of the Association des Verreries Belges.

For a number of years prior to the World War the annual imports of window glass into the United States ranged from 20,000,000 to 30,000,000 pounds. For the fiscal year ended June 30, 1914, total imports amounted to 31,197,531 pounds, valued at \$1,212,536, with an average value of 3.9 cents per pound. During the war, when production in the principal producing European countries was greatly curtailed, imports were insignificant, amounting in 1918 (calendar year) to 302,461 pounds, valued at \$31,634, with an average value of 11.1 cents per pound. With the resumption of European production in the latter part of 1919, and in 1920, particularly in Belgium, imports began to increase and by 1921 exceeded the pre-war average, amounting to 47,065,139 pounds valued at \$2,524,082, and in 1922 to 52,414,111 pounds, valued at \$2,527,382, or 4.8 cents per pound.

This large increase in imports in the first year following the depression of 1920-21 was due to the inability of American producers to meet the demands of the building boom which began in 1922. Expanded facilities of production in the United States during the next two years resulted in imports falling to 30,799,664 pounds in 1924, or to 41 per cent below the high level of 1922—almost back to the pre-war figure. By 1925 the trend of imports was again upward. European production by machine processes had then become well established, and Belgium had begun to recover her export trade. In the three-year period 1925-1927, United States imports were as follows: 1925, 45,585,770 pounds, or 48 per cent over 1924; 1926, 80,884,602 pounds, or 77 per cent increase over the preceding year; 1927, 82,747,510 pounds, or only a little more than 2 per cent increase over 1926. Of the total import in 1927, 64,468,745 pounds, or 77.91 per cent, came from Belgium.

SCHEDULE 3. METALS AND MANUFACTURES OF METAL*(a) GENERAL STATEMENT*

The work assigned to the metals division covers the products provided for in about 150 paragraphs of the tariff act of 1922, and embraces a number of minerals and mineral products in Schedule 2; all of Schedule 3, except explosives mentioned in paragraphs 387 and 388; and minerals, metals, and their products specified in Schedule 14 and in the free list. The routine work of the division has to do primarily with the collection of trade statistics and other information pertaining to all products included in its assignment.

The work of the division during the past year was somewhat more diversified than in former years. Approximately half of the personnel of the division was engaged on four investigations of major importance: Fluorspar and tungsten, instituted for purposes of section 315; and scientific instruments and manganese, under the general powers of the commission. Preliminary work, part of it in the field, was done and reports were written on 10 commodities, each of which was the subject of applications under section 315 for an investigation looking toward a change in the existing rates of duty.

The division has satisfactorily carried out its plan to maintain comprehensive current files of material to be incorporated in projected surveys of tariff information or used in the revision of surveys already published.

(b) SURVEYS, REPORTS, AND SPECIAL STUDIES

The present plans of the division contemplate the eventual preparation of about 300 commodity surveys and as many short summaries of tariff information on the same products. The material at hand for the writing of surveys is in such form that it may readily be assembled for publication should the Congress require upon short notice information on any given commodity or group of commodities. It has been gathered through research and field work either specifically for a particular survey, or in the course of special studies and investigations made for the purposes of section 315. During 1928 partial or complete revisions were made of about 35 commodity surveys relating to iron and steel, nonferrous metals, manufactures of metal and machinery.

For the projected summaries of tariff information, it is planned to present in a few pages of text, supported by statistical tabulations, significant data respecting the individual commodities. More than 50 of these summaries have been drafted.

(c) INVESTIGATIONS UNDER THE GENERAL POWERS OF THE COMMISSION

Manganese.—Pursuant to the institution by the commission on May 31, 1927, of an investigation of manganese, under its general powers, field work in the United States was carried on from July to October, 1927. Data were obtained on the cost of production and distribution of manganese ores and products, and information was gathered as to world resources, technology, marketing, international trade, and conservation. The material has been checked and analyzed, and a report covering all phases of the manganese industry is now in course of preparation.

Manganese is an essential in steel manufacture and hence is a strategic raw material. The United States consumes annually between 300,000 and 400,000 tons of metallic manganese, largely in the form of ferromanganese. Of this amount less than 50,000 tons of metallic manganese has in recent years been produced from domestic ores, the remainder being imported. The commission has made every attempt to estimate the actual and potential manganese ore reserves of the United States, but the resources available for any one investigation have been inadequate to the task. The domestic

deposits, especially of high-grade ore, are small and scattered as compared with the more important of the foreign deposits, such as those in Russia, British India, West Africa, and Brazil. The small and irregular deposits of the United States do not lend themselves to cheap and accurate prospecting methods, and hence are seldom opened up far enough in advance of actual mining to permit a reliable estimate of reserves.

The possibility of commercial utilization of new processes for the beneficiation of low-grade manganese ores also has an important influence on resources. Cheap production by such processes would result in great increases in ore reserves.

Cost data were obtained with regard to several foreign enterprises and from most of the producing mines in the United States.

Scientific instruments.—The commission's investigation of scientific instruments embraces all instruments of precision, and allied articles used for scientific research, in education, for the technical control of industries, and in the practice of some professions. The investigation covers a large number of distinct producing industries and many thousands of different products.

Data previously collected, analyzed, and incorporated in a rough draft report are now being checked, brought up to date, and amplified. As changing conditions in the trade make constant observation and research necessary, field work was done in August, 1928, to obtain the most recent information on surgical, dental, and industrial instruments. Field work in the interests of other products will be done later.

(d) INVESTIGATIONS FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

(1) APPLICATIONS RECEIVED AND PRELIMINARY REPORTS MADE

Since the last annual report was issued, applications for investigations have been received looking toward changes in the rates of duty on tungsten, pen and pocket knives, aluminum foil, cast-iron pipe, bicycle bells, bit braces, kitchen and butcher knives, and graphite.

In order to assist the commission in determining whether or not investigations should be instituted, either for purposes of section 315 or under the general powers of the commission, the division conducted field work where necessary and prepared and submitted, for each of the above-mentioned products, except bit braces, preliminary reports summarizing all available information as to production and consumption in the United States and foreign countries, imports, exports, prices, costs of production, and other factors in competition.

In addition to the work done in connection with recent applications for investigations, field work has been conducted to obtain up-to-date information on latch needles, upholsterers' nails, crochet needles, and punches and shears—all the subjects of previous applications.

(2) INVESTIGATIONS IN PROGRESS

Tungsten.—An investigation of the costs of production of tungsten for the purposes of section 315 of the tariff act of 1922 was instituted by the commission on May 1, 1923, in response to Senate Resolution No. 203, adopted April 20, 1928, which reads as follows:

Resolved, That the United States Tariff Commission be, and it is hereby, requested, under the provisions of section 315 of the tariff law of 1922, to make forthwith an investigation into the costs of production of tungsten in the United States and China, the principal competing country, and to report its findings to the President of the United States.

Preliminary field work was done in May, 1928, for the purpose of obtaining the information needed in planning the investigation. From July to October, the commission's experts gathered data on tungsten concentrates, ferrotungsten, tungsten metal powder, tungstic acid, other tungsten alloys and compounds, and on tungsten steel imported into the United States in recent years. These data are now being analyzed in the Washington office of the commission.

Tungsten is a strategic raw material and an essential in the manufacture of high speed steel used for metal cutting tools.

The tariff act of 1922 provides a basic rate of duty on tungsten contained in ore or concentrates, and separate compensatory rates on tungsten contained in tungsten metal, in alloys and compounds, and in steel. Any change in the basic rate would necessitate adjustments in the compensatory rates. Determination of the adjustment to be made in the basic rate on tungsten concentrates requires that the commission obtain cost of production and other facts respecting such concentrates, and determination of the adjustments to be made in the compensatory rates, in the event of a change in the basic rate, requires that the commission obtain information as to the tungsten losses incurred in the manufacture of products containing tungsten, methods and processes employed, market distribution, prices, and other phases of the industries using tungsten concentrates and other tungsten-bearing material in the United States and in foreign countries. In addition, an analysis of import data is necessary.

The world production of tungsten is estimated at about 7,500 tons per year (tungsten content) of which about 60 per cent is produced in China. The United States uses annually about 2,400 tons (tungsten content) more than half of which is imported.

The principal domestic ore deposits are in South Dakota, Colorado, Nevada, California, and Arizona. The mines in these States produce annually concentrates containing about 750 tons of tungsten, equivalent to about 30 per cent of the domestic supply.

(3) REPORTS TO THE PRESIDENT

Fluorspar.—On October 9, 1928, the commission transmitted to the President a report on the results of its investigation of the costs of production and other factors in competition of fluorspar. On October 17, 1928, the President proclaimed an increase in the duty on metallurgical fluorspar (that is, fluorspar containing not more than 93 per cent of calcium fluoride) from \$5.60 to \$8.40 per ton.

Prior to the institution of the investigation on January 8, 1926, applications for a change in the rate of duty on fluorspar had been filed with the commission, on April 7, 1925, by James A. Green, Cincinnati, Ohio, and on April 24, 1925, by Lundgren Stevens Co., Chicago, Ill.

Cost data and other information were obtained from domestic producers in June, July, and August, 1926, covering about 90 per cent of the domestic output in 1925. Foreign field studies were made from August to October, 1926. Access to the books of record of

foreign producers was denied, but data regarding methods of operations, wages, and prices in England and Germany were obtained. As an evidence of foreign cost, value at foreign plant was determined by an analysis of invoices of all fluorspar imported into the United States in 1925, 1926, and the first six months of 1927, and the cost of shipment to United States ports was ascertained. Data respecting sales distribution and marketing in 1925 of domestic and imported fluorspar in the United States were obtained from books of producers, shippers, and dealers.

A preliminary statement of information summarizing the data obtained in the investigation was issued to the trade and used at a public hearing held in the commission's office on July 22, 1927. Briefs were filed by interested parties on or before October 10, 1927. A summary of the report sent to the President follows:

Fluorspar is produced in three grades corresponding to its three principal uses:

(1) Metallurgical grade, comprising in 1925, 82.9 per cent of domestic consumption, used as a flux in metallurgical furnaces, principally in steel, for which it is essential.

(2) Ceramic grade, comprising about 7 per cent of domestic consumption, used as an ingredient in porcelain and metal enamels and in opal glass.

(3) Acid grade, used as a raw material in the manufacture of aluminum, hydrofluoric acid, and certain chemicals. The consumption of this grade is about 10 per cent of all fluorspar used in the United States.

Domestic production, 90 per cent of which is supplied by Kentucky and Illinois, has averaged about 120,000 short tons per year from 1923 to 1927, inclusive. The ore as mined is usually subjected to hand sorting on a picking belt to remove coarse waste and lumpy fluorspar, and then is crushed, sized, and washed by standard concentrating methods. An engineering estimate of resources made by the commission indicates that known domestic reserves are sufficient to supply domestic demands for the metallurgical and ceramic grades for 15 to 30 years.

Imports for consumption, of which about 85 per cent are of the metallurgical grade, have averaged about 58,000 short tons per year from 1923 to 1927, inclusive, or about 39 per cent of domestic consumption. Imports for consumption, without segregation according to grade, are shown by source in the following table.

United States imports of fluorspar for consumption, by country of origin, 1923 to 1927, inclusive, in short tons

| Imported from— | 1923 | 1924 | 1925 | 1926 | 1927 | Total |
|---------------------------|--------|--------|--------|--------|--------|---------|
| England..... | 23,300 | 30,449 | 21,635 | 29,408 | 18,447 | 123,237 |
| Germany..... | 7,988 | 6,823 | 11,854 | 20,466 | 31,561 | 78,692 |
| British South Africa..... | 10,381 | 11,125 | 7,908 | 8,497 | 7,069 | 44,980 |
| France..... | ..... | 233 | 2,537 | 11,164 | 11,711 | 25,645 |
| Italy..... | 156 | 1,584 | 4,279 | 1,380 | 450 | 7,849 |
| Spain..... | ..... | ..... | ..... | 2,947 | 978 | 3,925 |
| Canada ¹..... | ..... | 213 | ..... | 1,109 | 560 | 1,882 |
| China, Japan..... | 59 | 506 | 559 | 645 | 467 | 2,236 |
| Total..... | 41,884 | 50,933 | 43,770 | 75,616 | 71,243 | 288,446 |

¹ Consists in part of reexports originating in Europe.

England was found to be the principal competing country for metallurgical fluorspar in 1925, the period used for cost comparisons, as well as in 1926. Germany was the principal source of imports in 1927. Whether England or Germany be considered the principal competing country, the equalizing duty indicated by the cost comparisons within the limits of section 315 would be the rate proclaimed by the President.

Imports into the United States of metallurgical fluorspar, according to countries of origin as determined by the commission, are shown in the following table.

United States imports of metallurgical fluorspar for consumption, by country of origin, January, 1925, to June, 1927, inclusive, in short tons

| Imported from— | 1925 | 1926 | 1927 ¹ | Total | Value per short ton f. a. s. foreign port |
|----------------|--------|--------|-------------------|---------|---|
| England..... | 21,203 | 30,748 | 8,615 | 60,566 | \$8.87 |
| Germany..... | 9,738 | 18,311 | 16,668 | 44,717 | 8.53 |
| France..... | 1,854 | 10,743 | 4,700 | 17,297 | 7.63 |
| Italy..... | 3,849 | 752 | — | 4,601 | 8.69 |
| Spain..... | — | 3,738 | 422 | 4,160 | 6.48 |
| China..... | 561 | 588 | — | 1,149 | 10.45 |
| Total..... | 37,205 | 64,880 | 30,405 | 132,490 | 8.53 |

¹ 6 months.

Apparent domestic consumption averaged about 177,000 short tons per year from 1923 to 1927, inclusive. About 1,000 tons per year are exported, chiefly to Canada.

The investigation resulted in a detailed statement of the costs of production of each grade of fluorspar. The acid and ceramic grades cost substantially less than the metallurgical grade, which undergoes a more complicated and expensive process. The market analysis, however, showed that the least costly grades to produce, ceramic and acid fluorspar, brought the highest prices, such prices reflecting relative inadequacy of supply, not cost of production. Conversely, the most costly grade to produce, metallurgical fluorspar, is abundant, and market prices depend more nearly upon cost of production. The invoice prices used as evidence of foreign cost are governed by the same conditions as domestic prices, and hence invoice prices of only the metallurgical grade could be compared with actual costs of production of the corresponding domestic product.

Domestic costs of production were found to be as follows:

| | Per short ton |
|-------------------------------------|---------------|
| Crude ore..... | \$6.97 |
| Cleaned ore..... | 8.80 |
| Metallurgical lump fluorspar..... | 15.98 |
| Metallurgical gravel fluorspar..... | 20.77 |
| Total metallurgical fluorspar..... | 20.64 |
| Selling cost..... | 1.17 |

The cost of production and transportation, as evidenced by invoice prices, of metallurgical fluorspar produced in England and imported principally into the port of Philadelphia, was found to be as follows:

Foreign cost of production and transportation of metallurgical fluorspar as evidenced by invoice prices of imports from England into the United States, per short ton, 1925

| Item | Port of entry | | |
|-----------------------------------|-------------------|----------------|-------------|
| | Philadel- phia | Balti- more | New York |
| Cost at foreign plant..... | \$7.15 | \$7.45 | \$7.18 |
| Foreign inland freight..... | 2.11 | 1.94 | 1.92 |
| Marine freight and insurance..... | 2.84 | 2.85 | 2.83 |
| Cost at United States port..... | 12.10 | 12.24 | 11.93 |

In order to determine the markets for which comparisons of domestic and foreign costs including transportation should be drawn, an analysis was made of the sales of over 90 per cent of all fluorspar consumed in the United States during 1925. That analysis showed that the major markets for metallurgical fluorspar in the United States are, in their order of prominence, the following districts: Pittsburgh, Chicago, Philadelphia, Buffalo, Birmingham, and Harrisburg. These districts consume over 89 per cent of the metallurgical fluorspar used. The Pittsburgh district is the principal consuming center for domestic fluorspar in the United States. The Philadelphia-Wilmington district is the principal consuming center in the United States for imported metallurgical fluorspar.

The determination of domestic and foreign costs of production and transportation and the market analysis were the bases of the following comparison of costs.

Metallurgical fluorspar: Comparison of costs of domestic production and imports from England, including transportation to Philadelphia and Pittsburgh

[Per short ton]

| Item | United States | England |
|---|------------------|---------|
| Cost of production..... | \$20.64 | \$7.15 |
| Transportation to Philadelphia..... | 7.50 | 4.95 |
| Cost including transportation to Philadelphia..... | 28.14 | 12.10 |
| Difference in cost—duty required to equalize— | | |
| Per short ton..... | | 16.04 |
| Per long ton..... | | 17.96 |
| Transportation to Pittsburgh..... | 5.25 | 8.61 |
| Cost including transportation to Pittsburgh..... | 25.89 | 15.76 |
| Difference in cost—duty required to equalize— | | |
| Per short ton..... | | 10.13 |
| Per long ton..... | | 11.35 |
| Duty provided by the tariff act of 1922, per long ton..... | | 5.60 |
| Maximum duty permissible under section 315, per long ton..... | | 8.40 |

(e) EFFECT OF CHANGES IN DUTY ON IMPORTS AND PRICES

Taximeters.—On October 1, 1925, the commission transmitted to the President a report on its investigation of taximeters.

The President, by a proclamation dated December 12, 1925, effective December 27, 1925, increased the duty on taximeters by changing the basis of assessment from \$3 each and 45 per cent ad valorem on the foreign market value, to \$3 each and 27.1 per cent ad valorem on the American selling price, as defined in subdivision (f) of section 402 of the tariff act of 1922.

The following table shows the number and value of imports of taximeters before and since the change in the rate of duty. The table applies wholly to importations of assembled meters.

Taximeters: Imports for consumption, January, 1924, to June, 1928

| Year | Number | New meters | | | | Number | Secondhand meters | | | | |
|--|--------|---------------|---------|----------------|----------|--------|-------------------|------|----------------|---------|--|
| | | Foreign value | | Dutiable value | | | Foreign value | | Dutiable value | | |
| | | Total | Each | Total | Each | | Total | Each | Total | Each | |
| Under former rate of duty (\$3 each and 45 per cent ad valorem, based on foreign value): | | | | | | | | | | | |
| 1924 | 651 | \$19,962 | \$30.66 | | | | | | | | |
| 1925 | 1,376 | 43,133 | 31.35 | | | | | | | | |
| Under present rate of duty (\$3 each and 27.1 per cent ad valorem, based on American selling price): | | | | | | | | | | | |
| 1926 | 628 | | | \$69,080 | \$110.00 | 142 | | | \$6,627 | \$46.67 | |
| 1927 | 1 | | | 110 | 110.00 | 75 | | | 3,750 | 50.00 | |
| 1928 (Jan. to June) | | | | | | 25 | | | 1,250 | 50.00 | |

No material change was apparent in the rate of importation of taximeters until April, 1926, about three months after the rate of duty was changed. The number of meters imported during April, 1926, was 48, as compared with 132 in April, 1925, and 193 in March, 1926. Since March, 1926, imports of new meters have been irregular and relatively small, and, as will be noted from the tables, the importations of new meters, formerly chiefly from Germany, practically ceased with one meter in January, 1927. Since the increased duty became effective, more or less regular imports from France of secondhand meters have developed, but the volume of this business has been small and somewhat irregular. The former principal importer of German-made taximeters is now a domestic manufacturer of taximeters, the principal parts of which are imported. Imports of such parts, dutiable under paragraph 368 at 50 per cent ad valorem are not separately published, but are included in statistics of imports of other products. They can be segregated only by means of a complete analysis of invoices which show a great variety of products.

The foreign value of new meters remained unchanged during the first six months of 1926 and the dutiable value of imported meters, namely, the selling price of domestic meters comparable to imported meters, remained unchanged at \$110 for new meters and \$50 for secondhand meters, until importations of new assembled meters virtually ceased early in 1927. There is no evidence that prices of domestic meters have changed.

Print rollers.—The President proclaimed an increase in the rate of duty on rollers from 60 to 72 per cent ad valorem effective July 21, 1926.

The following table shows imports of all kinds of rollers entered under paragraph 396 of the act of 1922, by months, from January, 1924, to July, 1926, inclusive, and from August 1, 1926, to June, 1928, inclusive.

Rollers: Entries for consumption, January 1, 1924, to June 30, 1928

UNDER THE RATE OF 60 PER CENT AD VALOREM

| Month | 1924 | | | 1925 | | | 1926 | | |
|----------------|---------------|---------|------------|---------------|---------|------------|---------------|----------|------------|
| | Quantity | Value | Unit value | Quantity | Value | Unit value | Quantity | Value | Unit value |
| | <i>Number</i> | | | <i>Number</i> | | | <i>Number</i> | | |
| January..... | 145 | \$3,077 | \$21.22 | 257 | \$4,167 | \$16.20 | 772 | \$27,160 | \$35.18 |
| February..... | 1,198 | 13,828 | 11.54 | 478 | 7,592 | 15.88 | 141 | 12,043 | 85.41 |
| March..... | 849 | 10,908 | 12.85 | 518 | 9,198 | 17.76 | 1,154 | 7,631 | 6.61 |
| April..... | 999 | 11,464 | 11.48 | 1,219 | 16,795 | 13.78 | 544 | 9,566 | 17.58 |
| May..... | 1,270 | 7,124 | 5.60 | 1,004 | 14,421 | 14.36 | 260 | 7,252 | 27.89 |
| June..... | 753 | 15,311 | 20.33 | 377 | 9,658 | 25.62 | 180 | 5,295 | 29.42 |
| July..... | 1,525 | 6,360 | 4.17 | 75 | 3,536 | 47.15 | 96 | 3,231 | 33.66 |
| August..... | 110 | 2,215 | 20.14 | 169 | 3,716 | 21.99 | | | |
| September..... | 758 | 1,278 | 1.69 | 26 | 3,099 | 11.88 | | | |
| October..... | 545 | 1,564 | 2.87 | 106 | 1,951 | 18.41 | | | |
| November..... | 188 | 4,283 | 22.78 | 123 | 9,057 | 7.36 | | | |
| December..... | 248 | 3,285 | 13.25 | 233 | 13,447 | 5.77 | | | |
| Total..... | 8,588 | 80,697 | 9.40 | 4,585 | 96,627 | 21.07 | | | |

UNDER THE RATE OF 72 PER CENT AD VALOREM

| Month | 1926 | | | 1927 | | | 1928 | | |
|----------------|---------------|---------|------------|---------------|--------|------------|---------------|-------|------------|
| | Quantity | Value | Unit value | Quantity | Value | Unit value | Quantity | Value | Unit value |
| | <i>Number</i> | | | <i>Number</i> | | | <i>Number</i> | | |
| January..... | | | | 137 | \$947 | \$6.91 | 29 | \$321 | \$11.07 |
| February..... | | | | 8 | 276 | 34.50 | 13 | 274 | 21.08 |
| March..... | | | | 277 | 2,648 | 9.56 | 34 | 587 | 17.26 |
| April..... | | | | 148 | 1,969 | 13.30 | 62 | 1,300 | 20.87 |
| May..... | | | | 137 | 1,498 | 11.80 | 11 | 345 | 31.36 |
| June..... | | | | 112 | 1,582 | 14.13 | 52 | 1,081 | 20.79 |
| July..... | | | | 14 | 970 | 69.29 | 25 | 667 | 26.68 |
| August..... | 68 | \$2,582 | \$37.97 | 196 | 1,734 | 8.85 | 28 | 466 | 16.64 |
| September..... | 63 | 1,287 | 20.43 | 105 | 2,634 | 25.09 | 24 | 554 | 23.08 |
| October..... | 88 | 2,914 | 33.11 | 17 | 150 | 8.82 | | | |
| November..... | 77 | 1,651 | 21.44 | 55 | 736 | 13.38 | | | |
| December..... | 158 | 1,841 | 11.65 | 27 | 294 | 10.89 | | | |
| Total..... | | | | 1,223 | 15,438 | 12.62 | | | |

The figures in the foregoing table include embossing rollers, which are not print rollers, and print rollers in chief value of wood, held to be dutiable at the rate of 30 per cent ad valorem under paragraph 372 as parts of machines. The change from 72 or 60 per cent to 30 per cent in the rate of duty, which is applicable to importations before as well as after the President's proclamation, accounts in part at least for the falling off in imports and for the lower unit value of the rollers that have come in since July, 1926. To what extent there has been a falling off in quantity of imports and a reduction in their unit value can not be determined without a complete analysis of all invoices of imports entered through the several ports of entry.

Imports of print rollers are seasonal, the largest quantities usually coming in from December to June. During the six-months period ending in May of each year, the busy season in the industry, imports declined from 3,104 rollers in 1926 to 855 during the corresponding six months of 1927 and to 176 during the same period in 1928.

The trend of imports and of the average declared values of imported rollers is affected in some measure by court decisions. The extent of this effect can not be measured quantitatively except by a complete

analysis of all invoices of parts of machines in several ports of entry. In 1925 and 1926 there was an increase in value to \$21.07 and to \$22.90, respectively, but during 1927 a decrease to \$12.62. The average value per roller of imports during the busy season of 1928 (six months ending in May) was \$17.73, which compares with \$10.74 for the corresponding period of 1927 and \$24.84 for the rollers received during the comparable period of 1926.

Customs examiners and wall-paper manufacturers state that there is now little importation of print rollers made of wood, brass, and felt, and used for printing wall paper.

The principal importers of print rollers of the type covered by the commission's investigation are wall-paper manufacturers. These manufacturers report that there is now in force a program of economy providing for standardization of designs, exchange of rollers, and production of new designs in fewer numbers and at longer intervals than formerly. The result is a reduction in the number of domestic and imported print rollers used.

Gold leaf.—On February 23, 1927, the President proclaimed an increase in the duty on gold leaf of 55 cents per 100 leaves, to 82½ cents per 100 leaves, applying to leaf not exceeding in size the equivalent of 3⅜ by 3⅜ inches—additional duties in the same proportion to be assessed on leaf exceeding in size said equivalent.

A duty of 55 cents per 100 leaves (of size equivalent to 3⅜ inches square) as specified in paragraph 383 of the tariff act of 1922, the commission has found, does not equalize the difference in cost of production in the United States and in Germany, the principal competing country.

The following table shows monthly imports from all countries in 1926, 1927, and the first six months of 1928.

Gold leaf: Imports for consumption, January, 1926, to June, 1928

UNDER FORMER RATE OF DUTY (55 CENTS PER 100 LEAVES NOT EXCEEDING IN SIZE THE EQUIVALENT OF 3⅜ BY 3⅜ INCHES)

| Month | Quantity | Value | Value per pack |
|----------------|---------------------|---------|----------------|
| 1926 | | | |
| January..... | <i>Packs</i> 908 | \$5,698 | \$6.27 |
| February..... | 1,989 | 11,995 | 6.09 |
| March..... | 2,470 | 14,893 | 6.03 |
| April..... | 2,139 | 13,250 | 6.19 |
| May..... | 2,784 | 16,049 | 5.76 |
| June..... | 1,973 | 11,808 | 5.98 |
| July..... | 1,878 | 10,887 | 5.79 |
| August..... | 724 | 4,399 | 6.07 |
| September..... | 1,887 | 8,216 | 5.92 |
| October..... | 2,686 | 10,676 | 3.98 |
| November..... | 2,479 | 14,541 | 5.86 |
| December..... | 3,458 | 12,283 | 3.56 |
| Total..... | 1 24,855 | 134,695 | 5.42 |
| 1927 | | | |
| January..... | 2,993 | 18,293 | 6.11 |
| February..... | 847 | 5,100 | 6.02 |
| March..... | 3,495 | 20,965 | 6.00 |

¹ Includes 4,865 packs at \$3.13 and 19,900 packs at \$5.97.

Gold leaf: Imports for consumption, January, 1926, to June, 1928—Continued

UNDER PRESENT RATE OF DUTY (82½ CENTS PER 100 LEAVES NOT EXCEEDING IN SIZE THE EQUIVALENT OF 3¼ BY 3¼ INCHES)

| Month | Quantity | Value | Value per pack |
|------------------------|----------------|---------|----------------|
| 1927 | | | |
| April..... | Packs 1,109 | \$6,501 | \$5.86 |
| May..... | 278 | 1,635 | 5.88 |
| June..... | 165 | 1,210 | 7.36 |
| July..... | 380 | 2,122 | 5.59 |
| August..... | 1,138 | 6,021 | 5.30 |
| September..... | 881 | 5,085 | 5.77 |
| October..... | 1,089 | 5,889 | 5.41 |
| December..... | 800 | 3,276 | 4.09 |
| Total (12 months)..... | 13,175 | 76,097 | 5.77 |
| 1928 | | | |
| January..... | 562 | 3,139 | 5.58 |
| February..... | 42 | 236 | 5.62 |
| March..... | 213 | 1,258 | 5.91 |
| April..... | 367 | 2,301 | 6.27 |
| May..... | 861 | 4,755 | 5.52 |
| June..... | 92 | 511 | 5.55 |
| Total (6 months)..... | 2,137 | 12,200 | 5.71 |

In 1926 imports were approximately 2,070 packs per month, all but 70 packs of which came from Germany; the average unit value was \$5.42 per pack. During the first three months of 1927 gold leaf came in at the rate of about 2,400 packs per month, valued at slightly more than \$6 per pack, all from Germany. During the last nine months of 1927, after the new rate of duty became operative, importations, mostly from Germany, averaged 649 packs per month, about 31.5 per cent of the monthly average during 1926, the last full year of importations under the old rate of duty. During the first six months of 1928 a total of 2,137 packs came in. Imports during this period averaged about 360 packs per month, showing a decline from any previous period. The average value of imports during the first six months of 1928 was \$5.71 per pack, a slight decrease in the average value of 1927 and an increase over the average value of 1926. Domestic gold leaf XX deep, 3¾ by 3¾ inches, has been quoted by trade journals at \$10.50 to \$12 since March, 1926.

Iron in pigs.—On February 23, 1927, the President proclaimed an increase in the rate of duty on iron in pigs from 75 cents to \$1.12½ per ton, effective March 25, 1927.

The market for iron in pigs is highly competitive, and changes in economic conditions which are the principal causes of alterations in relative price levels have marked and prompt effect on distribution. As a result largely of such price changes, which were greater than the change in the duty, the principal source of imports shifted from the United Kingdom to British India early in 1924, to Germany in 1926, and to British India in 1927. During the first six months of 1928 imports from the United Kingdom exceeded those from British India.

The increase of 37½ cents in the duty amounts roughly to 2 per cent of the domestic price. The effect which this increase has had upon imports or prices can not be estimated for the reasons that the increase is small compared to major fluctuations in the price of pig iron, and that pig iron prices have been at a relatively low level in the United States since the new duty became effective.

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Iron in pigs: Imports for consumption, January, 1926, to June, 1928

UNDER FORMER RATE OF DUTY (\$0.75 PER TON)

[Long tons]

| Month | United Kingdom | India | Germany | All other | Total |
|----------------|----------------|--------|---------|-----------|---------|
| 1926 | | | | | |
| January..... | 15,833 | 10,859 | 8,395 | 13,336 | 48,423 |
| February..... | 15,826 | 10,243 | 16,869 | 16,184 | 59,122 |
| March..... | 12,250 | 14,558 | 13,900 | 14,117 | 54,825 |
| April..... | 15,651 | 9,798 | 13,529 | 15,381 | 54,359 |
| May..... | 12,236 | 11,848 | 21,419 | 11,708 | 57,211 |
| June..... | 8,275 | 10,775 | 15,535 | 8,521 | 43,106 |
| July..... | 8,724 | 4,885 | 10,573 | 8,234 | 32,416 |
| August..... | 3,244 | 4,067 | 13,200 | 6,027 | 26,538 |
| September..... | | 3,742 | 11,490 | 3,351 | 18,583 |
| October..... | | 454 | 12,565 | 5,828 | 18,847 |
| November..... | 4 | 1,879 | 9,701 | 5,976 | 17,560 |
| December..... | | 203 | 10,218 | 4,362 | 14,783 |
| Total..... | 92,043 | 83,311 | 157,394 | 113,025 | 445,773 |
| 1927 | | | | | |
| January..... | | 246 | 5,272 | 3,808 | 9,326 |
| February..... | | 1,565 | 634 | 2,213 | 4,417 |
| March..... | 1,250 | 2,763 | 690 | 2,789 | 7,492 |

UNDER PRESENT RATE OF DUTY (\$1.12½ PER TON)

| | | | | | |
|-----------------------|--------|--------|-------|--------|---------|
| 1927 | | | | | |
| April..... | 2,048 | 2,149 | 285 | 4,441 | 8,923 |
| May..... | 3,600 | 10,402 | 180 | 2,482 | 16,664 |
| June..... | 4,995 | 5,667 | 750 | 2,085 | 13,497 |
| July..... | 3,042 | 5,405 | | 1,930 | 10,377 |
| August..... | | 9,703 | 560 | 3,321 | 14,084 |
| September..... | 90 | 6,242 | 500 | 2,337 | 9,169 |
| October..... | 190 | 5,196 | | 2,792 | 8,178 |
| November..... | 3,173 | 9,245 | 340 | 3,384 | 16,142 |
| December..... | 2,741 | 8,044 | | 3,514 | 14,299 |
| Total..... | 21,129 | 66,627 | 9,211 | 35,601 | 132,568 |
| 1928 | | | | | |
| January..... | 3,750 | 5,634 | 40 | 1,703 | 11,127 |
| February..... | 50 | 3,794 | | 2,543 | 6,387 |
| March..... | 10,748 | 3,338 | | 2,069 | 16,155 |
| April..... | 10,147 | 4,196 | | 5,802 | 20,145 |
| May..... | 4,556 | 3,026 | | 2,150 | 9,732 |
| June..... | 6,726 | 3,792 | 55 | 1,226 | 11,799 |
| Total (6 months)..... | 35,977 | 23,780 | 95 | 15,493 | 75,345 |

It will be noted that beginning in June, 1926, total imports decreased in quantity, reaching the low point of 4,417 tons in February, 1927, but subsequently increasing to 20,145 tons in April, 1928. Early in 1926 when imports were at the rate of 50,000 tons per month, the price of No. 2X Eastern at Philadelphia was about \$24 per ton and the price of No. 2X at Buffalo was between \$21 and \$22 per ton. The decrease in monthly imports in 1926 was coincident with the decrease in the price of No. 2X Eastern foundry iron delivered at Philadelphia to less than \$23 per ton and of No. 2X foundry iron at Buffalo to less than \$20 per ton. The average price in 1927 of No. 2X Eastern delivered at Philadelphia was \$21.86 and of No. 2X at Buffalo was \$17.51. These prices show a decline during the first six months of 1928, being for No. 2X Eastern delivered at Philadelphia about \$21 and for No. 2X at Buffalo \$17. Prices of most of

the foundry irons made in Europe are lower than the prices of domestic irons given above, but the differential is not sufficient to encourage any substantial volume of import business, being generally less than the cost of transporting foreign irons to the United States.

Crude and caustic calcined magnesite.—On July 6, 1927, the commission transmitted to the President a report upon the results of its investigation of crude and caustic calcined magnesite. That report was briefly summarized in the eleventh annual report.

On November 10, 1927, the President proclaimed an increase in the duty on crude magnesite from five-sixteenths of 1 cent per pound to fifteen thirty-seconds of 1 cent per pound, and upon caustic calcined magnesite from five-eighths of 1 cent per pound to fifteen-sixteenths of 1 cent per pound.

The following table shows annual imports of crude magnesite from January 1, 1923, to June 30, 1928.

Crude magnesite: United States imports, January 1, 1923, to June 30, 1928
 UNDER OLD RATE OF DUTY (FIVE-SIXTEENTHS OF 1 CENT PER POUND)

| Year | Quantity | Value |
|------|----------------------------|----------|
| 1923 | <i>Short tons</i> 5,182 | \$44,081 |
| 1924 | 6 | 85 |
| 1925 | 487 | 6,382 |
| 1926 | 608 | 6,555 |
| 1927 | 856 | 8,574 |

UNDER NEW RATE OF DUTY (FIFTEEN THIRTY-SECONDS OF 1 CENT PER POUND)

| | | |
|-----------------|-----|-------|
| 1928 (6 months) | 200 | 2,044 |
|-----------------|-----|-------|

Imports of crude magnesite are somewhat irregular and are used mostly for chemical purposes.

The new duty has been in effect such a short time that no deductions as to the result of the change can be made at this time.

The unit declared value of imports has not changed materially since 1925, but the price of crude f. o. b. California shipping point declined from \$14 per short ton, the quotation since February, 1926, to \$11 per short ton in May, 1928.

During the period 1923 to 1926 annual imports of caustic calcined magnesite averaged about 15,000 short tons or about 37 per cent of the domestic supply. In 1927, 11½ months of which were under the old rate of duty, imports amounted to 9,568 short tons, and during the first six months of 1928 imports under the new rate of duty were 3,261 short tons, or about 62 per cent as much as imports during the first six months of 1927.

The declared value of imports has increased from \$22.30 per short ton in 1926 to \$23.53 in 1927, and to \$23.64 in the first six months of 1928.

The following table shows the imports, by months, from January 1, 1926, to June 30, 1928.

Caustic calcined magnesite: Imports for consumption, January, 1926, to June, 1928

UNDER OLD RATE OF DUTY (FIVE-EIGHTHS OF 1 CENT PER POUND)

| Month | Quantity | Value | Value per ton |
|----------------------|-------------------|----------|---------------|
| 1926 | | | |
| | <i>Short tons</i> | | |
| January..... | 685 | \$21,096 | \$30.80 |
| February..... | 1,459 | 32,372 | 22.19 |
| March..... | 1,278 | 27,873 | 21.81 |
| April..... | 409 | 12,735 | 31.14 |
| May..... | 1,433 | 29,776 | 20.78 |
| June..... | 1,716 | 33,037 | 19.25 |
| July..... | 1,503 | 34,461 | 22.93 |
| August..... | 2,105 | 41,829 | 19.87 |
| September..... | 268 | 8,120 | 30.30 |
| October..... | 407 | 12,085 | 29.69 |
| November..... | 2,477 | 51,487 | 20.79 |
| December..... | 1,018 | 24,257 | 23.83 |
| Total..... | 14,758 | 329,128 | 22.30 |
| 1927 | | | |
| January..... | 113 | 3,931 | 34.79 |
| February..... | 869 | 17,482 | 20.12 |
| March..... | 1,123 | 23,734 | 21.13 |
| April..... | 636 | 14,871 | 23.38 |
| May..... | 1,378 | 27,063 | 19.64 |
| June..... | 989 | 22,050 | 22.30 |
| July..... | 301 | 9,433 | 31.34 |
| August..... | 917 | 21,755 | 23.72 |
| September..... | 894 | 20,482 | 22.91 |
| October..... | 818 | 21,643 | 26.46 |
| November..... | 901 | 23,590 | 26.18 |
| December (1-10)..... | 521 | 16,044 | 30.79 |

UNDER NEW RATE OF DUTY (FIFTEEN-SIXTEENTHS OF 1 CENT PER POUND)

| | | | |
|------------------------|-------|---------|---------|
| 1927 | | | |
| December (11-31)..... | 108 | \$3,065 | \$28.38 |
| Total (12 months)..... | 9,568 | 225,143 | 23.53 |
| 1928 | | | |
| January..... | 562 | 12,861 | 22.88 |
| February..... | 82 | 2,675 | 32.62 |
| March..... | 91 | 3,096 | 34.02 |
| April..... | 854 | 21,678 | 25.38 |
| May..... | 955 | 20,200 | 21.15 |
| June..... | 717 | 16,579 | 23.12 |
| Total (6 months)..... | 3,261 | 77,089 | 23.64 |

The following table shows the percentage of total imports of caustic calcined magnesite into the United States from the principal sources of such imports for 1926, 1927, and the first six months of 1928, and indicates no noteworthy changes in the relative importance of the various sources of imports.

Caustic calcined magnesite: Percentage of total United States imports supplied by various countries

| Imported from— | Per cent of total | | |
|-------------------------|-------------------|------|------------------|
| | 1926 | 1927 | 1928 (6 months) |
| British India..... | 62 | 60 | 72 |
| The Netherlands..... | 27 | 33 | 27 |
| The United Kingdom..... | 6 | 2 | 1 |
| Other countries..... | 5 | 5 | (¹) |
| Total..... | 100 | 100 | 100 |

¹ 0.2 per cent.

The prices quoted for caustic calcined magnesite f. o. b. California mines remained unchanged at \$38 to \$40 per short ton from December, 1925, to April, 1928. In May, 1928, the prices increased, being quoted at \$37.50 to \$42.

SCHEDULE 4. WOOD AND MANUFACTURES OF WOOD

(a) GENERAL STATEMENT

The lumber division deals with all commodities mentioned in schedule 4 of the tariff act of 1922, and with wood products enumerated in schedule 15 (free list).

During the past year the time of the division has been given largely to two investigations for the purposes of section 315 of the tariff act of 1922: (1) Logs of fir, spruce, cedar, or western hemlock, and (2) bentwood chairs.

(b) SURVEYS AND REPORTS

Statistical work has been done as a preliminary to a revision of the published surveys on commodities of wood.

(c) INVESTIGATIONS AND REPORTS FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

(1) APPLICATIONS RECEIVED AND PRELIMINARY REPORTS THEREON

Since July 1, 1927, three applications have been filed with the commission for investigations for the purposes of section 315 of the tariff act of 1922 with respect to commodities of wood. The applications covered wood flour, carved wood, and plywood on which preliminary studies were made and reports submitted. A résumé of the preliminary study of plywood follows:

Plywood.—Plywood is a combination of several plies or sheets of veneer glued together or glued to a core of lumber, with the grain of any one ply at right angles to the adjacent ply. Plywood is built up in odd multiple plies of 3, 5, 7, 9, etc.

The application filed with the commission complained of imports. Plywood is being imported from Finland, Russia, and Latvia and sold at prices less than the cost of production of similar plywood in domestic factories. A preliminary study made by the commission in New York State, Wisconsin, and Michigan indicates that imports are small in volume as compared with domestic production. Imports of plywood from all countries amounted to approximately \$80,000 during the year ended June 30, 1928; sales of domestic plywood in 1926 amounted to about \$47,000,000. The long time required for delivery of foreign plywood and the low-grade quality of imports have made reorders negligible.

The study further shows that depression in the furniture industry, the principal plywood-consuming industry, has materially reduced the volume of business available to plywood manufacturers. Over-expansion among domestic plywood mills and increasing competition from newer producing regions account for the low prices prevailing for plywood of certain species.

A serious problem would be encountered by the commission in obtaining comparable costs of production in that lack of uniform cost accounting would render it difficult to calculate the cost of the many species of wood employed, the varied combinations of woods, and the myriads of thicknesses and grades used.

(2) INVESTIGATIONS IN PROGRESS

Bentwood chairs.—In April, 1925, the commission instituted an investigation of bentwood chairs for the purposes of section 315 of the tariff act of 1922. A preliminary statement of information issued to the trade in May, 1927, summarized cost and economic data obtained during the field investigation. At a public hearing held on June 6, 7, and 8, 1927, testimony was taken with respect to domestic and foreign costs of production, costs of assembling knocked-down parts, competition, comparability, transportation, and markets.

Because of the conflicting information offered to the commission by domestic manufacturers and importers, the chief competing market or markets for domestic and foreign chairs was not determined at the public hearing. The commission therefore directed that an analysis be made of chair sales in the United States for the year 1924. Field work in this phase of the investigation was carried on from March 19 to April 28, 1928, and the data brought in were tabulated by styles and quantities sold at each point to which shipments were made. In the course of the investigation several problems developed: First, the varied types of bentwood chairs produced made it necessary to devise a method of compiling cost data by style groups; second, the importation of standard parts and of prefitted knocked-down chairs, both in the white and finished, involved the question of including as a cost the setting up of such chairs in the United States; and, third, the broad distribution outside of two important consuming centers for domestic chairs and imported chairs presented a material transportation problem. A complete report is in course of preparation.

(3) REPORTS TO THE PRESIDENT

Logs of fir, spruce, cedar, or western hemlock.—A report has been completed by the commission upon the costs of production of logs of fir, spruce, cedar, or western hemlock in the United States and in the principal competing country, Canada, as ascertained pursuant to the provisions of section 315 of the tariff act of 1922.

The report covers the species included and the areas embraced, a description of the logging industry of the Pacific Northwest, data on the production of, and the trade in, logs between the United States and Canada, methods of acquiring timber in Washington and British Columbia, detailed costs of production in the Puget Sound region of Washington and the Vancouver forest district of British Columbia, and the distribution and consumption of foreign and domestic logs. Inasmuch as this report has not been published, no summary can be given.

Paintbrush handles.—A proclamation by the President under the date of October 14, 1926, decreased the rate of duty on paintbrush handles from $33\frac{1}{3}$ per cent ad valorem to $16\frac{2}{3}$ per cent ad valorem. The lower rate of duty became effective November 13, 1926. Comparisons of imports under the old and new rates of duty can not be made because statistics were not compiled on paintbrush handles prior to November, 1926. Imports, by months, under the lower rate of duty are shown in the following table.

