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ANNUAL REPORT

OF

THE ATTORNEY GENERAL
OF THE UNITED STATES

FOR THE FISCAL YEAR

1933

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REPORT

OF

THE ATTORNEY GENERAL

DEPARTMENT OF JUSTICE,
Washington, D.C., January 5, 1934.

To the Senate and House of Representatives of the United States of America in Congress assembled:

I have the honor to submit a report of the business of the Department of Justice for the year ending June 30, 1933.

Under the terms of the Executive order of June 10, 1933 (No. 6166, Organization of Executive Agencies), and subsequent Executive orders, the work of the Department has been augmented and changed in many important respects. In addition to this, a great amount of legal work incident to the administration and enforcement of recently enacted emergency legislation has placed a heavy burden upon the Department. Additional strain has been placed upon the Department by the extension of existing activities, amongst which may be mentioned matters relating to kidnaping and racketeering. The Department is also faced with the necessity of reducing its expenditures in keeping with the President's economy program. It is our earnest purpose to meet all these requirements.

Study has been given to matters of proposed legislation. Suitable bills and supporting memoranda will be prepared and made available to the appropriate committees.

Amongst these measures may be mentioned: regulation of traffic in machine guns and other firearms; prison escapes, including complicity of prison officers or employees; resisting and killing a Federal officer; interstate transportation of stolen property; simplification of removal proceedings; escape from lawful custody while awaiting trial; waiver of indictment by grand jury in certain criminal cases; and regulation of alibi defenses.

Congress should also give serious consideration to the enactment of laws providing for uniformity of practice and procedure in proceedings involving the acquisition of land by the Federal Government.

In conclusion, I submit herewith a report of the judicial conference held in September 1933.

Respectfully,

HOMER CUMMINGS,
Attorney General.

Report of the Judicial Conference

SEPTEMBER SESSION, 1933

The judicial conference provided for in the act of Congress of September 14, 1922 (U.S.C., title 28, sec. 218), convened on September 28, 1933. The following judges were present in response to the call of the Chief Justice:

Second Circuit, Senior Circuit Judge Martin T. Manton.
Third Circuit, Senior Circuit Judge Joseph Buffington.
Fourth Circuit, Senior Circuit Judge John J. Parker.
Fifth Circuit, Senior Circuit Judge Nathan P. Bryan.
Sixth Circuit, Senior Circuit Judge Charles H. Moorman.
Seventh Circuit, Senior Circuit Judge Samuel Alschuler.
Eighth Circuit, Senior Circuit Judge Kimbrough Stone.
Ninth Circuit, Senior Circuit Judge Curtis D. Wilbur.
Tenth Circuit, Senior Circuit Judge Robert E. Lewis.

The senior circuit judge for the first circuit, Judge George H. Bingham, was absent, and his place was taken by Circuit Judge Scott Wilson.

The Attorney General, the Solicitor General, and their aids were present at the opening of the conference.

State of the dockets—Number of cases begun, disposed of, and pending, in the Federal district courts.—The Attorney General submitted to the conference a report of the condition of the dockets of the Federal district courts for the fiscal year ending June 30, 1933, as compared with the previous fiscal year. Each circuit judge also presented to the conference a detailed report, by districts, of the work of the courts in his circuit.

The report of the Attorney General showed the comparative number of cases in each of the four major classes commenced and terminated during the fiscal years 1932 and 1933, respectively, as follows:

	Commenced		Terminated	
	1932	*1933*	*1932*	*1933*
United States civil cases	34,189	25,797	29,591	27,744
Criminal cases	92,174	82,675	96,949	84,780
Private suits	26,326	26,656	26,045	26,074
Bankruptcy petitions	70,049	62,256	63,502	67,031
Total	220,738	197,384	216,087	205,629

The number of cases terminated exceeded the number filed during 1933, and there was a general decrease in all classes except private suits, as compared with the previous year. The total number of cases filed in 1933 was 25,354 less than in 1932, and the total number terminated was 10,458 less than in 1932. There was a small increase in the number of private suits commenced and terminated.

The Attorney General gave the following comparative statement of pending cases:

Pending cases	1932	1933
United States civil cases	26,240	24,293
Criminal cases	23,120	20,907
Private litigation	37,057	37,639
Bankruptcy proceedings	72,970	68,195
Total	159,387	151,034

The above figures indicate that the congestion of the dockets in the district courts (except with respect to private suits) is gradually being reduced. The total number of cases of all kinds was reduced by 8,353 between June 30, 1932, and June 30, 1933. The number of private suits pending increased by 582 during the same period.

War-risk insurance cases.—Of the 24,293 United States civil cases pending at the close of June 30, 1933, more than 43 percent were suits against the Government under the veterans' insurance acts. The total number pending on June 30, 1933, was 10,597 as compared with 10,228 on June 30, 1932—an increase of 369.

Criminal cases in general.—Some progress was made in reducing the congestion in the criminal dockets. On June 30, 1932, there were pending in the district courts a total of 23,012 criminal cases of all classes. The number commenced during the fiscal year was 82,675 and the number terminated was 84,780, leaving 20,907 pending on June 30, 1933, as shown by the following table:

Criminal cases	1932	1933
Pending beginning of year	27,895	[1] 23,012
Commenced during year	92,174	82,675
Terminated during year	96,949	84,780
Pending close of year	[1] 23,120	20,907

[1] The discrepancy of 108 cases pending is stated by the Attorney General to be due to careful revision after checking the dockets in the southern district of New York.

National Prohibition Act.—Fewer cases of this character were commenced and terminated during the fiscal year 1933, as compared with the fiscal year 1932. The total number of criminal cases pending at the close of the year was only 13,646 as compared with 15,360 at the close of the previous year, as shown by the following table:

Prohibition criminal cases	1932	1933
Pending close of previous year	18,555	15,360
Commenced during year	65,960	57,553
Terminated during year	69,155	59,267
Pending close of year	15,360	13,646

Sixty-five percent of all criminal cases pending on June 30, 1933, were prohibition cases.

Prohibition—Civil cases.—The number of civil cases under the National Prohibition Act commenced, terminated and pending during the fiscal years 1932 and 1933 was as follows:

Prohibition civil	1932	1933
Pending close of previous year	6,975	6,940
Commenced during year	15,455	11,478
Terminated during year	15,490	13,270
Pending close of year	6,940	5,148

The number of such cases commenced and terminated was considerably less in 1933 than in 1932, and the number pending at the close of 1933 was only 5,148 as compared with 6,940 at the close of the previous year.

Circuit