Paintbrush handles: Imports for consumption, by months, November 13, 1926, to August, 1928

| Month | Value of imports from Canada | Value of imports from Germany | Total value |
|----------------|------------------------------|-------------------------------|-------------|
| 1926 | | | |
| November..... | \$69 | \$123 | \$192 |
| December..... | 1,496 | 255 | 1,751 |
| 1927 | | | |
| January..... | 1,496 | 96 | 1,592 |
| February..... | 1,361 | 80 | 1,441 |
| March..... | 1,298 | 136 | 1,434 |
| April..... | 1,325 | 689 | 2,014 |
| May..... | 543 | 281 | 824 |
| June..... | 946 | 164 | 1,110 |
| July..... | 880 | 1,430 | 2,310 |
| August..... | 2,424 | 10 | 2,434 |
| September..... | | 910 | 910 |
| October..... | | 681 | 681 |
| November..... | 1,048 | 90 | 1,138 |
| December..... | 1,460 | 186 | 1,646 |
| 1928 | | | |
| January..... | 504 | 243 | 747 |
| February..... | 1,609 | 150 | 1,759 |
| March..... | 1,269 | | 1,269 |
| April..... | 693 | 350 | 1,043 |
| May..... | 2,575 | 154 | 2,729 |
| June..... | 1,483 | 1,274 | 2,757 |
| July..... | 2,554 | 961 | 3,515 |
| August..... | 2,661 | 1,185 | 3,846 |

¹ Includes imports of \$27 from United Kingdom.

SCHEDULE 5. SUGAR, MOLASSES, AND MANUFACTURES THEREOF

(a) GENERAL STATEMENT

The sugar division deals with (1) all commodities provided for in schedule 5 of the tariff act of 1922 except rare sugars used as chemicals; (2) chicle, a gumlike substance used in the manufacture of chewing gum and provided for in paragraph 25; and (3) honey, provided for in paragraph 716.

During the past year the division has been occupied chiefly with the investigation for purposes of section 315 with respect to maple sugar and maple sirup, and under the general powers with respect to blackstrap, cane sirup, and edible molasses. These commodities were originally the subject of a single investigation instituted on July 23, 1925, under the general powers of the commission. A report on maple sugar and maple sirup has been completed but has not been released for publication. Work on blackstrap and on cane sirup and edible molasses is in progress.

Data with respect to production, imports, exports, prices and transportation costs of all products handled by the division are kept as nearly up to date as practicable. The material collected has been used in revising surveys previously prepared up to and including 1927. The division endeavors to keep informed on changes in methods of treating raw material, manufacturing processes, marketing methods, and other matters having a direct or an indirect bearing upon costs. This information, covering both domestic and foreign products, could be made available for use upon short notice.

(b) SURVEYS AND SPECIAL STUDIES

The division has made special studies of a group of products falling within its province. Some of the material gathered in making these studies will be incorporated in surveys. A brief outline of the subjects studied follows:

(1) CANE AND BEET SUGAR

In 1913-14 the domestic production of beet sugar was 655,000 long tons; by 1927-28 it had increased to 965,000 long tons. During the same period cane sugar production in continental United States decreased from 267,000 long tons to 63,000 long tons. The net result has therefore been a gain of only 106,000 long tons in total sugar production in the 14-year period. In Porto Rico and Hawaii production increased from 876,000 tons in 1913-14 to 1,466,000 long tons in 1927-28. Imports of dutiable sugar entered for consumption in the United States amounted to 2,362,000 long tons in the fiscal year 1913-14, as compared to 3,304,000 long tons in the calendar year 1927. The duty collected on sugar in the fiscal year 1913-14 was \$61,440,463 and in the calendar year 1927 was \$130,043,897. Dutiable raw sugar imported in 1918 averaged 4.7 cents per pound without the duty, and 5.8 cents duty paid; in 1927 it averaged 2.8 cents without the duty, and 4.6 cents duty paid. In 1918 the total consumption of refined sugar in continental United States was 3,495,606 long tons and the per capita consumption 73.36 pounds; in 1927 consumption increased to 5,297,050 long tons and the per capita consumption to 100.95 pounds.

The present full rate of duty on 96° raw sugar is 2.206 cents and the Cuban rate is 1.7648 cents per pound. In 1927 imports of raw sugar from Cuba totaled 3,295,000 long tons, as compared with 9,000 long tons from countries paying full duty.

(2) DEXTROSE AND DEXTROSE SIRUP

Dextrose, also known as corn sugar, or grape sugar, and dextrose sirup, also known as glucose, are manufactured in commercial quantities from starch. In 1925, the last year for which Census figures are available, the domestic production of dextrose or corn sugar was 580,370,043 pounds, valued at \$19,505,495; and of dextrose sirup or glucose, 1,144,857,576 pounds, valued at \$41,274,825. No dextrose and very little dextrose sirup (2,915 pounds) was imported in 1927. Exports in that year were 6,451,376 pounds of dextrose, valued at \$224,034; and 135,634,083 pounds of dextrose sirup, valued at \$4,402,874.

The rate of duty on imports of commercial dextrose (i. e., dextrose testing not above 99.7 per cent) and dextrose sirup is 1½ cents per pound.

(3) SUGAR CANE

The production of sugar cane in the United States has declined in recent years. The decline has been due chiefly to the ravages of insect pests and plant diseases. In 1918 more than 4,000,000 short tons of cane were grown for sugar production in continental United States (Louisiana), and in 1927 only 1,120,000 short tons.

No cane in the natural state has been imported for commercial sugar production in continental United States, but for many years small quantities have been imported annually from Santo Domingo into Porto Rico. In 1927 these imports amounted to 185,434 short tons. The import duty on cane in the natural state is \$1 per short ton.

(4) CONFECTIONERY

According to the Census Bureau, the output of confectionery—1925 by 1,279 establishments was valued at \$306,725,000. More than 1,300,000,000 pounds of raw material, such as sugar, corn sirup, chocolate, nuts, milk, cocoa, and fruits, were utilized in making confectionery in the 1,279 establishments. Imports of confectionery in 1927 amounted to 3,053,744 pounds, valued at \$886,339, and exports to 14,501,050 pounds, valued at \$2,735,497.

American-made candy went in appreciable quantities to 35 countries in 1927. The United Kingdom took 4,715,000 pounds, and Cuba and Canada about 1,000,000 pounds each. More than 7,000,000 pounds went to the noncontiguous territories of Porto Rico, Hawaii, and Alaska.

The existing rate of duty on sugar candy and on all confectionery not specially provided for is 40 per cent ad valorem.

(5) CHEWING GUM

The census of 1925 indicates a domestic production of chewing gum valued at \$47,838,000. Exports in the same year were 4,387,701 pounds, valued at \$1,907,364. In 1927 exports declined to 3,769,311 pounds, valued at \$1,586,770. There are no imports of chewing gum. Chewing gum, as such, is not mentioned in the act of 1922, but chicle, which forms the basis of chewing gum and which has no other use, is assessed as follows:

Chicle, crude, 10 cents per pound; refined or advanced in value by drying, straining, or any other process of treatment whatever beyond that essential to the proper packing, 15 cents per pound.

(6) HONEY

Honey is produced in large quantities in the United States, but owing to the large number of small producers, widely scattered, the exact production is not known. Production in 1927 is estimated at 200,000,000 to 300,000,000 pounds. Confectioners and bakers use honey in car lots; druggists and others use considerable quantities of it in the preparation of medicines and lotions and for other purposes.

Exports of honey in 1926 amounted to 7,754,394 pounds, valued at \$699,749, and in 1927 to 12,054,607 pounds, valued at \$1,084,145.

Dutiable imports of honey in 1927 amounted to 290,686 pounds, valued at \$40,678, of which 44,680 pounds, valued at \$2,243, came from Cuba.

The full rate of duty on imports of honey is 3 cents and the Cuban rate 2.4 cents per pound.

(C) INVESTIGATIONS UNDER THE GENERAL POWERS OF THE COMMISSION

BLACKSTRAP

In the commission's investigation of the cost of production of blackstrap molasses, instituted in July, 1925, field work has been done, and the basic data obtained analyzed and tabulated. A report is in course of preparation.

The costs of handling and marketing blackstrap were obtained from the books of record of 15 representative domestic producers and by means of questionnaires answered by domestic and foreign producers, as well as by importers and users of blackstrap. Supplementary data were obtained from governmental sources, by analysis of invoices of imports, and in interviews with producers, importers, and consumers.

Blackstrap molasses is a by-product formed in producing cane and beet sugar and in refining raw sugars. In the usual processes of sugar making, about 50 gallons of blackstrap (called waste molasses in beet-sugar factories) are produced for each long ton of sugar turned out; if special processes are used in extracting the sugar, the quantity of final molasses is more or less reduced.

Blackstrap is used chiefly in the production of industrial alcohol and in the manufacture of sweet cattle feeds. In recent years from two-thirds to four-fifths of the available supply has been used in the production of distilled spirits. The remainder has been used largely in the feed industry, smaller quantities going into the manufacture of yeast, glycerin, vinegar, and other products. In addition to the above uses, an appreciable quantity of blackstrap is refined or clarified and made into edible molasses usually called table sirup. In this form it is consumed either in the pure state or mixed in varying proportions with edible cane molasses, corn sirup, or with other molasses or sirups.

In the last eight years the sales price of blackstrap in tank cars on the New Orleans market has ranged from less than 3 cents to 25 cents a gallon. The high point (25 cents) was reached in July, 1920, and the low point (2.75 cents) in July and August, 1922. In 1927 the price in bulk on the New Orleans market ranged from 5.75 to 8.25 cents a gallon, the annual average for the year being 7.44 cents. In barrels, the 1927 price was considerably higher, ranging from 10½ to 29½ cents a gallon.

The following table shows the approximate production of blackstrap in continental United States, imports, and the available supply for domestic consumption in recent years.

Blackstrap: Available supply for consumption in the United States, 1924-1927

| Year | Production, ¹ beet and cane | Shipments from Hawaii and Porto Rico | Dutiable imports from— | | Total imports and shipments ² | Available supply |
|-----------|--|---|------------------------|-----------------------|--|------------------------|
| | | | Cuba | Other countries | | |
| 1924----- | Gallons 46,594,050 | Gallons 27,190,544 | Gallons 164,918,115 | Gallons 14,566,328 | Gallons 206,675,985 | Gallons 253,270,035 |
| 1925----- | 52,659,350 | 42,052,211 | 227,115,987 | 20,892,557 | 290,065,425 | 342,724,775 |
| 1926----- | 46,444,300 | 42,997,320 | 222,880,035 | 31,893,838 | 297,780,534 | 344,224,894 |
| 1927----- | 42,167,900 | 30,564,727 | 181,760,673 | 24,011,466 | 236,337,716 | 278,505,616 |

¹ Estimated on the basis of 50 gallons of blackstrap per long ton of sugar. Basic sugar production figures from Willett & Gray's Weekly Statistical Sugar Trade Journal. Production years are fiscal ending June 30 of the year given, all other years are calendar.

² Contain small quantities of duty free molasses from the Philippines and the Virgin Islands as follows: 1924, 995 gallons; 1925, 4,670 gallons; 1926, 9,341 gallons; 1927, 850 gallons.

Blackstrap is usually rated as a low-grade molasses, although it is not necessarily low in sugar content. It may contain as much as 56 per cent total sugars, and edible molasses may contain less than 50 per cent total sugars.

Blackstrap containing 52 per cent total sugars or less carries a duty of one-sixth of 1 cent per gallon. For each per centum of total sugars above 52 up to 56, an additional duty of one-sixth of 1 cent is imposed. As there is no sharp line of demarcation between blackstrap and edible molasses so far as composition is concerned, it is not possible to take advantage of the blackstrap rate of duty unless the importer declares the shipment in question to be not for human consumption or for the extraction of sugar. It is lawful to dilute molasses to any desired percentage of total sugars and to pay the rate of duty indicated by the sugar content of the diluted product.

The following table shows the possible loss of revenue per 100 gallons of blackstrap molasses containing 52 per cent or less to 56 per cent of total sugars:

Blackstrap molasses: Rates of duty and loss in revenues per 100 gallons ¹ of blackstrap when diluted to 52 per cent total sugars

| Per cent total sugars | Full rate of duty in cents per gallon | Cuban rate of duty in cents per gallon | Additional duty per 100 gallons due to diluting to 52 per cent total sugars (cents) | | Total loss in revenue when 100 gallons of blackstrap is diluted to 52 per cent total sugars (cents) | | Net loss in revenues when 100 gallons of blackstrap is diluted to 52 per cent total sugars (cents) | |
|-----------------------|---------------------------------------|--|---|------------|---|------------|--|------------|
| | | | Full rate | Cuban rate | Full rate | Cuban rate | Full rate | Cuban rate |
| 52..... | 1/6 | 2 1/8 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| 53..... | 2/6 | 4 1/8 | .32 | .256 | 16% | 13 1/2% | 16.346 | 13.077 |
| 54..... | 3/6 | 6 1/8 | .64 | .512 | 33% | 26% | 32.693 | 26.154 |
| 55..... | 4/6 | 8 1/8 | .96 | .768 | 50 | 40 | 49.040 | 39.232 |
| 56..... | 5/6 | 10 1/8 | 1.28 | 1.024 | 66% | 53% | 65.386 | 52.309 |

¹ Of the 205,772,139 gallons of dutiable imports of blackstrap received in 1927 over 205,350,000 gallons carried the minimum rate of duty. If all dutiable imports of blackstrap molasses in 1927 were diluted the net loss in revenues for each degree of dilution would amount to more than \$250,000. In recent years approximately nine-tenths of all dutiable imports of blackstrap molasses have come from Cuba.

Cane sirup is made by extracting the juice of sugar cane and boiling it down to a given density (39° Baumé) without removing any appreciable amount of its sugar content. If concentration is carried beyond a certain point some of the sugar will crystallize. The remaining liquid is known as cane molasses.

CANE SIRUP AND EDIBLE MOLASSES

In the investigation of cane sirup and edible molasses, instituted in July, 1925, the commission obtained cost data from 260 farms growing cane and 189 farm mills producing cane sirup in Louisiana, Mississippi, Alabama, and Georgia, the leading producing States. In addition to these farm costs, data were obtained for 1925 from 25 sugar mills in Louisiana. Twelve of the 25 mills made only sirup; 13 made either first or second molasses, or both. As an evidence of foreign costs the commission made an analysis of invoices of imports entered through the four principal ports of entry. The invoices showed the source of imports and the quantity and value of cane

sirup and edible molasses brought into the country, but did not show how much of the combined import of the two products was sirup and how much molasses. Imports come largely from the West Indian Islands, of which Barbados is the principal producer and shipper.

The domestic production of cane sirup and edible molasses and the imports of these commodities making up the available supply for consumption in continental United States are shown in the following table.

Cane sirup and edible molasses: Domestic production and imports for consumption in continental United States, 1924-1927

| Year | Domestic production | | Imports of cane sirup and edible molasses ³ | | Domestic exports | Total available supply of cane sirup and edible molasses |
|-----------|-------------------------|------------------------------|--|----------------|------------------|--|
| | Cane sirup ¹ | Edible molasses ² | Dutiable | Free | | |
| | <i>Gallons</i> | <i>Gallons</i> | <i>Gallons</i> | <i>Gallons</i> | <i>Gallons</i> | <i>Gallons</i> |
| 1924..... | 20, 148, 000 | 6, 322, 370 | 1, 918, 873 | ----- | 4, 194, 985 | 24, 194, 258 |
| 1925..... | 20, 400, 000 | 5, 612, 319 | 1, 900, 344 | 16, 320 | 4, 444, 695 | 23, 484, 288 |
| 1926..... | 22, 172, 000 | 3, 309, 000 | 1, 922, 520 | 12, 021 | 3, 667, 750 | 23, 753, 791 |
| 1927..... | 21, 425, 000 | 4, 480, 850 | 1, 676, 627 | 10, 590 | 2, 664, 994 | 24, 928, 073 |

¹ Yearbooks of the U. S. Department of Agriculture, 1926 and 1927.

² Total molasses as given in U. S. Department of Agriculture Yearbooks, less the blackstrap.

³ Foreign Commerce and Navigation of the U. S. Department of Commerce.

The tariff act of 1922 provides for cane sirup and edible molasses as follows:

PAR. 502. Molasses and sugar sirups not specially provided for, testing not above 48 per centum total sugars, twenty-five one-hundredths of 1 cent. per gallon; testing above 48 per centum total sugars, two hundred and seventy-five one-thousandths of 1 cent additional for each per centum of total sugars and fractions of a per centum in proportion.

By total sugars is meant the sum of all sugars present including the sucrose or sugar of commerce and the invert sugars, which do not readily crystallize and which prevent some of the sucrose from crystallizing. The quantity of total sugars present in a given sample of edible molasses or cane sirup may and sometimes does exceed 80 per cent of the total weight of the molasses or sirup, in which case the duty is upwards of 9 cents per gallon.

(d) INVESTIGATIONS FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

MAPLE SUGAR AND MAPLE SIRUP

The investigation of maple sugar and maple sirup instituted by the commission on February 25, 1927, for purposes of section 315 has been completed. The methods followed in this investigation are fully described in the eleventh annual report. The most recent statistics concerning maple products are given in the following table.

Maple sugar and maple sirup: Production in the United States and percentage of consumption imported, 1924-1927

| Year | Sugar | | | | Sirup | | | |
|-----------|----------------------------------|----------------------|----------------------|------------------------------------|----------------------------------|----------------------|----------------------|------------------------------------|
| | Domestic production ¹ | Imports ¹ | Domestic consumption | Percentage of consumption imported | Domestic production ² | Imports ¹ | Domestic consumption | Percentage of consumption imported |
| | <i>Pounds</i> | <i>Pounds</i> | <i>Pounds</i> | | <i>Gallons</i> | <i>Gallons</i> | <i>Gallons</i> | |
| 1924..... | 4, 078, 000 | 3, 910, 774 | 7, 988, 774 | 48. 95 | 3, 903, 000 | 5, 514 | 3, 908, 514 | 0. 14 |
| 1925..... | 3, 236, 000 | 3, 446, 456 | 6, 682, 456 | 51. 57 | 3, 089, 000 | 10, 313 | 3, 099, 313 | . 33 |
| 1926..... | 3, 577, 000 | 3, 886, 471 | 7, 463, 471 | 52. 07 | 3, 900, 000 | 18, 481 | 3, 918, 481 | . 47 |
| 1927..... | 3, 102, 000 | 5, 533, 252 | 8, 635, 252 | 64. 08 | 3, 183, 000 | 15, 919 | 3, 198, 920 | . 50 |

¹ Foreign Commerce and Navigation of the U. S. Department of Commerce. Pounds of sirup converted to United States gallons. One gallon weighs 11 pounds.

² Yearbook 1927, U. S. Department of Agriculture.

³ For eight States not including Ohio and Indiana.

Imports of maple products are derived almost exclusively from Canada and consist for the most part of sugar.

Domestic exports of maple products are so small that they are not listed separately but are designated "Sugar refined, including maple sugar" and "sirup, including maple sirup."

The existing rate of duty is 4 cents per pound on maple sugar and 4 cents per pound on maple sirup, the equivalent ad valorem rate in the last four years averaging about 27 per cent. In 1927 imports were valued at \$925,732, yielding a revenue of \$228,335, and making the equivalent ad valorem rate 24.67 per cent.

Although the domestic maple industry is scattered over more than 20 States, 70 per cent of production is in Vermont, New York, and Ohio. Vermont usually leads in production; occasionally New York State is the largest producer.

In Canada, the principal producing country other than the United States, maple sugar and maple sirup are made in four provinces, and about three-fourths of the Canadian output is produced in the Province of Quebec. The quantity produced in any given locality varies widely from year to year, being dependent largely upon weather and marketing conditions.

Inasmuch as the report of the investigation of maple sugar and maple sirup has not been published, no summary of the report can be given.

SCHEDULE 6. TOBACCO AND MANUFACTURES OF

The commission has not published any surveys or reports on the articles coming within the tobacco schedule. No tariff problem in regard to tobacco has arisen, and only routine matters in connection with the schedule have been considered. Statistics of imports and exports have been kept up to date.

SCHEDULE 7. AGRICULTURAL PRODUCTS AND PROVISIONS

(a) GENERAL STATEMENT

In Schedule 7 are included not only the immediate products of the farm and closely related manufactures of farm products, but also fish and fish products. The work on fish and fish products is reported separately on pages 109, 110.

During the period covered by the report the division has been occupied principally with investigations for the purposes of section 315 of the tariff act of 1922. It has also devoted considerable time to investigations under the general powers of the commission and to the preparation of surveys on agricultural commodities.

A number of major investigations for the purposes of section 315, begun in the fiscal year ended June, 1927, were disposed of during the current year. Reports were sent to the President on cherries and corn. On one of these—cherries, sulphured or in brine, stemmed or pitted—the President proclaimed a change in the rate of duty.

Investigations of agricultural products advanced to the stage of public hearings include milk and cream, peanuts, eggs and egg products, fresh tomatoes, and canned tomatoes and tomato paste. Investigations recently instituted are for sweet peppers, white or Irish potatoes, and matzos (unleavened bread).

Under the general powers of the commission investigations were instituted and are in progress on live cattle, fresh beef and veal, and canned and prepared meats and other related meat products and on hay.

(b) AGRICULTURAL SURVEYS

No surveys were written during the past year, but material was collected for surveys on oats, barley, buckwheat, blueberries, and field seeds.

(c) AGRICULTURAL INVESTIGATIONS UNDER THE GENERAL POWERS OF THE COMMISSION

Cattle and beef.—On May 8, 1928, the commission instituted, under its general powers, an investigation of cattle and beef, including canned beef and by-products of beef, such as hides, tallow, and oleo oil. Field work was begun on July 31 to obtain (1) ranch costs of cattle production in the range States of the United States, (2) costs of fattening cattle in the Corn Belt, and (3) ranch costs in the four western Provinces of Canada.

For domestic costs, the commission used a series of studies made in recent years by a number of State agricultural colleges and experiment stations, most of them in cooperation with the United States Department of Agriculture, on the costs of producing and fattening cattle. In adapting the figures obtained to the purposes for which they are to be used and in bringing them up to date, the commission had the assistance of the colleges and of the department. These ranch costs are for one or more areas in each of the Dakotas, Montana, Wyoming, Idaho, Utah, Nevada, Oregon, California, New Mexico, Texas, Nebraska, and Colorado. The costs of fattening cattle are for representative areas in Indiana, Illinois, Iowa, Nebraska, Missouri, and Kansas. In addition to the ranch costs, marketing expenses from range points to the central markets were obtained.

Cost records were taken for 40 representative ranches in the Provinces of Saskatchewan, Alberta, and British Columbia. These records cover operations on (1) the short-grass ranches of eastern Alberta and western Saskatchewan, mainly leased lands; (2) the foot-hill ranches of western Alberta, where wheat production has greatly expanded in recent years; and (3) bunch-grass ranches in the mountain region, where grain production is impracticable and extensive use is made of national forest grazing.

Field work to obtain the costs of packing, and marketing beef and its by-products in the United States was completed on October 13. In the New York district special attention was given to the processing and marketing of kosher beef. Through the cooperation of domestic packing houses having plants in Argentina and Uruguay, comparative cost data are being gathered for those countries.

Hay.—An investigation of the trade in hay under the general powers of the commission was ordered on June 15, 1928. The problem in hay is one of control of surplus or prevention of deficiency in the hay regions of the northeastern States. Most of the imported hay crosses the section of the Canadian border that extends from Buffalo to Maine, and competes with hay produced in New York, Pennsylvania, New Jersey, and New England. New York and Pennsylvania are the most important surplus States of this region, usually shipping into New England, New Jersey and, to a less extent, to the States farther south.

The cash market for hay is created principally by owners of horses in the urban centers and by dairy farmers, especially by those near the large cities where land is too valuable for extensive production of hay. In recent years the rapid decline in the number of horses, especially in cities, has caused a sharp decrease in the demand for market hay. In the face of this decrease in demand, imports have been maintained in considerable volume.

(d) INVESTIGATIONS FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

(1) APPLICATIONS RECEIVED AND PRELIMINARY STUDIES THEREON

Since July 1, 1927, applications have been filed with the commission for investigations for the purposes of section 315 of the tariff act of 1922 with respect to 13 agricultural commodities. (See Table I on p. 173.) Included among these commodities were canned tomato paste, dried peas, hay, cherries prepared or preserved, celery, matzos, walnuts, and preserved mushrooms. In addition, the Senate by resolution requested an investigation of potatoes.

Preliminary studies made by the division during the year to assist the commission in determining whether investigations should be instituted either for the purposes of section 315 or under the general powers of the commission were concerned with Cheddar cheese, sweet peppers, hay, walnuts, canned mushrooms, and matzos. For these studies, all available information was assembled on domestic production, imports, exports, prices, costs, and the strength of the actual and potential competition of the principal competing foreign countries. For some commodities it was necessary to go into the field for first-hand information.

(2) INVESTIGATIONS INSTITUTED

Investigations instituted under section 315 since July 1, 1927, are tabulated below in chronological order:

| Commodity | Date ordered | Paragraph |
|---------------------------------|---------------|-----------|
| Tomato paste ¹ | Oct. 14, 1927 | 770 |
| Fresh sweet peppers..... | Apr. 18, 1928 | 772 |
| White or Irish potatoes..... | Apr. 20, 1928 | 769 |
| Matzos (unleavened bread)..... | July 26, 1928 | 733 |

¹ The investigation of costs of canned tomatoes, a related subject, had been instituted on June 10, 1927.

(3) INVESTIGATIONS IN PROGRESS

Milk and cream.—The first change in duty on a dairy product under the provisions of section 315 was made when the President, on March 6, 1926, proclaimed an increase in the duty on butter from 8 to 12 cents per pound. The commission had made a study of the costs of producing butter in the United States and in Denmark, the principal competing foreign country, and had reported the results of this investigation to the President. In 1925, the year preceding the change in duty on butter, the ad valorem equivalent of the duty of 8 cents per pound was 21½ per cent; the ad valorem equivalent of the duty of 2½ cents per gallon on milk was 15 per cent; and of the duty of 20 cents per gallon on cream, 14 per cent. In 1927 the ad valorem equivalent of the changed duty on butter—12 cents per pound—was 35 per cent ad valorem; that of the unchanged duty on milk, 15 per cent; and on cream, 13 per cent.

On March 4, 1926, following a resolution adopted by the Senate, the commission instituted an investigation of the costs of producing milk and cream. Imports of milk had increased from 1,520,000 gallons valued at \$342,000 in 1918, to 7,366,000 gallons valued at \$1,225,000 in 1926; imports of cream had increased from 704,000 gallons, valued at \$737,000 to 5,374,000 gallons, valued at \$8,051,000. Nearly all of this milk and cream was received in the milk sheds supplying Boston, New York, and Philadelphia. It was therefore necessary to obtain costs of production of milk and cream for domestic and foreign areas supplying these competitive markets. Thus the domestic regions represented in the study were as follows: (1) The Boston milk shed, including all of the New England States except the northern part of Maine; (2) the New York milk shed, including all counties of northeastern Pennsylvania and northern New Jersey that contributed to the supply of the New York market; (3) the Philadelphia milk shed, including 20 counties in southern and south-central Pennsylvania, all Delaware, the Eastern Shore of Maryland, and three counties in western Maryland; and (4) the North Central States—Michigan, Ohio, Indiana, Iowa, Minnesota, and Wisconsin—which ship cream to a number of the eastern markets.

In Canada costs were obtained for the dairy region in Quebec lying between the United States border and the St. Lawrence, and regions in Ontario adjacent to the St. Lawrence and in the southwestern part of the Province.

The investigation involved finding (1) the farm costs of milk to be sold and consumed as fluid milk; (2) the farm costs of milk to be used for cream; (3) the allocated plant costs of handling and marketing fluid milk; and (4) the allocated plant costs of handling and marketing cream.

Domestic costs were obtained from 894 farms and from 77 creamery plants. With the cooperation of Canadian officials and producers, costs were obtained from 197 farms and 22 creamery plants in Canada. The farm cost data were obtained under the supervision of crew leaders by men trained for such work in the agricultural colleges. The accountants obtained from the shipping stations, costs of handling and shipping milk and cream.

A preliminary statement summarizing the information obtained in the investigation was issued for use at the public hearing, held on February 23 and 24, 1928. This statement presented for discussion

a number of problems, which had arisen in the course of the investigation, concerning such matters as the scope and representativeness of the investigation, the necessity for adjustments for differences in butterfat content between foreign and domestic milk and cream, adjustments for seasonal differences in production, methods of determining credits for skim milk, and methods of calculating transportation costs.

A representative of the National Dairy Council of Canada, representatives of certain New England cream and milk dealers' associations, the assistant to the director of the legislative department of the American Farm Bureau Federation, and representatives of the National Cooperative Milk Producers' Federation were present at the hearing, discussed the questions raised and presented evidence. Members of Congress also appeared in behalf of the domestic industry. Briefs by interested parties were filed March 19 and 22, 1928. Subsequent to the hearing and the filing of briefs the commission undertook the preparation of its final report to the President.

Peanuts.—In the Southern States the production of peanuts continued to increase steadily until the last year of the World War, when 1,865,000 acres planted yielded a crop of 41,336,700 bushels. Since 1918 production has tended to decline and yield per acre has fluctuated. The expansion of the industry between 1889 and 1918 resulted from the increased demand for peanuts for direct consumption and for candy and peanut butter; the invention of automatic machinery for harvesting and threshing peanuts; a recognition of the value of peanuts for rotation with cotton or tobacco; the discovery of their value as a substitute crop for cotton in areas infected with the boll weevil; and during the World War, the rapid rise of the peanut-oil industry.

Peanuts consumed in the United States are chiefly of three general types: (1) the Virginia type, produced in Virginia and North Carolina, and imported from the Orient; (2) the Spanish type produced throughout the Southern States but mainly in Georgia, Alabama, and Texas; and (3) the Runner type, relatively unimportant, produced in Alabama, Georgia, and neighboring States.

In 1925, imports were especially large, being equivalent to more than 100,000,000 pounds of peanuts in the shell and having a value of \$3,604,000. These imports came principally from China and consisted for the most part of the larger sizes of shelled nuts of the Virginia type. The extent of the competition in these grades in 1925 is illustrated by the table on page 100.

A number of applications had been made to the commission for an investigation for the purposes of section 315 by interested individuals and by organizations, and on May 25, 1926, the United States Senate (S. Res. 230) requested such an investigation. The investigation was instituted on May 27, 1926. Data on the costs of growing and milling peanuts in both the United States and China, and on prices and economic conditions in the two countries were gathered by agents of the commission during the summer and fall of 1926, and were completely in hand by January, 1927.

After the figures brought in from the field had been analyzed and tabulated the commission issued a statement of information for the use of interested parties at the public hearing. The statement summarized conditions in the industry in the United States and in

China, dealing with such topics as the organization of the industry in this country, world production and trade, production in and exports from China, imports into the United States, domestic consumption, conditions of competition and marketing, and wholesale prices.

Peanuts: Estimated United States production, imports, and consumption of peanuts of the Virginia type, by grades, 1925

| Item | United States production | Imports for consumption | Total available for consumption | Per cent supplied by imports |
|---|--------------------------|-------------------------|---------------------------------|------------------------------|
| Estimated quantity of Virginia type farm stock purchased by mills..... | 1,000 lbs. 225,995 | 1,000 lbs. | 1,000 lbs. | |
| Loss in cleaning..... | 11,641 | | | |
| Cleaned peanuts available for grading, or for shelling and grading..... | 214,354 | | | |
| Production of cleaned and graded peanuts in the shell: | | | | |
| Jumbos..... | 42,378 | 8,946 | 51,324 | 17.43 |
| Fancies..... | 45,143 | (¹) | 45,143 | |
| Jumbo Extras..... | 2,401 | (¹) | 2,401 | |
| Extras..... | 5,830 | (¹) | 5,830 | |
| Total..... | 95,752 | 8,946 | 104,698 | 8.54 |
| Production of graded shelled peanuts: | | | | |
| Virginia Extra Large..... | 26,494 | ² 49,198 | ² 75,692 | 65.00 |
| Virginia No. 1..... | 56,804 | 12,944 | 69,748 | 18.56 |
| Virginia No. 2..... | 16,848 | (¹) | 16,848 | |
| Virginia Splits..... | 3,773 | (¹) | 3,773 | |
| Virginia No. 3's and oil stock..... | 14,683 | (¹) | 14,683 | |
| Total..... | 118,602 | 62,142 | 180,744 | 34.38 |

¹ No comparable imports.

² Includes 8,420 pounds of Chinese 28/30 grade, which are larger than Extra Large Virginias.

The hearing conducted at the offices of the commission in Washington on July 17 to 19, 1928, was attended by a large number of growers, by representatives of peanut growers' and peanut cleaners' and shellers' associations, manufacturers and representatives of manufacturers of peanut products, and dealers and importers. Subsequent to the hearing, the commission undertook the preparation of its final report to the President.

Soya beans.—The cost data obtained in the soya-bean investigation in the United States and in China have been tabulated and a preliminary report has been completed.

Cottonseed.—A preliminary report giving general information and cost data gathered in the cottonseed investigation has been completed.

Eggs and egg products.—The tariff act of 1922 provides for eggs in the shell; frozen whole eggs, egg yolk, and egg albumen; and dried whole eggs, egg yolk, and egg albumen. Imports have been almost wholly in the form of frozen and dried-egg products; eggs in the shell are too difficult to ship to be imported in any appreciable quantities. China is the principal source of imports. The following table gives the estimated production of shell eggs in the United States and compares the imports of dried and frozen egg products on the shell egg basis with the domestic production of these products.

Eggs: United States production of shell eggs, and production and consumption of frozen and dried egg products converted to shell egg equivalent, 1921-1927

[In thousands of dozens; i. e., 000 omitted]

| Year | Domestic production of shell eggs | Shell egg equivalent of imports of eggs and egg products | Domestic eggs broken for freezing | Shell egg equivalent of consumption of frozen and dried egg products | Percentage of consumption of frozen and dried eggs supplied by imports |
|-----------|-----------------------------------|--|-----------------------------------|--|--|
| 1921..... | ----- | 53,705 | 38,300 | 92,005 | 58.37 |
| 1922..... | ----- | 54,574 | 41,038 | 95,612 | 57.08 |
| 1923..... | ----- | 30,406 | 59,182 | 89,588 | 33.94 |
| 1924..... | ----- | 40,395 | 47,818 | 88,213 | 45.79 |
| 1925..... | ----- | 2,003,000 | 65,472 | 122,227 | 46.43 |
| 1926..... | ----- | 2,120,000 | 76,701 | 128,766 | 40.43 |
| 1927..... | ----- | 2,162,000 | 83,371 | 118,859 | 29.85 |

On August 4, 1926, the commission instituted an investigation of eggs and egg products. Field work was carried on in the United States and in China in the latter part of 1926 and in 1927. In addition an analysis was made of imports of egg products entered at New York during the year 1926.

The general information concerning the industry in the United States and in China and the cost data obtained in the investigation were set forth in a statement of information for the use of interested parties at a public hearing, held at the offices of the commission in Washington on July 10 and 11, 1928. The hearing was attended by representatives of domestic manufacturers and of the American Farm Bureau Federation, dealers, manufacturers in China, brokers, exporters, and domestic manufacturers using these egg products. A report to the President incorporating the information obtained in the investigation is now being prepared.

Fresh tomatoes.—Fresh tomatoes for table use are grown in all parts of the United States and are harvested the year round. The early crop, produced principally in south Florida and south Texas, is harvested between December 1 and June 1. The bulk of the intermediate crop is harvested during June and July and comes mainly from north Florida, Mississippi, east Texas, Arkansas, Tennessee, Ohio, and Illinois. The largest acreages of the late crop are in California, New Jersey, Maryland, Indiana, Missouri, and New York. A large proportion of the tomatoes grown in these States are canned. It is the early crop of fresh tomatoes that presents a tariff problem, since the imports, which come mainly from the west coast of Mexico, Cuba, and the Bahamas, are marketed in the same season as the domestic early crop. The volume of imports from Mexico and the correspondence of the marketing seasons are shown in the table, page 102.

An application for an investigation of fresh tomatoes for the purposes of section 315 was received on April 15, 1927, from the Florida East Coast Growers' Association. It was indorsed by the American Farm Bureau Federation and by 22 other organizations.

On June 10, 1927, the commission instituted an investigation, and on July 12, 1927, began field work at Miami, Fla., which ended in Mexico three months later. The field work covered the tomato-growing

sections of Florida, Mississippi, Texas, and the west coast of Mexico and was limited to the early crop in these areas. The scope of the investigation is illustrated by the map on page 103.

*Fresh tomatoes: Comparison of imports from Mexico with monthly shipments from Florida, Mississippi, and Texas, November to June, inclusive, 1925-26 and 1926-27*¹

[Car lots]

| Shipped from— | Novem-ber | Decem-ber | Janu-ary | Febru-ary | March | April | May | June | Total |
|--------------------|-----------|-----------|----------|-----------|-------|-------|-------|-------|--------|
| 1925-26 | | | | | | | | | |
| Mexico..... | 4 | 151 | 447 | 582 | 845 | 654 | 320 | 17 | 3,020 |
| South Florida..... | 5 | 11 | 5 | 54 | 297 | 1,133 | 1,964 | 395 | 3,864 |
| South Texas..... | 35 | 32 | 8 | | | | 645 | 224 | 944 |
| North Florida..... | | | | | | | 131 | 337 | 468 |
| Mississippi..... | | | | | | | | 3,343 | 3,343 |
| East Texas..... | | | | | | | 57 | 1,763 | 1,820 |
| Total..... | 44 | 194 | 460 | 636 | 1,142 | 1,787 | 3,117 | 6,079 | 13,459 |
| 1926-27 | | | | | | | | | |
| Mexico..... | 7 | 284 | 452 | 1,063 | 1,306 | 1,406 | 285 | | 4,803 |
| South Florida..... | | 1 | 63 | 425 | 2,153 | 3,614 | 3,139 | 79 | 9,474 |
| South Texas..... | 2 | 55 | 15 | | | 18 | 645 | 210 | 945 |
| North Florida..... | | | | | | 6 | 289 | 82 | 377 |
| Mississippi..... | | | | | | | 1,727 | 3,117 | 4,844 |
| East Texas..... | | | | | | 1 | 373 | 1,377 | 2,251 |
| Total..... | 9 | 340 | 530 | 1,488 | 3,459 | 5,045 | 6,458 | 5,365 | 22,694 |

¹ Source: Bureau of Agricultural Economics, U. S. Department of Agriculture.

When the figures brought in from the field had been analyzed and tabulated, it became apparent that additional data were needed as to the quantity of marketable tomatoes left in the field in certain areas, the quantity of culls sorted out at the time of packing, acreage under cultivation, and the effect of planting disease-resistant varieties. Representatives of the commission were sent into the field to obtain this information for Florida, Mississippi, Texas, and Mexico.

A preliminary statement issued to interested parties for use at the public hearing summarized the information obtained in the United States and Mexico. The hearing, held June 25, 26, and 27, was attended by representatives of growers and shippers of early domestic tomatoes and of growers and shippers of Mexican, Cuban, and Bahama tomatoes. Senators and Representatives from Florida were also present. The commission's report to the President is now being prepared.

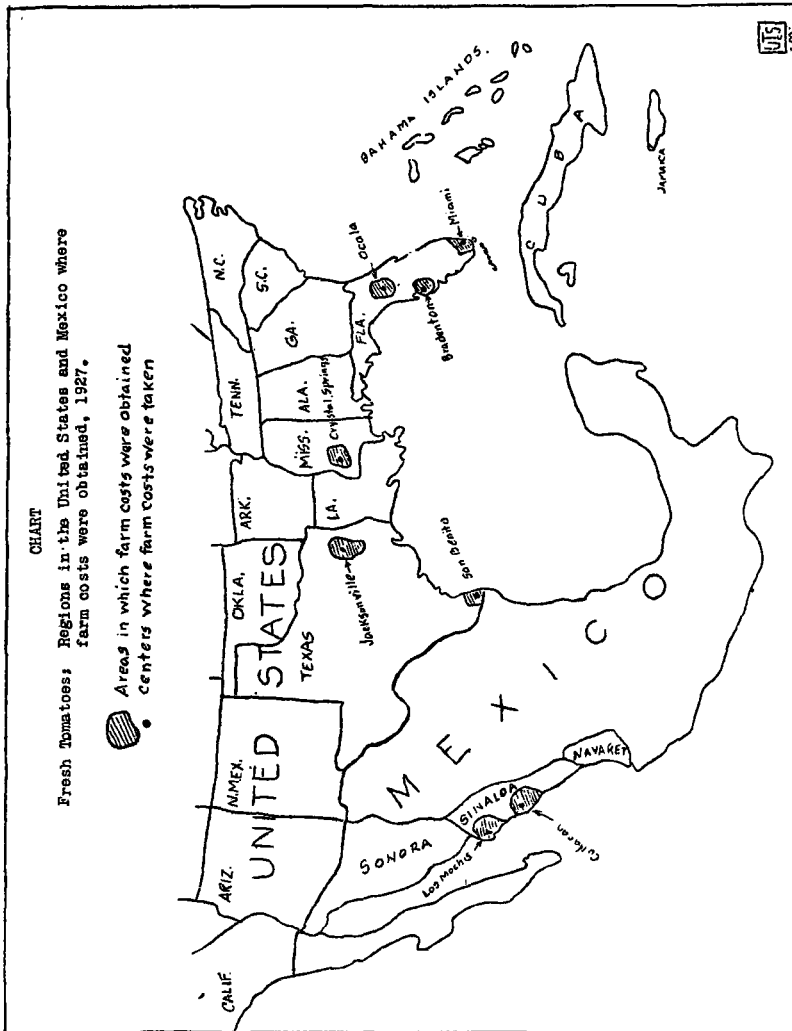
Canned tomatoes and tomato paste.—The commission completed field work in the investigation of the costs of production of canned tomatoes instituted June 10, 1927, and of tomato paste instituted October 14, 1927. A preliminary statement of information, issued July 27, 1928, for use at the public hearing, gave a summary of costs, prices, and significant phases of the trade.

The investigation covered (1) the costs of growing tomatoes for canning and for tomato paste, (2) the costs of canning tomatoes, and (3) the costs of manufacturing tomato paste.

The farm costs of growing tomatoes and the costs of canning were obtained in California, Utah, Indiana, New York, New Jersey, and Maryland. In selecting the areas to be covered in each State, the factors taken into consideration were the importance of the area in

tomato production and its representativeness in yield per acre, farm organization, labor conditions, and type of soil. The data obtained covered 214 farms producing 14,072 tons of tomatoes in 1926 and 13,367 tons in 1927. Costs of manufacturing tomato paste were obtained in California and Indiana.

As an evidence of foreign costs, an analysis was made of invoices of importations of canned tomatoes and tomato paste from Italy for



the period September, 1926, to August, 1927, inclusive. This analysis was supplemented by data obtained from importers.

Onions.—The tariff act of 1922 imposes a duty of 1 cent a pound on onions. This has been equivalent to an ad valorem duty of about 50 per cent. Under this duty, imports have ranged from 7.5 to 11.4 per cent of domestic consumption, but these percentages do not

indicate the relative importance of imports in the consumption of specific types of onions. In recent years about 50 per cent of the Spanish onions consumed in the United States have been imported, whereas only about 1 per cent of the Bermuda onions and less than 5 per cent of the strong onions consumed have been imported. To obtain a complete picture of the competition between domestic and imported onions, study must be made of seasonal and geographical distribution, principal markets, storage, packing, grading, and price relationships.

Information concerning these phases of the trade in onions, with supporting data gathered in the field, is embodied in the preliminary statement of information, issued to interested parties for use at a public hearing held February 9, 10, and 11, 1928. At the hearing a number of problems which had arisen during the course of the investigation were fully discussed. These concerned such questions as the representativeness of the periods selected, the method of selection of types of domestic and foreign onions for cost comparison, problems arising from loss in transit due to spoilage, sprouting, etc., the strength of competition between the several types, and the selection of the market or markets of principal competition.

The hearing was attended by Senators and Representatives from onion-growing States, by representatives of onion growers, and by importers who for three days gave evidence and discussed with the commission the questions raised. Many of these were so complicated, particularly with regard to the use of invoice data, that they necessitated a number of supplementary field studies. Subsequent to the hearing briefs were filed.

A report to the President upon the results of the investigation is being prepared.

Flaxseed.—Field work in the investigation of the cost of production of flaxseed was begun on November 30, 1926, and completed on January 20, 1927. Cost data were obtained from 324 flaxseed producers and 41 elevators for the crop of 1926, and from 285 flaxseed producers and 41 elevators for the crop of 1925, in the principal flaxseed producing regions of Minnesota, North Dakota, South Dakota, and Montana.

Cost and other information concerning the flaxseed industry in Argentina was sought from several sources. A study was made of 240 invoices of importations in 1926 and 1927 of flaxseed from that country.

A preliminary statement of the information obtained in the investigation has been issued for use at a public hearing to be held at the offices of the commission in Washington, December 5, 1928.

Sweet peppers.—On April 10, 1928, the commission instituted an investigation of the cost of producing sweet peppers. A preliminary study of the industry indicated that all domestic peppers shipped during the months of importations originate in Florida. The domestic cost study was, therefore, confined to costs of growing peppers in that State and of marketing them in the several consuming centers.

Cuba and Mexico are both sources of imports. Formerly Cuba was the more important but in recent years Cuban shipments have tended to decline, and shipments from Mexico to increase. Cost data were obtained in both countries. The field work has now been completed and a preliminary statement of information is being prepared.

White or Irish potatoes.—Following a resolution adopted by the Senate April 17, 1928, the commission on April 20 instituted an investigation for the purposes of section 315 of the cost of production of white or Irish potatoes.

After preliminary field work and office study, plans were drawn for an investigation in the maritime provinces of Canada, and in the principal producing areas in the United States. Imports from Canada, the principal source, consist of potatoes for table use and of certified potatoes for seed. Available information indicated that there might be considerable differences between the costs of potatoes for these two uses. It was necessary, therefore, to secure separate costs.

In Canada the study covered the shipping areas of New Brunswick, Prince Edward Island, and Nova Scotia. Through the cooperation of Canadian officials, growers, and shippers, costs were obtained from 225 farms and from 14 dealers. In the United States, costs were obtained from 285 farms and from 18 dealers. In addition, pertinent information was obtained from bankers, county agricultural agents, officials of cooperative associations of potato growers, and of transportation companies.

The cost data gathered are now being tabulated in preparation for a preliminary statement of information.

Matzos (unleavened bread).—On July 26, 1928, the commission instituted an investigation of the costs of production of matzos, the unleavened bread eaten by the Jews during the Feast of the Passover. Under the act of 1922, matzos are dutiable at 30 per cent as biscuits, wafers, etc.; under earlier tariff acts, they were duty free.

Although domestic production is large enough to supply consumption, importations are made from Palestine to meet the demand of the orthodox Hebrews, who wish bread made in the Holy Land. Manufacture is a machine process both in the United States and in Palestine.

(4) INVESTIGATIONS COMPLETED

Cherries.—On November 22, 1927, the commission transmitted to the President a report upon its investigation of the costs of production of cherries, sulphured, or in brine, stemmed or pitted.

The President, on December 3, 1927, proclaimed an increase, effective January 2, 1928, in the duty on such cherries from 2 cents per pound to 3 cents per pound.

Following the institution of the investigation on March 22, 1927, the commission obtained costs of growing, stemming, and pitting, and sulphuring and brining cherries in the United States. At the same time a European representative of the commission obtained processing costs, but not growers' costs in Italy. As an evidence of growers' costs, the prices that processors paid for cherries were taken. The information obtained in the field was embodied in a preliminary statement of information issued for use at the public hearing held on June 28, 1927.

The commission's order of investigation included "cherries in their natural state" as well as those sulphured or in brine. Conditions of competition proved to be such that it was deemed unnecessary to seek costs of production of the fresh fruit except as the raw material of cherries sulphured or in brine.

The domestic costs of growing cherries were obtained from farmers in California, Oregon, and Washington. In addition to obtaining original farm costs, the field crew verified cost figures submitted by the applicants as a part of their applications. In addition, they obtained from eight companies in the three States mentioned the prices paid for cherries and the costs of buying, sulphuring, and brining Royal Anne cherries. Six of the eight companies supplied cost data on stemming and pitting the sulphured and brined cherries. Other information sought pertained to the marketing of cherries produced on the Pacific coast and transportation charges to the principal markets.

So far as the commission could determine, neither the Italian Government nor any other agency has made a study of the cost of growing cherries in Italy. There cherry growing is not a specialized branch of agriculture, and only a small portion of the crop is grown in cherry orchards. For the most part the cherry trees are scattered along the edges of fields, or interspersed with mulberry or other fruit trees. On farms where cherries are grown, most of the work is performed by the owner or renter and his family along with other agricultural operations.

The prices paid for cherries, sulphured and brined, unstemmed and unpitted, were obtained from three of the leading Italian processors, who buy the sulphured and brined cherries for further processing and shipment to the American market. Detailed cost data were furnished by these processors for stemming, pitting, packing, handling, and transportation. Information concerning the marketing of Italian cherries sold in the United States was also secured. In addition, an analysis was made of invoices of shipments of Italian cherries, sulphured or in brine, to the United States in 1925 and 1926. These data were for 66 per cent of the total imports in each of the two years and covered, for the various grades, the foreign sales prices and transportation and other charges to the port of New York.

The commission's investigation disclosed that domestic Royal Anne cherries produced on the Pacific coast are sold to manufacturers of maraschino and glacé cherries and utilized for such manufacture on the Pacific coast only. The bulk of the manufacture of cherry products from domestic cherries was in San Francisco, Calif. In contrast, the imported Royal Anne cherries, sulphured or in brine, pitted or stemmed, arrive on the Atlantic seaboard largely at New York, and the important manufacture of cherry products is at that point. There was no movement of the domestic Royal Anne cherries, sulphured or in brine, to eastern manufacturers of cherry products, or of Italian cherries to Pacific coast manufacturers.

The results of the investigation are summarized in the following tables.

TABLE A.—Cherries, sulphured or in brine, stemmed and pitted: Comparative costs of production of domestic and Italian cherries, 1926-27

COMPARISON OF TOTAL COSTS, INCLUDING TRANSPORTATION TO NEW YORK CITY

| Item | United States | Italy, converted on basis of average exchange rate for 12 months (May, 1926, to April, 1927); rate, 4.07 cents per lira |
|---|------------------------|---|
| | <i>Cents per pound</i> | <i>Cents per pound</i> |
| Total cost at plant, including cost of fruit, based on— | | |
| (a) Price paid for cherries, 1926..... | 20.117 | 12.070 |
| (b) Cost of growing cherries, 1926..... | 17.500 | (1) |
| (c) Cost of growing cherries, 5-year average, 1922-1926..... | 19.906 | (1) |
| Transportation from plant to New York, N. Y. ¹ | ² 2.921 | 4.880 |
| Total cost, including transportation to New York City, based on— | | |
| (a) Price paid for cherries, 1926..... | 23.038 | ³ 12.950 |
| (b) Cost of growing cherries, 1926..... | 20.421 | (1) |
| (c) Cost of growing cherries, 5-year average, 1922-1926..... | 22.827 | (1) |
| Amount by which United States costs exceed Italian costs, including transportation to New York City, on the following bases: | | |
| (a) Factory cost based on price paid..... | 10.088 | |
| (b) United States costs of growing and processing cherries in 1926, and Italian factory costs, based on price paid for cherries in 1926..... | 7.471 | |
| (c) United States costs of growing, 5-year average, 1922-1926, and of processing cherries and Italian factory costs based on price paid for cherries in 1926..... | 9.877 | |

¹ Not available.
² No specific commodity rate from Pacific coast points to New York published for cherries as such. Rate quoted is fifth class, applicable to cherries in brine. According to commission's information there is no movement.
³ Weighted average freight rate, including estimated cost of drayage, loading, etc.
⁴ Weighted average freight rate, including drayage and loading, insurance, local and ocean freight.
⁵ The weighted average invoice price of imports of Italian cherries, stemmed and pitted, sulphured and in brine, for 1926, at New York, including transportation and other charges, was 10.758 cents per pound.

TABLE B.—Cherries, sulphured, or in brine, stemmed and pitted: Comparative costs of production of domestic and Italian cherries, 1926-27

COMPARISON OF TOTAL COSTS, INCLUDING TRANSPORTATION TO SAN FRANCISCO, CALIF., FROM DOMESTIC PLANTS, AND TO NEW YORK, N. Y., FROM ITALIAN PLANTS

| Item | United States | Italy, converted on basis of average exchange rate for 12 months (May, 1926, to April, 1927); rate, 4.07 cents per lira |
|--|------------------------|---|
| | <i>Cents per pound</i> | <i>Cents per pound</i> |
| Total cost at plant, including cost of fruit, based on: | | |
| (a) Price paid for cherries, 1926..... | 20.117 | 12.070 |
| (b) Cost of growing cherries, 1926..... | 17.500 | (1) |
| (c) Cost of growing cherries, 5-year average, 1922-1926..... | 19.906 | |
| Transportation from plant to: | | |
| (a) San Francisco from domestic plants..... | .517 | |
| (b) New York from Italian plants..... | | .880 |
| Total cost, including transportation to San Francisco from domestic plants, and to New York from Italian plants, based on: | | |
| (a) Price paid for cherries, 1926..... | 20.634 | 12.950 |
| (b) Cost of growing cherries, 1926..... | 18.017 | (1) |
| (c) Cost of growing cherries, 5-year average, 1922-1926..... | | (1) |
| Amount by which United States costs exceed Italian costs, including transportation to San Francisco for domestic cherries, and to New York for Italian cherries, on following bases: | | |
| (a) Factory cost based on price paid..... | 7.684 | |
| (b) United States costs of growing and processing cherries in 1926 and Italian factory costs based on price paid for cherries in 1926..... | 5.067 | |
| (c) United States costs of growing, 5-year average 1922-1926, and of processing cherries, and Italian factory costs based on price paid for cherries in 1926..... | 7.473 | |

¹ Not available.

Commissioners Marvin, Brossard, and Lowell were of the opinion that the cost comparison for purposes of section 315 should include transportation costs for both the domestic and foreign cherries, sulphured or in brine, stemmed and pitted, to New York. Table A, page 107, shows this comparison. Commissioners Dennis, Costigan, and Dixon were of the opinion that the cost comparison should include the transportation cost to San Francisco for the domestic cherries and to New York for the imported Italian cherries. This comparison is shown in Table B, page 107. Irrespective of the treatment of transportation costs in this investigation, the maximum increase in the rate of duty permissible under section 315 was warranted.

Commissioners Dennis, Costigan, and Dixon considered that adjustments should be made in the foreign costs whereby the cost of Italian cherries, 12.950 cents per pound, as shown in Tables A and B, would be increased to 17.107 cents per pound.

Corn.—Field work in the investigation of the cost of producing corn was completed and the information obtained was summarized for use at a public hearing held at Washington on August 1, 1928. Data were obtained from 386 corn growers and from 26 local elevators in the principal corn-growing areas of the domestic Corn Belt.

Cost data were not obtained directly from producers in Argentina, the principal competing foreign country, but invoice prices of imports of corn from that country to the United States and other published information were used as evidence of costs of production of Argentine corn.

Although imports of corn from Argentina are of the flint variety, and domestic corn is almost entirely of the softer dent variety, the two serve approximately the same purposes and are readily substituted for each other. They are interchangeable in the manufacture of corn meal, cornstarch, corn sirups, and sugars, and other corn products. Both are used as feed for poultry, birds, hogs, and other animals.

Nine States—Illinois, Iowa, Nebraska, Indiana, Kansas, Ohio, Minnesota, South Dakota, and Missouri—produced in 1927, 1,799,048,000 bushels out of the 2,786,288,000 bushels grown in the United States, or 64.6 per cent of the entire crop. These nine States produce not only the greater part of the domestic crop but also the greater part of the surplus marketed. It was in these nine States that the commission made its domestic cost investigation.

In 1927, 5,154,000 bushels of corn were imported into this country from Argentina, an amount equal to about 94 per cent of the total quantity imported from all countries. Almost all Argentine corn sold in the United States is cracked for poultry and pigeon feed. In this use it competes directly in the corn deficiency regions of the Atlantic and Pacific coasts with domestic corn from our Corn Belt.

The public hearing was attended by a representative of the Argentine Embassy and by representatives of the domestic corn growers and of the Omaha Grain Exchange. Problems which had arisen in the investigation were discussed and additional evidence was submitted. Subsequently, briefs were filed. After the public hearing a report on the investigation was submitted to the President.

SCHEDULE 7. FISH AND FISH PRODUCTS

(a) SURVEYS

General survey.—In its investigation of the trade in fish and fish products during the past year the commission gathered a valuable fund of tariff information. Tariff problems with respect to fisheries are complicated by such considerations as the operation of United States fishing vessels in territorial, international, and foreign waters; the drawing in common with other countries upon the same basic source of supply; the numerous direct subsidies granted to foreign fishing enterprises; the treaty rights and port privileges granted by foreign governments; and the regulations governing the purchase and sale of fishing equipment.

The lack of published data on economic aspects of the fisheries trade necessitated the commission's obtaining most of its information at first-hand in the centers of production and distribution. To this end two fisheries experts were detailed to examine books of record and to confer with persons engaged in the fishing industries. Conferences were held with producers, importers, distributors, and United States customs officers, and in discussions of individual fish and fish products particular attention was given to trade definitions, trade practices, prices, production statistics, cost of production, wages, and hours of labor, and the comparability of the domestic and imported product.

Within recent years the fisheries trade of the world has undergone important changes that affect the United States trade. In general, the fisheries are prosperous and plans for further expansion are under way in most branches of the industry. Many new products have been developed and extensive improvements have been made in the preservation and transportation of fish and sea foods. In the United States there has been an appreciable increase in the catch of edible fish—a gain that is significant in view of the declining per capita consumption of meat. The distribution of fresh and frozen fish in packaged form has contributed in part to the increase. Some fish products which were virtually unknown when the existing tariff law became effective are now important articles of commerce. In consequence there has been litigation concerning their proper classification for customs purposes. Important changes have also taken place with respect to United States fishing rights and privileges in foreign countries and United States regulations concerning the use of foreign fishing vessels.

Approximately 2,700,000,000 pounds of sea and inland-water fishery products, having a wholesale value of \$280,000,000, are caught annually by United States fishermen. Annual imports into the United States approximate 415,000,000 pounds, valued at \$43,000,000, and exports 165,000,000 pounds, valued at \$20,000,000. In quantity of production the United States fisheries are exceeded only by those of Japan. The principal sources of imports in order of importance are Canada, Norway, the United Kingdom, Japan, Mexico, Newfoundland, and the Netherlands. Exports go mainly to the United Kingdom, the Philippine Islands, Canada, Australia, British Malay, Germany, and Mexico.

Other surveys.—The more detailed surveys of specific commodities referred to in the last annual report have been held in abeyance, owing to the limited number of trained employees available for the fisheries investigations. The surveys in process of preparation

relate to salmon products, i. e., canned, fresh, frozen, mild cured, dry salted, salted, kippered, and smoked; marine animal oils, including whale, sperm, menhaden, cod, cod liver, herring, sardine, seal, and salmon; herring and herring products; and various brief surveys on tuna, clams, ground fish (cod, haddock, hake, pollock, and cusk), lobsters, shrimp, swordfish, sablefish, smelt, mackerel, crabs, scallops, abalones, whiting, caviar, and bait fish.

(b) COOPERATION WITH OTHER DEPARTMENTS

The collection of statistics of lake-fish production, begun as a part of the commission's investigation of the Great Lakes industries, has been carried on during the year by the United States Bureau of Fisheries. In initiating the transfer of this work the commission loaned the Bureau of Fisheries the services of one of its fisheries experts, and cooperated in the formulation of plans that will insure the regular collection of lake-fish statistics. Under the existing arrangement the border States are to collect annual statistics and the Bureau of Fisheries to assemble them for the whole region.

Through a cooperative arrangement with the Departments of State and Commerce, foreign publications and special reports on conditions in the foreign fisheries are made available to the commission. Some of these publications now in the files of the commission are not to be found in the libraries of Washington. To facilitate their use the technical terms employed in the more important volumes were translated abroad by foreign representatives of the United States.

SCHEDULE 8. SPIRITS, WINES, AND OTHER BEVERAGES

The commission has not published any surveys or reports in connection with the subject matter of this schedule. The statistics of imports and exports have been kept up to date in the commission's files.

SCHEDULES 9, 10, 11, AND 12. TEXTILES

(a) GENERAL STATEMENT

The textile division is concerned with all articles provided for in Schedules 9, 10, 11 (except raw wool, handled by the agricultural division), and 12, and with other textile materials and manufactures in the sundries schedule and on the free list. During the past year the work of this division included the preparation of tariff information surveys, tariff information summaries, preliminary studies on commodities that were the subject of applications under section 315, and reports on investigations instituted by the commission.

(b) TEXTILE IMPORTS AND EXPORTS, 1891-1927

The commission has published a report entitled "Textile Imports and Exports, 1891-1927." This is a statistical tabulation which brings together for the first time in one volume data on the foreign trade of the United States in textile materials and textile manufactures from the beginning of the tariff act of 1890. Embracing as it does all textiles, its scope is so much broader than any one textile

schedule that it is here given separate mention; other work done by the textile division will be found under the individual schedule headings.

This tabulation is divided into four parts, as follows: (1) Imports for consumption, (2) general imports, (3) exports of domestic merchandise, and (4) exports of foreign merchandise. In each of the four parts there are listed in consecutive order data pertaining to cotton, vegetable fibers other than cotton, wool and hair, and silk and artificial silk (rayon).

In "Part I—Imports for consumption" the numbering of the tables coincides with the numbering of the paragraphs of the tariff act of 1922 under which the articles have been classified since September 21, 1922. For each article so listed, the imports are traced back through the other tariff acts. This results in a consistent chronological tabulation showing the trend of such imports since the beginning of the tariff act of 1890. Where different groupings are used, or separate records are not available for prior acts, footnotes direct attention to the fact. Where more than one article is recorded as coming under a particular paragraph, a primary table bearing the number of the paragraph is used to show all imports under that paragraph and secondary tables are used to record imports of the constituent items. For instance, "Table 916, cotton hosiery," gives figures for all imports, since the beginning of the act of 1890, of the kind now dutiable under paragraph 916, and the secondary tables listed as "Table 916-a, cut cotton hosiery," and "Table 916-b, cotton hosiery other than cut," show the items that make up the total. Each table showing imports for consumption gives the available data as to quantity, foreign value, duty collected, average value per unit, and equivalent ad valorem rate of duty, for each year or fraction of a year under each tariff act. For each tariff act there are also shown for each article the totals and the annual averages, the latter based on the year of 365 days. Since no two tariff acts were of the same duration, the annual averages afford the best basis for comparison of imports under the different tariff laws.

Particular value attaches to this tabulation because it shows for each article or group of articles covered by a given paragraph the relation of imports to rates of duty over a long period of time, also what articles enter into the textile import and export trade and the relation of the one to the other.

For the convenience of the reader two indexes to the tabulation are prepared, one by tariff paragraphs and the other by articles. By referring to these indexes the reader may readily find statistics of imports for consumption relating to any particular paragraph of the act of 1922 or to any particular article.

Textiles, including textile materials and textile manufactures, constitute the most important group in both the exports and the imports of the United States and usually account for approximately one-fourth of the value of its total foreign trade. In 1927 raw cotton, valued at more than \$800,000,000, was the principal item in the export trade of this country, and raw silk, valued at nearly \$400,000,000, was the principal item of import. Among manufactures of textiles, jute burlap leads in value of imports, and cotton cloth leads in value of exports.

The words "textile materials," as used in this tabulation, refer to unmanufactured fibers, wastes, and by-products, and the words "textile manufactures" to merchandise that is wholly or partially manufactured. In textile materials exports from the United States are principally raw cotton, whereas imports include raw silk, silk waste, wool, wool wastes, mohair, raw cotton, henequen, manila, and jute. The value of the raw cotton exported is greatly in excess of the value of the total textile materials imported for manufacture. In textile manufactures imports normally exceed exports, and consist largely of manufactures of jute and flax; manufactures of cotton, wool, silk, and rayon, in the order stated, are the next in importance. Exports are chiefly manufactures of cotton, followed by manufactures of silk, but include smaller quantities made of rayon, henequen, jute, and wool.

SCHEDULE 9. COTTON MANUFACTURES

(a) SURVEYS

Surveys in course of preparation include cotton cloth, knit goods, and lace.

(b) INVESTIGATIONS AND REPORTS FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

(1) APPLICATIONS RECEIVED AND PRELIMINARY REPORTS THEREON

Since December 1, 1927, the commission has received applications for investigations, under the provisions of section 315, with respect to cotton velvets and plushes, cotton upholstery fabrics, and laces and tulles.

To assist the commission in determining whether investigations should be instituted with respect to these textiles, the division made a compilation and analysis of statistics of imports, exports, and production and conducted an inquiry in the field. Data were obtained from manufacturers, importers, and customs officers, and samples analyzed, to determine the comparability of domestic and imported goods, and to ascertain the extent and character of the competition from abroad. From the data and information gathered, the textile division prepared preliminary reports on the applications relating to cotton velvets and plushes, and cotton upholstery fabrics.

Laces and tulles are included in the lace investigation already made by the commission, but the textile division prepared a memorandum, after field work, to show the present status of the lace industry and trade, with particular reference to the trend toward the larger use of silk rayon and metal threads.

(2) INVESTIGATIONS IN PROGRESS

Lace.—The commission has under consideration a report to the President on the costs of production of lace. This investigation was instituted on October 25, 1923. Domestic cost data were obtained in 1923 and 1924; foreign cost data were obtained in 1924 from the United Kingdom, France, Switzerland, and Germany. In preparation for bringing the lace investigation to a conclusion, the commission on January 4, 1928, notified interested parties that briefs could be filed until February 3, and that reply briefs and requests for oral

argument should be submitted to the commission by February 17. Two briefs were filed within the allotted time.

The investigation covers five types of lace: (1) Products of the Nottingham lace-curtain machine; (2) products of the Levers lace machine; (3) products of the bobbinet machine; and (4) products of the lace-braiding or Barmen-lace machine; also (5) Swiss embroidered curtains, made by embroidering cloth patterns on a bobbinet ground.

The following table indicates the trend of imports for consumption during the past five years:

| Calendar year | A Nottingham lace-curtain machine products, of cotton or linen | B Machine- made laces of cotton, linen, or silk, and veils and veil- ings of silk | C Nets and nettings of cotton, linen, or silk, and veils and veil- ings of cotton or linen | D Lace window curtains n. s. p. f., of cotton or linen |
|---------------|--|---|---|--|
| 1923 | \$91, 920 | \$11, 347, 668 | \$1, 736, 293 | \$589, 268 |
| 1924 | 113, 313 | 13, 200, 676 | 1, 562, 859 | 411, 507 |
| 1925 | 96, 631 | 8, 834, 602 | 1, 630, 897 | 379, 189 |
| 1926 | 72, 487 | 6, 146, 411 | 1, 625, 595 | 411, 312 |
| 1927 | 56, 822 | 5, 887, 100 | 1, 869, 268 | 592, 081 |

Column A shows the inclusive imports under paragraph 920; most of these were Nottingham lace curtains. The other three columns give dutiable imports under paragraph 1430. The import classification "machine-made laces" includes Barmen laces as well as Levers laces, but the greater part of the imports so recorded, and the silk veils and veilings, shown in column B, were made on the Levers lace machine. Practically all of the imports shown in column C were made on the bobbinet machine. Swiss embroidered curtains constitute the greater portion of the imports, recorded as "lace window curtains, n. s. p. f.," shown in column D.

In 1927, the latest year for which data are available, the domestic production of Nottingham lace-curtain machine products was valued at \$16,316,233, of cotton Levers laces at \$6,262,931, and of all other cotton nets and laces at \$3,547,185. The domestic production of other laces and of Swiss embroidered curtains was not separately recorded.

Nottingham lace-curtain machine products consumed in the United States are almost entirely of domestic manufacture; the small imports are mainly from the United Kingdom.

The Levers laces consumed in the United States are in large part imported. They come chiefly from France and consist in the main of narrow cotton Valenciennes laces, although they include appreciable quantities of Chantilly and other silk laces. Domestic manufacturers supply the bulk of the demand for Cluny, bobbin-fining, and other styles of cotton Levers laces, also for rayon and metal-thread laces.

Bobbinets, particularly the finer qualities used in women's apparel, are mainly imported; those of cotton are chiefly from the United Kingdom and those of silk from France. Domestic production consists principally of the coarser qualities, such as are used in curtains and in mosquito netting.

The greater portion of Barmen laces used in the United States, mostly made of coarse mercerized cotton yarns and used in uphol-

stering, is of domestic production. The small demand for the fine qualities is supplied by imports from Germany.

The domestic demand for Swiss embroidered curtains is supplied mainly by imports from Switzerland; most of them are elaborate in design and many are embellished with fine needlework. The intermittent domestic production is confined to simple designs with little or no handwork.

(3) INVESTIGATIONS COMPLETED

RAG RUGS

On February 13, 1928, the President issued a proclamation, effective February 28, 1928, changing the basis of assessment of duty on rag rugs, composed wholly or in chief value of cotton, of the type commonly known as "hit-and-miss," from 35 per cent ad valorem on the foreign value to 35 per cent ad valorem on the American selling price, as defined in subdivision (f) of section 402 of the tariff act of 1922, of similar rag rugs manufactured or produced in the United States. Other types of imported rag rugs, such as stenciled, solid color, and twisted oval, were not affected by the proclamation.

The rag-rug investigation was instituted by the commission on April 24, 1925, after a preliminary inquiry into the status of the industry. A cost schedule was prepared and accountants were sent to 14 of the 47 domestic mills reported as manufacturing rag rugs. From the books of record of these 14 mills, selected with due regard to geographical distribution, detailed cost data covering representative types of rugs were directly obtained. The data were subsequently consolidated and average costs for the industry as a whole were arrived at for each type of rug selected.

Data upon the cost of producing rag rugs composed wholly or in chief value of cotton in Japan, the principal competing country, were not obtained from the accounting records of the producing companies, but invoice prices of imported rag rugs were used as evidence of the foreign costs. A comparison of domestic costs of production with invoice prices of imported rag rugs showed the maximum increase permissible under the provisions of section 315 to be warranted, and the commission, assuming that foreign costs were necessarily lower than invoice prices, concluded that a field inquiry in Japan to develop more accurate information as to the costs of production there would not affect the results. The procedure of the commission was approved by the Attorney General. (For a statement of the opinion in full of the Attorney General see page 116 of the Eleventh Annual Report of the United States Tariff Commission.)

During June and July, 1925, agents of the commission made an analysis of imports, including the prices of rag rugs composed wholly or in chief value of cotton imported through the port of New York during the first five months of 1925. Similar data were obtained for importations by one firm through the port of San Francisco. Information regarding customs brokerage and drayage on imported rag rugs was obtained from all importers of the product in New York City. Wholesale selling prices of the imported rugs were also obtained from the same sources.

Domestic cost data and invoice data were compared and incorporated with other pertinent information in a preliminary statement

of information. On June 19, 1926, this statement of information was sent to interested parties for their use at the public hearing held on July 20, 1926, at the office of the commission.

Imports of cotton rag rugs have been included, without separate record, under the classification "Carpets, carpeting, mats, and rugs, of cotton." Prior to 1923 imports so listed were negligible; in 1923 and subsequent years they were as follows:

Carpets, carpeting, mats, and rugs, of cotton: Imports for consumption, 1923-1927

| Calendar year | Quantity | Value | Duty | Value per square yard | Duty | |
|---------------|------------------|-----------|----------|-----------------------|-----------------|---------------------|
| | | | | | Ad valorem rate | Specific equivalent |
| | <i>Sq. yards</i> | | | | <i>Per cent</i> | <i>Per sq. yd.</i> |
| 1923..... | 190,564 | \$126,950 | \$44,432 | \$0.636 | 35.00 | \$0.22 |
| 1924..... | 793,734 | 396,535 | 138,787 | .500 | 35.00 | .18 |
| 1925..... | 2,929,439 | 1,088,668 | 381,034 | .372 | 35.00 | .13 |
| 1926..... | 4,322,404 | 1,545,643 | 440,975 | .357 | 35.00 | .12 |
| 1927..... | 6,027,521 | 2,162,465 | 756,863 | .359 | 35.00 | .13 |

The greater part of the imports shown in the preceding table consisted of cotton rag rugs originating in Japan; these rugs were largely of the hit-and-miss type.

The cost data obtained in the rag-rug investigation for hit-and-miss rugs are summarized in the following table:

Cotton rag rugs of the "hit-and-miss" type: Comparison of costs of production per square yard in the United States and in Japan, plus transportation and other charges to New York, first five months of 1925

| Item | Rugs of 3 selected sizes | | Rugs of 9 sizes, Japanese |
|---|--------------------------------|--------------------------------|--------------------------------|
| | Domestic | Japanese | |
| | <i>Average per square yard</i> | <i>Average per square yard</i> | <i>Average per square yard</i> |
| Domestic cost at plant and foreign cost f. o. b. port of shipment..... | \$0.6709 | \$0.2653 | \$0.2639 |
| Transportation and other charges to New York ¹ | .0121 | .0629 | .0611 |
| Total cost delivered at New York..... | .6830 | .3282 | .3250 |
| Amount by which domestic delivered cost exceeds foreign delivered cost..... | | .3568 | .3580 |
| Foreign value..... | | .2842 | .2850 |
| American selling price..... | .6165 | | |
| Duty required to equalize difference: | | <i>Per cent</i> | <i>Per cent</i> |
| Based on foreign value..... | | 125.5 | 125.6 |
| Based on American selling price..... | | 57.9 | 58.1 |
| Maximum rate of duty permissible under section 315: | | | |
| Based on foreign value..... | | | 52.5 |
| Based on American selling price..... | | | 35.0 |

¹ For domestic rugs, transportation includes all freight from point of manufacture to New York; for Japanese rugs it includes all freight from port of shipment in Japan to New York. Inland freight, from the point of manufacture in Japan to the port of shipment, is included in the invoice, or purchase price. "Other charges" include packing charges, purchase expense, consular fees, insurance, customs brokerage, drayage in New York, and other minor items.

Effect of change in duty on imports.—Imports listed as "carpets, carpeting, mats, and rugs, of cotton" have been dutiable under paragraph 1022 of the tariff act of 1922 at 35 per cent ad valorem based

on the foreign value. Included in this classification without specific mention were cotton rag rugs of the hit-and-miss type on which, on February 28, 1928, by Presidential proclamation, the 35 per cent rate of duty imposed in paragraph 1022 was directed to be assessed on the American selling price. Prior to April, 1928, imports of these articles were not separately shown in official statistics. Available import data for 1928 are as follows:

Carpets, carpeting, mats, and rugs of cotton: Imports for consumption, 1928

| Year and month | Cotton rag rugs of the hit-and-miss type | | Carpets, carpeting, mats, and rugs of cotton, other than hit-and-miss rag rugs | | Total carpets, carpeting, mats, and rugs of cotton | |
|----------------|--|----------|--|-----------|--|-----------|
| | Quantity | Value | Quantity | Value | Quantity | Value |
| 1928 | <i>Sq. yards</i> | | <i>Sq. yards</i> | | <i>Sq. yards</i> | |
| January..... | (1) | (1) | (1) | (1) | 693,447 | \$201,725 |
| February..... | (1) | (1) | (1) | (1) | 1,022,862 | 310,312 |
| March..... | 91,338 | \$50,899 | 149,157 | \$101,814 | 240,495 | 152,713 |
| April..... | 250,075 | 142,081 | 43,378 | 55,167 | 293,453 | 197,198 |
| May..... | 163,353 | 92,564 | 66,278 | 56,641 | 229,631 | 149,205 |
| June..... | 119,169 | 66,045 | 75,466 | 79,576 | 194,635 | 145,621 |
| July..... | 303,577 | 170,435 | 84,433 | 92,570 | 388,010 | 263,005 |
| August..... | 275,548 | 154,350 | 95,527 | 78,482 | 371,075 | 232,832 |
| September..... | 182,120 | 102,078 | 112,000 | 79,341 | 294,120 | 181,419 |

¹ Not separately shown in official statistics.

On February 28, 1928, the American selling price of hit-and-miss rag rugs established as a basis for the assessment of duty was as follows:

American selling price of hit-and-miss rag rugs, February 28, 1928

| Size of rug: ¹ | Selling price ² |
|---------------------------|----------------------------|
| 18 by 36 inches..... | \$0.36 |
| 24 by 36 inches..... | .50 |
| 24 by 48 inches..... | .64 |
| 27 by 54 inches..... | .75 |
| 30 by 60 inches..... | .97 |
| 36 by 72 inches..... | 1.30 |

SCHEDULE 10. FLAX, HEMP, AND JUTE, AND MANUFACTURES OF

(a) SURVEYS AND REPORTS

The textile division has completed a survey on linoleum and allied types of hard-surface or resilient floor coverings.

This survey deals with the articles provided for in paragraph 1020 of the tariff act of 1922—linoleum, corticine, cork carpet, and floor oilcloth—and, in addition, felt-base floor covering and rubber tiling, dutiable under the general provision "all other floor coverings not specially provided for" in paragraph 1022.

The preparation of this survey required the compilation of data relating to production, imports, exports, and tariff duties for the United States and other countries for which they are available. The analysis of these data necessitated investigation into materials used, manufacturing methods, character of articles produced, imported, and exported, and prices. First-hand information was obtained by

¹ For sizes not shown, \$0.08 per square foot.

² These prices are subject to discounts of 5 and 15 per cent.

visits to domestic plants where the processes of manufacture were observed, and by interviews with producers, importers, customs officers, and retailers.

A summary of the information contained in this survey follows:

LINOLEUM, FLOOR OILCLOTH, FELT-BASE FLOOR COVERINGS, AND RUBBER TILE

Linoleum is made by applying to a jute burlap foundation a composition of oxidized linseed oil, certain fossilized gums, rosin, ground cork, and some form of filler, such as wood flour, together with color pigments. Manufacture in the United States began in 1873 and has since grown to large proportions. Linoleum finds its main use as a floor covering in public buildings and offices; in homes it is no longer confined to kitchens and pantries but is in growing demand for living rooms and bedrooms, both as a foundation for other floor coverings and in the form of rugs. Corticine is a form of linoleum which contains rubber. Cork carpet is made in the same manner as linoleum, but contains a larger proportion of cork and this cork is of relatively large granules. Cork carpet is consequently more resilient and possesses greater sound-deadening properties than linoleum. The manufacture of linoleum and of cork carpet requires the use of massive machinery and large buildings, and the capital investment is large in relation to the value of products. The domestic market is supplied by domestic manufacturers, imports being relatively small.

Felt-base floor covering is made of a rag felt impregnated with asphaltum and then coated with paint; the top surface is ornamented with printed designs. This type of floor covering was invented in the United States about 1912 and has proved so popular that it has almost entirely superseded floor oilcloth made on a jute burlap foundation. The production of the felt-base floor covering appears to be confined to the United States; no imports are recorded; exports are considerably greater, in both quantity and value, than exports of linoleum. The domestic demand for felt-base floor covering, which is relatively cheap as compared with linoleum, appears to be increasing steadily.

Rubber tile, another type of resilient floor covering, is of minor importance as compared with linoleum or felt-base floor covering. Firms making automobile tires and other rubber products make rubber tile as a side line. Production in 1925 amounted to 11,959,542 square feet, valued at \$6,123,362. Expansion in demand since its invention in the United States in 1912 has been hampered by its high price as compared with other types of resilient floor covering. Imports and exports are not separately recorded and are apparently negligible.

The following data from reports of the Bureau of the Census from 1904 to 1925 show not only the size of the domestic linoleum industry but also the extinction of the domestic floor oilcloth industry and its replacement by a much larger industry in the manufacture of felt-base floor covering.

Imports of felt-base floor covering and of rubber tile are not recorded, but are assumed to be negligible. The following table affords a comparison of the average annual imports of linoleum and of floor oilcloth under the acts of 1909, 1913, and 1922.

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Domestic production of linoleum and cork carpet, floor oilcloth, and felt-base floor covering, 1904-1927

| Census year | Linoleum and cork carpet | | Floor oilcloth | | Felt-base floor covering | |
|-------------|--------------------------|-------------|---------------------|-------------|--------------------------|--------------|
| | Quantity | Value | Quantity | Value | Quantity | Value |
| | <i>Square yards</i> | | <i>Square yards</i> | | <i>Square yards</i> | |
| 1904..... | 16,941,462 | \$5,323,800 | 21,456,615 | \$3,565,689 | (1) | (1) |
| 1909..... | 30,678,254 | 10,844,928 | 18,354,851 | 3,776,660 | (1) | (1) |
| 1914..... | 41,785,871 | 14,769,273 | 7,536,379 | 1,483,731 | (1) | (1) |
| 1919..... | 31,932,468 | 27,457,045 | 1,211,000 | 424,000 | 30,369,522 | \$13,909,276 |
| 1921..... | 38,801,099 | 32,628,917 | (2) | (2) | 31,728,043 | 13,042,539 |
| 1923..... | 53,060,153 | 44,588,996 | (2) | (2) | 71,076,078 | 30,239,508 |
| 1925..... | 52,830,194 | 44,512,515 | (2) | (2) | 77,888,999 | 30,029,431 |
| 1927..... | 49,921,494 | 42,039,062 | (2) | (2) | 111,527,246 | 34,826,069 |

¹ Production began about 1912 but was not separately recorded until 1919.

² Not separately recorded.

Linoleum and floor oilcloth: Average annual imports for consumption in the United States under the tariff acts of 1909, 1913, and 1922

LINOLEUM, INCLUDING CORTICINE AND CORK CARPET

| Average annual imports under act of— | Quantity | Value | Duty collected | Value per unit | Equivalent ad valorem rate | Equivalent specific rate |
|--------------------------------------|---------------------|-------------|----------------|----------------|----------------------------|--------------------------|
| | <i>Square yards</i> | | | | <i>Per cent</i> | <i>Per square yard</i> |
| 1909..... | 4,316,333 | \$1,836,864 | \$865,059 | \$0.426 | 47.09 | \$0.200 |
| 1913..... | 1,050,274 | 652,532 | 216,031 | .621 | 33.11 | .206 |
| 1922 ¹ | 1,442,294 | 1,536,774 | 537,871 | 1.066 | 35.00 | .373 |

FLOOR OILCLOTH

| | | | | | | |
|-------------------------|---------|----------|----------|---------|-------|---------|
| 1909..... | 241,746 | \$47,746 | \$21,716 | \$0.198 | 45.48 | \$0.090 |
| 1913..... | 79,859 | 19,539 | 3,908 | .245 | 20.00 | .049 |
| 1922 ¹ | 23,586 | 9,163 | 1,832 | .389 | 20.00 | .078 |

¹ Average annual imports for period from Sept. 22, 1922, to Dec. 31, 1927, for which data are available.

Imports of both linoleum and floor oilcloth originate principally in the United Kingdom; smaller amounts come from Germany and Holland.

Domestic exports in 1922 and subsequent years have been recorded as follows:

Linoleum, and felt-base and oilcloth floor coverings: Domestic exports, 1922-1927

| Calendar year | Linoleum | | Felt-base and oilcloth floor coverings ¹ | |
|---------------|---------------------|-----------|---|-----------|
| | Quantity | Value | Quantity | Value |
| | <i>Square yards</i> | | <i>Square yards</i> | |
| 1922..... | 622,104 | \$406,157 | 1,477,641 | \$625,018 |
| 1923..... | 909,141 | 582,482 | 5,507,335 | 2,047,769 |
| 1924..... | 732,325 | 454,126 | 3,678,417 | 1,315,975 |
| 1925..... | 650,164 | 412,088 | 4,159,475 | 1,554,105 |
| 1926..... | 786,652 | 560,869 | 2,898,355 | 1,072,225 |
| 1927..... | 1,092,749 | 716,678 | 3,480,240 | 1,324,682 |

¹ Exports so listed were almost entirely felt-base floor covering.

Domestic exports are widely distributed. Those of felt-base coverings usually find their best markets in the United Kingdom, Australia, Brazil, British South Africa, and France; those of linoleum, relatively less important, in Australia, the United Kingdom, France, and Mexico.

(6) INVESTIGATIONS AND REPORTS FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

(1) APPLICATIONS RECEIVED AND PRELIMINARY REPORTS THEREON

Since December 1, 1927, the commission has received an application for an investigation, under the provisions of section 315, of jute brattice cloth (used in ventilating coal mines).

A preliminary study to assist the commission in determining whether an investigation should be instituted with respect to this commodity has been made by the division.

(2) INVESTIGATIONS IN PROGRESS

Handkerchiefs.—On May 28, 1928, the commission instituted an investigation, for the purposes of section 315 of the tariff act of 1922, of the costs of production of unembroidered linen handkerchiefs, dutiable under paragraph 1016, and of embroidered linen handkerchiefs and embroidered cotton handkerchiefs, dutiable under paragraph 1430.

Prior to action by the commission the textile division had prepared and submitted a preliminary report giving all available data as to the status of the handkerchief industry and trade, with special reference to foreign competition. This report contained an analysis of imports, exports, and production; details of several hundred domestic and foreign samples which had been analyzed to determine comparability; and other pertinent information which had been obtained, by an inquiry in the field, from manufacturers, importers, and customs officers.

Upon institution of the investigation, a cost schedule was prepared for use in obtaining cost and other data from the books of the manufacturers. Selection was made of the mills to be included in the investigation, and at each mill selected a tentative list was prepared of the samples to be costed. Most of the domestic mills are in the States of New Jersey and New York. Belfast, Ireland, is the main point of origin for imported linen handkerchiefs, embroidered or not embroidered, and St. Gall, Switzerland, is the main point of origin for embroidered cotton handkerchiefs. Field work was begun in the United States in June, 1928, and in Europe in September, 1928.

SCHEDULE 11. WOOL AND MANUFACTURES OF WOOL

(a) SURVEYS AND REPORTS

A survey entitled "Felts, Not Woven, of Wool or Hair," and a survey entitled "One Hundred Imported Wool Cloths," are ready for printing. A survey entitled "Wool Wearing Apparel, Not Knit or Crocheted" is in progress.

(1) FELTS, NOT WOVEN, OF WOOL OR HAIR

The survey entitled "Felts, Not Woven, of Wool or Hair" has for its main theme the wool felts provided for in paragraph 1112 of the

tariff act of 1922, but also contains a section on the hair felts dutiable under paragraph 1426.

Wool felts not woven, more commonly known as pressed felts, vary in grade and value according to the quality of the wool used, the percentage of admixture of other fibers, the thickness, and extent of the felting and the finishing operations. Shoe and slipper felts constitute the principal item of production and consumption, and are followed by polishing felts and buffing wheels, piano felts, boot and shoe linings, and saddle felts. Other products include table covers, chair pads, typewriter cushions, pennants, and flags.

The census classification "felt goods, wool or hair" includes felt goods (other than wool-felt hats) made either by weaving and then felting or by felting without weaving, in other words, both woven felts and pressed felts. In 1914, the inclusive products were valued at \$13,693,000, and in 1925, the most recent year for which data are available, at \$43,776,000. Of this total it is estimated that about \$18,000,000 represents the value of felts not woven. New York and Massachusetts are the main centers of manufacture. The materials used in the manufacture of felts, woven and not woven, in 1925 included 39,524,425 pounds of animal hair; 16,518,843 pounds of wool (scoured content 12,666,853 pounds); 7,232,863 pounds of waste and noils; 5,508,758 pounds of recovered wool fiber; and 2,498,715 pounds of cotton.

Exports of "wool felts," including woven as well as pressed felts, averaged 352,189 pounds, valued at \$496,476, in the 5-year period 1923-1927. These exports were mainly woven felts for use in paper mills. Canada, Japan, and Mexico were the largest purchasers.

In production and export statistics, pressed felts are not separated from woven felts. In import statistics, on the other hand, pressed felts are given separately, and woven felts are not given specific mention, but are included with other woven fabrics of wool.

The following table affords a comparison of imports for consumption of wool felts, not woven, under paragraph 1112 of the tariff act of 1922 with the average annual imports for consumption of similar goods under preceding tariff acts.

*Wool felts, not woven:*¹ Annual imports for consumption in the United States under tariff act of 1922 as compared with average annual imports for consumption, per year of 365 days, under this and earlier tariff acts

| | Quantity | Value | Duty collected | Value per unit | Equip. ad val. rate | Equip. specific rate |
|---|---------------|----------|----------------|----------------|---------------------|----------------------|
| Average annual imports under the act of: | <i>Pounds</i> | | | | <i>Per cent</i> | <i>Per pound</i> |
| 1890..... | 33,015 | \$48,675 | \$45,547 | \$1.474 | 93.57 | \$1.380 |
| 1894..... | 147,729 | 118,905 | 54,681 | .805 | 45.99 | .370 |
| 1897..... | 65,436 | 82,540 | 78,315 | 1.261 | 94.88 | 1.197 |
| 1909..... | 85,144 | 105,317 | 100,653 | 1.237 | 95.57 | 1.182 |
| 1913..... | 55,769 | 73,770 | 27,711 | 1.323 | 37.56 | .497 |
| 1922 ² | 85,208 | 172,178 | 98,479 | 2.021 | 57.20 | 1.156 |
| Imports under the act of 1922: | | | | | | |
| 1922 (Sept. 22-Dec. 31)..... | 18,485 | 33,303 | 19,376 | 1.802 | 58.18 | 1.048 |
| 1923..... | 103,022 | 193,683 | 112,793 | 1.880 | 58.24 | 1.095 |
| 1924..... | 92,841 | 171,780 | 100,155 | 1.850 | 58.30 | 1.079 |
| 1925..... | 97,648 | 206,969 | 116,916 | 2.120 | 56.49 | 1.197 |
| 1926..... | 83,163 | 183,437 | 103,448 | 2.206 | 56.39 | 1.244 |
| 1927..... | 54,703 | 119,831 | 67,229 | 2.191 | 56.10 | 1.229 |

¹ Imports shown for the act of 1894 were listed as "Felts, n. s. p. f."

² Average annual imports during period, Sept. 22, 1922, to Dec. 31, 1927, inclusive, for which data are available.

Under the act of 1922, to the end of the calendar year 1927, imports averaged about the same in quantity as under the act of 1909, but were higher in value. Imports under the present act were largest in quantity in 1923 and have since tended to decline. Imported pressed felts of wool are mainly high-grade piano felts, and the decrease in the quantity is reported to be caused in part by a decrease in the number of pianos manufactured in this country, and in part by the substitution of domestic for foreign felts, a change that may be attributed to the marked improvement in recent years in the quality of the domestic piano felts. Piano felts are imported as "wedgelfelt," in sheets 30 inches square, three-eighths to one-half inch thick, and as "hammerfelt," in sheets 36 by 40 inches, tapered from one-fourth inch at one end to 1 inch at the other. In the manufacture of piano hammers the thin end is used for the treble and the heavier end for the bass. The average value of the domestic piano felts produced in 1925 was \$2.18 per pound, as compared with a duty-paid value (appraised value plus duty) of \$3.32 for all grades of felts imported in the same year. These figures indicate that imports of wool felts, consisting mainly of piano felts, are due to quality rather than to price. Imports are mainly from Germany and the United Kingdom.

(2) ONE HUNDRED IMPORTED WOOL CLOTHS

The survey entitled "One Hundred Imported Wool Cloths" gives data for and photographs of 100 foreign wool fabrics selected as typical of entries under paragraphs 1108, 1109, 1110, and 1111 of the tariff act of 1922. Tables were compiled showing physical and price data and countries of origin of light-weight and heavy-weight woolens and worsteds, pile fabrics, and wool fabrics. Additional tables show the rates of duty imposed under the tariff acts of 1909, 1913, and 1922; also the equivalent specific and the equivalent ad valorem duties that would be applicable if the fabrics were valued at 1926-27 prices.

The last table of the survey shows the entry values in 1913, in 1914, and in 1926 of nine staple woolens and worsteds; also the rates of duty applicable under each of the last three tariff acts, and the equivalent specific and the equivalent ad valorem rates of duty.

(b) INVESTIGATIONS AND REPORTS FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

(1) APPLICATIONS RECEIVED AND PRELIMINARY REPORTS THEREON

Since December 1, 1927, the commission has received an application for an investigation, under the provisions of section 315, of wool-felt hats and hat bodies.

To assist the commission in determining whether an investigation should be instituted with respect to wool-felt hats and hat bodies, the textile division made a compilation and an analysis of imports, exports, and production of these articles and conducted an inquiry in the field. Data were obtained from manufacturers to show materials used, methods of manufacture, number of active and idle cards, quantity of hat bodies and of finished hats produced for sale, selling prices and terms, and other details. Data were obtained

from firms purchasing domestic and foreign hat bodies and producing finished hats therefrom; also from importers and customs officers. From the data and information gathered, the textile division prepared and submitted to the commission a preliminary report on the application.

(2) INVESTIGATIONS TERMINATED WITHOUT PREJUDICE

Oriental and similar carpets and rugs.—On October 28, 1926, the commission instituted an investigation for the purposes of section 315 of the tariff act of 1922 of the costs of production of oriental and other carpets and rugs not made on a power-driven loom, and carpets and rugs of oriental weave or weaves produced on a power-driven loom.

In 1927 the domestic production of wool carpets and rugs was valued at \$164,709,290; these were mainly of the Axminster, velvet, Wilton, tapestry, and similar types, and the output of knotted-pile rugs was very small. Imports of wool carpets and rugs in 1927 were valued at \$21,668,280, of which oriental and other handmade rugs accounted for \$18,175,207. The strong demand in the United States for oriental rugs, which began about 1920, continues unabated. Imports of these rugs have averaged very high in price as compared with domestic rugs, but have included some low-grade rugs which have been sold at prices sufficiently low to affect the domestic trade in Wiltons. These low-grade orientals, however, are not like or similar to Wiltons or to any other rugs produced in this country and are therefore not subject to a change in duty as a result of an investigation under the provisions of section 315. Imports of oriental rugs that are similar to the domestic knotted-pile are relatively small and therefore not representative of the import trade.

Cost and other data were obtained in China in the winter of 1926–27 and in the United States in June, 1927. In August, 1928, the commission, with the approval of the President, discontinued without prejudice its investigation of the costs of production of oriental and similar carpets and rugs. The commission's letter to the President and the reply thereto are to be found in Appendix 1, page 139.

SCHEDULE 12. SILK AND SILK GOODS

(a) SURVEYS AND REPORTS

A revision and an amplification of a survey, published in 1921 and now out of print, entitled "Silk, Silk Yarns and Threads, and Silk Pile Fabrics" is in progress.

(b) INVESTIGATIONS AND REPORTS FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

(1) APPLICATIONS RECEIVED AND PRELIMINARY REPORTS THEREON

Since December 1, 1927, the commission has received applications for investigations, under the provisions of section 315, with respect to the following articles: Silk velvets, schappe silk yarns, woven silk fabrics, silk fabrics for furniture, silk plushes and pile ribbons, and silk wearing apparel.

To assist the commission in determining whether investigations should be instituted, the division made a compilation and an analysis

of statistics of imports, exports, and production of these commodities and conducted an inquiry in the field. From an inspection of invoices in the New York customhouse and through consultation with the appraisers, information was obtained as to the kind of imports, the difference in quality, type, appearance, and construction between the imported and domestic goods, and other changes between recent imports and imports in previous years. Interviews were also held with importers and retailers to ascertain whether incoming shipments were attributable to superior quality, cheaper price, novelty of style, design or prestige, or whether imports were merely supplemental to domestic production. Inquiries as to the probable causes of the expansion or recession of imports were also made. First-hand information as to methods of production, prices, and the current trend of business conditions were obtained from key men in the domestic industry. Contacts were also established with officials of large trade associations in these various commodity lines. From the data and information gathered from these sources, the textile division prepared and submitted to the commission preliminary reports on the applications relating to silk velvets and other pile fabrics of silk, spun silk yarns (schappe), woven silk fabrics including upholstery goods, and silk wearing apparel.

SCHEDULE 13. PAPER AND BOOKS

(a) GENERAL STATEMENT

The work of the paper division has to do with the pulp and paper commodities provided for in schedule 13 and related commodities on the free list. Cigarette paper in all forms, except cork paper, specifically provided for in paragraph 1454 of the sundries schedule, is also assigned to the paper division. Statistical material is being collected for the revision of surveys already issued and for incorporation in new surveys.

(b) INVESTIGATIONS FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

(1) APPLICATIONS RECEIVED AND PRELIMINARY REPORTS THEREON

Four applications for the purposes of section 315 of the tariff act of 1922 have been made to the commission since July 1, 1927. The applications covered paper tubes for textile purposes, cigarette paper, onionskin paper, and parchment paper.

To assist the commission in determining whether an investigation is warranted, with respect to two of these commodities—paper tubes for textile purposes and cigarette paper—a preliminary report on each was prepared by the division. A brief résumé of conditions in the two industries follows:

Paper tubes for textile purposes.—Tapered textile tubes are used in spinning and winding woolen, worsted, cotton, silk, and rayon yarns, the tubes forming a core and holding the yarns in shape after they are spun. A preliminary study of the industry was made by the commission in consuming mills and in four textile tube factories in New England.

The demand for textile tubes in the cotton industry has materially declined because of depression in the industry, strikes, and the

adoption of methods which do not require the use of tubes. In the silk industry also there has been a decline in spinning, and changes in industrial organization have created a demand for either a highly durable tube or a low-cost tube. The foreign manufacturers have succeeded in meeting the demand for long-life tubes, as well as tubes that can be sold in the United States at a price so low as to make domestic competition difficult. The textile tube industry at the time the study was made was without sufficient business to maintain production at capacity, although greater activity in cotton and silk spinning would in all probability tend to relieve the situation.

Cigarette paper.—Cigarette paper is manufactured in two mills in the United States, according to information obtained in a preliminary study made by the commission. Production figures can not be given without disclosing the output of individual mills. Between 1918 and 1927 domestic production declined more than 40 per cent. There is little likelihood of expansion in the industry because of the heavy investment required, the nonadaptability of equipment to produce other papers, the limited number of consuming concerns, and the fact that high-grade paper can be produced in France at a lower cost than in this country.

The consumption of cigarette paper in the United States is increasing each year. In 1901 the domestic production of cigarettes was 2,000,000,000; in 1926, 92,000,000,000. France supplies the bulk of imports of cigarette paper. Total imports increased from 9,700,000 pounds in 1923 to 13,600,000 pounds in 1927. The weighted average sales price of domestic cigarette paper in 1927 was 31 cents per pound, and of imported paper, 30 cents per pound. The present rate of duty on cigarette paper is 60 per cent ad valorem.

SCHEDULE 14. SUNDRIES

(a) GENERAL STATEMENT

The sundries division is concerned with articles provided for in schedule 14 of the tariff act of 1922, except asbestos, ramie hat braids, emery and other abrasives, laces, cabinet locks, calender rolls, and thermostatic bottles, which have been assigned to the metals, textile, and ceramics divisions. In addition, the sundries division deals with related articles in the free list; with manufactures of pyroxylin, dutiable under paragraph 31; and with brier root or brier wood and similar wood unmanufactured or not further advanced than cut into blocks, dutiable under paragraph 402.

(b) SURVEYS AND REPORTS

During the year the commission conducted field work for the purpose of securing additional information for the completion of tariff information surveys and summaries on cattle hair, horse, and other animal hair; hair press cloth, curled hair, human hair, sponges, and rosaries.

Surveys and summaries on other commodities, such as brooms and brushes, buttons, dolls and toys, cork, matches, musical instruments, pencils, and sporting and athletic goods are also in course of preparation.

The hide and leather section of this division was engaged in the preparation of surveys and summaries on various kinds of hides and skins, leather, and manufactures of leather, including boots and shoes. The draft of the survey on cattle hides, referred to in the eleventh annual report of the commission, has not yet been published.

(c) INVESTIGATIONS UNDER THE GENERAL POWERS OF THE COMMISSION

Calf and kid leather.—On March 5 and 20, 1928, the commission instituted investigations of calf and kid leather in response to resolutions adopted by the United States Senate on March 2 and 19, 1928. The resolutions are here quoted.

Senate Resolution 163:

Resolved, That the United States Tariff Commission is hereby requested to investigate and report to the Senate the extent of sales of foreign calf leather in the United States since January 1, 1925, and the rates of wages paid calf-tannery workers in the United States and competing countries.

Senate Resolution 169:

Resolved, That the United States Tariff Commission is hereby requested to investigate and report to the Senate the extent of sales of foreign manufactured leather from goat skins and kid skins in the United States since January 1, 1925, and the rates of wages paid workers in the tanning of black and colored kids in the United States and competing countries.

Senate Resolution 163 in effect requests that some of the information published in Senate Document No. 198, which contains the results of an investigation conducted jointly by the Department of Commerce and the Tariff Commission in response to Senate Resolution 256 of June 6, 1924, be brought up to date. Senate Resolution 169 requests that information be obtained for the kid leather branch of the tanning industry.

Field work in the United States and Canada extended over a period of six weeks beginning May 1, 1928. The information obtained in the United States relates to production, imports, wages, productivity of labor, investment, prices, and other competitive conditions. Some data were obtained in Canada and in the United Kingdom, France, Germany, the Netherlands, Belgium, and Austria. Reports on the results of these investigations are in course of preparation.

(d) INVESTIGATIONS FOR THE PURPOSES OF SECTION 315 OF THE TARIFF ACT OF 1922

(1) APPLICATIONS RECEIVED AND PRELIMINARY REPORTS THEREON

Applications were received on May 31, 1928, for investigations looking toward changes in the rates of duty on certain artificial flowers now held dutiable under paragraph 1430; on silk footwear, dutiable under paragraph 1405; and on prepared feathers, dutiable under paragraph 1419.

Studies were made in New York and vicinity for the purpose of obtaining from importers and domestic producers additional information on the comparability of domestic and imported artificial flowers, silk footwear, and prepared feathers, as well as on other factors of competition. Reports have been prepared for use in determining whether investigations are warranted.

(2) INVESTIGATIONS IN PROGRESS

Brierwood pipes.—On May 4, 1923, the commission instituted an investigation of brierwood pipes for the purposes of section 315. This investigation was temporarily suspended when on August 11, 1923, the commission instituted an investigation for the purposes of section 316 of alleged unfair methods of competition and unfair acts in the importation and sale of brierwood pipes at prices less than their cost of production in the country of origin. Following a public hearing and the filing of briefs the commission considered the evidence and recommended that the complaint be dismissed. In May, 1926, the President issued a statement approving the recommendation of the commission.

The investigation for the purposes of section 315 was resumed in June, 1926. Conferences were held in New York City with manufacturers and importers concerning the comparability of domestic and imported brierwood pipes and other competitive conditions. Cost and other data were obtained for the year 1925 from five manufacturers in New York and from one in Chicago, the principal centers of domestic production. As the cost data obtained from some producers in France and the United Kingdom relate to the year 1924 and are considered too fragmentary to be representative of the industry abroad, invoice prices covering imports in 1925 were used as evidence of foreign costs of production. Imports of 14 importers in New York and of two in Chicago were analyzed and tabulated from consular invoices and other records in the customhouses.

A preliminary statement of information was issued to the trade for use at a public hearing held in the offices of the commission on March 29 and 30, 1928; this hearing was a postponement of the hearing announced for December 1, 1927. Cost data in this preliminary statement are arranged according to retail price groups. Pipes are produced and imported to sell in the United States at definite retail prices—i. e., at 25 cents, 50 cents, \$1, \$1.50 each, etc., although there are departures from this general practice. Pipes retailing up to and including \$1.50 each are sold at wholesale by the gross; those retailing at more than \$1.50 each are sold by the dozen. Pipes retailing at more than 50 cents each are marketed under trade names. The higher priced pipes—i. e., those selling at retail for more than \$1.50 each—are distinctive. The higher the price, the more individual is the pipe, and the more significant is the brand or maker's name. The imports from France consist chiefly of pipes selling in the lower retail price groups and those from the United Kingdom, in the higher retail price groups.

After the hearing, briefs and reply briefs were filed by interested parties. A final report is in course of preparation.

Imitation pearl beads and imitation solid pearls.—An investigation for the purposes of section 315 of the costs of production of imitation pearl beads and imitation solid pearls was instituted on May 26, 1927. Before undertaking the work of securing cost data, representatives of the commission held two conferences in New York for the purpose of discussing problems that had arisen in the investigation. One of these conferences was with a group of domestic manufacturers and the other with a group of importers. Individual manufacturers and importers were also called upon in order to examine the types and

qualities produced and imported, to select types representative of both domestic and imported articles, and to arrive at some basis of comparability.

Cost and other data were secured from four producers in New York City and from three in Providence, R. I., the centers of domestic production. Invoice prices were used as evidence of foreign costs of production. An analysis of the imports in 1926 of 13 importers was made from consular invoices and other records at the customhouse in New York, where more than 90 per cent of the imports of imitation pearl beads are entered. Selling prices, principal types imported, description of types and other information relating to the types of clasps used, cost of affixing clasps, and of tying-in were obtained from importers. Transportation and other shipment charges were also obtained from some importers to supplement the information secured from consular invoices and other records at the customhouse.

On August 21, 1928, a preliminary statement of information was issued for use at a public hearing to be held in the office of the commission on September 25, 1928. This hearing at the request of interested parties was postponed to October 9, and later to October 23, 1928. November 26, 1928, was set as the date for filing written briefs and December 6, 1928 for reply briefs. The statement shows costs of production in the United States, and costs of production in France and Japan as evidenced by invoice prices, arranged according to price groups, of six types selected as representative of imports and domestic production. Of the total value of imitation pearl beads imported into the United States in 1926, 56.5 per cent came from Japan, 28 per cent from France, and 11.4 per cent from Spain. The average net value of imitation pearl beads imported from Japan is lower than that on imports from France or Spain, being about \$1 per pound for Japan and over \$5 per pound for France and Spain.

Cork insulation and cork tile.—On May 31, 1928, the commission instituted an investigation for the purposes of section 315, of the costs of production of cork insulation and cork tile. Cork insulation is produced in the form of boards or sheets usually 12 by 36 inches, with thicknesses ranging from one-fourth to 6 inches. It is also produced in various shapes and sizes for use as pipe coverings. Cork tile is usually one-half inch thick and in squares of 2, 3, 4, 6, 9, or 12 inches. Cork insulation in board form is used for insulating cold storage warehouses, refrigerators, ice plants, and for lining compartments in ships for ammunition and food. Cork tile is used for floor coverings. Production of cork insulation and cork tile in the United States is almost entirely dependent upon imported cork waste, shavings, and refuse—the principal materials used in their manufacture.

According to the Bureau of the Census the sales in 1927 by domestic manufacturers of cork board amounted to 69,028,455 board feet, or about 55,223,000 pounds, valued at \$4,955,772, and of cork flooring to 792,241 square feet, valued at \$192,603. Imports of cork insulation come chiefly from Spain and Portugal, and of cork tile from several European countries which vary from year to year in their relative importance. In 1927 imports of cork insulation amounted to 50,528,072 pounds, valued at \$3,114,862, and of cork tile to 503,247 square feet, valued at \$44,832.

Field work was begun in August, 1928, for the purpose of completing and trying out with one or more firms the cost schedule and of

obtaining additional information with respect to the comparability of imported and domestic products. Cost data are now being obtained from domestic producers.

(e) QUANTITY, VALUE, AND UNIT VALUE OF SEWED STRAW HATS IMPORTED INTO THE UNITED STATES, FOLLOWING THE CHANGE IN THE RATE OF DUTY

Since the President's proclamation changing the rate of duty from 60 to 88 per cent on men's sewed straw hats valued at \$9.50 or less per dozen, effective March 14, 1926, imports of sewed straw hats have been recorded under two classifications, namely, "Men's sewed straw hats valued at not over \$9.50 per dozen" and "Other sewed straw hats." Imports recorded under "Men's sewed straw hats valued at not over \$9.50 per dozen" are restricted to men's sewed hats composed wholly or in chief value of straw. Imports recorded under "Other sewed straw hats" are not restricted to hats made of straw but include sewed hats composed wholly or in chief value of chip, grass, or any of the other materials specified in paragraph 1406 of the tariff act of 1922. Other sewed straw hats cover men's sewed straw hats valued at more than \$9.50 per dozen; all women's sewed straw hats; and all other men's and women's sewed hats composed wholly or in chief value of any of the materials, other than straw, specified in paragraph 1406.

Imports of all sewed straw hats show a tendency to increase in quantity and to decrease in value. The average value per hat was 53 cents in 1925, 51 cents in 1926, 49 cents in 1927, and 39 cents in the first six months of 1928.

Of the total quantity of all sewed straw hats imported into the United States, the imports from Italy amounted to 67 per cent in 1925, 83 per cent in 1926, 90 per cent in 1927, and 94 per cent in the first six months of 1928; imports from the United Kingdom amounted to 8 per cent in 1925, 4 per cent in 1926, and 3 per cent in 1927, and in the first six months of 1928. The table on page 129 shows imports of all sewed hats in the years 1925, 1926, 1927, and in the first six months of 1928.

Imports from Italy.—Men's sewed straw hats valued at not over \$9.50 per dozen from Italy show a tendency to decline in both quantity and value. A comparison of imports for the last nine months of 1927 with imports for corresponding months in 1926 shows a decrease of 16.75 per cent in quantity and 17.10 per cent in value. Decreases of 27.55 per cent in quantity and 40.04 per cent in value are also shown if imports for the first six months of 1928 are compared with the imports for corresponding months of 1927. The average import value per hat of men's sewed straw hats valued at not over \$9.50 per dozen also shows a tendency to decline, being 40 cents for the last 9 months of 1926, 40 cents for the year 1927, and 33 cents for the first 6 months of 1928.

Imports of other sewed straw hats from Italy show large increases in both quantity and value. The value per hat is declining, being \$1 for the last 9 months of 1926, \$0.51 in 1927, and \$0.36 for the first 6 months of 1928.

The decline in quantity and in the unit value of imports from Italy of men's sewed straw hats valued at not over \$9.50 per dozen is

Sewed straw hats: Imports into the United States, by months, 1925-1928

[Change in rate of duty effective Mar. 14, 1926]

| Month | Quantity | | | | Value | | | | Unit value | | | |
|--|---------------|----------------------|---------------|------------------------|-----------|----------------------|-----------|----------------------|------------|--------|--------|------------------|
| | 1925 | 1926 | 1927 | 1928 | 1925 | 1926 | 1927 | 1928 | 1925 | 1926 | 1927 | 1928 |
| | <i>Number</i> | <i>Number</i> | <i>Number</i> | <i>Number</i> | | | | | | | | |
| January..... | 239,461 | 308,157 | 230,485 | 314,111 | \$129,659 | \$151,537 | \$112,636 | \$113,536 | \$0.54 | \$0.49 | \$0.49 | \$0.36 |
| February..... | 251,789 | 276,784 | 210,575 | 399,732 | 148,874 | 161,785 | 118,796 | 158,849 | .59 | .58 | .56 | .40 |
| March..... | 297,283 | ¹ 408,812 | 360,961 | 462,710 | 190,422 | ¹ 234,801 | 186,293 | 191,900 | .64 | .57 | .52 | .41 |
| April..... | 356,880 | 219,021 | 410,905 | 436,877 | 206,910 | 127,202 | 215,235 | 181,321 | .58 | .58 | .52 | .42 |
| May..... | 297,278 | 132,382 | 384,498 | 316,147 | 157,946 | 77,449 | 189,129 | 118,896 | .53 | .58 | .49 | .38 |
| June..... | 214,890 | 107,180 | 182,784 | 144,552 | 99,992 | 50,069 | 77,671 | 52,635 | .47 | .47 | .42 | .36 |
| July..... | 118,164 | 78,421 | 76,645 | ----- | 56,786 | 37,468 | 31,938 | ----- | .48 | .48 | .42 | ----- |
| August..... | 154,731 | 52,581 | 37,880 | ----- | 64,613 | 20,941 | 22,246 | ----- | .42 | .40 | .59 | ----- |
| September..... | 130,144 | 19,753 | 42,243 | ----- | 51,100 | 8,029 | 18,323 | ----- | .39 | .45 | .43 | ----- |
| October..... | 154,186 | 153,469 | 67,605 | ----- | 74,293 | 49,573 | 27,453 | ----- | .48 | .32 | .41 | ----- |
| November..... | 158,186 | 201,739 | 133,629 | ----- | 77,482 | 88,906 | 56,804 | ----- | .49 | .44 | .43 | ----- |
| December..... | 183,470 | 245,216 | 111,382 | ----- | 86,728 | 124,321 | 51,448 | ----- | .47 | .51 | .46 | ----- |
| Total..... | 2,556,462 | 2,203,495 | 2,249,592 | ² 2,074,129 | 1,344,805 | 1,132,981 | 1,107,972 | ² 817,137 | .53 | .51 | .49 | ² .39 |
| Per cent of increase or decrease over corresponding period of previous year..... | ----- | -13.81 | +2.09 | ³ +16.51 | ----- | -15.75 | -2.21 | ³ -9.18 | ----- | ----- | ----- | ----- |

¹ The rate of duty of 88 per cent ad valorem on men's sewed straw hats valued at \$9.50 or less per dozen became effective Mar. 14, 1926.

² For first 6 months of year.

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attributed in part to the competition of men's sewed hats made of chip, which range in value from \$2.50 to \$3.50 per dozen. These hats, although valued at \$9.50 or less per dozen, are not subject to the proclaimed rate of 88 per cent ad valorem for the reason that they are not made of straw. The increase in quantity and value and the decline in unit value of imports from Italy of other sewed straw hats are attributed largely to the imports of men's sewed hats made of chip. The following table shows imports from Italy for the years 1925, 1926, 1927, and first six months of 1928.

Sewed straw hats: Imports from Italy, by months, 1925-1928

[Change in rate of duty effective Mar. 14, 1926]

| Period | Total | | | Men's sewed straw hats valued at not over \$9.50 per dozen | | | Other sewed straw hats ¹ | | |
|---|---------------|------------|---------------|--|-----------|---------------|-------------------------------------|----------|---------------|
| | Quantity | Value | Unit value | Quantity | Value | Unit value | Quantity | Value | Unit value |
| 1925 | <i>Number</i> | | | <i>Number</i> | | | <i>Number</i> | | |
| January..... | 212, 292 | \$102, 409 | \$0. 48 | | | | | | |
| February..... | 189, 736 | 76, 300 | . 40 | | | | | | |
| March..... | 207, 218 | 90, 352 | . 44 | | | | | | |
| April..... | 260, 145 | 126, 237 | . 49 | | | | | | |
| May..... | 180, 432 | 96, 849 | . 54 | | | | | | |
| June..... | 140, 815 | 63, 166 | . 45 | | | | | | |
| July..... | 57, 125 | 25, 991 | . 45 | | | | | | |
| August..... | 61, 245 | 25, 848 | . 42 | | | | | | |
| September..... | 96, 081 | 35, 255 | . 37 | | | | | | |
| October..... | 64, 125 | 30, 856 | . 48 | | | | | | |
| November..... | 115, 198 | 53, 953 | . 47 | | | | | | |
| December..... | 137, 141 | 60, 441 | . 44 | | | | | | |
| Total..... | 1, 721, 553 | 787, 657 | . 46 | | | | | | |
| 1926 | | | | | | | | | |
| January..... | 238, 287 | 114, 399 | . 48 | | | | | | |
| February..... | 228, 590 | 113, 844 | . 51 | | | | | | |
| March (1-13)..... | 277, 416 | 137, 839 | . 50 | | | | | | |
| March (14-31)..... | 21, 374 | 10, 039 | . 47 | 21, 374 | \$10, 039 | \$0. 47 | | | |
| April..... | 182, 785 | 86, 888 | . 48 | 175, 508 | 78, 423 | . 45 | 7, 277 | \$8, 465 | \$1. 16 |
| May..... | 119, 273 | 60, 661 | . 51 | 105, 327 | 46, 434 | . 44 | 13, 946 | 14, 227 | 1. 02 |
| June..... | 102, 375 | 43, 241 | . 42 | 98, 556 | 39, 441 | . 40 | 3, 819 | 3, 800 | 1. 00 |
| July..... | 54, 814 | 22, 665 | . 41 | 54, 798 | 22, 649 | . 41 | 16 | 16 | 1. 00 |
| August..... | 45, 339 | 15, 359 | . 34 | 41, 336 | 12, 879 | . 31 | 4, 008 | 2, 480 | . 62 |
| September..... | 18, 435 | 7, 249 | . 39 | 17, 640 | 6, 394 | . 36 | 795 | 855 | 1. 08 |
| October..... | 141, 847 | 47, 068 | . 33 | 137, 985 | 43, 415 | . 31 | 3, 862 | 3, 651 | . 95 |
| November..... | 197, 100 | 84, 016 | . 43 | 186, 313 | 73, 563 | . 39 | 10, 787 | 10, 453 | . 97 |
| December..... | 221, 275 | 105, 872 | . 48 | 204, 785 | 88, 987 | . 43 | 16, 490 | 16, 885 | 1. 02 |
| Total..... | 1, 842, 910 | 848, 838 | . 46 | 1, 043, 622 | 422, 224 | . 40 | 60, 995 | 60, 832 | 1. 00 |
| Per cent of increase or decrease over corre- sponding period of previous year ² | +7. 05 | +7. 77 | | | | | | | |
| 1927 | | | | | | | | | |
| January..... | 224, 545 | 101, 145 | . 45 | 180, 980 | 70, 297 | . 39 | 43, 565 | 30, 848 | . 71 |
| February..... | 189, 765 | 81, 941 | . 43 | 140, 734 | 54, 640 | . 39 | 49, 031 | 27, 301 | . 56 |
| March..... | 333, 022 | 146, 346 | . 44 | 260, 076 | 106, 590 | . 41 | 72, 946 | 39, 756 | . 55 |
| April..... | 362, 787 | 163, 513 | . 45 | 246, 193 | 100, 894 | . 41 | 116, 594 | 62, 629 | . 54 |
| May..... | 341, 245 | 155, 375 | . 46 | 285, 216 | 116, 776 | . 41 | 56, 029 | 38, 599 | . 69 |
| June..... | 165, 379 | 68, 113 | . 41 | 130, 290 | 48, 970 | . 38 | 35, 089 | 19, 143 | . 55 |
| July..... | 66, 219 | 26, 049 | . 39 | 33, 610 | 12, 569 | . 37 | 32, 609 | 13, 480 | . 41 |
| August..... | 27, 334 | 15, 572 | . 57 | 8, 824 | 4, 904 | . 56 | 18, 510 | 10, 668 | . 58 |
| September..... | 35, 677 | 12, 927 | . 36 | 11, 352 | 4, 307 | . 38 | 24, 325 | 8, 620 | . 35 |
| October..... | 62, 794 | 21, 681 | . 35 | 37, 853 | 14, 576 | . 39 | 24, 941 | 7, 105 | . 28 |
| November..... | 126, 802 | 50, 717 | . 40 | 56, 692 | 21, 654 | . 38 | 70, 110 | 29, 063 | . 41 |
| December..... | 102, 298 | 38, 637 | . 38 | 40, 948 | 17, 081 | . 42 | 61, 350 | 21, 556 | . 35 |
| Total..... | 2, 037, 867 | 882, 016 | . 43 | 1, 432, 768 | 573, 248 | . 40 | 605, 099 | 308, 768 | . 51 |

¹ Includes men's sewed straw hats over \$9.50 per dozen. ² Plus (+) increase; minus (-) decrease.

Sewed straw hats: Imports from Italy, by months, 1925-1928—Continued

[Change in rate of duty effective Mar. 14, 1926]

| Period | Total | | | Men's sewed straw hats valued at not over \$9.50 per dozen | | | Other sewed straw hats | | |
|---|-------------------------|---------|---------------|--|----------|---------------|--------------------------|-----------|---------------|
| | Quantity | Value | Unit value | Quantity | Value | Unit value | Quantity | Value | Unit value |
| Per cent of increase or decrease over corre- sponding period of previous year ² | <i>Number</i> +10.58 | +\$3.91 | ----- | <i>Number</i> -16.75 | -\$17.10 | ----- | <i>Number</i> +620.64 | +\$246.63 | ----- |
| 1928 | | | | | | | | | |
| January..... | 310,942 | 104,909 | \$0.34 | 142,927 | 47,402 | \$0.33 | 168,015 | 57,507 | 0.34 |
| February..... | 375,329 | 120,894 | .32 | 125,748 | 40,296 | .32 | 249,581 | 80,598 | .32 |
| March..... | 442,033 | 167,964 | .38 | 203,646 | 71,298 | .35 | 238,387 | 96,666 | .41 |
| April..... | 407,075 | 149,730 | .37 | 202,639 | 68,997 | .34 | 204,436 | 80,733 | .39 |
| May..... | 297,317 | 98,611 | .33 | 164,750 | 51,084 | .31 | 132,567 | 47,527 | .36 |
| June..... | 133,932 | 43,022 | .32 | 61,232 | 19,618 | .32 | 72,700 | 23,404 | .32 |
| Total ⁴ | 1,966,628 | 685,130 | .35 | 900,942 | 298,695 | .33 | 1,065,686 | 386,435 | \$0.36 |
| Per cent of increase or decrease over corre- sponding period of previous year ² | +21.64 | -4.37 | ----- | -27.55 | -40.04 | ----- | +185.51 | +77.11 | ----- |

² Plus (+) increase; minus (-) decrease. ³ For last 9 months of year. ⁴ For first 6 months of year.

Imports from the United Kingdom.—Sewed straw hats from the United Kingdom consist largely of men's sewed straw hats valued at more than \$9.50 per dozen, which are not subject to the proclaimed rate of 88 per cent. Imports of both men's sewed straw hats valued at not over \$9.50 per dozen and other sewed straw hats, which include men's valued at more than \$9.50 per dozen, show tendencies to decline, especially the men's hats valued at not over \$9.50 per dozen. The declines are probably due to the increasing importance of the Italian hats in the import trade of the United States. The table which follows shows imports from the United Kingdom for the years 1925, 1926, 1927, and first six months of 1928.

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Sewed straw hats; Imports from the United Kingdom, by months, 1925-1928

[Change in rate of duty effective March 14, 1926]

| Period | Total | | | Men's sewed straw hats valued at not over \$9.50 per dozen | | | Other sewed straw hats ¹ | | |
|--|---------------|---------|------------|--|---------------------|------------|-------------------------------------|--------------------|------------|
| | Quantity | Value | Unit value | Quantity | Value | Unit value | Quantity | Value | Unit value |
| 1925 | <i>Number</i> | | | <i>Number</i> | | | <i>Number</i> | | |
| January..... | 8,995 | \$9,465 | \$1.05 | | | | | | |
| February..... | 31,776 | 36,509 | 1.15 | | | | | | |
| March..... | 61,755 | 68,687 | 1.11 | | | | | | |
| April..... | 45,711 | 46,761 | 1.02 | | | | | | |
| May..... | 40,133 | 26,060 | .65 | | | | | | |
| June..... | 9,113 | 7,715 | .85 | | | | | | |
| July..... | 1,489 | 2,921 | 1.96 | | | | | | |
| August..... | 288 | 425 | 1.48 | | | | | | |
| September..... | 268 | 420 | 1.57 | | | | | | |
| October..... | 966 | 1,979 | 2.05 | | | | | | |
| November..... | 3,192 | 3,368 | 1.06 | | | | | | |
| December..... | 4,842 | 5,438 | 1.12 | | | | | | |
| Total..... | 208,588 | 209,748 | 1.01 | | | | | | |
| 1926 | | | | | | | | | |
| January..... | 4,388 | 6,510 | 1.48 | | | | | | |
| February..... | 16,905 | 22,905 | 1.35 | | | | | | |
| March (1-13)..... | 15,946 | 24,087 | 1.51 | | | | | | |
| March (14-31)..... | 2,096 | 3,678 | 1.75 | | | | 2,096 | \$3,678 | \$1.75 |
| April..... | 27,182 | 31,585 | 1.16 | 2,192 | \$1,612 | \$0.74 | 24,990 | 29,973 | 1.20 |
| May..... | 12,268 | 14,368 | 1.17 | | | | 12,268 | 14,368 | 1.17 |
| June..... | 4,029 | 5,579 | 1.38 | 1,026 | 565 | .55 | 3,003 | 5,014 | 1.67 |
| July..... | 3,005 | 3,902 | 1.30 | 2,439 | 1,695 | .69 | 566 | 2,207 | 3.90 |
| August..... | 270 | 1,531 | 5.67 | | | | 270 | 1,531 | 5.67 |
| September..... | 68 | 86 | 1.26 | | | | 68 | 86 | 1.26 |
| October..... | 338 | 473 | 1.40 | 96 | 36 | .38 | 242 | 437 | 1.81 |
| November..... | 411 | 993 | 2.42 | | | | 411 | 993 | 2.42 |
| December..... | 4,037 | 4,831 | 1.20 | | | | 4,037 | 4,831 | 1.20 |
| Total..... | 90,943 | 120,528 | 1.33 | 5,753 | 3,908 | .68 | 47,951 | 63,118 | 1.32 |
| Per cent of increase or decrease over corresponding period of previous year ² | -56.40 | -42.54 | | | | | | | |
| 1927 | | | | | | | | | |
| January..... | 923 | 1,684 | 1.77 | | | | 923 | 1,684 | 1.77 |
| February..... | 8,987 | 14,076 | 1.56 | 432 | 121 | .28 | 8,556 | 13,955 | 1.64 |
| March..... | 13,466 | 20,310 | 1.51 | 1,500 | 765 | .51 | 11,966 | 19,545 | 1.63 |
| April..... | 31,181 | 38,087 | 1.22 | | | | 31,181 | 38,087 | 1.22 |
| May..... | 9,849 | 11,135 | 1.12 | 1,260 | 589 | .47 | 8,689 | 10,546 | 1.21 |
| June..... | 3,804 | 3,298 | .84 | 1,404 | 678 | .48 | 2,500 | 2,620 | 1.05 |
| July..... | 686 | 774 | 1.13 | 432 | 203 | .47 | 254 | 571 | 2.25 |
| August..... | 1,521 | 1,478 | .97 | | | | 1,521 | 1,478 | .97 |
| September..... | 182 | 272 | 1.49 | | | | 182 | 272 | 1.49 |
| October..... | 95 | 214 | 2.25 | | | | 95 | 214 | 2.25 |
| November..... | 62 | 198 | 3.19 | | | | 62 | 198 | 3.19 |
| December..... | 102 | 429 | 4.21 | | | | 102 | 429 | 4.21 |
| Total..... | 71,008 | 91,915 | 1.29 | 5,028 | 2,356 | .47 | 65,980 | 89,559 | 1.36 |
| Per cent of increase or decrease over corresponding period of previous year ² | -21.92 | -23.74 | | ³ -46.18 | ³ -62.38 | | ³ -2.77 | ³ -8.44 | |
| 1928 | | | | | | | | | |
| January..... | 454 | 1,434 | 3.16 | | | | 454 | 1,434 | 3.16 |
| February..... | 8,518 | 10,198 | 1.20 | | | | 8,518 | 10,198 | 1.20 |
| March..... | 10,113 | 11,919 | 1.18 | | | | 10,113 | 11,919 | 1.18 |
| April..... | 25,249 | 27,618 | 1.09 | 72 | 56 | .78 | 25,177 | 27,562 | 1.09 |
| May..... | 14,753 | 16,680 | 1.13 | | | | 14,753 | 16,680 | 1.13 |
| June..... | 9,633 | 8,112 | .84 | 3,024 | 1,463 | .48 | 6,609 | 6,649 | 1.01 |
| Total ⁴ | 68,720 | 75,941 | 1.11 | 3,096 | 1,519 | .49 | 65,624 | 74,422 | 1.13 |
| Per cent of increase or decrease over corresponding period of previous year ² | +0.53 | -14.24 | | -32.64 | -29.45 | | +2.92 | -13.86 | |

¹ Includes men's sewed straw hats over \$9.50 per dozen.

² Plus (+) increase; minus (-) decrease.

³ For last 9 months of year.

⁴ For first 6 months of year.

XIX. FINANCES AND APPROPRIATIONS**(1) SALARIES AND EXPENSES**

The appropriations for the work of the Tariff Commission for the fiscal year ended June 30, 1928, were \$686,000. That amount included \$673,500 for salaries and expenses, exclusive of printing and binding; \$8,500 for printing and binding, and \$4,000 additional for printing and binding, made available in the deficiency appropriation act of December 22, 1927. Thus the total appropriations for the year were \$13,000 less than for the fiscal year 1927, and were \$35,500 less than for the fiscal year 1926.

In view of these conditions and of the urgent request of the President that effort be made to restrict expenditures, because of the state of the national budget, the work of the commission was limited to the business before it most pressing for consideration. As shown by statements appearing in detail in other portions of this report and in the tabulated appendices, the commission has been requested by the President, by the Senate, and by the representatives of numerous industries and business concerns, to conduct investigations for the purpose of assisting the President in the administration of the special provisions of the tariff act of 1922, and has been engaged in the necessary revision of the tariff information surveys heretofore prepared, and in the preparation of additional surveys of like character, as well as other material for the use of the Congress when it shall consider further tariff legislation.

The commission is therefore engaged upon two general classes of work: (1) That under its general powers, and (2) that under the special provisions of the tariff act of 1922. Neither of these can be postponed if the purpose of the commission and the intent of the law are to be effective. In order that the Congress may be supplied with useful information when it is needed, the commission must gather in advance the requisite data and put them into such form that the essential facts and economic considerations will be presented clearly and concisely as a guide for legislative action. If industries and business are to be afforded practical results from the operation of the special provisions of the law, the commission must investigate promptly the cases presented and must expeditiously transmit its findings of facts to the President for his consideration and action.

Under pressure of the demands which have been made upon it the commission has been compelled to add to its relatively small force of commodity experts, accountants, economists, and other employees required for the proper conduct of its investigations. While the appropriation for the work of the commission during the fiscal year 1929 is larger than for prior years and its expenditures will necessarily be greater, a substantial portion of the increase will be represented by amounts payable under the increased rates of compensation prescribed in the amended classification act of May 28, 1928. Authority has been requested accordingly through the Bureau of the Budget for an increase of the amount expendable during the fiscal year 1929 for personal services in the District of Columbia, without any increase in the total amount of the appropriation. The current expenses of the commission are being held within the amount available and it is hoped that the commission may not be compelled to seek supplementary appropriations during the remainder of the year.

(2) PRINTING AND BINDING

The appropriation for all printing and binding for the Tariff Commission during the fiscal year 1928 as originally made was \$8,500. This amount was increased to \$12,500 by the addition of \$4,000 appropriated in the deficiency act of December 22, 1927.

The work of the Tariff Commission is of such character that in large part its results can be made available and effective only through the printed reports of its investigations and studies conducted in the performance of its duties. These duties are imposed (1) by the provisions of the act of September 8, 1916, which created the commission and defined its functions and powers, and (2) by the special provisions of the tariff act of 1922.

(1) The duty of the commission under its original, or general, powers is to investigate the operation and effects of the customs laws of the United States, and to gather and analyze industrial and economic information for the use primarily of the Congress in its consideration of tariff legislation. In order that the results of such work shall become accessible and useful it is necessary that the commission's reports be printed.

(2) The functions of the commission under the special provisions of the tariff act of 1922 are (a) to conduct investigations for the purpose of assisting the President in ascertaining whether changes are necessary in rates of duty prescribed in that act; (b) to assist the President in the investigation and suppression of unfair methods of competition and unfair acts in the importation and sale of articles of foreign production; (c) to investigate and report to the President, with recommendations, discriminations by foreign governments against the commerce of the United States; and (d) to investigate differences in methods and costs of production in the United States and in foreign countries.

The commission, since its funds for printing have been made by separate appropriation, has not had a sufficient amount to print all the material ready for publication. In view of the material now in preparation, which should be available to the Congress at an early date, it is probable that a supplementary appropriation for printing and binding will be required for the current fiscal year. Since July 1, 1927, the commission has distributed, upon request, approximately 23,000 individual copies of its printed reports, exclusive of preliminary statements of information, notices of public hearings, and other like material furnished for the use of interested parties in investigations in which public hearings were held before the commission.

(3) EXPENDITURES

The expenditures, including outstanding obligations, by the commission during the fiscal year ended June 30, 1928, were for—

| | |
|--|---------------|
| Salaries: | |
| Six commissioners..... | \$44, 437. 50 |
| Employees— | |
| Departmental service..... | 491, 531. 30 |
| Field service..... | 27, 905. 55 |
| Field expenses of investigations: ² | |
| In the United States..... | 35, 745. 31 |
| In foreign countries..... | 8, 061. 79 |

¹ One vacancy from Mar. 14 to Apr. 11, 1928.

² These figures are exclusive of salaries and include only direct expenses in the conduct of field work.

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| | |
|--|--------------|
| Books of reference and publications..... | \$2, 858. 53 |
| Printing and binding..... | 12, 500. 00 |
| Telephone and telegraph..... | 2, 248. 26 |
| Rent of office (foreign)..... | 738. 65 |
| Repairs and alterations..... | 1, 020. 70 |
| Office equipment, supplies, miscellaneous expense..... | 22, 068. 78 |
| Total..... | 649, 116. 37 |

XX. PERSONNEL

The commission and its staff, as organized at the close of the fiscal year 1928, consisted of 232 persons. This personnel comprised 6 commissioners and 226 employees, 143 of whom were men and 89 women. Fifty-one members of the staff had rendered military or naval service. The total number within the civil service retirement law was 138. The amount of money deducted from their salaries under that law was \$8,556.55.

The allocation of the personnel in the District of Columbia, under the provisions of the classification act of 1923, is shown in the appendix table.

Allocation of the Tariff Commission personnel in the District of Columbia as of June 30, 1928

| | Num- ber | Service | Grade |
|-----------------------------------|-------------|---------------------------------------|-------|
| Commissioners..... | 6 | Clerical, administrative, and fiscal. | 14 |
| Chief investigator..... | 1 | do | 13 |
| Secretary..... | 1 | do | 12 |
| Chief of division..... | 1 | do | 11 |
| Assistant chief investigator..... | 1 | do | 11 |
| Assistant to the secretary..... | 1 | do | 9 |
| Accountants..... | 13 | do | 9 |
| Do..... | 9 | do | 7 |
| Editor..... | 1 | do | 7 |
| Chief of division..... | 1 | do | 6 |
| Chiefs of sections..... | 2 | do | 6 |
| Accountants..... | 4 | do | 6 |
| Assistant editor..... | 1 | do | 5 |
| Senior clerk..... | 1 | do | 5 |
| Secretaries to commissioners..... | 6 | do | 5 |
| Chiefs of sections..... | 2 | do | 5 |
| Clerks..... | 4 | do | 5 |
| Clerk-stenographer..... | 1 | do | 5 |
| Accountants..... | 2 | do | 5 |
| Transportation clerk..... | 1 | do | 5 |
| Office draftsman..... | 1 | do | 5 |
| Clerks..... | 12 | do | 4 |
| Stenographers..... | 3 | do | 4 |
| Clerk-stenographers..... | 6 | do | 4 |
| Clerks..... | 14 | do | 3 |
| Stenographers..... | 15 | do | 3 |
| Stock-room clerk..... | 1 | do | 2 |
| Clerks..... | 9 | do | 2 |
| File clerks..... | 2 | do | 2 |
| Stenographers..... | 5 | do | 2 |
| Clerk-typist..... | 1 | do | 2 |
| Operators office devices..... | 2 | do | 2 |
| Comptometer operators..... | 2 | do | 2 |
| Telephone operator..... | 1 | do | 1 |
| Clerk..... | 1 | do | 1 |
| Chiefs of divisions..... | 4 | Professional and scientific service. | 5 |
| Do..... | 7 | do | 4 |
| Economists..... | 7 | do | 4 |
| Agricultural experts..... | 2 | do | 4 |
| Fisheries expert..... | 1 | do | 4 |
| Chemical expert..... | 1 | do | 4 |
| Ceramics expert..... | 1 | do | 4 |
| Foreign tariffs expert..... | 1 | do | 4 |
| Metals experts..... | 3 | do | 4 |
| Textile experts..... | 4 | do | 4 |

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Allocation of the Tariff Commission personnel in the District of Columbia as of June 30, 1928—Continued

| | Number | Service | Grade |
|------------------------------|--------|--------------------------------------|-------|
| Chiefs of divisions..... | 2 | Professional and scientific service. | 3 |
| Ceramic experts..... | 2 | do | 3 |
| Textile experts..... | 4 | do | 3 |
| Chemical experts..... | 3 | do | 3 |
| Agricultural experts..... | 11 | do | 3 |
| Metals experts..... | 2 | do | 3 |
| Foreign tariffs experts..... | 2 | do | 3 |
| Sundries experts..... | 3 | do | 3 |
| Fisheries expert..... | 1 | do | 3 |
| Economist..... | 1 | do | 3 |
| Attorney..... | 1 | do | 3 |
| Metals experts..... | 2 | do | 2 |
| Textile expert..... | 1 | do | 2 |
| Agricultural expert..... | 1 | do | 2 |
| Lumber expert..... | 1 | do | 2 |
| Sundries experts..... | 3 | do | 2 |
| Librarian..... | 1 | do | 2 |
| Assistant economists..... | 2 | do | 2 |
| Foreign tariffs experts..... | 3 | do | 1 |
| Ceramics expert..... | 1 | do | 1 |
| Assistant librarian..... | 1 | do | 1 |
| Do..... | 1 | Subprofessional service..... | 4 |
| Mechanic..... | 1 | Custodial..... | 5 |
| Messengers..... | 5 | do | 3 |
| Messenger..... | 1 | do | 2 |

The table which follows presents a comparison of the personnel of the commission, including the field service, as of June 30, 1927, June 30, 1928, and November 30, 1928.

Comparison of personnel, including field service, as of June 30, 1927, June 30, 1928, and November 30, 1928

| | June 30, 1927 | June 30, 1928 | Nov. 30, 1928 |
|--|---------------|---------------|------------------|
| Commissioners..... | 6 | 6 | 6 |
| Secretary..... | 1 | 1 | 1 |
| Assistant to secretary..... | 1 | 1 | 1 |
| Chief investigator..... | 1 | 1 | 1 |
| Chiefs of divisions..... | 13 | 18 | 18 |
| Special experts..... | 85 | 95 | 93 |
| Clerks, including stenographers and typists..... | 80 | 88 | 90 |
| Secretaries and stenographers assigned to commissioners..... | 8 | 8 | 8 |
| Operators, office devices..... | 2 | 4 | 4 |
| Telephone operators and stock clerks..... | 2 | 2 | 2 |
| Messengers..... | 6 | 7 | 7 |
| Skilled laborer..... | 1 | 1 | 1 |
| Total..... | 206 | 232 | ¹ 232 |

¹ Including 5 temporary employees engaged in special work necessitated in connection with investigations instituted pursuant to the provisions of section 315 of the tariff act of 1922, and at the request of the President, of the differences in costs of production of certain products in the United States and in the principal competing countries.

The following changes in personnel occurred during the fiscal year ended June 30, 1928:

| | |
|--------------------------------------|-----------|
| Appointments: | |
| Permanent employees..... | 51 |
| Temporary employees..... | 26 |
| Total..... | 77 |
| Separations: | |
| Resignations..... | 20 |
| Temporary employments completed..... | 31 |
| Total..... | 51 |
| Net addition to staff..... | 26 |

XXI. LIBRARY

The library of the commission contains 16,150 books and pamphlets and 461 periodicals, including domestic and foreign current trade, technical, and Government publications.

During the year, 1,229 books, pamphlets, and bound periodicals were acquired; 14 new subscriptions were added to the list.

Notwithstanding the fact that the library is inadequately housed, it shows steady growth in the accessions and in the scope of its usefulness. Members of the staff of the commission, employees of other Government offices, and research workers from various sections of the country availed themselves of its resources. The number of volumes actually taken out of the library during the year was 48,300.

A very important part of the service rendered by the library is its bibliographic and reference work.

Respectfully submitted.

THOMAS O. MARVIN,
Chairman,
ALFRED P. DENNIS,
Vice Chairman,
EDGAR B. BROSSARD,
S. J. LOWELL,
LINCOLN DIXON,
FRANK CLARK,
Commissioners.

APPENDIXES

APPENDIX 1. LETTER OF THE UNITED STATES TARIFF COMMISSION TO THE PRESIDENT RECOMMENDING DISCONTINUANCE OF THE INVESTIGATION, UNDER THE PROVISIONS OF SECTION 315, OF THE COSTS OF PRODUCTION OF ORIENTAL RUGS AND THE PRESIDENT'S LETTER APPROVING THE RECOMMENDATION

UNITED STATES TARIFF COMMISSION,
Washington, July 30, 1928.

To the PRESIDENT:

Reference is made to the commission's investigation No. 61 with respect to oriental rugs, instituted for the purposes of section 315 of the tariff act of 1922. This investigation was ordered on October 28, 1926. Cost information and other data were obtained in the United States and in China, and an analysis was made of imports of Chinese rugs into the United States. The next step would be the issuance of a preliminary statement of information to the trade and thereafter a public hearing.

The commission has given consideration to the information obtained, and in its judgment the facts do not warrant proceeding further in this investigation.

When the commission considered the advisability of instituting an investigation of knotted-pile rugs, China was the principal source of imports, the "oriental" rug imports therefrom slightly exceeding in quantity the imports from Persia. Since then, Persia has displaced China as the principal source of imports.

A large proportion, if not the bulk, of imported oriental rugs, is produced in the home or in small establishments and under conditions which make adequate costs of production difficult of ascertainment. Invoices, with the exception of those from China, do not sufficiently describe the rugs to permit of precise identification. Invoice prices, accordingly, in this investigation have not been found to be adequate evidence of cost of production of the foreign article.

Both at the time of the institution of the investigation and subsequently, domestic knotted-pile rugs have been produced on a relatively small commercial scale, and cost data obtained by the commission are subject to the uncertainties of such production.

The characteristic feature of oriental rugs is the knotted-pile. The domestic knotted-pile rug occupies the middle ground between the high-grade and the low-grade oriental rugs. The oriental rug most nearly like the domestic knotted-pile rug is the "Sparta" rug, but imports of this rug are relatively small in amount and are mainly from Greece, a country which is not an important factor in the oriental rug trade.

It appears that if the investigation should be continued the final comparison might have to be limited to costs of production of domestic knotted-pile rugs and Sparta rugs imported from Greece or Turkey. The commission does not believe that the rate of duty necessary to

equalize differences in costs between rugs produced in the United States and the Sparta rug could justly be applied to all knotted-pile rugs imported into the United States. Nor does it appear advisable to change the duty on Sparta rugs alone.

Under the circumstances, the commission considers it advisable that the investigation be terminated without prejudice, if this disposition of the matter appears to the President to be justified by the circumstances recited.

THOMAS O. MARVIN,
Chairman.

THE WHITE HOUSE,
Superior, Wis., August 1, 1928.

My DEAR MR. CHAIRMAN:

The President has received your letter of July 30 advising him that the United States Tariff Commission considers it advisable that the investigation with respect to oriental rugs instituted for the purposes of section 315 of the tariff act of 1922, be terminated without prejudice, and directs me to say that this suggestion meets with his approval.

Sincerely yours,

EVERETT SANDERS,
Secretary to the President.

Hon. THOMAS O. MARVIN,
*Chairman, United States Tariff Commission,
Washington, D. C.*

APPENDIX 2. REPORT OF THE UNITED STATES TARIFF COMMISSION TO THE UNITED STATES SENATE WITH RESPECT TO FERTILIZER UREA IN RESPONSE TO SENATE RESOLUTION NO. 228, DATED MAY 28, 1928

UNITED STATES TARIFF COMMISSION,
Washington, October 11, 1928.

To the PRESIDENT OF THE SENATE:

In response to Senate Resolution No. 228, passed by the Senate on May 28, 1928, requesting the Tariff Commission, under the provisions of section 315 of the tariff act of 1922, to investigate the costs of production of fertilizer urea in the United States and in the country from which principal exports are made to the United States, the commission has made a preliminary study of the production of fertilizer urea in the United States and in Germany.

The preliminary investigation discloses that there is no commercial production of urea in the United States, consequently an investigation for the purposes of section 315 appears not to be feasible. The information compiled by the commission concerning fertilizer urea is summarized in the inclosed report.

THOMAS O. MARVIN, *Chairman.*

The report referred to is as follows:

FERTILIZER UREA

UNITED STATES TARIFF COMMISSION,
Washington, October 11, 1928.

The United States Tariff Commission respectfully submits the following report of its preliminary investigation with respect to fertilizer urea made with the view to an investigation for the purposes of section 315 of the tariff act of 1922, pursuant to Senate Resolution 228, passed by the Senate on May 28, 1928. Said resolution reads as follows:

"Resolved, That the United States Tariff Commission is requested, under provisions of section 315 of the tariff act of 1922, to investigate the cost of production of fertilizer urea in the country, from which the principal exports of fertilizer urea are made to the United States, and the facts with respect to the quantities of fertilizer urea being imported and used in the United States, and to report its findings to the President of the United States."

Rates of duty.—Fertilizer urea has been dutiable under the last three general tariff acts as follows:

| | |
|------------------|---------------------------|
| Act of 1922..... | 35 per centum ad valorem. |
| Act of 1913..... | 25 per centum ad valorem. |
| Act of 1909..... | 25 per centum ad valorem. |

DESCRIPTION AND USES

Pure urea is an odorless, transparent crystalline compound of nitrogen, carbon, hydrogen, and oxygen. The percentage of nitrogen in urea—46.6—is the maximum found in any commercial organic product used as plant food.

Formerly the chief use of urea was as a stabilizer in the manufacture of pyroxylin plastics and in certain military powders. To-day, urea is used primarily as a highly concentrated fertilizer. Its high price restricts its use largely to a fertilizer for golf greens and truck gardens. Minor uses that it serves are in the production of pharmaceuticals and synthetic organic chemicals. The imported product used in synthetic organic chemicals is about 99.9 per cent pure; that for fertilizer runs about 98 per cent. The German Interessen Gemeinschaft has recently put on the market a product known as Calurea, prepared from calcium nitrate and urea, which is also used as a fertilizer. Calurea is duty free under the provision in paragraph 1583 for "all other substances used chiefly for fertilizer, * * *."

PROCESS OF MANUFACTURE

Urea is produced commercially by two processes. In the first process ammonia and carbon dioxide gases are mixed in the presence of water vapor and then coated. Carbamate crystallizes out and is later converted to urea by heating, under high pressure, in an atmosphere of ammonia and carbon dioxide.

In the second process urea is made by acidulating calcium cyanamid. This yields free cyanamid, which is hydrolyzed to urea. In the Lidholm process ground calcium cyanamid, suspended in water, is treated with carbon dioxide, forming free cyanamid. After filtering off the calcium carbonate, the cyanamid is treated with sulphuric acid and the solution warmed. The excess acid is neutralized with calcium carbonate and filtered off, leaving a clear solution of urea, which is evaporated to dryness. This process was operated by a domestic firm in a pilot plant at Niagara Falls.

RAW MATERIALS

In the production of urea the raw materials used in the two commercial processes of manufacture are: (1) Ammonia and carbon dioxide; (2) calcium cyanamid.

(1) Ammonia is obtained from by-product coke ovens or produced synthetically from nitrogen and hydrogen. The nitrogen is derived from the air and the hydrogen from coke oven and water gas. Carbon dioxide is a by-product of several processes. It is formed with hydrogen in water gas in the production of ammonia by the Haber process.

(2) Calcium cyanamid is produced from coke, limestone, and nitrogen from the air.

DOMESTIC PRODUCTION

Initial production of urea in the United States was in 1916, when our supply from Germany was cut off; in 1920 the domestic output was estimated to be more than 200,000 pounds. In 1921, two domestic firms were engaged in the manufacture of urea; in 1922, however, domestic production ceased, with the exception of an experimental output for a few months at Niagara Falls.

EXPORTS

There are no exports of urea.

IMPORTS

Imports were not reported separately prior to the act of 1913, when urea first received specific mention. They were less than 36,000 pounds until 1922, when they exceeded 260,000 pounds. In 1923 they declined to 46,000 pounds and have since steadily increased, reaching a maximum of over 800,000 pounds in 1927. The recent increase is due chiefly to a decline in price, and to its use as a fertilizer.

Beginning with 1925, imports of urea have been largely of the fertilizer grade. Table 1 shows imports for consumption in the United States, 1914-1927, inclusive.

TABLE 1.—Urea: Imports for consumption in the United States

(Source: Foreign Commerce and Navigation of the United States)

| Year and act | Quantity | Value | Unit value | Duty | Ad valorem rate | Equivalent specific rate |
|-----------------------|---------------|---------|------------|---------|-----------------|--------------------------|
| Act of 1913: | <i>Pounds</i> | | | | <i>Per cent</i> | |
| Fiscal year 1914..... | 17,981 | \$8,798 | \$0.489 | \$2,199 | 25 | \$0.122 |
| Calendar year— | | | | | | |
| 1919..... | 14,290 | 9,741 | .682 | 2,435 | 25 | .171 |
| 1920..... | 23,693 | 14,085 | .594 | 3,521 | 25 | .148 |
| 1921..... | 35,339 | 8,906 | .252 | 2,226 | 25 | .063 |
| 1922 (9 months)..... | 182,257 | 43,891 | .241 | 10,973 | 25 | .060 |
| Act of 1922: | | | | | | |
| Calendar year— | | | | | | |
| 1922 (3 months)..... | 78,379 | 17,670 | .225 | 6,185 | 35 | .078 |
| 1923..... | 45,711 | 5,898 | .129 | 2,064 | 35 | .045 |
| 1924..... | 94,307 | 12,891 | .137 | 4,512 | 35 | .048 |
| 1925..... | 146,438 | 15,886 | .108 | 5,560 | 35 | .038 |
| 1926..... | 377,729 | 30,346 | .080 | 10,621 | 35 | .028 |
| 1927..... | 813,120 | 51,799 | .064 | 17,130 | 35 | .021 |

SOURCE OF IMPORTS

Imports of urea have been almost entirely from Germany. Table 2 shows the imports by countries since 1923.

TABLE 2.—Urea: Imports into the United States, by countries

(Source: Foreign Commerce and Navigation of the United States)

| Country of origin | 1924 | | 1925 | | 1926 | | 1927 | |
|----------------------------|--------|----------|---------|----------|---------|----------|---------|----------|
| | Pounds | Value | Pounds | Value | Pounds | Value | Pounds | Value |
| Germany..... | 87,007 | \$11,442 | 142,718 | \$15,463 | 376,296 | \$30,265 | 812,876 | \$51,799 |
| United Kingdom..... | | | 220 | 41 | | | | |
| Netherlands..... | | | 3,500 | 382 | | | | |
| Belgium ¹ | | | | | 1,433 | 81 | 1,433 | 81 |
| In bonded warehouse..... | 7,300 | 1,449 | | | | | | |
| Total..... | 94,307 | 12,891 | 146,438 | 15,886 | 377,729 | 30,346 | 814,309 | 51,880 |

¹ Including Luxemburg.

DOMESTIC CONSUMPTION

Domestic consumption may be considered as equal to imports, since there is neither domestic production nor exports of urea.

PRODUCTION AND EXPORTS—FOREIGN COUNTRIES

The Interessen Gemeinschaft in Germany is the only known foreign producer of fertilizer urea. No exports are given in German official statistics, and the quantity of production is not known.

PRICES

The pre-war price of urea was approximately 30 cents per pound. During the war period the price advanced to \$2 per pound, and from 1925 to 1928 the pure product was quoted at 18 to 20 cents. The fertilizer grade of urea is not quoted in the trade journals. The foreign unit value of imports of this grade in 1927, however, was \$0.064 per pound.

COMPETITIVE CONDITIONS

Germany is the only known country producing urea on a commercial scale for fertilizer. Production is by the ammonia process.

Germany has the advantage of a relatively long experience in the production of ammonia and other nitrogen compounds, the ammonia being made synthetically on a large scale. The basic raw material is coal, which is available at a low cost. The economic production of urea by the cyanamid process requires primarily cheap electric power. Although a large producer of cyanamid, Germany does not have cheap electric power, and this is undoubtedly one reason for producing urea by the ammonia process. It is not clear that a country possessing cheap electric power and an ample supply of coke and lime can make urea in competition with Germany. The American Cyanamid Co. produces cyanamid in Canada and ships it to the United States. In the cost of electric power, both Canada and the United States have the advantage over Germany.

In 1926 about 70 per cent of the world's production of synthetic nitrogen was by the direct ammonia process—using coal as the basic raw material—entirely independent of water power. About 24 per cent was made by the cyanamid, and 6 per cent by the arc process.

The cyanamid process requires about one-fourth of the electrical energy used in the arc process, and is a "cheap water-power industry." The direct synthetic ammonia process requires only one-sixteenth of the power used in the arc process and one-fourth of that in the cyanamid process. All available information seems to indicate a cost favorable to the ammonia process.

COSTS OF PRODUCTION

There is no production of urea in the United States. Consequently there are no domestic costs of production with which foreign costs may be compared.

TARIFF CONSIDERATIONS

In the classification of chemicals for tariff purposes, fertilizer materials—almost without exception—have been included in the free list. At the time of the passage of the tariff act of 1922, urea was not used as a fertilizer. Within the past few years, however, the use of urea for fertilizer has greatly exceeded that for technical purposes.

Conclusion.—Section 315 authorizes the President, after investigation and report by the Tariff Commission, to proclaim a rate of duty which shall equalize ascertained differences in costs of production in the United States and in the principal competing foreign country. Urea has not been manufactured on a commercial scale in the United States since 1922. Domestic cost of production data are consequently not available for subsequent years. Information in the possession of the commission leads it to believe that there is little likelihood that cost of production data could be obtained in Germany, the principal source of our imports.

In view of the foregoing, the commission is of opinion that an investigation of fertilizer urea for the purposes of section 315 of the tariff act of 1922 is not feasible.

Respectfully,

THOMAS O. MARVIN,
Chairman.
ALFRED P. DENNIS,
Vice Chairman.
EDGAR B. BROSSARD,
SHERMAN J. LOWELL,
LINCOLN DIXON,
FRANK CLARK,
Commissioners.

ship, corporation, or association in a foreign country; and (4) any other advantages or disadvantages in competition.

Investigations to assist the President in ascertaining differences in costs of production under this section shall be made by the United States Tariff Commission, and no proclamation shall be issued under this section until such investigation shall have been made. The commission shall give reasonable public notice of its hearings and shall give reasonable opportunity to parties interested to be present, to produce evidence, and to be heard. The commission is authorized to adopt such reasonable procedure, rules, and regulations as it may deem necessary.

The President, proceeding as hereinbefore provided for in proclaiming rates of duty, shall, when he determines that it is shown that the differences in costs of production have changed or no longer exist which led to such proclamation, accordingly as so shown, modify or terminate the same. Nothing in this section shall be construed to authorize a transfer of an article from the dutiable list to the free list or from the free list to the dutiable list, nor a change in form of duty. Whenever it is provided in any paragraph of Title I of this act, that the duty or duties shall not exceed a specified ad valorem rate upon the articles provided for in such paragraph, no rate determined under the provision of this section upon such articles shall exceed the maximum ad valorem rate so specified.

The President issued his proclamation May 19, 1924. After reciting part of the foregoing from section 315, the proclamation continued as follows:

Whereas under and by virtue of said section of said act, the United States Tariff Commission has made an investigation to assist the President in ascertaining the differences in costs of production of and of all other facts and conditions enumerated in said section with respect to * * * barium dioxide, * * *

Whereas in the course of said investigation a hearing was held, of which reasonable public notice was given and at which parties interested were given a reasonable opportunity to be present, to produce evidence, and to be heard;

And whereas the President upon said investigation * * * has thereby found that the principal competing country is Germany, and that the duty fixed in said title and act does not equalize the differences in costs of production in the United States and in * * * Germany, and has ascertained and determined the increased rate of duty necessary to equalize the same:

Now, therefore, I, Calvin Coolidge, President of the United States of America, do hereby determine and proclaim that the increase in the rate of duty provided in said act shown by said ascertained differences in said costs of production necessary to equalize the same is as follows:

"An increase in said duty on barium dioxide (within the limit of total increase provided for in said act) from 4 cents per pound to 6 cents per pound.

"In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

"Done at the city of Washington this nineteenth day of May in the year of our Lord one thousand nine hundred and twenty-four, and of the Independence of the United States of America the one hundred and forty-eighth.

"CALVIN COOLIDGE.

"By the President:

"CHARLES E. HUGHES,
"Secretary of State."

The issue here is as to the constitutionality of section 315 upon which depends the authority for the proclamation of the President and for two of the six cents per pound duty collected from the petitioner. The contention of the taxpayers is twofold—first, they argue that the section is invalid in that it is a delegation to the President of the legislative power, which by Article I, section 1 of the Constitution, is vested in Congress, the power being that declared in section 8 of Article I, that the Congress shall have power to lay and collect taxes, duties, imposts and excises. Their second objection is that, as section 315 was enacted with the avowed intent and for the purpose of protecting the industries of the United States

it is invalid because the Constitution gives power to lay such taxes only for revenue.

First. It seems clear what Congress intended by section 315. Its plan was to secure by law the imposition of customs duties on articles of imported merchandise which should equal the difference between the cost of producing in a foreign country the articles in question and laying them down for sale in the United States, and the cost of producing and selling like or similar articles in the United States, so that the duties not only secure revenue but at the same time enable domestic producers to compete on terms of equality with foreign producers in the markets of the United States. It may be that it is difficult to fix with exactness this difference, but the difference which is sought in the statute is perfectly clear and perfectly intelligible. Because of the difficulty in practically determining what that difference is, Congress seems to have doubted that the information in its possession was such as to enable it to make the adjustment accurately, and also to have apprehended that with changing conditions the difference might vary in such a way that some readjustments would be necessary to give effect to the principle on which the statute proceeds. To avoid such difficulties, Congress adopted in section 315 the method of describing with clearness what its policy and plan was and then authorizing a member of the executive branch to carry out its policy and plan and to find the changing difference from time to time and to make the adjustments necessary to conform the duties to the standard underlying that policy and plan. As it was a matter of great importance, it concluded to give by statute to the President, the chief of the executive branch, the function of determining the difference as it might vary. He was provided with a body of investigators who were to assist him in obtaining needed data and ascertaining the facts justifying readjustments. There was no specific provision by which action by the President might be invoked under this act, but it was presumed that the President would through this body of advisers, keep himself advised of the necessity for investigation or change and then would proceed to pursue his duties under the act and reach such conclusion as he might find justified by the investigation and proclaim the same if necessary.

The Tariff Commission does not itself fix duties, but before the President reaches a conclusion on the subject of investigation, the Tariff Commission must make an investigation and in doing so must give notice to all parties interested and an opportunity to adduce evidence and to be heard.

The well-known maxim "*Delegata potestas non potest delegari*" applicable to the law of agency in the general and common law, is well-understood and has had wider application in the construction of our Federal and State Constitutions than it has in private law. Our Federal Constitution and State constitutions of this country divide the governmental power into three branches. The first is the legislative, the second is the executive, and the third is the judicial, and the rule is that in the actual administration of the government Congress or the legislature should exercise the legislative power, the President or the State executive, the governor, the executive power, and the courts or the judiciary the judicial power, and in carrying out that constitutional division into three

branches it is a breach of the national fundamental law if Congress gives up its legislative power and transfers it to the President, or to the judicial branch, or if by law it attempts to invest itself or its members with either executive power or judicial power. This is not to say that the three branches are not coordinate parts of one government and that each in the field of its duties may not invoke the action of the two other branches in so far as the action invoked shall not be an assumption of the constitutional field of action of another branch. In determining what it may do in seeking assistance from another branch, the extent and character of that assistance must be fixed according to common sense and the inherent necessities of the governmental coordination.

The field of Congress involves all and many varieties of legislative action, and Congress has found it frequently necessary to use officers of the executive branch within defined limits, to secure the exact effect intended by its acts of legislation, by vesting discretion in such officers to make public regulations interpreting a statute and directing the details of its execution, even to the extent of providing for penalizing a breach of such regulations. *United States v. Grimaud*, 220 U. S. 506, 518; *Union Bridge Co. v. United States*, 204 U. S. 364; *Buttfield v. Stranahan*, 192 U. S. 470; *In re Kollock*, 165 U. S. 526; *Oceanic Navigation Co. v. Stranahan*, 214 U. S. 320.

Congress may feel itself unable conveniently to determine exactly when its exercise of the legislative power should become effective, because dependent on future conditions, and it may leave the determination of such time to the decision of an executive, or, as often happens in matters of state legislation, it may be left to a popular vote of the residents of a district to be affected by the legislation. While in a sense one may say that such residents are exercising legislative power, it is not an exact statement, because the power has already been exercised legislatively by the body vested with that power under the Constitution, the condition of its legislation going into effect being made dependent by the legislature on the expression of the voters of a certain district. As Judge Ranney, of the Ohio Supreme Court in *Cincinnati, Wilmington and Zanesville Railroad Co. v. Commissioners*, 1 Ohio St. 77, 88, said in such a case:

The true distinction, therefore, is, between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of law. The first can not be done; to the latter no valid objection can be made. See also *Moers v. Reading*, 21 Penn. St. 188, 202; *Locke's Appeal*, 72 Penn. St. 491, 498.

Again, one of the great functions conferred on Congress by the Federal Constitution is the regulation of interstate commerce and rates to be exacted by interstate carriers for the passenger and merchandise traffic. The rates to be fixed are myriad. If Congress were to be required to fix every rate, it would be impossible to exercise the power at all. Therefore, common sense requires that in the fixing of such rates, Congress may provide a commission, as it does, called the Interstate Commerce Commission, to fix those rates, after hearing evidence and argument concerning them from interested parties, all in accord with a general rule that Congress first lays down that rates shall be just and reasonable considering the service given

and not discriminatory. As said by this court in *Interstate Commerce Commission v. Goodrich Transit Co.*, 224 U. S. 194, 214:

The Congress may not delegate its purely legislative power to a commission, but, having laid down the general rules of action under which a commission shall proceed, it may require of that commission the application of such rules to particular situations and the investigation of facts, with a view to making orders in a particular matter within the rules laid down by the Congress.

The principle upon which such a power is upheld in State legislation as to fixing railway rates is admirably stated by Judge Mitchell, in the case of *State v. Chicago, Milwaukee & St. Paul Railway Company*, 38 Minn. 281, 298 to 302. The learned judge says on page 301:

If such a power is to be exercised at all, it can only be satisfactorily done by a board or commission, constantly in session, whose time is exclusively given to the subject, and who, after investigation of the facts, can fix rates with reference to the peculiar circumstances of each road, and each particular kind of business, and who can change or modify these rates to suit the ever-varying conditions of traffic. * * * Our legislature has gone a step further than most others and vested our commission with full power to determine what rates are equal and reasonable in each particular case. Whether this was wise or not is not for us to say; but in doing so we can not see that they have transcended their constitutional authority. They have not delegated to the commission any authority or discretion as to what the law shall be—which would not be allowable—but have merely conferred upon it an authority and discretion, to be exercised in the execution of the law and under and in pursuance of it, which is entirely permissible. The legislature itself has passed upon the expediency of the law and what it shall be. The commission is intrusted with no authority or discretion upon these questions.

See also the language of Justices Miller and Bradley in the same case in this court. 134 U. S. 418, 459, 461, 464.

It is conceded by counsel that Congress may use executive officers in the application and enforcement of a policy declared in law by Congress and authorize such officers in the application of the congressional declaration to enforce it by regulation equivalent to law. But it is said that this never has been permitted to be done where Congress has exercised the power to levy taxes and fix customs duties. The authorities make no such distinction. The same principle that permits Congress to exercise its rate-making power in interstate commerce by declaring the rule which shall prevail in the legislative fixing of rates, and enables it to remit to a rate-making body created in accordance with its provisions the fixing of such rates, justifies a similar provision for the fixing of customs duties on imported merchandise. If Congress shall lay down by legislative act an intelligible principle to which the person or body authorized to fix such rates is directed to conform, such legislative action is not a forbidden delegation of legislative power. If it is thought wise to vary the customs duties according to changing conditions of production at home and abroad, it may authorize the Chief Executive to carry out this purpose, with the advisory assistance of a Tariff Commission appointed under congressional authority. This conclusion is amply sustained by a case in which there was no advisory commission furnished the President—a case to which this court gave the fullest consideration nearly 40 years ago. In *Field v. Clark*, 143 U. S. 649, 680, the third section of the act of October 1, 1890, contained this provision:

That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the first day of January, eighteen hundred and ninety-two, whenever, and so often as the President shall

be satisfied that the government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides, the production of such country, for such time as he shall deem just, and in such case and during such suspension duties shall be levied, collected, and paid upon sugar, molasses, coffee, tea, and hides, the product of or exported from such designated country as follows, namely:

Then followed certain rates of duty to be imposed. It was contended that this section delegated to the President both legislative and treaty-making powers and was unconstitutional. After an examination of all the authorities, the court said that while Congress could not delegate legislative power to the President, this act did not in any real sense invest the President with the power of legislation, because nothing involving the expediency or just operation of such legislation was left to the determination of the President; that the legislative power was exercised when Congress declared that the suspension should take effect upon a named contingency. What the President was required to do was merely in execution of the act of Congress. It was not the making of law. He was the mere agent of the law-making department to ascertain and declare the event upon which its expressed will was to take effect.

Second. The second objection to section 315 is that the declared plan of Congress, either expressly or by clear implication, formulates its rule to guide the President and his advisory Tariff Commission as one directed to a tariff system of protection that will avoid damaging competition to the country's industries by the importation of goods from other countries at too low a rate to equalize foreign and domestic competition in the markets of the United States. It is contended that the only power of Congress in the levying of customs duties is to create revenue and that it is unconstitutional to frame the customs duties with any other view than that of revenue raising. It undoubtedly is true that during the political life of this country there has been much discussion between parties as to the wisdom of the policy of protection, and we may go further and say as to its constitutionality, but no historian, whatever his view of the wisdom of the policy of protection, would contend that Congress since the first revenue act in 1789 has not assumed that it was within its power in making provision for the collection of revenue to put taxes upon importations and to vary the subjects of such taxes or rates in an effort to encourage the growth of the industries of the Nation by protecting home production against foreign competition. It is enough to point out that the second act adopted by the Congress of the United States July 4, 1789 (ch. 2, 1 Stat. 24), contained the following recital:

SEC. 1. Whereas it is necessary for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandises imported:

Be it enacted, etc.

In this first Congress sat many members of the Constitutional Convention of 1787. This court has repeatedly laid down the principle that a contemporaneous legislative exposition of the Con-

stitution, when the founders of our Government and framers of our Constitution were actively participating in public affairs long acquiesced in, fixes the construction to be given its provisions. *Myers v. United States*, 272 U. S. 52, 175, and cases cited. The enactment and enforcement of a number of customs revenue laws drawn with a motive of maintaining a system of protection since the revenue law of 1789 are matters of history.

More than a hundred years later the titles of the tariff acts of 1897 and 1909 declared the purpose of those acts, among other things, to be that of encouraging the industries of the United States. The title of the tariff act of 1922, of which section 315 is a part, is "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes." Whatever we may think of the wisdom of a protection policy, we can not hold it unconstitutional.

So long as the motive of Congress and the effect of its legislative action are to secure revenue for the benefit of the General Government, the existence of other motives in the selection of the subjects of taxes can not invalidate congressional action. As we said in the *Child Labor Tax case*, 259 U. S. 20, 38: "Taxes are occasionally imposed in the discretion of the legislature on proper subjects with the primary motive of obtaining revenue from them, and with the incidental motive of discouraging them by making their continuance onerous. They do not lose their character as taxes because of the incidental motive." And so here the fact that Congress declares that one of its motives in fixing the rates of duty is so to fix them that they shall encourage the industries of this country in the competition with producers in other countries in the sale of goods in this country, can not invalidate a revenue act so framed. Section 315 and its provisions are within the power of Congress. The judgment of the Court of Customs Appeals is affirmed.

APPENDIX 4.—DECISION OF COURT OF CUSTOMS APPEALS ON JURISDICTION OF APPEALS FROM THE U. S. TARIFF COMMISSION—CONSTITUTIONALITY

THE UNITED STATES COURT OF CUSTOMS APPEALS

OCTOBER TERM, 1927

In the matter of the investigation of alleged unfair methods of competition and unfair acts in the importation and sale of Synthetic Phenolic Resin, Form C, and articles made wholly or in part thereof

FRISCHER & Co. (INC.), RANDES IMPORTING COMPANY, TRANSATLANTIC CLOCK & WATCH COMPANY, (INC.), WESTERN BRIER PIPE COMPANY, NATIONAL COUNCIL OF IMPORTERS & TRADERS (INC.), APPELLANTS

(16 Ct. Cust. Appls.—T. D. 42827.)

BLAND, *Judge*, delivered the opinion of the court:

In the above-entitled matter, the Bakelite Corporation et al., styling themselves "appellees," moved for an order dismissing the above-entitled appeal upon the ground that the court has no jurisdiction to entertain the same.

On the 16th day of December, 1925, the Bakelite Corporation, having its principal place of business in the city of New York, and certain of its subsidiaries and consumers filed a complaint with the United States Tariff Commission complaining of certain unfair methods of competition and unfair acts tending to injure their business of manufacturing and selling articles composed of synthetic phenolic resin, to which had been given the name "Bakelite" after the name of its alleged inventor, Dr. Leo Bakeland. The complaint proceeded upon the theory that the faceted beads and other articles made of synthetic phenolic resin imported were being imported in violation of certain patent rights, possessed by the Bakelite Corporation. The complaint was made pursuant to the provisions of section 316, subdivision (b) of the tariff act of September 21, 1922.

The Tariff Commission thereupon made a report to the President that it had investigated the complaint, and made and submitted findings to the effect that there was *prima facie* reason to believe that section 316 of the tariff act in question was being violated, and recommended that the Treasury Department forbid the entry of such articles until such investigation as the President might deem necessary might be completed, and recommended that the President request the Secretary of the Treasury to forbid such entry. Acting upon such report, the President did direct the Secretary of the Treasury to issue an embargo against the commodity.

The commission thereupon published a notice directing that all persons interested in the proceedings show cause why the prayer for relief sought in the complaint should not be granted.

Frischer & Co. (Inc.), et al., the respondents, known as appellants in this action, appeared and filed a verified answer denying the complaint, setting up that the Bakelite Corporation did not operate the business efficiently or economically; that the patents upon which they relied were invalid; that there was no infringement of the patents; that the violation of a patent law was not an unfair method of competition, and other claims.

The Bakelite Corporation appeared before the commission by counsel and lengthy hearings were had, and on the 25th day of May, 1927, the commission made its findings and recommendations, in which it expressly found that the provisions of the statute were broad enough to invest it with jurisdiction to declare that the infringement of the patent rights was an unfair method within the meaning of the statute. Certain other findings and recommendations were made, not material here.

From these findings and recommendations an appeal was taken to this court under subdivision (c) of section 316, *supra*, upon 35 assignments of error.

Frischer & Co. (Inc.) et al., at the time of the argument of the motion to dismiss, made what they style a cross-motion to strike out the appearance of Barnes, McKenna & Halstead as attorneys for the Bakelite Corporation, on the ground that the same is unauthorized by statute, which latter motion the court now overrules.

Before setting out the reasons assigned by the Bakelite Corporation et al. why this court was without jurisdiction to hear the appeal, we deem it proper to set out in full the parts of the tariff act of 1922 under which the actions of the Tariff Commission and the appeal to this court were taken:

SEC. 316. (a) That unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States, are hereby declared unlawful, and when found by the President to exist shall be dealt with, in addition to any other provisions of law, as hereinafter provided.

(b) That to assist the President in making any decisions under this section the United States Tariff Commission is hereby authorized to investigate any alleged violation hereof on complaint under oath or upon its initiative.

(c) That the commission shall make such investigation under and in accordance with such rules as it may promulgate and give such notice and afford such hearing, and when deemed proper by the commission such rehearing with opportunity to offer evidence, oral or written, as it may deem sufficient for a full presentation of the facts involved in such investigation; that the testimony in every such investigation shall be reduced to writing, and a transcript thereof with the findings and recommendations of the commission shall be the official record of the proceedings and findings in the case, and in any case where the findings in such investigation show a violation of this section, a copy of the findings shall be promptly mailed or delivered to the importer or consignee of such articles; that such findings, if supported by evidence, shall be conclusive, except that a rehearing may be granted by the commission, and except that, within such time after said findings are made and in such manner as appeals may be taken from decisions of the United States Board of General Appraisers, an appeal may be taken from said findings upon a question or questions of law only to the United States Court of Customs Appeals by the importer or consignee of such articles; that if it shall be shown to the satisfaction of said court that further evidence should be taken, and that there were reasonable grounds for the failure to adduce such evidence in the proceedings before the commission, said court may order such additional evidence to be taken before the commission in such manner and upon such terms and conditions as to the court may seem proper; that the commission may modify its findings as to the facts or make new findings by reason of additional evidence, which, if supported by the evidence, shall be conclusive as to the facts except that within such time and in such manner an appeal may be taken as aforesaid upon a question or questions of law only; that the judgment of said court shall be final, except that the same shall be subject to review by the United States Supreme Court upon certiorari applied for within three months after such judgment of the United States Court of Customs Appeals.

(d) That the final findings of the commission shall be transmitted with the record to the President.

(e) That whenever the existence of any such unfair method or act shall be established to the satisfaction of the President he shall determine the rate of additional duty, not exceeding 50 nor less than 10 per centum of the value of such articles as defined in section 402 of Title IV of this act, which will offset such method or act, and which is hereby imposed upon articles imported in violation of this act, or, in what he shall be satisfied and find are extreme cases of unfair methods or acts as aforesaid, he shall direct that such articles as he shall deem the interests of the United States shall require, imported by any person violating the provisions of this act, shall be excluded from entry into the United States, and upon information of such action by the President, the Secretary of the Treasury shall, through the proper officers, assess such additional duties or refuse such entry; and that the decision of the President shall be conclusive.

(f) That whenever the President has reason to believe that any article is offered or sought to be offered for entry into the United States in violation of this section but has not information sufficient to satisfy him thereof, the Secretary of the Treasury shall, upon his request in writing, forbid entry thereof until such investigation as the President may deem necessary shall be completed: *Provided*, That the Secretary of the Treasury may permit entry under bond upon such conditions and penalties as he may deem adequate.

(g) That any additional duty or any refusal of entry under this section shall continue in effect until the President shall find and instruct the Secretary of the Treasury that the conditions which led to the assessment of such additional duty or refusal of entry no longer exist.

Briefly stated, the position of the Bakelite Corporation et al. is that the matter before the court now is not a "case" or a "controversy" within the meaning of section 2 of Article III of the Constitution of the United States and that the United States Court of Customs Appeals, being an inferior court, created by Congress, under and by virtue of the authority of section 1 of Article III of the Constitution, can only hear "cases" and "controversies" such as are provided for in said section 2.

The pertinent portions of the Constitution in the determination of the question before us are as follows:

ARTICLE III

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behaviour and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

* * * * *

ARTICLE I

"SEC. 8. The Congress shall have power * * *

"To constitute tribunals inferior to the Supreme Court;

* * * * *

Both sides to the controversy, including *amicus curiæ*, concede that the United States Court of Customs Appeals is an inferior court, created under and by virtue of the provisions of said Article III of the Constitution, and that the jurisdiction of this court is limited to the consideration of such "cases" and "controversies" as are provided for in section 2 of said article. The difference of opinion between the parties seems to be entirely confined to the question as to whether the matter before us is or is not such a "case" or "controversy."

It is at once apparent that if this court is not limited in its jurisdiction to the class of "cases" and "controversies" referred to in Article III, then there is no reason why it may not properly consider administrative appeals or appeals involving almost any kind of disputed question, when so directed by Congress. We think it proper, therefore, to attempt to definitely determine under what constitutional grant of power Congress was acting when it created this court, before proceeding to the determination of the question as to whether the appeal to this court submits to it for decision such a "case" or "controversy."

When Congress creates a court, obviously, it must do so by virtue of some powers conferred upon it by the Constitution. We think Article I, section 8, where it provides that "the Congress shall have

power * * * to constitute tribunals inferior to the Supreme Court," grants no further court-creating powers than those provided for in Article III. See Story on the *Constitution*, 5th ed., vol. 2, sec. 1579; and Walker's *American Law*, 6th ed., p. 108; and Watson on the *Constitution*, vol. 2, p. 1065.

It may be argued that Congress has the power to create certain courts or judicial tribunals by virtue of certain implied grants of the Constitution aside from any powers expressly conferred by Article III; that is to say, that the right to establish complete claims-settling machinery, including that of a judicial tribunal, goes with the grant of the right expressly granted to pay debts, and that in the same manner Congress has the implied power to create an appellate judicial tribunal to adjudicate matters arising out of the collection of income taxes and out of the collection of customs duties, etc. Regardless of what may be said and what has been said about the lack of implied powers where the Constitution speaks definitely in granting powers, and the lack of power in Congress to confer any part of the judicial powers of the United States upon any tribunal other than an inferior court, we do not regard it as necessary to the decision of this issue to pass upon the merit or lack of merit of such contentions. See *American Insurance Co. v. Canter*, 1 Pet. 511-545.

As we view it, this court either was or was not created, on August 5, 1909, under and by virtue of the power granted to Congress in Article I, section 8, and Article III, *supra*. If it was created under and by virtue of such power, we think it follows, beyond plausible controversy, that it is limited in its jurisdiction to such "cases" and "controversies" as are specified in section 2 of Article III. To this effect are the latest and most apt pronouncements of the Supreme Court and which may be found in *Muskrat v. United States*, 219 U. S. 346; *Postum Cereal Company v. California Fig Nut Company*, 272 U. S. 693; and *Liberty Warehouse Company et al. v. Grannis*, 273 U. S. 70.

While there has been considerable said in some of the decisions of the Supreme Court, in connection with matters somewhat unrelated to the issues at hand, relative to a distinction existing between the limitations on the jurisdiction of the Supreme Court under Article III and the limiting effect of such article on the jurisdiction of inferior courts (*Gordon v. United States*, 117 U. S. 697) and while suggestions have been made indicating that there may be "inferior" courts other than those in contemplation in Article III, we think that the decisions of the Supreme Court have definitely settled the proposition that the limitations of Article III on jurisdiction, as well as the provisions for salary and tenure of office, apply with as much force to an inferior court, created under Article III, as to the Supreme Court, *Liberty Warehouse Company et al. v. Grannis*, *supra*; *Keller et al. v. Potomac Electric Power Co. et al.*, 261 U. S. 428.

In order to determine its jurisdiction, therefore, any United States court called upon to construe the laws of the United States, such as the one at bar, must necessarily first determine under what constitutional power it was created, in order to determine whether or not it is subject to the limitations as to jurisdiction prescribed by the Constitution. In this connection the court must inquire what *was* done, and not what *may be* done. In doing so resort may be had, not only to the context of the act of creation, but to the legislative history,

committee reports, and other similar legislation involving the creation of courts and tribunals. After a careful examination into all of these facts, many considerations bring us to the conclusions that this court was created under and by virtue of the authority of Article III of the Constitution, and by no other authority, and some of which considerations we deem it advisable to enumerate.

The pertinent portions of sections 29 of the tariff act of 1909 (H. R. 1438), in which act this court was brought into existence, are too long for quotation here. The act itself is referred to, hereinafter, in preference to the codes of 1911 and 1926, since the codes have slightly changed some of the original expressions.

It will be observed that in the creation and establishment of this court no jurisdiction was given to it except in "cases." In its original creation it was not within the contemplation of its creators to confer upon it jurisdiction to try administrative questions or matters not embraced within the terms of section 2 of Article III. Every case given to it *arises* under "the laws of the United States." It will be noted further that it was styled the "United States Court of Customs Appeals," and that its members were designated as "a presiding judge and four associate judges"; that it should be "a court of record, with jurisdiction as hereinafter established and limited"; that its "judgment or decrees * * * shall be final."

Its jurisdiction was carved out of the jurisdiction of the circuit courts and circuit courts of appeals, and it not only took the jurisdiction formerly entertained solely by the circuit courts and circuit courts of appeals, but its jurisdiction was made final, even denying litigants the right of appeal to the Supreme Court. The law was, in 1914, amended to provide a very limited right of appeal to the Supreme Court. The judges were to receive compensation of \$10,000. The act provided that upon the temporary inability or disqualification of one or two judges of said court, that the President of the United States might designate any qualified United States circuit or district judge or judges to act in his or their place. It is furthermore to be observed that its jurisdiction was exclusively appellate, and that it was authorized not only to sit in Washington, but also to sit anywhere in the United States, "in the several judicial circuits."

In determining whether a court is an inferior court created under and subject to the provisions of Article III of the Constitution, the Supreme Court has given almost controlling influence to the tenure of office of the judges which was either given by or omitted from the act creating the court. *McAllister v. United States*, 141 U. S. 174, 184-186.

The imperative need of life tenure for the judges of the United States Court of Customs Appeals, the jurisdiction of which is co-extensive with the Nation and which decides cases which are oftentimes directly concerned with great public issues and issues of vast financial and economic importance, need not be discussed here further than to say that at least equally important reasons exist for a judge of this court to be "perfectly and completely independent, with nothing to influence or control him but God and his conscience," as were under consideration in *Evans v. Gore*, 253 U. S. 245. See remarks by Chief Justice Marshall, *Debates Va. Conv.*, 1829-1831, pp. 616, 619; Alexander Hamilton in *Federalist*, No. 79.

An examination of the legislative procedure incident to the enactment, by Congress, of section 29 of H. R. 1438, being what is commonly known as the "Payne-Aldrich Tariff Act," in July, 1909, the debates in the Senate on July 7, 1909, the Senate committee report, and other relevant legislative matters we think indisputably shows that the framers of the law thought they were, and in fact were, creating a court whose judges would have a *life tenure in office*. The committee report sets up that one of the reasons for creating the court was that if able men devoted a lifetime to the service, they would become highly efficient in the highly technical jurisprudence incident to the settlement of customs controversies. The judges of such court were commissioned for life. *Nowhere in the statute creating this court, or in any other law, is life tenure or service during good behavior of its judges expressly granted, nor is any definite tenure granted.*

From what source, may we inquire, were the judges of this court given tenure during good behavior? There can be but one answer. Being an inferior court, created under section 1 of Article III of the Constitution, and, as such, exercising a portion of the judicial powers of the United States, said section, by its express terms, authorized said judges to "hold their offices during good behavior." *McAllister v. United States, supra*. The two clauses in section 1 of Article III—diminution of salary and life tenure—are coupled together in "place" and "purpose." *Evans v. Gore, supra*. It seems axiomatic that if the tenure of office and compensation provisions of Article III apply to a court created under the article that by the same token the limitations and prescriptions as to jurisdiction shall also apply. This conclusion seems irresistible.

Following this reasoning, it ensues that if the United States Court of Customs Appeals was not created under the authority of Article III and, therefore, not subject to and limited by the provisions of the article, that there was no tenure of existence given to its judges by legislative act nor extended to them by the Constitution, and it would be a mere administrative tribunal created under some indefinite powers of Congress, to be recreated, if its existence is deemed essential, at the beginning of each succeeding term of Congress, and its judges would be subjected to the very things the framers of the Constitution, in providing for inferior courts with similar jurisdiction, sought to provide against. See Wilson's *Constitutional Government in the United States*, pp. 17, 142.

Here it might be well to say that the legislative proceedings in connection with the establishment of this court disclose that the section of the act creating this court was not passed by the Congress without a decided division of sentiment. See proceedings in the United States Senate and the Senate Finance Committee report found on page 4320 of vol. 44 of the Congressional Record of the Sixty-first Congress, first session, July 7, 1909.

The force of the contention that the judges of the United States Court of Customs Appeals have life tenure by virtue only of Article III of the Constitution is strengthened by the consideration of the fact that in the creation of the United States Circuit Court of Appeals and the United States District Courts, the judges also were given no definite tenure of office. See U. S. Stat. at Large, vol. 26, p. 826, and R. S. (1878), sec. 551, p. 93. Congress obviously relied

upon the fact that Article III of the Constitution extended this tenure to them. As far as we know, it never has been contended anywhere that circuit courts of appeals and United States district courts were created under any other authority than Article III of the United States Constitution.

It is interesting to note, in this connection, that the Court of Claims was originally created to consider matters which were not "cases" and "controversies," and that its jurisdiction was advisory and ancillary only. *United States v. Klein*, 13 Wall. 128, 144; *In re Sanborn*, 148 U. S. 222; *Gordon v. United States*, *supra*. The Supreme Court of the District of Columbia and the Court of Appeals of the District of Columbia were expressly given a tenure during good behavior, by the statute which created them. See act of March 3, 1863, 12 Stat. at Large, 762, and act of February 9, 1893, 27 Stat. at Large, 434.

In *McAllister v. United States*, *supra*, the giving or withholding express tenure of office to a judge in creating a court by Congress was regarded as of controlling effect in determining the character of the court. In that case a territorial judge, for the Territory of Alaska, was removed from office by President Cleveland, under the authority of a statute of Congress, before the expiration of the judge's term of office.

It was contended that the President had no authority and that Congress could give him no authority to remove a judge except in the constitutional manner. The Supreme Court held that he was a territorial or legislative judge, and not a constitutional judge, and in the course of reaching this conclusion, the court said:

For the reasons we have stated it must be assumed that the words "judges of the courts of the United States," in section 1768, were used with reference to the recognized distinction between courts of the United States and merely territorial or legislative courts.

This view, it is contended, is not supported by the history of congressional legislation relating to the organization of courts in the Territories. We do not assent to this proposition. The acts, providing for courts in the Territories of Orleans, Iowa, Minnesota, New Mexico, Utah, Colorado, Nevada, Dakota, and Arizona, fixed the tenure of office for judges in those Territories, respectively, at four years. Those providing for courts in the Territories of Missouri, Arkansas, Florida, Oregon, Washington, Nebraska, Kansas, Idaho, Montana, Wyoming, and Oklahoma fixed the tenure of judges at four years, with the addition, in some cases, of the words, "unless sooner removed;" in others, of the words, "unless sooner removed by the President," or, "and no longer," or "and until their successors shall be appointed and qualified," or "unless sooner removed by the President with the consent of the Senate." Of course, Congress would not have assumed, in the acts providing for courts in the Territories named, to limit the terms of the judges, in the modes indicated, *if it had supposed that such courts were courts of the United States of the class defined in the first section of article three of the Constitution, the judges of which hold, beyond the power of Congress to provide otherwise, during good behavior.* Nor is the view that courts in the Territories are legislative courts, as distinguished from courts of the United States, weakened by the circumstances that Congress, in a few of the acts providing for Territorial courts, fixed the terms of the office of the judges of those courts during "good behavior." As the courts of the Territories were not courts the judges of which were entitled, by virtue of the Constitution, to hold their offices during good behavior, it was competent for Congress to prescribe the tenure of good behavior, as in the acts last referred to, or to prescribe, as in the other acts above referred to, the tenure of four years and no longer, or four years unless sooner removed, or four years unless sooner removed by the President, or four years unless sooner removed by the President with the consent of the Senate, or four years and until a successor was appointed and qualified. (*Italics ours.*)

The last above-cited case and this line of reasoning would seem to afford complete authority for the conclusion that in creating the Court of Claims and in providing for it a jurisdiction which did not measure up to the requirements of Article III, Congress did not contemplate that its judges would have a life tenure by virtue of Article III, and that, since life tenure for its judges was desired, it was necessary to expressly grant it in the act. It follows that the express grant of life tenure in this and other creative acts was not an unintentional or unnecessary provision, but was an essential one, if life tenure was desired, and that such expression points unmistakably to the kind of courts created and to the source of the power invoked in their creation.

In considering the effect of the various expressions of the Supreme Court of the United States as affecting the issue here under consideration, we have not overlooked the following statement in *Miles v. Graham*, 268 U. S. 501.

* * * It is equally clear, we think, that there is no power to tax a judge of a court of the United States on account of the salary prescribed for him by law.

We have also considered the possible deduction that might be drawn from this statement when considered with the finding of the court in the case of *James v. United States*, 202 U. S. 401, or with the reference, by Chief Justice Taft, to "United States Judges" in the great recent case of *Myers v. United States*, 272 U. S. 52, 155. We think, however, that the use of the words "a court of the United States," in the *Miles* case, had reference to such an inferior court as comes within the provisions of Article III.

Without citing all the authorities pertinent, we think that Congress may, by appropriate legislation, so change the jurisdiction and powers of a judicial tribunal, which is not an inferior court, as to make it an inferior court, and which court, after such change, will be subject to the limitations of Article III of the Constitution. *United States v. Klein*, *supra*, seems to settle this definitely.

The Court of Claims was expressly given a life tenure in the act which created it (sec. 1049, p. 194, R. S., act of Feb. 24, 1855). For many years the Supreme Court held that the Court of Claims might consider matters which Article III of the Constitution prevented the Supreme Court from considering. *In re Sanborn, Petitioner, supra*; *Gordon v. United States, supra*. Later legislation brought to the Court of Claims a class of cases which the Supreme Court, under its amended rules, regarded as of such character that there was no constitutional inhibition against its considering them on appeal (*De Groot v. United States*, 5 Wall. 419; *United States v. Klein, supra*), although the judgment of the Court of Claims or the Supreme Court, in such cases, was not subject to "award of execution." Congress could withhold or grant authority to pay. Thus we have an example of a judicial tribunal, obviously created under powers other than those provided for in Article III, being given a class of cases or a status which entitled it to be regarded as an inferior court under Article III (*Miles v. Graham, supra*), and its judgments to be subject to review by the Supreme Court.

While the last-cited case does not affirmatively say that the Court of Claims was created under the powers granted to Congress, in Article III of the Constitution, to create inferior courts, it does hold

that Article III of the Constitution prevented Congress from diminishing the salary of the judges of the Court of Claims during their continuance in office, which seems to us is, in effect, a holding that the Court of Claims, as now constituted, having the protection of the provisions of Article III, as an inferior court, must necessarily be limited to the jurisdiction prescribed by such article.

In *Evans v. Gore, supra*, a judge of a United States district court for the Western District of Kentucky was held to be exempt from paying income tax on his salary by reason of the provision of Article III of the Constitution, which provides that the compensation of the judges "shall not be diminished during their continuance in office." A district court is an inferior court of the United States. Inferior courts are "ordained and established" by Congress, and not by the Constitution. Congress has never expressly given life tenure to the Supreme Court, the district courts or the circuit courts of appeals. There is no reasonable room for contention that the Constitution does not give the judges of such courts life tenure. When Congress created the United States Court of Customs Appeals, it said no more and did no more, in indicating the kind of court it was creating, than it did when it created the circuit courts of appeals and the district courts.

During the entire history of customs jurisprudence litigants in customs cases have always been given, somewhere in the procedure provided by Congress, the opportunity to present the issues before an inferior court created under Article III of the Constitution. When this court was created appeal was provided from the Board of General Appraisers to the United States Court of Customs Appeals, and no further. If this court was not a part of the judiciary created under Article III, Congress, for the first time, denied customs litigants the privileges of an inferior court. Whether Congress has the right, under the Constitution, to deny customs litigants the right to submit their cases, of a certain character, to an inferior court we do not undertake to decide. Its doing so would be such a departure from the kind of legislation that it had enacted during a period of a century and a half as to point strongly, we think, to the fact that it did not intend such a result.

We are, therefore, brought to the irresistible conclusion that when Congress enacted the legislation which brought this court into existence it was proceeding under and by virtue of the authority extended to it by Article III of the Constitution and that we are, therefore, required to confine our jurisdiction to "cases" and "controversies," and for the same reasons as apply to other inferior courts and the Supreme Court.

It remains for us to determine whether or not the appeal in the instant case brings to us for review such a "case" or "controversy."

In determining this issue, we recognize that it may be difficult to harmonize the different expressions of the Supreme Court which may be applicable and that some doubt as to the correctness of our conclusion might be entertained. That it is our duty to resolve all reasonable doubts in favor of the validity of the congressional act is so fundamental and so well settled as to require no citation of authority. Equally clear and emphatic is the declared attitude of the Federal judiciary that United States courts will rigidly adhere to the jurisdictional limitations prescribed by the Constitution and will use

great care to assert jurisdiction over no matter which, under the terms of the Constitution, is withheld from them. *Muskkrat v. United States, supra.*

Muskkrat v. United States, supra, is conceded to be the leading case on the question of what is or is not a "case" or "controversy." There Mr. Justice Day, after reviewing practically all the then existing authorities, quoted approvingly from Mr. Justice Field, of the Circuit Court, in the case of *In re Pacific Railway Commission*, 32 Fed. Rep. 241, 255, and adopted it as the language of the court as to the meaning and application of the term "cases" and "controversies." He quoted the following:

The judicial article of the Constitution mentions cases and controversies. The term "controversies," if distinguishable at all from "cases," is so in that it is less comprehensive than the latter and includes only suits of a civil nature. *Chisholm v. Georgia*, 2 Dall. 431, 432; 1 Tuck. Bl. Com. App. 420, 421. By cases and controversies are intended the claims of litigants brought before the courts for determination by such regular proceedings as are established by law or custom for the protection or enforcement of rights, or the prevention, redress, or punishment of wrongs. Whenever the claim of a party under the Constitution, laws, or treaties of the United States takes such a form that the judicial power is capable of acting upon it, then it has become a case. The term implies the existence of present or possible adverse parties whose contentions are submitted to the court for adjudication.

In applying the *Muskkrat* case to the facts in hand, we must not overlook the proposition that in that case the Supreme Court was called upon to review a decision by the Court of Claims predicated upon an act by Congress, which merely provided for the court passing upon the abstract question of whether or not a congressional enactment was valid under the Constitution, without there being any litigants in court, without any one's rights being involved or any one's status being up for determination, and that the court there said, in effect, that such an abstract question was in no sense a case or controversy. It will be noted that the definition quoted by Justice Day states that: "The term implies the existence of *present* or *possible* adverse parties whose contentions are submitted to the court for adjudication." (Italics ours.) The contentions of no one were directly involved in the matter and, therefore, it was not a case. See *California v. San Pablo and Tulare Railroad Company*, 149 U. S. 308. The difference in the controlling facts before the court in the *Muskkrat* case and the facts before this court now will appear as we proceed.

In the *Postum Cereal Company* case, *supra*, the learned Chief Justice, speaking for the Court, and in holding that, on account of the "case" and "controversy" provision of Article III, the Supreme Court was prohibited from considering the appeal, said:

* * * The decision of the Court of Appeals under section 9 of the act of 1905 is not a judicial judgment. It is a mere administrative decision. It is merely an instruction to the Commissioner of Patents by a court which is made part of the machinery of the Patent Office for administrative purposes. In the exercise of such function it does not enter a judgment binding parties in a case as the term case is used in the third article of the Constitution. * * * This result prevents an appeal to this court, which can only review judicial judgments. * * *

* * * For here the action of the Court of Appeals in its dismissal was dealing with something which, even if it should have been received, was not in the proper sense a judgment at all. Whatever the form of the action taken in respect of such an appeal, it is not cognizable in this court upon review, because the proceeding is a mere administrative one.

We submit that a very different situation prevails in the case at bar. Here are real parties litigant, whose rights and status are vitally affected by the litigation. If the presence of parties to the action is the test, then the requirement is fulfilled in that particular. The legal question submitted for this court's decision is not academic or moot, and the rights of the litigants before us are vitally affected by the judgment of this court. A question of law, involving the construction of a "law of the United States," which prescribes the rights of the litigants, is here tried, in the regular form of judicial procedure, and when decided becomes a "final" judgment and the basis of future action.

We must bear in mind that the act under consideration definitely states "that the judgment of said court shall be final, except that the same shall be subject to review by the United States Supreme Court upon certiorari applied for within three months after such judgment of the United States Court of Customs Appeals," and we think that the judgment of this court, or the judgment of the United States Supreme Court, upon the question of law involved, is binding and final as to the whole world. The parties, under authority of a law of the United States, submitted to the tribunal below the initial determination of the question of unfair methods, etc. When the case reached this court on "a question or questions of law only" an important and valuable right between interested, present parties was to be adjudicated with "final" effect.

The question before us is: When the case reaches us is it a "case" or a "controversy"? It is not a question as to what it was in the tribunal below, but what it is when it reaches us. A long line of decisions of the Supreme Court holds that there are matters involving public and private rights, position and status which, if presented in such form that the judicial power is capable of acting thereon, become susceptible of judicial determination and that such matters may be, by Congress, brought to the cognizance of inferior courts of the United States. *Tutun v. United States*, 270 U. S. 568; *Fidelity National Bank and Trust Company of Kansas City et al. v. Swope et al.*, 274 U. S. 123; *Murray's Lessee et al. v. Hoboken Land and Improvement Co.*, 59 U. S. 272, 284; *Interstate Commerce Commission v. Brimson*, 154 U. S. 447; *United States v. Ritchie*, 17 How. 524; *La Abra Silver Mining Company v. United States*, 175 U. S. 423, 453-457; *Fong Yue Ting v. United States*, 149 U. S. 698, 729.

We think, under the last-cited cases, the instant matter is presented in such a form as to call for the exercise of the judicial powers of this court insofar as the question involves the trial and adjudication, in a judicial procedure, of rights and privileges which by the judgment of this court is made "final" as to the matters involved as against all parties. Whether the importers are denied the right to import is not the question. But if it were, and their legal status had been adjudicated, adversely to them, prevention from the continuance of such unlawful status, we think, might be had. *Marbury v. Madison*, 1 Cranch, 137, 170; *Field v. Clark*, 143 U. S. 649; *Hampton, Jr., & Co. v. United States*, 14 Ct. Cust. Appls. 350, T. D. 42030; 275 U. S. —, No. 242. The parties have had their day in court where a definite, legal issue, involving a valuable right, is finally and judicially adjudicated. The status of the importers being thus finally and defi-

nately fixed, as the basis of future action, what future action, if any, may be taken is, to the courts, of no concern.

Is the judgment of this court in the matter at bar a "judicial judgment" or an administrative decision within the meaning of the *Postum Cereal Company* case, *supra*? We think it is the former, because it is the final, conclusive judicial determination of the fact as to whether or not the party has been guilty of unfair methods, etc., and a final and conclusive judgment applying the law to the facts, and, as such, it would be regarded as *res adjudicata* of that issue in any court whenever questioned. *Fidelity National Bank and Trust Company of Kansas City et al. v. Swope et al.*, *supra*. And, furthermore, it could not be collaterally attacked. If a "judicial judgment" be one which is final and conclusive as between the parties on the issues involved and not subject to collateral attack, then the judgment of this court in the matters now before it meets the test and is a "judicial judgment." Such a judgment does not have to be for money, or for the recovery of a thing, or involve anything that a writ or process may enforce, but may be the determination of a status, or a right, or a privilege, or "the basis of action." *Tutun v. United States*, *supra*; *Interstate Commerce Commission v. Brimson*, *supra*; *Fidelity National Bank and Trust Company of Kansas City et al. v. Swope et al.*, *supra*. The ultimate test is: Is the judgment final? *Postum Cereal Company*, *supra*.

The *Tutun* case involved the question as to whether an order of a district court granting or denying a petition for naturalization was a final decision and whether or not such a proceeding was a "case" within the meaning of Article III of the Constitution. A unanimous court held, in a very well written and well considered opinion, by Mr. Justice Brandeis, that such an order was a final decision and was a "case" within the meaning of Article III and within the meaning of the Judicial Code, and that such a case was reviewable by the Circuit Court of Appeals. No property rights were involved, but a status was to be determined, which status, however, when declared, could be revoked or a new application filed in the same or another court. Notwithstanding this fact, the court held, citing *Hayburn's Case*, 2 Dall. 408; *United States v. Ferreira*, 13 How. 39; *Muskrat v. United States*, *supra*, that it was a case within the meaning of Article III and was triable and reviewable by the inferior courts. The learned judge, speaking for the court, said:

* * * The order granting or denying a petition for naturalization is clearly a final decision within the meaning of that section. *Ex parte Tiffany*, 252 U. S. 32. This is true, although a certificate granted may be cancelled under section 15 of the naturalization act, *United States v. Ness*, 245 U. S. 319, and a denial of the petition may not preclude another application for naturalization. *In re Pollock*, 257 Fed. 350. * * *

* * * Whenever the law provides a remedy enforceable in the courts according to the regular course of legal procedure, and that remedy is pursued, there arises a case within the meaning of the Constitution whether the subject of the litigation be property or status. A petition for naturalization is clearly a proceeding of that character.

The petitioner's claim is one arising under the Constitution and laws of the United States. The claim is presented to the court in such a form that the judicial power is capable of acting upon it. The proceeding is instituted and is conducted throughout according to the regular course of judicial procedure. The United States is always a possible adverse party. By section 11 of the naturalization act the full rights of a litigant are expressly reserved to it. See *In re Mudarri*, 176 Fed. 465. Its contentions are submitted to the court for

adjudication. See *Smith v. Adams*, 130 U. S. 167, 173-174. Section 9 provides that every final hearing must be held in open court; that upon such hearing the applicant and witnesses shall be examined under oath before the court and in its presence; and that every final order must be made under the hand of the court and shall be entered in full upon the record. The judgment entered, like other judgments of a court of record, is accepted as complete evidence of its own validity unless set aside. *Campbell v. Gordon*, 6 Cranch, 176; *Spratt v. Spratt*, 4 Pet. 393, 408. It may not be collaterally attacked. *Pintsch Compressing Co. v. Bergin*, 84 Fed. 140. If a certificate is procured when the prescribed qualifications have no existence in fact, it may be cancelled by suit, "It is in this respect," as stated in *Johannessen v. United States*, 225 U. S. 227, 238, "closely analogous to a public grant of land (Rev. Stat., sec. 2289, etc.) or of the exclusive right to make, use and vend a new and useful invention (Rev. Stat., sec. 4883, etc.)."

The opportunity to become a citizen of the United States is said to be merely a privilege and not a right. It is true that the Constitution does not confer upon aliens the right to naturalization. But it authorizes Congress to establish a uniform rule therefor. (Art. I, sec. 8, cl. 4.) The opportunity having been conferred by the naturalization act, there is a statutory right in the alien to submit his petition and evidence to a court, to have that tribunal pass upon them, and, if the requisite facts are established, to receive the certificate. See *United States v. Shanahan*, 232 Fed. 169, 171. There is, of course, no "right to naturalization unless all statutory requirements are complied with." *United States v. Ginsberg*, 243 U. S. 472, 475; *Luria v. United States*, 231 U. S. 9, 22. The applicant for citizenship, like other suitors who institute proceedings in a court of justice to secure the determination of an asserted right, must allege in his petition the fulfilment of all conditions upon the existence of which the alleged right is made dependent; and he must establish these allegations by competent evidence to the satisfaction of the court. *In re Bodek*, 63 Fed. 813, 814, 815; *In re an Alien*, 7 Hill (N. Y.) 137. In passing upon the application the court exercises judicial judgment. It does not confer or withhold a favor.

Thus we see, in this late pronouncement, an individual may bring a proceeding in a district Federal court to acquire a certificate which involves no property right, but merely a status, and which certificate is only *prima facie* evidence of his status, and which may be canceled by suit if the facts upon which the certificate was granted are afterwards judicially ascertained to be incorrect, and such a proceeding is declared to be a "case" within the meaning of Article III, section 2, because it was a matter *presented in such form that judicial action might be had upon the proof and issues presented where a status or a right was involved*.

We regard the principles announced in the recent decision of the Supreme Court of the United States in *Fidelity National Bank and Trust Company of Kansas City et al.*, *supra*, as being conclusive authority for the position we have taken in this case. In a very logical opinion by Mr. Justice Stone, the reasoning and conclusions in *Tutun v. United States*, *supra*, are approved and the application of the terms "cases" and "controversies" to the issues at hand is stated in such a definite manner as to decide precisely, we think, the question before us.

The charter of Kansas City, concerning public-street improvements, provided that after the city had passed its ordinance for the improvements and made an approximate estimate of the costs of the work as affecting the owners of lands chargeable, that the city should file a proceeding in the Circuit Court of Jackson County, Mo., against the owners of the land for the purpose of having the court determine the validity of the ordinance and the question as to whether or not the respective tracts of land should be chargeable with the lien of said work as provided by the ordinance. After judgment, if the validity of the ordinance and lien was upheld, the improvements might

proceed. The object of the legal determination of such validity, as an intermediate step in the improvement proceeding, was, obviously, for the purpose, among other things, of insuring the sale of the bonds. Tax bills were issued against the several benefited tracts of land, some of which bills were held by the Fidelity National Bank and Trust Co. Swope and others, being the owners of certain lands assessed, brought suit to cancel the tax bills issued against them. The proceeding was instituted in the Federal court, on account of the diversity of citizenship.

One of the important questions before the Circuit Court of Appeals and the Supreme Court was as to whether the action in the State court was a "case" or a "controversy." It was, apparently, conceded that if it was a "case" or a "controversy" there, it was a "case" or a "controversy" when it reached the Federal court. The Supreme Court said:

But if the determination of the State court was *res adjudicata* according to its laws and procedure, no reason is suggested, nor are we able to perceive any, why it is not to be deemed *res adjudicata* here, if the proceeding in the State court was a "case" or "controversy" within the appellate jurisdiction of this court, Fed. Const., Art. III, §2, so that constitutional rights asserted, or which might have been asserted in that proceeding, could eventually have been reviewed here.

That this proceeding authorized by section 28 of the Kansas City charter was judicial in character appears from an inspection of the statute and the record in the circuit court. The proposed improvement having been authorized, the benefit district established, the estimated cost ascertained, all by action of the city council or the board of public works, essentially legislative in character, the jurisdiction of the State court was invoked in an adversary proceeding to determine the validity of the liens imposed or to be imposed under the ordinance. That court is a court of general jurisdiction, having plenary power to determine all questions arising under the State law or the laws and Constitution of the United States. Section 2436, Mo. Rev. Stat. 1919; *Schmelzer v. Kansas City*, 295 Mo. 322. These questions are required to be determined in a trial in accordance with the laws and constitution of the State. The sole duty and power of the court is to pass upon questions of law and to inquire judicially into the facts so far as necessary to ascertain the applicable rules of law. See *Keller v. Potomac Elec. Co.*, 261 U. S. 428, 440. Under this procedure, the judgment to be awarded finally determines, subject to appeal, the validity of the ordinance authorizing the improvement, the limits of the benefit district, the method of apportioning benefits, and the validity of the proposed liens. That the issues thus raised and judicially determined would constitute a case or controversy if raised and determined in a suit brought by the taxpayer to enjoin further proceedings under the ordinance could not fairly be questioned. Compare *Risty v. Chicago, R. I. & Pac. Ry. Co.*, *supra*. They can not be deemed any the less so because through a modified procedure the parties are reversed and the same issues are raised and finally determined at the behest of the city. * * *

While ordinarily a case or judicial controversy results in a judgment requiring award of process of execution to carry it into effect, such relief is not an indispensable adjunct to the exercise of the judicial function. Naturalization proceedings, *Tutun v. United States*, 270 U. S. 568; suits to determine a matrimonial or other status; suits for instructions to a trustee or for the construction of a will, *Traphagen v. Levy*, 45 N. J. Eq. 448; bills of interpleader, so far as the stakeholder is concerned, *Wakeman v. Kingsland*, 46 N. J. Eq. 113; bills to quiet title where the plaintiff rests his claim on adverse possession, *Sharon v. Tucker*, 144 U. S. 533, are familiar examples of judicial proceedings which result in an adjudication of the rights of litigants, although execution is not necessary to carry the judgment into effect, in the sense that no damages are required to be paid or acts to be performed by the parties. Cf. *Kennedy v. Babcock*, 19 Misc. (N. Y.) 87; *Cohen v. N. Y. Mutual Life Ins. Co.*, 50 N. Y. 610, 625. Nor is it essential that only established and generally recognized forms of remedy should be invoked. "Whenever the law provides a remedy enforceable in the courts according to the regular course of legal procedure,

and that remedy is pursued, there arises a case within the meaning of the Constitution, whether the subject of the litigation be property or status." *Tutun v. United States*, *supra*, 577. Thus, naturalization proceedings, *Tutun v. United States*, *supra*, or a special statutory proceeding to determine judicially whether the claim made by a domestic corporation against a foreign country upon which an award had been made by a United States commissioner pursuant to treaty, had been furthered by fraud, the statute authorizing distribution of the fund in accordance with the judgment, *La Abra Silver Mining Co. v. United States*, 175 U. S. 423, are cases or controversies within the meaning of the Constitution.

Other cases might be quoted from at length to the same effect. Among them, prominently, are *Murray's Lessee et al. v. Hoboken Land and Improvement Co.*, *supra*, and *Interstate Commerce Commission v. Brimson*, *supra*. In the first of these cases it appears that Congress had authorized a collector to bring before a district court the question of how much he was indebted to the Government. The act provided that the submission of the question to the district court suspended the distress warrant issued by the Solicitor of the Treasury Department and that, in effect, the judicial determination of the amount due fixed the sum to be collected on the warrant. The court, in holding that such a proceeding brought before the court a matter which was properly the subject of judicial cognizance, said:

To avoid misconstruction upon so grave a subject, we think it proper to state that we do not consider Congress can either withdraw from judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty; nor, on the other hand, can it bring under the judicial power a matter which, from its nature, is not a subject for judicial determination. *At the same time there are matters, involving public rights, which may be presented in such form that the judicial power is capable of acting on them, and which are susceptible of judicial determination, but which Congress may or may not bring within the cognizance of the courts of the United States, as it may deem proper.* Equitable claims to land by the inhabitants of ceded territories form a striking instance of such a class of cases; and as it depends upon the will of Congress whether a remedy in the courts shall be allowed at all, in such cases, they may regulate it and prescribe such rules of determination as they may think just and needful. Thus it has been repeatedly decided in this class of cases, that upon their trial the acts of executive officers, done under the authority of Congress, were conclusive, either upon particular facts involved in the inquiry or upon the whole title. *Foley v. Harrison*, 15 How. 433; *Burgess v. Gray*, 16 How. 48; ——— v. *The Minnesota Mining Company* at the present term. (Italics ours.)

It is true, also, that even in a suit between private persons to try a question of private right, the action of the Executive power, upon a matter committed to its determination by the constitution and laws, is conclusive. *Luther v. Borden*, 7 How. 1; *Doe v. Braden*, 16 How. 635.

To apply these principles to the case before us, we say that, though a suit may be brought against the marshal for seizing property under such a warrant of distress, and he may be put to show his justification; yet the action of the Executive power in issuing the warrant, pursuant to the act of 1820, passed under the powers to collect and disburse the revenue granted by the Constitution, is conclusive evidence of the facts recited in it, and of the authority to make the levy; that though no suit can be brought against the United States without the consent of Congress, yet Congress may consent to have a suit brought, to try the question whether the collector be indebted, that being a subject capable of judicial determination, and may empower a court to act on that determination, and restrain the levy of the warrant of distress within the limits of the debt judicially found to exist.

The question before us, now, is presented *in such form* as to bring it under the judicial power and "is presented in such form that the judicial power is capable of acting" thereon and is "susceptible of judicial determination."

In *Interstate Commerce Commission v. Brimson*, *supra*, a circuit court of the United States was called upon to direct witnesses to appear and testify before the Interstate Commerce Commission, and it was contended that the matter was not a case or a controversy and that therefore the court, being an inferior court, was without jurisdiction under Article III of the Constitution. The Supreme Court held to the contrary, notwithstanding the fact that the proceeding was merely in the nature of an aid to the Interstate Commerce Commission in the discharge of an administrative duty, and notwithstanding the fact that if the Interstate Commerce Commission dismissed the proceeding, the mandate of the circuit court was without further effect. It was the determination of a status, the judicial determination of a controverted matter, which was to be a part of the proceeding, administrative in character, but was a "final and indisputable basis of action" as between the commission and the defendants.

Mr. Justice Harlan, speaking for the court, said:

* * * If it be adjudged that the defendants are, in law, obliged to do what they have refused to do, that determination will not be merely ancillary and advisory, but, in the words of *Sanborn's case*, will be a "final and indisputable basis of action," as between the commission and the defendants, and will furnish a precedent in all similar cases. It will be as much a judgment that may be carried into effect by judicial process as one for money, or for the recovery of property, or a judgment in mandamus commanding the performance of an act or duty which the law requires to be performed, or a judgment prohibiting the doing of something which the law will not sanction. It is none the less the judgment of a judicial tribunal dealing with questions judicial in their nature, and presented in the customary forms of judicial proceedings, because its effect may be to aid an administrative or executive body in the performance of duties legally imposed upon it by Congress in execution of a power granted by the Constitution.

If we paraphrase the above language of the Supreme Court, we can say, with equal force, that if it be adjudged that the defendants or respondents in the pending case are violators of the law under consideration, that determination "will not be merely ancillary and advisory," but will be a "final and indisputable basis of action" for future proceedings. See *Interstate Commerce Commission v. Baird*, 194 U. S. 25.

We can not agree with the argument made by the appellees, the Bakelite Corporation et al., that our judgment in this case must be one that will be enforceable by execution or process. If it declares or denies the existence of a right or a status (and does so conclusively and finally) which in turn affects a valuable interest or right, and otherwise meets the requirements of a "case" and "controversy," under the foregoing decisions cited, it certainly is such. *Fidelity National Bank and Trust Company of Kansas City et al. v. Swope et al.*, *supra*.

Let us suppose that this court, and the Supreme Court, reviewing our judgment, should hold that the violation of a patent right is, in law, not an unfair method of competition or an unfair act in importation. Could the President lawfully hold that it was? We think not. The statute would seem to leave the definition of these terms to the courts as it did in the Federal Trade Commission act. *Federal Trade Commission v. Gratz et al.*, 253 U. S. 421; *Federal Trade Commission v. Curtis Publishing Company*, 260 U. S. 568. As an illustration of this conclusion, let us again suppose that after

this court or the Supreme Court had held that the violation of a patent right was not such an "unfair method," etc., the President would decide that it was, and such decision would cause the collector to reject the entry of respondent's merchandise, and he would litigate the matter on the theory that the question had been adjudicated. What could any court do but hold that as between the parties the matter had been finally and conclusively determined in the court and that its decision was *res adjudicata*?

Section 316 of the tariff act of 1922, which is now in part before us for construction, in many respects is an absolute and precise copy of the Federal Trade Commission act, U. S. Stat. at large, vol. 38, part 1, chapter 311, p. 717, and the antitrust act (Clayton Act), U. S. Stat. at Large, vol. 38, p. 730.

The Federal Trade Commission is, admittedly, an administrative body and its acts have been declared to be administrative in character, and not judicial. *Federal Trade Commission v. Eastman Kodak Company et al.*, 274 U. S. 619. The Federal Trade Commission act, however, provides that unfair methods of competition in commerce are unlawful. The act at bar provides that "unfair methods of competition and unfair acts in importation" are unlawful. Both acts provide that the respective bodies, the Federal Trade Commission and the United States Tariff Commission, may institute proceedings for determining the question of fact as to whether or not the party complained of is in violation of the law in the respect indicated. The Federal Trade Commission, after finding its facts, is authorized to issue an order requiring such person to desist from the unlawful practice. If the person so ordered fails to comply, the commission may apply to the Circuit Court of Appeals for the enforcement of its order, or the party so ordered may obtain a *review* or file a petition to set aside the order, which proceeding is nothing more than an appeal, regardless of what it may be styled in the act. *United States v. Ritchie, supra*; *Stephens v. Cherokee Nation*, 174 U. S. 445, 477. The commission files its record in that court, which issues notice upon the same, and determines the questions therein, and *may affirm, modify or set aside* the orders of the commission.

In the Federal Trade Commission act, as in the act before us, it is provided that the findings of the commission as to the facts, if supported by the testimony, shall be conclusive. In both acts the same provision is made for taking new testimony. When the matter is before the Federal Trade Commission its finding is not a judgment, and it has no process to enforce its decree, but when the matter gets into the Circuit Court of Appeals or the Supreme Court of the United States it is there "presented in such form" that judicial cognizance may be taken thereof and a final, binding judgment, as to the question passed upon, may be had.

What has been said here as to the review by a Circuit Court of Appeals of an order of the Federal Trade Commission is also true as to the enforcement provision of the Clayton Anti-Trust Act. The Clayton Anti-Trust Act and the United States Tariff Commission provision under consideration seem to be almost in the exact phraseology of the Federal Trade Commission Act.

In *Interstate Commerce Commission v. Brimson, supra*, the Supreme Court held that the proceeding before a circuit court of appeals to compel witnesses to answer questions before the Interstate Commerce Commission was not repugnant to the Constitution

as not being a "case" or "controversy." As far as we have been able to ascertain, the power of such court to review and "reverse, modify and set aside" the orders of the Interstate Commerce Commission and the Federal Trade Commission has never been further questioned. Certainly these proceedings are in the nature of an *aid* or a *help* to an administrative body in the performance of a purely administrative duty. They are not "cases" before the commissions and they are not independent actions before the court. They are, however, held to be "cases," although the identical issues arose and were passed upon by an administrative body.

True enough, the judgment of the Circuit Court of Appeals in some of the matters it reviews from the two commissions mentioned may have the matter presented to them in such form that process may reach out and execute the judgment, but in others, as we have seen, this does not maintain, and, in our view of the matter, it is not essential that the action should be such an one as to require or necessitate process. *Tutun v. United States, supra*; *Murray's Lessee et al. v. Hoboken Land and Improvement Company, supra*; *Fidelity National Bank and Trust Company of Kansas City et al. v. Swope et al., supra*.

On October 7, 1922, President Harding issued his Executive order, which is still in full force and effect, and is as follows:

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. See *Opinions of Attorneys General*, vol. 34, p. 79.

Without suggesting what weight the indicated executive interpretation of the act involved in the order is to be given in the consideration of the question at hand, we regard it as of some importance as illustrating the operation of the act when given a certain construction.

The foregoing considerations lead us to the conclusion that the matters presented in the instant appeal are presented in such form as to call for the exercise of the judicial powers of this inferior court, and that our exercise of the same is not in contravention of the provisions of the Constitution.

The motion of the Bakelite Corporation et al. is, therefore, overruled.

CONCURRING OPINION

BARBER, *Judge*.

I concur in the conclusions reached by the court, but it would, in my opinion, be more in conformity with the established practice of this court to enter judgment denying the motion to dismiss without now handing down an opinion.

The only controverted issue is whether or not a case or controversy, within the meaning of section 2 of Article III of the Constitution, is presented, of which this court, as an inferior court, ordained and established by Congress under section 1 of said article, has jurisdiction. An opinion on that question can better be written after the case has been heard on the merits. So far as I recall, our practice has been, when a motion to dismiss for want of jurisdiction is denied, to discuss all relevant questions in the opinion handed down when the case is heard and decided upon the merits.

See *Atlantic Transport Co. v. United States*, 5 Ct. Cust. Appls. 373, T. D. 34872; *Fish v. United States*, 12 Ct. Cust. Appls. 308, T. D. 40315.

APPENDIX 5.—DATA RELATING TO INVESTIGATIONS BY THE COMMISSION UNDER SECTIONS 315, 316, AND 317 OF THE TARIFF ACT OF 1922, AND UNDER ITS GENERAL POWERS

TABLE I.—Applications received

(A) UNDER SECTION 315

| Paragraph No. | Commodity | Date of application | Nature of request | Status |
|---|--|---------------------------|---------------------------------|---|
| SCHEDULE 1.—Chemicals, oils, and paints | | | | |
| 1 | Formic acid | Sept. 27, 1922 | Increase | Withdrawn. |
| 1 | Oxalic acid | Sept. 29, 1922 | do | Investigation completed (see Table II). |
| 1 | do | Apr. 4, 1923 | Decrease | Do. |
| 1 | Tartaric acid | Mar. 17, 1925 | Increase | Investigation ordered. |
| 1, 5 | Amino acids and salts | Dec. 16, 1922 | do | Do. |
| 2 | Aldehyde derivatives | Jan. 12, 1923 | Decrease | Investigation not ordered. |
| 2 | do | Sept. 6, 1924 | do | Do. |
| 4 | Methanol | May 14, 1925 | Increase | Investigation completed (see Table II). |
| 4 | do | Sept. 29, 1927 | Decrease | Pending. |
| 5 | Barbituric acid | Sept. 19, 1922 | Duty on American selling price. | Investigation completed (see Table II). |
| 5 | Chemical compounds used for purifying gas. | Mar. 28, 1928 | Increase | Investigation not ordered. |
| 5 | Ichthyol | Apr. 17, 1923 | do | Do. |
| 5 | Hydrogen peroxide | June 9, 1924 | do | Pending. |
| 5 | Sodium silicofluoride | Jan. 31, 1925 | do | Investigation completed (see Table II). |
| 5 | do | Feb. 5, 1925 | do | Do. |
| 5 | do | Feb. 10, 1925 | do | Do. |
| 7 | Ammonium chloride | Oct. 25, 1922 | Decrease | Investigation not ordered. |
| 9 | Cream of tartar | Apr. 7, 1925 | Increase | Investigation ordered. |
| 9 | Raw tartar | May 31, 1928 | Decrease | Pending. |
| 12 | Barium dioxide | Oct. 16, 1922 | Increase | Investigation completed (see Table II). |
| 12 | do | Jan. 22, 1923 | Decrease | Do. |
| 12 | do | Dec. 1, 1923 | do | Do. |
| 12 | Barium carbonate, precipitated. | Feb. 20, 1925 | Increase | Do. |
| 12 | Barium chloride | May 29, 1928 | do | Investigation ordered. |
| 19 | Casein | Dec. 19, 1922 | Decrease | Investigation completed (see Table II). |
| 19 | do | Apr. 13, 1923 | do | Do. |
| 19 | do | July 2, 1923 | do | Do. |
| 20 | Whiting | Feb. 25, 1927 | Increase | Investigation ordered. |
| 25 | Calcium arsenate | Jan. 13, 1923 | Decrease | Investigation not ordered. |
| 25 | do | Jan. 14, 1924 | do | Withdrawn. |
| 25 | do | Jan. 17, 1923 | do | Investigation not ordered. |
| 26 | Chloral hydrate | Sept. 1, 1922 | Duty on American selling price. | Withdrawn. |
| 26 | Fertilizer urea | May 28, 1928 ¹ | Investigation | Report sent to Senate. |
| 26 | Thymol | Mar. 21, 1923 | Increase | Investigation not ordered. |
| 26 | Thymol crystals | Mar. 17, 1923 | do | Do. |
| 27 | Cresylic acid | May 4, 1923 | Decrease | Investigation completed (see Table II). |
| 27 | do | May 9, 1923 | do | Do. |
| 27 | do | Nov. 12, 1923 | do | Do. |
| 27 | do | do | do | Do. |
| 27 | do | Nov. 13, 1923 | do | Do. |
| 27 | do | Nov. 14, 1923 | do | Do. |
| 27 | do | Nov. 15, 1923 | do | Do. |
| 27 | do | do | do | Do. |
| 27 | Ethyl benzol | July 25, 1925 | do | Investigation not ordered. |
| 27 | do | Aug. 5, 1925 | do | Do. |
| 27 | Novadelox or benzoyl peroxide. | Sept. 30, 1922 | do | Do. |
| 27 | do | Oct. 14, 1922 | do | Do. |
| 27 | Phenol | Apr. 18, 1923 | do | Investigation completed (see Table II). |
| 28 | Biological stains | Sept. 22, 1922 | Increase | Investigation not ordered. |
| 28 | Certain coal-tar dyes | Oct. 12, 1922 | Decrease | Withdrawn. |
| 28 | Indigo, natural | Nov. 8, 1922 | do | Investigation not ordered. |
| 28 | Phenolic resin | Dec. 28, 1922 | do | Investigation ordered. |
| 36 | Licorice root | Jan. 20, 1925 | Adjustment of duty. | Investigation not ordered. |
| 39 | Logwood extract | Sept. 28, 1922 | Increase | Investigation ordered. |
| 39 | Quebracho extract | Nov. 3, 1922 | Decrease | Investigation not ordered. |
| 42 | Agar agar | Oct. 31, 1922 | do | Do. |
| 42 | Casein glue | Aug. 14, 1923 | do | Do. |

¹ Senate resolution requesting investigation.

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TABLE I.—Applications received—Continued

(A) UNDER SECTION 315—Continued

| Paragraph No. | Commodity | Date of application | Nature of request | Status |
|---|-----------------------------|----------------------------------|--------------------------------|---|
| SCHEDULE 1.—Chemicals, oils, and paints—Con. | | | | |
| 42 | Edible gelatin | Dec. 22, 1924 | Increase | Investigation ordered. |
| 42 | do | Aug. 11, 1926 | Decrease | Do. |
| 42 | Fish glue | Mar. 1, 1923 | do | Investigation not ordered. |
| 42 | Glue | June 14, 1924 | Increase | Investigation ordered. |
| 44 | Inks, printing and litho. | Apr. 14, 1925 | do | Investigation not ordered. |
| 48 | Licorice extract | Jan. 29, 1925 | Adjustment of duty | Do. |
| 50 | Chloride of magnesium | July 26, 1923 | Increase | Do. |
| 53 | Animal fats | Apr. 26, 1923 | Decrease | Do. |
| 53 | do | Apr. 28, 1923 | do | Do. |
| 53 | Fish oils | Mar. 16, 1923 | do | Do. |
| 53 | Herring oil | do | do | Do. |
| 53 | Whale oil | do | do | Do. |
| 54 | Linseed oil | Mar. 10, 1923 | do | See Table II. |
| 54 | do | Apr. 18, 1923 | do | |
| 54 | do | May 5, 1923 | do | |
| 54 | do | Dec. 4, 1923 | Increase | |
| 54 | Olive oil | Dec. 22, 1922 | Decrease | Investigation not ordered. |
| 54 | do | Mar. 10, 1924 | Increase | Do. |
| 54 | do | June 14, 1926 | do | Do. |
| 54, 55 | Vegetable oils | Apr. 18, 1923 | Decrease | Investigation ordered. |
| 54, 55 | do | do | do | Do. |
| 54, 55 | do | Apr. 23, 1923 | do | Do. |
| 54, 55 | do | do | do | Do. |
| 54, 55 | do | Apr. 26, 1923 | do | Do. |
| 54, 55 | do | Apr. 28, 1923 | do | Do. |
| 55 | Coconut oil | Feb. 2, 1923 | do | Do. |
| 55 | do | Apr. 18, 1923 | do | Do. |
| 55 | Cottonseed oil | Apr. 26, 1923 | do | Do. |
| 55 | Peanut oil | Mar. 15, 1923 | do | Do. |
| 55 | do | May 31, 1928 | do | Do. |
| 55 | Soya-bean oil | Mar. 16, 1923 | do | Do. |
| 55 | do | Apr. 18, 1923 | do | Do. |
| 55 | do | Apr. 26, 1923 | do | Do. |
| 59 | Cajeput oil | May 2, 1923 | do | Investigation not ordered. |
| 61 | Mustard oil | Oct. 9, 1922 | Duty on American selling price | Do. |
| 62 | Perfumes | May 31, 1928 | Decrease | Pending. |
| 71 | Bone black | Apr. 17, 1923 | do | Investigation not ordered. |
| 71 | Decolorizing carbons | Jan. 25, 1926 | Increase | Investigation ordered. |
| 73 | Lampblack | Feb. 8, 1923 | do | Investigation not ordered. |
| 75 | Oxide of iron | Jan. 15, 1924 | do | Do. |
| 77 | Varnish | Mar. 24, 1923 | Decrease | Do. |
| 80 | Permanganate of potash | Nov. 12, 1926 | Increase | Investigation completed (see Table II). |
| 80 | Nitrate of potash | Jan. 25, 1927 | do | Investigation ordered. |
| 80 | do | Feb. 12, 1927 | do | Do. |
| 80 | Potassium chlorate | Oct. 18, 1922 | Decrease | Investigation completed (see Table II). |
| 80 | do | Feb. 17, 1923 | Increase | |
| 80 | do | Mar. 7, 1923 | do | Investigation not ordered. |
| 83 | Formate of soda | Sept. 29, 1922 | do | |
| 83 | Glauber salt | Dec. 14, 1925 | do | Do. |
| 83 | Salt | Dec. 20, 1923 | Decrease | Do. |
| 83 | Sodium nitrite | Oct. 12, 1922 | Increase | Investigation completed (see Table II). |
| 83 | Sodium phosphate | June 12, 1926 | do | Investigation ordered. |
| 87 | Strontium nitrate | Feb. 4, 1925 | do | Investigation not ordered. |
| 91 | Titanium potassium oxalate. | Feb. 16, 1925 | do | Do. |
| SCHEDULE 2.—Earths, earthenware, and glassware | | | | |
| 202 | Tiles | May 28, 1925 | Increase | Pending. |
| 204 | Magnesite | { Oct. 27, 1924 Nov. 13, 1924 | do | Investigation completed (see Table II). |
| 204 | do | Apr. 30, 1923 | Decrease | |
| 204 | do | Aug. 21, 1923 | do | Do. |
| 206 | Pumice stone | Feb. 28, 1924 | do | Investigation not ordered. |
| 207 | China clay | Oct. 29, 1924 | Increase | Investigation ordered under general powers. |
| 207 | Fluorspar | Apr. 9, 1925 | do | Investigation ordered. |
| 207 | do | Apr. 27, 1925 | do | Do. |
| 208 | Mica | Dec. 11, 1922 | do | Investigation not ordered. |

TABLE I.—Applications received—Continued

(A) UNDER SECTION 315—Continued

| Paragraph No. | Commodity | Date of application | Nature of request | Status |
|---|--|---------------------|--------------------------------|---|
| SCHEDULE 2.—Earths, earthenware, and glassware—Continued | | | | |
| 212 | Chemical stoneware | June 18, 1923 | Decrease | Investigation ordered. |
| 212 | China | June 7, 1923 | do | Do. |
| 212 | Articles of falence and porcelain. | May 31, 1928 | do | Pending. |
| 213 | Graphite | Oct. 2, 1922 | Increase | Investigation ordered under general powers. |
| 213 | do | Oct. *3, 1922 | do | Do. |
| 213 | do | Dec. 6, 1922 | Decrease | Do. |
| 213 | do | Mar. 24, 1925 | do | Do. |
| 213 | do | May 31, 1928 | do | Pending. |
| 213 | Crystalline flakes | do | do | Do. |
| 214 | Fused silica | June 6, 1928 | Increase | Do. |
| 214, 1429 | Diamond dies | Feb. 8, 1923 | Decrease | Investigation not ordered. |
| 214 | Feldspar | May 21, 1925 | do | Do. |
| 218 | Clinical thermometers | Dec. 18, 1924 | Increase | Pending. |
| 218 | do | Apr. 7, 1927 | do | Do. |
| 218 | Clinical thermometer blanks. | do | do | Do. |
| 218 | Glass-stoppered bottles | Nov. 17, 1925 | Duty on American selling price | Investigation ordered. |
| 218 | Perfume bottles | Nov. 23, 1925 | do | Do. |
| 218, 230 | Glassware | Jan. 11, 1926 | Increase | Do. |
| 218 | Blown glassware | Aug. 31, 1926 | do | Do. |
| 218, 230 | Gauge glasses | Mar. 19, 1928 | do | Pending. |
| 219 | Window glass | Apr. 7, 1927 | do | Investigation ordered. |
| 223 | Mirrors | Nov. 16, 1922 | Decrease | Do. |
| 229 | Electric-light bulbs | Sept. 25, 1922 | Increase | Investigation not ordered. |
| 229 | do | Dec. 12, 1923 | do | Do. |
| 229 | Tungsten electric lamps | May 15, 1923 | do | Do. |
| 230 | Stained-glass windows | Oct. 6, 1922 | do | Do. |
| 231 | Vitrolite | Nov. 27, 1925 | do | Pending. |
| 232, 233 | Finished marble | Feb. 1, 1924 | do | Do. |
| 233 | Agate rings for fishing lines, unmounted. | June 15, 1925 | Adjustment of duty. | Do. |
| 235 | Manufactures of, and unmanufactured granite. | Apr. 16, 1924 | Increase | Investigation completed (see Table II). |
| 235 | do | Dec. 1, 1925 | Decrease | Do. |
| 235 | Granite monuments | July 19, 1926 | do | Do. |
| 235 | Travertine stone | May 27, 1926 | Increase | Pending. |
| SCHEDULE 3.—Metals and manufactures of | | | | |
| 301 | Pig iron | Dec. 13, 1922 | Increase | Investigation completed (see Table II). |
| 302 | Ferromanganese | June 6, 1925 | Decrease | Withdrawn. |
| 302 | do | do | do | Do. |
| 302 | do | Mar. 31, 1927 | do | Do. |
| 302 | do | Mar. 22, 1926 | Increase | Investigation ordered under general powers. |
| 302 | Manganese and alloys | Aug. 12, 1927 | do | Do. |
| 302, 304, 305 | Tungsten and alloys | May 15, 1925 | do | Investigation ordered. |
| 302, 304, 305 | Tungsten ¹ | Sept. 22, 1926 | do | Do. |
| 302, 304, 305 | do | Mar. 5, 1928 | do | Do. |
| 302, 304, 305 | do | do | do | Do. |
| 302, 304, 305 | do | do | do | Do. |
| 303, 304 | Bars of iron and steel | May 1, 1925 | do | Pending. |
| 303, 304 | do | June 1, 1925 | do | Do. |
| 303, 304 | do | Sept. 1, 1925 | do | Do. |
| 304 | Beams | May 1, 1925 | do | Do. |
| 304 | Billets | June 1, 1925 | do | Do. |
| 304 | Ingots | Apr. 29, 1925 | Investigation under sec. 315. | Do. |
| 304 | do | June 1, 1925 | Increase | Do. |
| 308 | Steel sheets | Sept. 1, 1925 | do | Do. |
| 309 | Steel plates | Apr. 29, 1925 | Investigation under sec. 315. | Do. |
| 312 | Angles | May 1, 1925 | Increase | Do. |
| 312 | do | June 1, 1925 | do | Do. |
| 312 | do | Sept. 1, 1925 | do | Do. |
| 312 | Channels | May 1, 1925 | do | Do. |
| 312 | do | do | do | Do. |
| 312 | Girders | do | do | Do. |
| 312 | Joists | do | do | Do. |

¹ Senate resolution also requesting investigation.

TABLE I.—Applications received—Continued

(A) UNDER SECTION 315—Continued

| Paragraph No. | Commodity | Date of application | Nature of request | Status |
|--|---|---------------------|---------------------------------|--|
| <i>SCHEDULE 3.—Metals and manufactures of—Con.</i> | | | | |
| 312 | Light shapes | Sept. 1, 1925 | Increase | Pending. |
| 313, 314 | Bands | June 1, 1925 | do | Do. |
| 315 | Wire rods | Sept. 1, 1925 | do | Do. |
| 316 | Wire | do | do | Do. |
| 318 | Wire cloth | May 23, 1925 | do | Do. |
| 325 | Anvils | Mar. 2, 1927 | do | Do. |
| 327 | Cast-iron pipe | Dec. 23, 1927 | do | Do. |
| 327 | Cast iron pressure and gas pipe | Feb. 13, 1928 | do | Do. |
| 327 | do | May 11, 1928 | do | Do. |
| 328 | Corrugated furnaces | Nov. 22, 1922 | Decrease | Investigation not ordered. |
| 331 | Upholstery nails | Jan. 22, 1926 | Investigation under sec. 315. | Pending. |
| 331 | Wire nails | Sept. 1, 1925 | Increase | Do. |
| 339 | Utensils | Apr. 29, 1925 | Investigation under sec. 315. | Do. |
| 340 | Jewelers' saws | May 8, 1923 | Decrease | Investigation not ordered. |
| 342 | Umbrella frames | Oct. 26, 1922 | Increase | Pending. |
| 343 | Crochet needles | Mar. 11, 1926 | do | Do. |
| 343 | Latch needles | June 12, 1925 | do | Do. |
| 343 | Needle cases | Mar. 27, 1923 | Decrease | Investigation not ordered. |
| 344 | Agate rings for fishing lines, mounted. | June 5, 1925 | Adjustment of duties. | Pending. |
| 344 | Fishing tackle | July 9, 1923 | Increase | Investigation not ordered. |
| 344 | do | May 22, 1926 | do | Do. |
| 348 | Snap fasteners | Mar. 9, 1923 | do | Do. |
| 354 | Pen and pocket knives | Mar. 3, 1927 | Decrease | Pending. |
| 355 | Cutlery of stainless steel | Jan. 29, 1923 | do | Withdrawn. |
| 355 | Kitchen and butcher knives. | May 31, 1928 | do | Pending. |
| 358 | Razor blades | Oct. 31, 1922 | do | Referred to Treasury Department. |
| 359 | Surgical instruments | Feb. 15, 1927 | Increase | Investigation not ordered. |
| 360 | Drawing instruments | Sept. 27, 1922 | do | Included in investigation of scientific instruments, under general powers. |
| 360 | Scientific instruments | Apr. 23, 1923 | Decrease | Investigation under general powers. |
| 360 | do | June 15, 1923 | do | Do. |
| 362 | Swiss pattern files | Nov. 22, 1922 | Increase | Investigation ordered. |
| 366 | Parts of automatic pistols. | Oct. 22, 1925 | Decrease | Investigation not ordered. |
| 368 | Escapements | Dec. 8, 1922 | do | Do. |
| 368 | Taximeters | Dec. 30, 1922 | Increase | Investigation completed (see Table II). |
| 372 | Hosiery machines | July 8, 1925 | Decrease | Investigation not ordered. |
| 372 | Machiae tools | Dec. 30, 1926 | Increase | Pending. |
| 372 | Spindles and flyers | Nov. 22, 1922 | do | Investigation not ordered. |
| 372 | Woolen cards | Nov. 22, 1924 | do | Do. |
| 375 | Metallic magnesium | May 26, 1923 | do | Investigation ordered. |
| 382 | Aluminum foil | Nov. 7, 1927 | do | Pending. |
| 383 | Gold leaf | June 1, 1923 | do | Investigation completed (see Table II). |
| 383 | do | June 6, 1923 | do | Do. |
| 396 | Print rollers | Dec. 1, 1922 | do | Do. |
| 399 | Aluminum pigeon bands | Dec. 6, 1922 | Duty on American selling price. | Investigation not ordered. |
| 399 | do | do | do | Pending. |
| 399 | Christmas tree light reflectors. | May 4, 1925 | do | Do. |
| 399 | Wire netting | June 18, 1927 | Increase | Do. |
| 399 | Bicycle bells | Mar. 28, 1928 | do | Do. |
| 399 | Bit braces | Apr. 26, 1928 | do | Do. |
| <i>SCHEDULE 4.—Wood and manufactures of</i> | | | | |
| 401 | Logs, Canadian | Dec. 2, 1922 | Decrease | Investigation completed (see Table II). |
| 401 | do | Apr. 30, 1923 | do | Do. |
| 401 | do | May 2, 1923 | do | Do. |
| 403 | Cabinet logs | Dec. 20, 1922 | do | Investigation not ordered. |
| 403 | Cabinet lumber | do | Increase | Do. |
| 403 | Logs, lignum-vitæ | Feb. 5, 1923 | Decrease | Do. |
| 403 | Veneers of wood | Aug. 14, 1923 | do | Do. |
| 403 | do | Dec. 20, 1922 | Increase | Do. |

TABLE I.—Applications received—Continued

(A) UNDER SECTION 315—Continued

| Paragraph No. | Commodity | Date of application | Nature of request | Status |
|---|-------------------------------------|---------------------|---------------------------------|---|
| <i>SCHEDULE 4.—Wood and manufactures of—Con.</i> | | | | |
| 407 | Reed and willow products. | Feb. 11, 1927 | Increase | Pending. |
| 407 | Willow furniture | Feb. 14, 1923 | do | Investigation not ordered. |
| 410 | Bent-wood chairs | Apr. 19, 1923 | do | Investigation ordered. |
| 410 | do | Aug. 11, 1923 | Duty on American selling price. | Do. |
| 410 | do | Sept. 13, 1923 | Increase | Do. |
| 410 | do | do | do | Do. |
| 410 | Carved wood | July 23, 1923 | do | Pending. |
| 410 | Furniture | Dec. 20, 1924 | do | Investigation not ordered. |
| 410 | Paintbrush handles | Jan. 15, 1923 | Decrease | Investigation completed (see Table II). |
| 410 | Plywood | Feb. 14, 1928 | Increase | Investigation not ordered. |
| 410 | do | Feb. 10, 1928 | do | Do. |
| 410 | Spring clothespins | Jan. 23, 1925 | do | Do. |
| 410 | Wood flour | Mar. 9, 1928 | do | Pending. |
| 410 | Wooden cigar molds | May 13, 1926 | do | Do. |
| <i>SCHEDULE 5.—Sugar, molasses, and manufactures of</i> | | | | |
| 502 | Molasses | Sept. 20, 1924 | Decrease | Investigations under general powers. |
| 502 | Blackstrap | Sept. 25, 1924 | | |
| 502 | do | Oct. 3, 1922 | | |
| 503 | Sugar | Nov. 16, 1922 | do | Investigation completed (see Table II). |
| 503 | Maple sirup | Apr. 25, 1924 | do | Do. |
| 503 | do | Sept. 19, 1924 | do | Do. |
| 503 | Maple sugar | do | do | Do. |
| 504 | Rare sugars | Dec. 16, 1922 | Duty on American selling price. | Investigation ordered. |
| <i>SCHEDULE 7.—Agricultural products and provisions</i> | | | | |
| 701, 702, 703, 706 | Livestock, meat, meat products. | Sept. 4, 1926 | Increase | Investigation ordered under general powers. |
| 701, 706 | Beef and beef products | Feb. 18, 1927 | do | Do. |
| 701, 706 | do | Mar. 7, 1927 | do | Do. |
| 701, 706 | do | Apr. 19, 1927 | do | Do. |
| 701 | Live and dressed cattle | do | do | Do. |
| 701 | Beef | Dec. 2, 1924 | do | Do. |
| 701 | Cattle and livestock | Oct. 2, 1922 | Decrease | Do. |
| 701 | do | Feb. 17, 1925 | Increase | Do. |
| 701 | do | Jan. 5, 1924 | do | Do. |
| 701 | Meat | do | do | Do. |
| 701 | Tallow | Mar. 16, 1923 | Decrease | Investigation not ordered. |
| 701 | do | Apr. 18, 1923 | do | Do. |
| 701 | do | Apr. 2, 1925 | Increase | Do. |
| 701 | do | Apr. 18, 1925 | do | Do. |
| 706 | Canned meat | Feb. 26, 1926 | do | Investigation ordered under general powers. |
| 706 | do | Apr. 2, 1925 | do | Do. |
| 706 | do | Apr. 18, 1925 | do | Do. |
| 706 | do | Feb. 2, 1927 | do | Do. |
| 706 | Canned and other prepared meats. | May 21, 1927 | do | Do. |
| 707 | Milk and cream ¹ | Mar. 19, 1927 | do | Investigation ordered. |
| 707, 710 | Dairy products | June 20, 1925 | do | See Table II for dairy products included in investigations. |
| 707, 709, 710 | do | Jan. 28, 1926 | do | Do. |
| 709 | Butter ¹ | Mar. 10, 1924 | do | Investigation completed (see Table II). |
| 709 | do | May 5, 1924 | do | Do. |
| 709 | do | May 23, 1924 | do | Do. |
| 710 | Cheese and substitutes therefor. | May 23, 1924 | do | Investigation not ordered (see Swiss cheese, Table II). |
| 710 | Cheddar cheese | Mar. 31, 1926 | do | Do. |
| 710 | Cheese of the Cheddar type. | May 25, 1927 | do | Do. |
| 710 | Swiss cheese without eye formation. | Oct. 19, 1927 | do | Pending. |

¹ Senate resolution also requesting investigation

TABLE I.—Applications received—Continued

(A) UNDER SECTION 315—Continued

| Paragraph No. | Commodity | Date of application | Nature of request | Status |
|--|---------------------------------------|---------------------------|---------------------|---|
| SCHEDULE 7.—Agricultural products and provisions—Continued | | | | |
| 710..... | Cheese other than Swiss. | May 22, 1926 | Increase..... | Investigation not ordered. |
| 711..... | Bobwhite quail..... | May 19, 1925 | Decrease..... | Investigation completed (see Table II). |
| 711..... | Ornamental birds..... | June 9, 1925 |do..... | Pending. |
| 711..... | Hungarian partridge..... | Jan. 13, 1928 |do..... | Do. |
| 711..... | Wild or game birds ² | Oct. 31, 1922 |do..... | Investigation not ordered (see Bobwhite quail, Table II). |
| 711, 712..... | Live or dressed turkeys..... | June 28, 1927 | Increase..... | Pending. |
| 713..... | Eggs..... | June 20, 1925 |do..... | Investigation ordered. |
| 713..... | Eggs, dried or frozen..... | Sept. 30, 1925 |do..... | Do. |
| 713..... | do..... | Dec. 29, 1925 |do..... | Do. |
| 717, 718..... | Fish..... | Jan. 5, 1923 | Decrease..... | Investigation not ordered. |
| 717, 718..... | do..... | Feb. 9, 1924 | Increase..... | Do. |
| 717..... | Lake fish..... | Jan. 27, 1925 |do..... | Investigation under general powers completed. |
| 717..... | Salmon..... | Aug. 24, 1925 | Decrease..... | Pending. |
| 717..... | Salmon from Canada..... | May 20, 1924 |do..... | Do. |
| 718..... | Kippered herring..... | Aug. 24, 1925 |do..... | Do. |
| 718..... | Dried fish, salted or unsalted. | Sept. 26, 1927 | Increase..... | Do. |
| 718..... | Stockfish..... | Oct. 12, 1927 |do..... | Investigation not ordered. |
| 719..... | Finnan haddie..... | Aug. 24, 1925 | Decrease..... | Pending. |
| 720..... | Sardines..... | Sept. 9, 1925 | Increase..... | Investigation not ordered. |
| 720..... | do..... | Sept. 21, 1925 |do..... | Do. |
| 720, 721..... | Fish, canned..... | Sept. 28, 1922 | Decrease..... | Do. |
| 721..... | Caviar..... | Apr. 6, 1927 | Increase..... | Do. |
| 723..... | Buckwheat..... | Jan. 24, 1924 |do..... | Do. |
| 723..... | do..... | Sept. 5, 1925 |do..... | Do. |
| 724..... | Corn..... | Aug. 25, 1924 |do..... | Investigation ordered. |
| 725..... | Alimentary pastes..... | Apr. 28, 1924 |do..... | Investigation not ordered. |
| 725..... | do..... | Sept. 19, 1924 |do..... | Do. |
| 729..... | Wheat..... | Nov. 1, 1923 |do..... | Investigation completed (see Table II). |
| 729..... | do..... | Nov. 28, 1923 |do..... | Do. |
| 733..... | Matzos..... | Mar. 30, 1926 | Decrease..... | Investigation ordered. |
| 736..... | Raspberries, wild..... | Feb. 23, 1924 |do..... | Pending. |
| 736..... | Blueberries..... | Sept. 20, 1926 |do..... | Do. |
| 737..... | Cherries, glacé..... | July 5, 1923 | Increase..... | Investigation not ordered. |
| 737..... | Cherries, partially prepared. | Apr. 29, 1925 |do..... | Investigation completed (see Table II). |
| 737..... | do..... | Mar. 5, 1926 |do..... | Do. |
| 739..... | Citron, candied..... | Oct. 28, 1924 |do..... | Pending. |
| 742..... | Currants..... | Jan. 31, 1923 | Adjustment of rates | Investigation not ordered. |
| 744..... | Olives..... | May 12, 1925 | Increase..... | Pending. |
| 746..... | Pineapples..... | Oct. 26, 1923 | Decrease..... | Investigation not ordered. |
| 746..... | do..... | Apr. 29, 1924 | Increase..... | Do. |
| 749..... | Plantains..... | Oct. 23, 1922 | Decrease..... | Do. |
| 749..... | do..... | Oct. 31, 1922 |do..... | Do. |
| 749..... | Cherries, preserved or prepared. | Feb. 10, 1928 | Increase..... | Pending. |
| 749..... | Glacé fruit..... | Feb. 8, 1928 |do..... | Do. |
| 751..... | Flowers, cut..... | Nov. 24, 1922 | Decrease..... | Investigation not ordered. |
| 751..... | Cut Narcissus flowers..... | Mar. 9, 1927 | Increase..... | Do. |
| 751..... | Iris..... | Mar. 10, 1927 |do..... | Do. |
| 756..... | Coconuts, desiccated..... | Sept. 23, 1922 |do..... | Do. |
| 757..... | Peanuts ¹ | May 2, 1923 | Decrease..... | Investigation ordered. |
| 757..... | do..... | Jan. 12, 1926 | Increase..... | Do. |
| 757..... | do..... | Jan. 20, 1926 |do..... | Do. |
| 757..... | do..... | Feb. 25, 1926 |do..... | Do. |
| 758..... | Walnuts and green walnut kernels. | May 31, 1928 | Decrease..... | Pending. |
| 759..... | Imitation sliced almonds (peanuts) | Sept. 1, 1925 | Increase..... | Do. |
| 759..... | do..... | Nov. 8, 1926 |do..... | Do. |
| 760..... | Cottonseed ¹ | Sept. 26, 1922 | Decrease..... | Investigation ordered. |
| 760..... | do..... | Nov. 11, 1922 |do..... | Do. |
| 760..... | do..... | Dec. 21, 1922 |do..... | Do. |
| 760..... | Flaxseed..... | Nov. 28, 1923 | Increase..... | Do. |
| 760..... | do..... | Dec. 4, 1923 |do..... | Do. |
| 760..... | do..... | Mar. 11, 1926 |do..... | Do. |
| 760, 761..... | do..... | Mar. 24, 1926 |do..... | Do. |
| 760, 761..... | do..... | May 15, 1926 |do..... | Do. |
| 760..... | Soya beans..... | May 25, 1926 ¹ | Investigation..... | Do. |
| 761..... | Alfalfa seed..... | Sept. 30, 1926 | Increase..... | Investigation not ordered. |

¹ Senate resolution requesting investigation.² 119 other applications on the same commodity.

TABLE I.—Applications received—Continued

(A) UNDER SECTION 315—Continued

| Paragraph No. | Commodity | Date of application | Nature of request | Status |
|---|---|---------------------|-------------------------------|--|
| SCHEDULE 7.—Agricultural products and provisions—Continued | | | | |
| 761 | Alfalfa seed | Sept. 30, 1926 | Increase | Investigation not ordered. |
| 761 | Clover seed | Jan. 17, 1925 | do | Do. |
| 761 | do. | Feb. 9, 1925 | do | Do. |
| 761 | do. | Feb. 20, 1925 | do | Do. |
| 761 | do. | Mar. 24, 1926 | do | Do. |
| 761 | do. | May 15, 1926 | do | Do. |
| 761 | do. | Sept. 28, 1926 | do | Do. |
| 761 | do. | Sept. 29, 1927 | do | Do. |
| 761 | Sorghum seed | Oct. 25, 1922 | Decrease | Do. |
| 763 | Navy beans | June 14, 1926 | Increase | Pending. |
| 766 | Mushrooms, preserved | Oct. 17, 1922 | Decrease | Investigation not ordered. |
| 766 | do. | Feb. 21, 1923 | do | Do. |
| 766 | do. | May 31, 1928 | do | Pending. |
| 767 | Dried peas | July 27, 1927 | Increase | Pending. |
| 767 | do. | Dec. 16, 1925 | do | Do. |
| 767 | do. | Dec. 21, 1925 | do | Do. |
| 767 | do. | Dec. 29, 1925 | do | Do. |
| 767 | do. | Jan. 2, 1926 | do | Do. |
| 767 | Split peas | May 28, 1924 | do | Do. |
| 767 | do. | Apr. 29, 1927 | do | Do. |
| 768 | Onions | Mar. 19, 1926 | do | Investigation ordered. |
| 768 | do. | Mar. 25, 1926 | do | Do. |
| 768 | do. | Apr. 5, 1926 | do | Do. |
| 768 | do. | Apr. 16, 1926 | do | Do. |
| 768 | do. | May 11, 1926 | do | Do. |
| 769 | Potatoes ¹ | Feb. 17, 1928 | do | Do. |
| 769 | do. | Mar. 12, 1928 | do | Do. |
| 770 | Canned tomatoes | May 24, 1926 | do | Do. |
| 770 | do. | May 27, 1926 | do | Do. |
| 770 | do. | May 28, 1926 | do | Do. |
| 770 | do. | June 1, 1926 | do | Do. |
| 770 | do. | June 7, 1926 | do | Do. |
| 770 | do. | June 14, 1926 | do | Do. |
| 770 | do. | June 17, 1926 | do | Do. |
| 770 | do. | June 26, 1926 | do | Do. |
| 770 | do. | July 15, 1926 | do | Do. |
| 770 | do. | Aug. 12, 1926 | do | Do. |
| 770 | Canned tomato paste | July 13, 1927 | Decrease | Do. |
| 770 | Tomato paste | Oct. 12, 1927 | do | Do. |
| 770 | Fresh tomatoes | Apr. 15, 1927 | Increase | Do. |
| 771 | Turnips | Aug. 3, 1925 | do | Pending. |
| 772 | Celery | Feb. 11, 1927 | do | Investigation not ordered. |
| 772 | do. | Feb. 12, 1927 | do | Do. |
| 772 | do. | Mar. 24, 1928 | do | Do. |
| 772 | Sweet peppers | Apr. 15, 1927 | do | Investigation ordered. |
| 773 | Pickle onions | Mar. 14, 1925 | do | Pending. |
| 775 | Cacao butter | July 8, 1924 | do | Do. |
| 777 | Hay | Aug. 13, 1927 | do | Investigation ordered under general powers. |
| 777 | do. | Aug. 19, 1927 | do | Do. |
| 778 | Hops | Mar. 21, 1923 | Decrease | Investigation not ordered. |
| 778 | do. | Apr. 9, 1923 | do | Do. |
| 778 | do. | Apr. 11, 1923 | do | Do. |
| 778 | do. | do | do | Do. |
| 779 | Cloves and clove stems | Sept. 30, 1922 | do | Do. |
| 779 | Raw materials for animal fats and vegetable oils. | Mar. 11, 1924 | do | Investigation ordered of raw materials for vegetable oils. |
| SCHEDULE 9.—Cotton manufactures | | | | |
| 903 | Nankin ticking | May 28, 1924 | Increase | Investigation not ordered. |
| 903-906 | Cotton cloth | Apr. 29, 1925 | Investigation under sec. 315. | Do. |
| 903-906 | Cotton cloth, fine | Mar. 6, 1925 | Increase | Do. |
| 903-906 | do. | do | do | Do. |
| 903-906 | do. | do | do | Do. |
| 903-906 | Cotton shirtings | Sept. 29, 1922 | Decrease | Do. |
| 903, 904, 906, 921. | Cotton textiles | May 12, 1924 | Increase | Do. |
| 909 | Upholstery fabrics | Aug. 1, 1928 | do | Pending. |
| 910 | Velvets and plushes | May 31, 1928 | Decrease | Do. |
| 912 | Spreads and quilts | Oct. 19, 1922 | do | Withdrawn. |

¹ Senate resolution also requesting investigation.

TABLE I.—*Applications received*—Continued

(A) UNDER SECTION 315—Continued

| Paragraph No. | Commodity | Date of application | Nature of request | Status |
|---------------|---|---------------------|---------------------------------|--|
| | <i>SCHEDULE 9.—Cotton manufactures—Contd.</i> | | | |
| 912 | Household articles | Apr. 29, 1925 | Investigation under sec. 315. | Investigation not ordered. |
| 913 | Woven labels | Dec. 12, 1923 | Duty on American selling price. | Do. |
| 915 | Fabric gloves | Jan. 16, 1923 | Increase | Investigation completed (see Table II). |
| 915 | Gloves | Apr. 29, 1925 | Investigation under sec. 315. | Do. |
| 916 | Hosiery | Jan. 15, 1923 | Duty on American selling price. | Do. |
| 916 | do | Apr. 29, 1925 | Investigation under sec. 315. | Do. |
| 918 | Handkerchiefs | Apr. 29, 1927 | Duty on American selling price. | Pending. |
| 918 | do | Oct. 6, 1927 | Decrease | Investigation ordered. |
| 921 | Heavy coat lining | May 7, 1924 | Increase | Investigation not ordered. |
| | <i>SCHEDULE 10.—Flax, hemp, and jute, and manufactures of</i> | | | |
| 1001 | Crin vegetal, or African fiber. | Apr. 9, 1923 | Decrease | Investigation not ordered. |
| 1001 | do | Feb. 25, 1924 | do | Do. |
| 1001 | Hemp | Mar. 12, 1923 | Increase | Do. |
| 1008 | Brattice cloth | Mar. 23, 1928 | do | Withdrawn. |
| 1016 | Handkerchiefs | Apr. 29, 1927 | Duty on American selling price. | Investigation ordered. |
| 1016 | do | Oct. 6, 1927 | Decrease | Do. |
| 1022 | Rice-straw rugs | Jan. 17, 1924 | Increase | Investigation not ordered. |
| 1022 | Rag rugs | Dec. 3, 1924 | do | Investigation completed (see Table II). |
| 1022 | do | Jan. 6, 1927 | do | Do. |
| 1023 | Cocoa mats | Nov. 7, 1925 | do | Investigation not ordered. |
| | <i>SCHEDULE 11.—Wool and manufactures of</i> | | | |
| 1101 | Camel hair | Nov. 24, 1922 | Decrease | Investigation not ordered. |
| 1101 | do | do | do | Do. |
| 1101 | Wools, Class III. | Sept. 27, 1922 | do | Do. |
| 1107 | Worstad yarn | May 28, 1925 | Increase | Pending. |
| 1108 | Bedford cord | Mar. 23, 1923 | Decrease | Investigation not ordered. |
| 1108, 1109 | Worstad cloth | May 28, 1925 | Increase | Pending. |
| 1108, 1109 | Woven fabrics | Apr. 29, 1925 | Investigation under sec. 315. | Do. |
| 1111 | Blankets | do | do | Do. |
| 1114 | Gloves and mittens | do | do | Do. |
| 1115 | Wearing apparel for men | Dec. 6, 1924 | Increase | Do. |
| 1115 | do | Dec. 12, 1925 | do | Do. |
| 1115 | Wool felt hats | Apr. 6, 1928 | do | Do. |
| 1116 | Oriental rugs | Dec. 16, 1925 | do | Investigation discontinued (see Table II). |
| 1116 | do | Dec. 28, 1925 | do | Do. |
| 1116 | do | Jan. 4, 1926 | do | Do. |
| 1119 | Wool crêpe | Sept. 5, 1923 | do | Investigation not ordered. |
| | <i>SCHEDULE 12.—Silk and silk goods</i> | | | |
| 1202 | Schappe thread | May 31, 1928 | Decrease | Pending. |
| 1205 | Fabrics for furniture | do | do | Do. |
| 1205 | Silk fabrics | do | do | Do. |
| 1206 | Hatter's plush | Nov. 24, 1926 | do | Investigation not ordered. |
| 1206 | Plushes, velvets, and ribbons. | May 31, 1928 | do | Pending. |
| 1206 | Velvets | Feb. 17, 1928 | Increase | Do. |
| 1209 | Handkerchiefs | Apr. 29, 1927 | Duty on American selling price. | Do. |
| 1209 | do | Oct. 6, 1927 | Decrease | Do. |
| 1210 | Garments and articles of silk. | May 31, 1928 | do | Do. |

TABLE I.—Applications received—Continued

(A) UNDER SECTION 315—Continued

| Paragraph No. | Commodity | Date of application | Nature of request | Status |
|--------------------------------------|--|---------------------|---------------------------------|--|
| SCHEDULE 13.—Papers and books | | | | |
| 1304 | Cellucotton | Apr. 18, 1924 | Increase | Investigation not ordered. |
| 1304 | Onionskin paper | May 31, 1928 | Decrease | Pending. |
| 1305 | Decalcomanias | May 28, 1925 | Increase | Do. |
| 1305 | Paper with coated surface. | Aug. 14, 1923 | Decrease | Investigation not ordered. |
| 1305 | Sulphurized paper | May 31, 1928 | do. | Pending. |
| 1307, 1308 | Papeteries | May 5, 1924 | Duty on American selling price. | Do. |
| 1310 | Maps | Dec. 1, 1922 | Decrease | Investigation not ordered. |
| 1310 | Rag books | Dec. 15, 1922 | do. | Do. |
| 1313 | Paper tubes for textile purposes. | July 18, 1927 | Increase | Pending. |
| 1313 | Fly ribbons | Nov. 2, 1927 | do. | Do. |
| 1313 | Wall pockets | Nov. 8, 1922 | do. | Investigation completed (see Table II). |
| SCHEDULE 14.—Sundries | | | | |
| 1401 | Asbestos shingles | Apr. 13, 1923 | Increase | Pending. |
| 1402 | Lacrosse sticks | Aug. 30, 1926 | Decrease | Do. |
| 1402 | do. | Oct. 13, 1926 | do. | Do. |
| 1402 | do. | Oct. 15, 1926 | do. | Do. |
| 1403, 1430 | Beaded bags | Oct. 28, 1922 | do. | Investigation not ordered. |
| 1403, 1429 | Imitation pearls | Dec. 12, 1925 | Duty on American selling price. | Investigation ordered. |
| 1403, 1428 | Beads, necklaces, pendants, etc., of synthetic phenolic resin. | Jan. 30, 1926 | Increase | Pending. |
| 1405 | Silk footwear | May 31, 1928 | Decrease | Do. |
| 1406 | Harvest hats | do. | Reclassification | Referred to Treasury Department. |
| 1406 | Men's sewed straw hats | Sept. 1, 1923 | Increase | Investigation completed (see Table II). |
| 1406 | do. | Sept. 6, 1924 | do. | Do. |
| 1406 | Straw braids for hats | May 22, 1924 | do. | Pending. |
| 1410 | Buttons, horn | Mar. 23, 1923 | Decrease | Investigation not ordered. |
| 1411 | Agate button molds | Jan. 16, 1923 | do. | Do. |
| 1411 | Agate buttons | July 2, 1927 | Increase | Do. |
| 1412 | Cork insulation in slabs, boards, etc. | May 31, 1924 | do. | Investigation ordered. |
| 1412 | do. | Mar. 18, 1925 | do. | Do. |
| 1412 | Cork tile | Apr. 29, 1926 | do. | Do. |
| 1414, 399 | Toy novelties | Nov. 21, 1924 | do. | Pending. |
| 1419 | Artificial flowers | Sept. 21, 1922 | do. | Investigation ordered. |
| 1419 | do. | May 31, 1928 | Decrease | Do. |
| 1419 | Artificial fruit | do. | do. | Do. |
| 1419 | Prepared feathers | do. | do. | Do. |
| 1419 | Immortelles | Oct. 31, 1922 | do. | Investigation ordered, included with artificial flowers. |
| 1420 | Silver fox skins | Nov. 21, 1924 | do. | Investigation not ordered. |
| 1420 | Furs and fur skins | Oct. 25, 1922 | Increase | Withdrawn. |
| 1420 | Sheepskin baby carriage robes. | Apr. 28, 1926 | Adjustment of duties. | Pending. |
| 1420, 1421 | Hatters' fur and rabbit skins. | May 4, 1923 | Decrease | Investigation not ordered. |
| 1428 | Mesh bags | Aug. 25, 1923 | Increase | Do. |
| 1428 | do. | Nov. 20, 1923 | Decrease | Do. |
| 1428 | Swivels and rings for watch chains. | Mar. 14, 1926 | Increase | Pending. |
| 1430 | Handkerchiefs | Apr. 29, 1927 | Duty on American selling price. | Investigation ordered. |
| 1430 | do. | Oct. 6, 1927 | Decrease | Do. |
| 1430 | Laces and tulles | May 31, 1928 | do. | Pending. |
| 1430 | Lace curtains | Nov. 11, 1922 | do. | Investigation ordered. |
| 1430 | Mosquito bars | Oct. 23, 1922 | do. | Do. |
| 1430 | Real lace (drawn work) | Mar. 4, 1926 | do. | Investigation not ordered. |
| 1430 | Ladies' trimmed hats | Apr. 25, 1923 | do. | Do. |
| 1431 | Truckskin | Mar. 23, 1923 | do. | Do. |
| 1431 | Pigskin | Mar. 5, 1923 | Reclassification | Referred to Treasury Department. |
| 1432 | Leather leggings | Mar. 26, 1924 | Increase | Investigation not ordered. |
| 1432 | Moccasins | Nov. 25, 1922 | Decrease | Do. |
| 1434 | Raw gut | Oct. 17, 1922 | do. | Do. |
| 1434 | Gut and manufactures of | Sept. 12, 1925 | Increase | Pending. |
| 1435 | Gas mantles | Sept. 28, 1922 | Decrease | Investigation not ordered. |

TABLE I.—Applications received—Continued
(A) UNDER SECTION 315—Continued

| Paragraph No. | Commodity | Date of application | Nature of request | Status |
|--|--------------------------------------|---------------------|---------------------------------|----------------------------|
| SCHEDULE 14.— <i>Sundries</i> —Continued | | | | |
| 1435 | Gas mantles..... | Sept. 13, 1923 | Duty on American selling price. | Investigation not ordered. |
| 1443 | Pipe organs..... | Sept. 26, 1922 | do..... | Do. |
| 1443 | Tritz-Kunst-harmonium..... | Dec. 14, 1922 | Decrease..... | Do. |
| 1443 | Violins..... | Oct. 30, 1922 | do..... | Do. |
| 1443 | Wood-wind musical instruments. | Oct. 20, 1924 | Increase..... | Pending. |
| 1443 | do..... | Oct. 31, 1924 | do..... | Do. |
| 1443 | do..... | Nov. 5, 1924 | do..... | Do. |
| 1451 | Crayons or fusains..... | Feb. 15, 1923 | Decrease..... | Investigation not ordered. |
| 1451 | do..... | Apr. 25, 1923 | do..... | Do. |
| 1451 | do..... | Apr. 26, 1923 | do..... | Do. |
| 1451 | do..... | Apr. 27, 1923 | do..... | Do. |
| 1451 | do..... | June 7, 1923 | do..... | Do. |
| 1453 | Motion-picture films..... | Feb. 29, 1924 | Increase..... | Pending. |
| 1454 | Cigarette paper..... | May 31, 1923 | Decrease..... | Do. |
| 1454 | Smokers' articles of phenolic resin. | Jan. 15, 1923 | Duty on American selling price. | Investigation ordered. |
| 1456 | Umbrella handles and canes. | June 19, 1925 | Increase..... | Pending. |
| | Yachts..... | Oct. 26, 1922 | (1)..... | Investigation not ordered. |
| SCHEDULE 15.— <i>Free list</i> | | | | |
| 1504 | Cream separators..... | Nov. 11, 1922 | Decrease..... | No jurisdiction. |
| 1589 | Hides..... | Dec. 2, 1924 | Increase..... | Do. |
| 1607 | Shoes..... | May 18, 1923 | do..... | Do. |
| 1662 | Dried shrimp..... | Jan. 13, 1923 | do..... | Do. |

(B) UNDER SECTION 316

| | | | | |
|--|--|---------------|--|---|
| SCHEDULE 1.— <i>Chemicals, oils, and paints</i> | | | | |
| 1, 9 | Tartaric acid and cream of tartar. | Mar. 12, 1923 | Investigation of alleged dumping. | Investigation not ordered. |
| 54 | Olive oil..... | May 19, 1924 | Relief from unfair methods. | Do. |
| 83 | Sodium nitrite..... | Nov. 10, 1923 | do..... | Do. |
| SCHEDULE 2.— <i>Earths, earthenware, glassware</i> | | | | |
| 205, 1543 | Portland cement..... | May 5, 1924 | Investigation re unfair competition. | Investigation not ordered. |
| 211, 235 | Canadian granite..... | Feb. 25, 1926 | do..... | Do. |
| 218 | Thermometers..... | Apr. 1, 1927 | do..... | Do. |
| 218 | Barometers..... | | | |
| 218 | Combination thermometer and barometer. | | | |
| SCHEDULE 3.— <i>Metals and manufactures of</i> | | | | |
| 316 | Wire rope..... | July 1, 1925 | Relief from unfair methods of importation. | Investigation not ordered |
| 366 | Revolvers simulating Smith & Wesson revolvers. | May 28, 1923 | do..... | Investigation completed (see Table II). |
| 399 | Wrenches..... | Dec. 26, 1924 | do..... | Investigation not ordered. |
| SCHEDULE 7.— <i>Agricultural products and provisions</i> | | | | |
| 746 | Pineapples..... | Apr. 29, 1924 | Relief from unfair methods of importation. | Investigation not ordered. |
| 775 | Cacao butter..... | July 8, 1924 | do..... | Do. |

1 Different duty on yachts brought over on steamers and those brought over on their own bottoms.

TABLE I.—Applications received—Continued

(B) UNDER SECTION 316—Continued

| Paragraph No. | Commodity | Date of application | Nature of request | Status |
|---------------|--|---------------------|--|---|
| 921..... | SCHEDULE 9.— <i>Cotton manufactures</i> Sanitary napkins..... | Apr. 18, 1924 | Relief from unfair methods of importation. | Investigation completed (see Table II). |
| 1005..... | SCHEDULE 10.— <i>Flax, hemp, and jute, and manufactures of</i> Manila rope..... | Apr. 14, 1926 | Relief from unfair methods of importation. | Investigation completed (see Table II). |
| 1022..... | Rugs, simulating Wear-tex rugs. | Aug. 30, 1927 |do..... | Investigation not ordered. |
| 1310..... | SCHEDULE 13.— <i>Paper and manufactures</i> Printing and engraving. | Jan. 17, 1923 | Relief from unfair methods of importation. | Investigation not ordered. |
| 1414..... | SCHEDULE 14.— <i>Sundries</i> Dolls and doll hands..... | Sept. 2, 1926 | Relief from unfair methods of importation. | Investigation not ordered. |
| 1428..... | Mesh bags..... | June 7, 1924 |do..... | Do. |
| 1441..... | Laminated products composed of paper or other materials and insoluble and infusible condensation products of phenols and formaldehyde. | Apr. 22, 1927 |do..... | Investigation completed (see Table II). |
| 1443..... | Tuning pins..... | Feb. 7, 1925 | Investigation of alleged dumping. | Investigation not ordered. |
| 1454..... | Brierwood pipes..... | Jan. 4, 1923 | Relief from unfair methods of competition. | Investigation completed (see Table II). |
| ..... | Artificial teeth, facings, and backings. | Feb. 9, 1925 |do..... | Investigation not ordered. |
| ..... | Synthetic phenolic resin of Form C and articles made thereof. | Dec. 15, 1925 |do..... | Investigation ordered. |
| ..... | .....do..... | Apr. 10, 1926 |do..... | Do. |

(C) UNDER SECTION 317

| | | | | |
|-------------|---|---------------|----------------------------------|---------------------------|
| 50..... | SCHEDULE 1.— <i>Chemicals, oils, and paints</i> Magnesium carbonate..... | Nov. 15, 1922 | Investigation re discrimination. | Investigation undertaken. |
| 55..... | Cottonseed oil..... | Jan. 10, 1923 |do..... | Do. |
| 80, 83..... | Bichromates..... | Oct. 26, 1922 |do..... | Do. |
| 80, 83..... |do..... | do..... |do..... | Do. |
| 369..... | SCHEDULE 3.— <i>Metals and manufactures of</i> Automobiles..... | Oct. 24, 1922 | Investigation re discrimination. | Investigation undertaken. |
| 1633..... | SCHEDULE 15.— <i>Free list</i> Refined oil and gasoline. | Dec. 13, 1923 | Investigation re discrimination. | Investigation undertaken. |
| 1700..... | Flooring, hardwood..... | Mar. 24, 1923 |do..... | Do. |
| ..... | OTHER APPLICATIONS Discrimination in Guatemala. | June 16, 1923 | Investigation re discrimination. | Investigation undertaken. |
| ..... | Discrimination in Australian tariff. | Nov. 30, 1923 |do..... | Do. |

TABLE II.—Investigations instituted and present status thereof

(A) UNDER SECTION 315

| Schedule | Para-graph No. | Commodity | Date ordered | Present status |
|--|---------------------------|--|----------------|---|
| Schedule 1.—Chemicals, oils, and paints. | 1 | Oxalic acid..... | Mar. 27, 1923 | Report submitted to the President Dec. 19, 1924. The President proclaimed increase in duty from 4 cents per pound to 6 cents per pound Dec. 29, 1924. |
| | 1 | Tartaric acid..... | Mar. 4, 1926 | Report in preparation. |
| | 4 | Methanol..... | July 24, 1925 | Report submitted to President Oct. 5, 1926. The President proclaimed increase of duty from 12 cents per gallon to 18 cents per gallon Nov. 27, 1926. |
| | 1, 5 | Amino acids and salts... | Aug. 11, 1923 | Investigation temporarily suspended. |
| | 5 | Diethylbarbituric acid and derivatives thereof (barbital). | Mar. 27, 1923 | Report submitted to the President Nov. 6, 1924. President proclaimed that the rate of 25 per cent ad valorem be based and assessed upon the American selling price, Nov. 14, 1924. |
| | 5 | Sodium silicofluoride.... | July 24, 1925 | Report submitted to President Aug. 11, 1928. President proclaimed that the rate of 25 per cent ad valorem be based and assessed on American selling price, Aug. 31, 1928. |
| | 9 | Cream of tartar..... | Mar. 4, 1926 | Report in preparation. |
| | 12 | Barium carbonate..... | Jan. 8, 1926 | Report submitted to President Mar. 17, 1928. President proclaimed increase in duty from 1 cent per pound to 1½ cents per pound, Mar. 26, 1928. |
| | 12 | Barium chloride..... | July 20, 1928 | In progress. |
| | 12 | Barium dioxide..... | Mar. 27, 1923 | Report submitted to President May 14, 1924. President proclaimed increase in duty from 4 cents to 6 cents per pound May 19, 1924. |
| | 19 | Casein..... |do..... | Report sent to President. |
| | 20 | Whiting..... | May 26, 1927 | Report in preparation. |
| | 27 | Phenol..... | May 4, 1923 | Report submitted to President Oct. 7, 1927. President proclaimed decrease in rate of duty from 40 per cent based on American selling price and 7 cents per pound to 20 per cent based on American selling price and 3½ cents per pound, Oct. 31, 1927. |
| | 27 | Cresylic acid..... |do..... | Report submitted to President June 15, 1927. President proclaimed decrease in rate of duty from 40 per cent based on American selling price and 7 cents per pound to 20 per cent based on American selling price and 3½ cents per pound, July 20, 1927. |
| | 28 | Synthetic phenolic resin..... |do..... | Investigation temporarily suspended. |
| | 39 | Logwood extract..... | Mar. 27, 1923 | Report in preparation. |
| | 42 | Edible gelatin..... | July 24, 1925 | Do. |
| | 42 | Glue..... |do..... | Do. |
| | 53, 54, 55, 701 | } Animal and vegetable oils and fats. ¹ | } Feb. 8, 1924 | Do. |
| | 54 | | | Linseed or flaxseed oil... | Report submitted to the President.^{2} Second hearing ordered. |
| 71 | Decolorizing carbons..... | Aug. 11, 1928 | In progress. | |

¹Includes 10 oils upon which specific application has been made.

²Report returned by the President with request for additional information.

TABLE II.—Investigations instituted and present status thereof—Continued

(A) UNDER SECTION 315—Continued

| Schedule | Paragraph No. | Commodity | Date ordered | Present status |
|---|---------------|--|---------------------------|---|
| Schedule 1.—Chemicals, oils, and paints—Con. | 80 | Potassium chlorate..... | Mar. 27, 1923 | Report submitted to the President Apr. 3, 1925. The President proclaimed increase in duty from 1½ cents per pound to 2½ cents per pound Apr. 11, 1925. |
| | 80 | Potassium nitrate..... | Apr. 18, 1928 | In progress. |
| | 80 | Potassium permanganate. | May 26, 1927 | Report submitted to President Nov. 3, 1928. President proclaimed increase of duty from 4 cents per pound to 6 cents per pound, Nov. 16, 1928. |
| | 83 | Sodium nitrite..... | Mar. 27, 1923 | Report submitted to President Apr. 26, 1924. President proclaimed increase in duty from 3 cents to 4½ cents per pound May 6, 1924. |
| | 83 | Sodium phosphate..... | May 26, 1927 | Hearing ordered. |
| Schedule 2.—Earths, earthenware, and glassware. | 204 | Magnesite and magnesite brick. | Aug. 11, 1923 | Investigation of caustic magnesite and magnesite brick temporarily suspended. Investigation of crude and caustic calcined magnesite completed. Report submitted to President July 6, 1927. The President proclaimed increase in duty on crude magnesite from ¼ of 1 cent per pound to ⅜ of 1 cent per pound; and an increase in the duty on caustic calcined magnesite from ¼ of 1 cent per pound to ⅜ of 1 cent per pound Nov. 10, 1927. |
| | 201 | | | |
| | 207 | Fluorspar..... | Jan. 8, 1926 | Report submitted to President Oct. 9, 1928. The President proclaimed increase in duty from \$5.60 per ton to \$8.40 per ton on fluorspar containing more than 93 per centum of calcium fluoride. |
| | 211 | Table and kitchen china and earthenware. | Mar. 19, 1925 | In progress. |
| | 212 | | | |
| | 218 | Blown glass tableware... | July 12, 1928 | Do. |
| | 218 (217) | Perfume and toilet bottles. | May 26, 1927 | Do. |
| | 219 | Window glass..... | do | Report in preparation. |
| | 222 | Cast polished plate glass (extension of mirror plate investigation). | May 5, 1923 | Report sent to President. |
| | 223 | Mirror plates..... | Mar. 27, 1923 | Hearing held. |
| 235 | Granite..... | July 24, 1925 | Report sent to President. | |
| Schedule 3.—Metals and manufactures of. | 301 | Pig iron..... | Mar. 27, 1923 | Report submitted to President Feb. 2, 1927. President proclaimed increase in rate of duty from 75 cents per ton to \$1.12½ per ton, Feb. 23, 1927. |
| | 302, 305 | Tungsten..... | May 14, 1928 | In progress. |
| | 362 | Swiss pattern files..... | Mar. 27, 1923 | Investigation temporarily suspended. |
| | 368 | Taximeters..... | May 4, 1923 | Report submitted to President Oct. 1, 1925. The President proclaimed increase in duty from \$3 per meter and 45 per cent ad valorem to \$3 per meter and 27.1 per cent based on American selling price, Dec. 12, 1925. |
| | 375 | Metallic magnesium.... | July 27, 1923 | Investigation temporarily suspended. |

TABLE II.—Investigations instituted and present status thereof—Continued

(A) UNDER SECTION 315—Continued

| Schedule | Paragraph No. | Commodity | Date ordered | Present status |
|---|-------------------|--|--|---|
| Schedule 3.—Metals and manufactures of—Con. | 383 | Gold leaf..... | Apr. 5, 1924 | Report submitted to President July 22, 1925. President proclaimed an increase in duty from 55 cents to 82½ cents per 100 leaves (not exceeding equivalent of 3¾ by 3¾ inches). Additional duty on leaves exceeding this size in same proportion, Feb. 23, 1927. |
| | 396 | Print rollers..... | May 4, 1923 | Report submitted to President Oct. 7, 1925. The President proclaimed increase in duty from 60 per cent ad valorem to 72 per cent ad valorem June 21, 1926. |
| Schedule 4.—Wood and manufactures of. | 401 | Logs of fir, spruce, cedar, and western hemlock. | July 2, 1923 Apr. 1, 1924 | Preliminary hearing held Aug. 6, 1923, in re authority of commission to investigate this paragraph; Oct. 12, 1923, reported to President and investigation discontinued; Apr. 1, 1924, investigation ordered at request of President. Report sent to President. (See Seventh annual report, pp. 13, 14, 72-85.) |
| | 410 | Paintbrush handles.... | Mar. 27, 1923 | |
| Schedule 5.—Sugar, molasses, and manufactures of. | 410 | Bent-wood chairs..... | Apr. 23, 1925 | Reports submitted to President Oct. 2, 1926. The President proclaimed decrease in duty from 33¼ per cent to 16¼ per cent Oct. 14, 1926. |
| | 501 | Sugar..... | Mar. 27, 1923 | Reports submitted to President July 31 and Aug. 1, 1924. Statement issued by President on June 15, 1925. |
| | 503 504 | Maple sirup and sugar.. Rare sugars..... | Feb. 25, 1927 Aug. 11, 1923 | Report sent to President. Investigation temporarily suspended. |
| Schedule 7.—Agricultural products and provisions. | 707 | Milk and cream..... | Mar. 4, 1926 | Report in preparation. |
| | 709 | Butter..... | July 14, 1924 | Report submitted to President Feb. 25, 1926. The President proclaimed increase in duty from 8 cents per pound to 12 cents per pound Mar. 6, 1926. |
| | 710 | Swiss cheese..... | Aug. 9, 1924 | Report submitted to President Apr. 16, 1927. President proclaimed increase in duty from 5 cents per pound but not less than 25 per cent ad valorem, to 7½ cents per pound but not less than 37½ per cent ad valorem, June 8, 1927. |
| | 711 | Bobwhite quail..... | May 19, 1925 | Report submitted to the President Sept. 28, 1925. On Oct. 3, 1925, the President proclaimed a decrease in duty from 50 cents each to 25 cents each. |
| | 713 717 724 | Eggs and egg products.. Halibut..... Corn..... | Aug. 4, 1926 Aug. 11, 1924 June 24, 1927 | Report in preparation. Report sent to President. Do. |

TABLE II.—Investigations instituted and present status thereof—Continued

(A) UNDER SECTION 315—Continued

| Schedule | Para-graph No. | Commodity | Date ordered | Present status |
|---|----------------------------------|--|-------------------------------------|---|
| Schedule 7.—Agricultural products and provisions—Contd. | 729 | Wheat and wheat products. | Nov. 14, 1923 | Report submitted to President Mar. 4, 1924. President proclaimed change of rate of duty on wheat from 30 cents to 42 cents per bushel; wheat flour, semolina, etc., from 78 cents to \$1.04 per 100 pounds; bran, shorts, and by-product feeds, from 15 per cent ad valorem to 7½ per cent ad valorem, Mar. 7, 1924. In progress. Report submitted to President Nov. 25, 1927. President proclaimed increase in duty from 2 cents per lb. to 3 cents per lb. Dec. 3, 1927. Report in preparation. In progress. Hearing ordered. In progress. Report in preparation. In progress. Report in preparation. Report in preparation. In progress. Reports submitted to President June 12, 1925. Statement issued by President Oct. 3, 1925. Report sent to President. Report in preparation. Report submitted to the President July 15, 1927. President proclaimed that the rate of 35 per cent ad valorem on cotton rag rugs of hit-and-miss type be based and assessed upon the American selling price, Feb. 13, 1928. Investigation discontinued. (See appendix 1, p. 139.) Report submitted to President Oct. 1, 1925. Statement issued by President Oct. 3, 1925. Report in preparation. Report submitted to President Feb. 4, 1926. The President issued proclamation increasing rate of duty on straw hats valued at \$9.50 or less per dozen from 60 per cent to 88 per cent. Duty on other straw hats remained unchanged Feb. 12, 1926. Investigation temporarily suspended. In progress. Investigation temporarily suspended. Report in preparation. |
| | 730 | | | |
| | 733 | Matzos..... | July 26, 1928 | |
| | 737 | Cherries..... | Mar. 22, 1927 | |
| | 757 | Peanuts..... | May 26, 1926 | |
| | 760 | Cottonseed..... | do..... | |
| | 760 | Flaxseed..... | Aug. 4, 1926 | |
| | 760 | Soya beans..... | May 26, 1926 | |
| | 768 | Onions..... | July 23, 1926 | |
| | 769 | Potatoes, white or Irish..... | Apr. 20, 1928 | |
| | 770 | Fresh tomatoes..... | June 10, 1927 | |
| | 770 | Canned tomatoes..... | June 10, 1927 | |
| | 770 | Tomato paste..... | Oct. 14, 1927 | |
| | 772 | Peppers, fresh sweet..... | Apr. 18, 1928 | |
| | Schedule 9.—Cotton manufactures. | 915 | Cotton gloves of warp-knit fabrics. |  | Mar. 27, 1923 |
| Schedule 14.—Sundries. | 1430 | Cotton warp-knit fabric. | do..... | |
| Schedule 9.—Cotton manufactures. | 915 | Cotton hosiery..... | do..... | |
| Schedule 14.—Sundries. | 916 | Lace ¹ | Oct. 25, 1923 | |
| | 920 | | | |
| | 1430 | Rag rugs..... | Apr. 24, 1925 | |
| Schedule 10.—Flax, hemp, and jute. | 1022 | | | |
| Schedule 11.—Wool and manufactures of. | 1116 | Oriental rugs..... | Oct. 28, 1926 | |
| Schedule 13.—Papers and books. | 1313 | Wall pockets..... | Mar. 27, 1923 | |
| Schedule 14.—Sundries. | 1403 | Imitation pearls..... | May 26, 1927 | |
| | 1429 | | | |
| | 1406 | Men's sewed straw hats. | May 29, 1924 | |
| | 1412 | Cork insulation and corktile. | May 31, 1928 | |
| | 1419 | Artificial flowers, fruits, etc. ² | Mar. 27, 1923 | |
| | 1430 | Handkerchiefs..... | May 28, 1928 | |
| | 1016 | | | |
| | 1454 | Smokers' articles of synthetic phenolic resin. | May 4, 1923 | |
| | 1454 | Brierwood pipes..... | do..... | |

¹ Includes applications on lace curtains and mosquito bars.
² Includes applications upon 2 specific commodities.

TABLE II.—*Investigations instituted and present status thereof*—Continued

(B) UNDER SECTION 316

| Schedule | Para- graph No. | Commodity | Date ordered | Present status |
|---|-----------------------|--|---------------|---|
| Schedule 3.—Metals and manufactures of. | 366 | Certain revolvers alleged to be manufactured in simulation of the Smith & Wesson product. | June 3, 1924 | President approved findings of commission continuing suspension of entry of certain revolvers and revoking suspension as to others. |
| Schedule 9.—Cotton manufactures. | 921 | Sanitary napkins..... | Oct. 14, 1924 | President approved findings of commission and dismissed complaint. |
| Schedule 10.—Manufactures of flax, jute, hemp, etc. | 1005 | Manila rope..... | Apr. 20, 1926 | President approved findings of the commission and issued order forbidding importation of rope improperly described as manila rope or bolt rope. |
| Schedule 14.—Sundries.. | 1441 | Laminated products composed of paper or other materials and insoluble and infusible condensation products of phenols and formaldehyde. | Dec. 23, 1927 | President approved findings of the commission and issued orders forbidding importation of certain laminated products. |
| | 1454 | Brierwood pipes..... | Aug. 11, 1923 | President approved findings of commission and dismissed complaint. |
| | | Synthetic phenolic resin of Form C and articles made thereof. | Apr. 16, 1926 | Temporary order of exclusion from entry in effect. Commission's final findings issued. Appeal pending in Court of Customs Appeals. |

(C) UNDER THE GENERAL POWERS OF THE COMMISSION

| | | | | |
|---|----------|---|----------------------------|-----------------------------|
| Schedule 1.—Chemicals, oils, and paints. | 26 | Thymol and thymol crystals. | Aug. 7, 1923 | Completed. |
| Schedule 2.—Earths, earthenware, and glassware. | 207 | China clay..... | Apr. 20, 1928 | In progress. |
| | 213 | Graphite..... | do..... | Do. |
| Schedule 3.—Metals and manufactures of. | | Copper-producing industry. | Sept. 23, 1924 | Do. |
| | 302 | Manganese ore..... | May 26, 1927 | Field work completed. |
| | 360 | Scientific and drawing instruments. | Apr. 24, 1925 | In progress. |
| Schedule 4.—Wood and manufactures of. | 1660 | Red-cedar shingles..... | July 22, 1926 | Report printed. |
| Schedule 5.—Sugar, molasses, and manufactures of. | 502 | Maple sugar and sirup, blackstrap, and edible molasses. | July 23, 1925 | Field work completed. |
| 503 | | | | |
| Schedule 7.—Agricultural products and provisions. | 717 | Fresh-water fish..... | Apr. 30, 1925 | Report "Lake fish" printed. |
| | 701 | Cattle, meat, and meat products. | May 8, 1928 | In progress. |
| | 705 | | | |
| | 706 | | | |
| | 764 | Sugar beets..... | Aug. 7, 1923 | Final reports printed. |
| 777 | Hay..... | June 15, 1928 | In progress. | |
| Schedule 14.—Sundries.. | | Calf tannery industry... | Mar. 5, 1928 ¹ | Do. |
| | | Goat skin and kid skin.. | Mar. 20, 1928 ¹ | Do. |

¹ Senate resolution requesting investigation.

TABLE III.—*Subjects not listed for investigation*

(A) UNDER SECTION 315

| Schedule | Para- graph No. | Commodity | Status | |
|--|--|--|---|------------------------------|
| Schedule 1.—Chemicals, oils, and paints. | 1 | Formic acid..... | Withdrawn. | |
| | 2 | Aldehyde derivatives..... | Dismissed without prejudice. | |
| | 5 | Ichthyol..... | Do. | |
| | 5 | Chemicals for purification of gas..... | Do. | |
| | 7 | Ammonium chloride..... | Do. | |
| | 25 | Calcium arsenate..... | Informally suspended. | |
| | 26 | Chloral hydrate..... | Withdrawn. | |
| | 26 | Thymol..... | Dismissed without prejudice. | |
| | 26 | Thymol crystals..... | Do. | |
| | 27 | Novadelox or benzol peroxide..... | Do. | |
| | 27 | Ethyl benzol..... | Informally suspended. | |
| | 28 | Biological stains..... | Do. | |
| | 28 | Certain coal-tar dyes..... | Withdrawn. | |
| | 28 | Natural indigo..... | Dismissed without prejudice. | |
| | 36 | Licorice root..... | Do. | |
| | 39 | Quebracho extract..... | Informally suspended. | |
| | 42 | Agar agar..... | Do. | |
| | 42 | Casein glue..... | Dismissed without prejudice. | |
| | 42 | Fish glue..... | Do. | |
| | 44 | Inks, printing and lithograph..... | Do. | |
| | 48 | Licorice, extract..... | Do. | |
| | 50 | Chloride of magnesium..... | Do. | |
| | 53 | Animal fats..... | Informally suspended. | |
| | 53 | Fish oils..... | Dismissed without prejudice. | |
| | 53 | Herring oil..... | Do. | |
| | 53 | Whale oil..... | Do. | |
| | 54 | Olive oil..... | Do. | |
| | 59 | Cajeput oil..... | Informally suspended. | |
| | 61 | Mustard oil..... | Do. | |
| | 71 | Bone black..... | Dismissed without prejudice. | |
| | 73 | Lampblack..... | Do. | |
| | 75 | Oxide of iron..... | Do. | |
| | 77 | Varnish..... | Do. | |
| | 83 | Glauber salt..... | Do. | |
| | 83 | Formate of soda..... | Do. | |
| | 83 | Salt..... | Do. | |
| | 87 | Strontium nitrate..... | Do. | |
| | 91 | Titanium potassium oxalate..... | Do. | |
| | Schedule 2.—Earths, earth- enware, and glassware. | 206 | Pumice stone..... | Do. |
| | | 207 | China clay (kaolin)..... | Do. |
| | | 208 | Mica..... | Do. |
| | | 212 | Chemical stoneware..... | Do. |
| | | 214 | } Diamond dies..... | Do. |
| | | 1429 | | Feldspar..... | Do. |
| | | 214 | Electric-light bulbs..... | Do. |
| | | 229 | Tungsten electric lamps..... | Do. |
| | | 230 | Stained-glass windows..... | Do. |
| | | Schedule 3.—Metals and manufactures of. | 328 | Corrugated furnaces..... | Do. |
| | 340 | | Jewelers' saws..... | Do. |
| | 343 | | Needle cases..... | Informally suspended. |
| 344 | Fishing tackle..... | | Dismissed without prejudice. | |
| 348 | Snap fasteners..... | | Do. | |
| 355 | Cutlery of stainless steel..... | | Withdrawn. | |
| 358 | Razor blades..... | | Referred to Treasury Department. | |
| 359 | Surgical instruments..... | | Dismissed without prejudice. | |
| 360 | Drawing instruments..... | | Do. | |
| 366 | Parts of automatic pistols..... | | Do. | |
| 368 | Escapements..... | | Do. | |
| 372 | Hosiery machines..... | | Do. | |
| 372 | Spindles and flyers..... | | Informally suspended. | |
| 372 | Woolen cards..... | | Dismissed without prejudice. | |
| 399 | Aluminum pigeon bands..... | | Informally suspended. | |
| Schedule 4.—Wood and manufactures of. | 403 | | Cabinet logs..... | Dismissed without prejudice. |
| | 403 | | Cabinet lumber..... | Do. |
| | 403 | Logs, lignum-vitæ..... | Do. | |
| | 403 | Veneers of wood..... | Do. | |
| | 407 | Willow furniture..... | Do. | |
| | 410 | Furniture..... | Informally suspended. | |
| | 410 | Spring clothespins..... | Dismissed without prejudice. | |
| Schedule 7. Agricultural products and provisions. | 410 | Plywood..... | Do. | |
| | 701 | Tallow..... | Dismissed without prejudice. | |
| | 701 | Cattle and beef..... | Do. | |
| | 701, 705, 706 | } Meat and meat products..... | Do. | |
| | 710 | | Cheese and substitutes there- for..... | Do. |
| | 710 | Cheddar cheese..... | Do. | |

TABLE III.—*Subjects not listed for investigation*—Continued

(A) UNDER SECTION 315—Continued

| Schedule | Para- graph No. | Commodity | Status | |
|--|---------------------------------------|-----------------------------------|----------------------------------|-----|
| Schedule 7.—Agricultural products and provisions— Continued. | 711 | Wild or game birds..... | Informally suspended. | |
| | 717, 718 | Fish..... | Dismissed without prejudice. | |
| | 718 | Stockfish..... | Do. | |
| | 720 | Sardines..... | Do. | |
| | 720, 721 | Fish, canned..... | Do. | |
| | 721 | Caviar..... | Do. | |
| | 723 | Buckwheat..... | Do. | |
| | 725 | Alimentary pastes..... | Do. | |
| | 737 | Cherries, glacé..... | Do. | |
| | 742 | Currants..... | Do. | |
| | 746 | Pineapples..... | Do. | |
| | 749 | Plantains..... | Informally suspended. | |
| | 751 | Flowers, cut..... | Dismissed without prejudice. | |
| | 751 | Narcissus flowers, cut..... | Do. | |
| | 751 | Iris, cut..... | Do. | |
| | 756 | Coconuts, desiccated..... | Do. | |
| | 761 | Alfalfa seed..... | Do. | |
| | 761 | Clover seed..... | Do. | |
| | 761 | Sorghum seed..... | Informally suspended. | |
| | 772 | Celery..... | Dismissed without prejudice. | |
| | 777 | Hay..... | Do. | |
| | 778 | Hops..... | Do. | |
| | 779 | Cloves and clove stems..... | Do. | |
| | Schedule 9.—Cotton manu- factures. | 903, 906 | Nankin ticking..... | Do. |
| | | 903, 906 | Cotton cloth..... | Do. |
| | | 903, 906 | Cotton cloth, fine..... | Do. |
| | | 903, 904, 906, 921 | Cotton shirtings..... | Do. |
| | | Cotton textiles..... | Do. | |
| 912 | | Household articles of cotton..... | Do. | |
| 912 | | Spreads and quilts..... | Withdrawn. | |
| 913 | | Woven labels..... | Dismissed without prejudice. | |
| 921 | | Heavy coat linings..... | Do. | |
| 1001 | | Crin vegetal..... | Do. | |
| Schedule 10.—Flax, hemp, and jute, and manu- factures of. | 1001 | Hemp..... | Do. | |
| | 1008 | Brattice cloth..... | Withdrawn. | |
| | 1022 | Rice-straw rugs..... | Dismissed without prejudice. | |
| | 1023 | Cocoa mats..... | Do. | |
| Schedule 11.—Wool and manufactures of. | 1101 | Camel hair..... | Do. | |
| | 1101 | Wool, Class III..... | Do. | |
| | 1108 | Bedford cord..... | Do. | |
| | 1119 | Wool crêpe..... | Do. | |
| Schedule 12.—Silk and man- ufactures of. | 1206 | Hatter's plush..... | Do. | |
| | | | | |
| Schedule 13.—Paper and books. | 1304 | Cellucotton..... | Do. | |
| | 1305 | Paper with coated surface..... | Do. | |
| Schedule 14.—Sundries..... | 1310 | Maps..... | Do. | |
| | 1310 | Rag books..... | Do. | |
| | 1403 | Beaded bags..... | Do. | |
| | 1406 | Harvest hats..... | Referred to Treasury Department. | |
| | 1410 | Horn buttons..... | Informally suspended. | |
| | 1411 | Agate button molds..... | Dismissed without prejudice. | |
| | 1411 | Agate buttons..... | Do. | |
| | 1420 | Silver fox skins..... | Do. | |
| | 1420 | Furs and fur skins..... | Withdrawn. | |
| | 1421 | Hatters' fur and rabbit skin..... | Dismissed without prejudice. | |
| 1428 | Mesh bags..... | Do. | | |
| 1430 | Real lace and drawn work..... | Do. | | |
| 1430 | Ladies' trimmed hats..... | Do. | | |
| 1431 | Buckskin..... | Informally suspended. | | |
| 1431 | Pigskin..... | Referred to Treasury Department. | | |
| 1432 | Leather leggins..... | Dismissed without prejudice. | | |
| 1432 | Moccasins..... | Informally suspended. | | |
| 1434 | Raw gut..... | Dismissed without prejudice. | | |
| 1435 | Gas mantles..... | Do. | | |
| 1443 | Pipe organs..... | Do. | | |
| 1443 | Titz-Kunst harmonium..... | Informally suspended. | | |
| 1443 | Viols..... | Do. | | |
| 1451 | Crayons or fusains..... | Dismissed without prejudice. | | |
| Schedule 15.—Free list..... | 1504 | Cream separators..... | On free list. | |
| | 1589 | Hides..... | Do. | |
| | 1607 | Shoes..... | Do. | |
| | 1662 | Dried shrimp..... | Do. | |
| | 1662 | Yachts..... | Informally suspended. | |

TABLE III.—*Subjects not listed for investigation*—Continued

(B) UNDER SECTION 316

| Schedule | Para- graph No. | Commodity | Status |
|---|-----------------------|--|------------------------------|
| Schedule 1.—Chemicals, oils, and paints. | 1, 9 | Tartaric acid and cream of tartar. | Dismissed without prejudice. |
| | 54 | Olive oil..... | Do. |
| | 83 | Sodium nitrite..... | Do. |
| Schedule 2.—Earths, earthenware, and glassware. | 205 | Portland cement..... | Do. |
| | 1543 | | |
| | 211 | Canadian granite..... | Do. |
| | 235 | Thermometers, barometers, combination thermometer and barometer. | Do. |
| | 218 | | |
| Schedule 3.—Metals and manufactures of. | 316 | Wire rope..... | Do. |
| | 399 | Wrenches..... | Do. |
| Schedule 7.—Agricultural products and provisions. | 746 | Pineapples..... | Do. |
| | 775 | Cacao butter..... | Do. |
| Schedule 10.—Flax, hemp, jute, and manufactures of. | 1022 | Rugs simulating Weartex rugs. | Do. |
| Schedule 13.—Papers and books. | 1310 | Printing and engraving..... | Do. |
| | 1414 | Dolls and doll hands..... | Do. |
| Schedule 14.—Sundries..... | 1428 | Mesh bags..... | Do. |
| | 1443 | Tuning pins..... | Do. |
| | | Artificial teeth facings and backings. | Do. |

TABLE IV.—*Commodities upon which applications have been received but concerning which investigations have not been instituted*

(A) UNDER SECTION 315

| Para- graph No. | Commodity | Nature of request |
|--|---|----------------------------------|
| SCHEDULE 1.— <i>Chemicals, oils, and paints</i> | | |
| 4 | Methanol..... | Decrease. |
| 5 | Hydrogen peroxide..... | Increase. |
| 9 | Raw tartar..... | Decrease. |
| 62 | Perfumes..... | Do. |
| SCHEDULE 2.— <i>Earths, earthenware, and glassware</i> | | |
| 202 | Tiles..... | Increase. |
| 212 | Articles of faience and porcelain..... | Decrease. |
| 213 | Graphite..... | Do. |
| 213 | Crystalline flakes..... | Do. |
| 214 | Fused silica..... | Increase. |
| 218 | Clinical thermometers..... | Do. |
| 218 | Clinical thermometer blanks..... | Do. |
| 218, 230 | Gauge glasses..... | Do. |
| 231 | Vitrolite..... | Do. |
| 232, 233 | Finished marble..... | Do. |
| 233 | Agate rings for fishing lines, unmounted..... | Adjustment of duty. |
| 235 | Travertine stone..... | Increase. |
| SCHEDULE 3.— <i>Metals and manufactures of</i> | | |
| 303, 304 | Bars of iron and steel..... | Increase. |
| 304 | Beams..... | Do. |
| 304 | Billets..... | Do. |
| 304 | Ingots..... | Do. |
| 308 | Steel sheets..... | Do. |
| 309 | Steel plates..... | Investigation under section 315. |
| 312 | Angles..... | Increase. |
| 312 | Channels..... | Do. |
| 312 | Girders..... | Do. |
| 312 | Joists..... | Do. |
| 312 | Light shapes..... | Do. |
| 313, 314 | Bands..... | Do. |
| 315 | Wire rods..... | Do. |
| 316 | Wire..... | Do. |
| 318 | Wire cloth..... | Do. |
| 325 | Anvils..... | Do. |
| 327 | Cast iron pipe..... | Do. |
| 327 | Cast iron pressure and gas pipe..... | Do. |
| 331 | Upholstery nails..... | Investigation under section 315. |

TABLE IV.—Commodities upon which applications have been received but concerning which investigations have not been instituted—Continued

(A) UNDER SECTION 315—Continued

| Para- graph No. | Commodity | Nature of request |
|--|---|----------------------------------|
| SCHEDULE 3.—Metals and manufactures of—Continued | | |
| 331 | Wire nails..... | Increase. |
| 339 | Utensils..... | Investigation under section 315. |
| 342 | Umbrella frames..... | Increase. |
| 343 | Crochet needles..... | Do. |
| 343 | Latch needles..... | Do. |
| 344 | Agate rings for fishing lines, mounted..... | Adjustment of duties. |
| 354 | Pen and pocket knives..... | Decrease. |
| 355 | Kitchen knives..... | Do. |
| 355 | Butcher knives..... | Do. |
| 372 | Machine tools..... | Increase. |
| 382 | Aluminum foil..... | Do. |
| 399 | Christmas tree light reflectors..... | Do. |
| 399 | Wire netting..... | Do. |
| 399 | Bicycle bells..... | Do. |
| 399 | Bit braces..... | Do. |
| SCHEDULE 4.—Wood and manufactures of | | |
| 407 | Reed and willow products..... | Increase. |
| 410 | Carved wood..... | Do. |
| 410 | Wood flour..... | Do. |
| 410 | Wooden cigar molds..... | Do. |
| SCHEDULE 7.—Agricultural products and provisions | | |
| 710 | Swiss cheese without eye formation..... | Increase. |
| 711 | Hungarian partridge..... | Do. |
| 711 | Ornamental birds..... | Decrease. |
| 711, 712 | Live or dressed turkeys..... | Increase. |
| 717 | Salmon..... | Decrease. |
| 718 | Dried fish, salted..... | Increase. |
| 718 | Kippered herring..... | Decrease. |
| 719 | Finnan haddie..... | Do. |
| 736 | Raspberries, wild..... | Do. |
| 736 | Blueberries..... | Do. |
| 739 | Citron, candied..... | Increase. |
| 744 | Olives..... | Do. |
| 749 | Cherries prepared or preserved..... | Do. |
| 749 | Glacé fruit..... | Do. |
| 758 | Walnuts and green-walnut kernels..... | Decrease. |
| 759 | Imitation sliced almonds..... | Increase. |
| 763 | Navy beans..... | Do. |
| 766 | Mushrooms, preserved..... | Decrease. |
| 767 | Split peas..... | Increase. |
| 767 | Dried peas..... | Do. |
| 771 | Turnips..... | Do. |
| 773 | Pickle onions..... | Do. |
| 775 | Cacao butter..... | Do. |
| SCHEDULE 9.—Cotton manufactures | | |
| 909 | Upholstery fabrics..... | Increase. |
| 910 | Velvets and plushes..... | Decrease. |
| 918, 1209 | Handkerchiefs..... | Increase and decrease. |
| SCHEDULE 11.—Wool and manufactures of | | |
| 1107 | Worsted yarn..... | Increase. |
| 1108, 1109 | Worsted cloth..... | Do. |
| 1108, 1109 | Woven fabrics..... | Investigation under section 315. |
| 1111 | Blankets..... | Do. |
| 1114 | Gloves and mittens..... | Do. |
| 1115 | Wearing apparel for male attire..... | Increase. |
| 1115 | Wool felt hats..... | Do. |
| SCHEDULE 12.—Silk and silk goods | | |
| 1202 | Schappe thread..... | Decrease. |
| 1205 | Silk fabrics..... | Do. |
| 1205 | Fabrics for furniture..... | Do. |
| 1206 | Velvets, plushes, and ribbons..... | Do. |
| 1206 | Velvets..... | Increase. |
| 1209 | Handkerchiefs..... | Increase and decrease. |
| 1210 | Garments of silk..... | Decrease. |
| 1210 | Articles of silk..... | Do. |

TABLE IV.—Commodities upon which applications have been received but concerning which investigations have not been instituted—Continued

(A) UNDER SECTION 315—Continued

| Para-graph No. | Commodity | Nature of request |
|-------------------------------|--|---------------------------------|
| SCHEDULE 13.—Papers and books | | |
| 1304 | Onionskin paper, etc..... | Decrease. |
| 1305 | Decalcomanias..... | Increase. |
| 1305 | Sulphurized paper..... | Decrease. |
| 1307, 1308 | } Papeteries..... | Duty on American selling price. |
| 1313 |  |  | Paper tubes for textile purposes..... | Increase. |
| 1313 | Fly ribbons..... | Do. |
| SCHEDULE 14.—Sundries | | |
| 1401 | Asbestos shingles..... | Increase. |
| 1402 | Lacrosse sticks..... | Decrease. |
| 1405 | Silk footwear..... | Do. |
| 1403, 1428 | } Beads, necklaces, pendants, etc., of synthetic phenolic resin. | } Increase. |
| 1406 |  |  | Straw braids..... | Do. |
| 1414, 399 | } Toy novelties..... | } Do. |
| 1419 |  |  | Feathers, prepared..... | Decrease. |
| 1420 | Sheepskin baby-carriage robes..... | Adjustment of duties. |
| 1428 | Swivels and rings for watch chains..... | Increase. |
| 1430 | Laces and tulle..... | Decrease. |
| 1434 | Gut and manufactures of..... | Increase. |
| 1443 | Wood wind musical instruments..... | Do. |
| 1453 | Motion-picture films..... | Do. |
| 1454 | Cigarette paper..... | Decrease. |
| 1456 | Umbrella handles and canes..... | Increase. |

APPENDIX 6.—LIST OF PUBLICATIONS OF THE TARIFF COMMISSION

The scope of the commission's work since its organization in 1917 is outlined by the following list of subjects investigated and reported upon to December, 1928:

ABBREVIATIONS

- * = Printed edition exhausted.
- ** = Not specially provided for, or not provided for eo nomine.
- FL = Free list.
- In prog. = Work in progress.
- Ms. = Manuscript (typewritten).
- M. S. = Miscellaneous series (unnumbered).
- u. s. p. f. = Not specially provided for.
- P. = Printed.
- T. I. S. = Tariff information series.
- W. M. = Report to Ways and Means Committee (unnumbered).
- R. P. = Report to President.

| Subject | Status | Tariff act of 1913 | | Paragraph of act of 1922 | Report No. |
|----------------------------------|--------------|--------------------|------------|--------------------------|------------|
| | | Sched-ule | Para-graph | | |
| Abrasive materials (report)..... | P..... | | | | B-3 |
| Acetaldehyde..... | Ms..... | A..... | 5 | 2 | A- |
| Acetic acid..... | P..... | FL..... | 387 | 1 | A-2 |
| Acetone and acetone oil..... | P..... | A..... | 3 | 3 | A-2 |
| Acids: | | | | | |
| Acetic..... | P..... | FL..... | 387 | 1 | A-2 |
| Acetic anhydride..... | P..... | A..... | 2 | 1 | A-2 |
| Arsenic and arsenious..... | P..... | FL..... | 387 | 1, 1513 | FL-6 |
| Benzoic..... | In prog..... | A..... | **1 | 27, 28 | A- |
| Boric..... | P..... | A..... | 1 | 1 | A-1 |
| Carbolic. (See Phenol.)..... | | | | | |
| Chromic..... | P..... | FL..... | 387 | 1501 | A-18 |
| Citric..... | P..... | A..... | 1 | 1 | A-1 |
| Cresylic..... | P..... | FL..... | 452 | 27 | R. P. |
| Diethylbarbituric..... | P..... | A..... | **1 | **5 | R. P. |
| Formic..... | P..... | A..... | 1 | **1 | A-1 |

List of publications of the Tariff Commission—Continued

| Subject | Status | Tariff act of 1913 | | Paragraph of act of 1922 | Report No |
|---|----------|--------------------|-------------|--------------------------|-------------|
| | | Sched-ule | Para-graph | | |
| Acids—Continued. | | | | | |
| Gallic | P | A | 1 | 1 | A-1 |
| Glycerophosphoric | P | A | 18 | 26 | A-6 |
| H | In prog. | A | 23 | 27 | A- |
| Hydrochloric | P | FL | 387 | 1501 | FL-1 |
| Hydrocyanic | P | FL | 387 | **1 | FL-1 |
| Hydrofluoric | P | FL | 387 | 1501 | FL-1 |
| Lactic | P | A | 1 | 1 | A-1 |
| Muriatic | P | FL | 387 | 1501 | FL-1 |
| Nitric | P | FL | 387 | 1501 | FL-1 |
| Oleic | Ms. | A | **1 | 27 | A-1 |
| Oxalic | P | A | 1 | 1 | A-1, R. P. |
| Phosphoric | P | FL | 387 | 1 | FL-1 |
| Prussic (hydrocyanic) | P | FL | 387 | **1 | FL-1 |
| Pyrogallic | P | A | 1 | 1 | A-1 |
| Pyroligneous | P | FL | 387 | **1 | A-2 |
| Salicylic | In prog. | A | 1 | 27, 28 | A- |
| Silicic | P | FL | 387 | **1 | A-18 |
| Stearic | Ms. | A | **1 | 1 | A-1 |
| Sulphuric, or oil of vitrol | P | FL | 387 | 1501 | FL-1 |
| Tannic | P | A | 1 | 1 | A-1 |
| Tartaric | P | A | 1 | 1 | A-1 |
| Valerianic | P | FL | 387 | 1501 | FL-1 |
| Acids exempt from duty | P | FL | 387 | 1501 | FL-1 |
| Acids of paragraph 1 and related materials provided for in the tariff act of 1913. | | | | | |
| Aconite | P | FL | 388 | 35, 1502 | A-7, FL-2 |
| Adhesive felt for sheathing vessels | P | FL | 481 | **1302 | FL-14 |
| Agar agar | P | A | 34 | 42 | A-9 |
| Agate, manufactures of | P | B | 98 | 233 | B-11 |
| Agates, unmanufactured | P | FL | 390 | 1503 | N-1 |
| Agricultural implements | P | FL | 391 | 1504 | FL-3 |
| Agricultural staples and the tariff: | | | | | |
| Wheat and wheat flour | P | FL | 644 | 729 | T. I. S.-20 |
| Oats and oatmeal | P | G | 192 | 726 | T. I. S.-20 |
| Barley and barley malt | P | G | 188-190 | 722 | T. I. S.-20 |
| Flaxseed or linseed | P | G | 212 | 760 | T. I. S.-20 |
| Flaxseed or linseed oil | P | A | 45 | 54 | T. I. S.-20 |
| Potatoes | P | FL | 581 | 769 | T. I. S.-20 |
| Hay | P | G | 205 | 777 | T. I. S.-20 |
| Air rifles | P | C | 132 | 1414 | C-14 |
| Alabaster, manufactures of | P | B | 98 | 233 | B-11 |
| Albata | P | C | 145 | **380 | C-19 |
| Albumen, dried egg | P | A | 4 | 713 | G-11 |
| Alcohol: | | | | | |
| Ethyl (nonbeverage or industrial) | Ms. | A | **237 | 4 | A- |
| Methyl or wood (methanol) | P | FL | 393 | 4 | A-2, R. P. |
| Propyl | Ms. | A | **33 | 4 | A- |
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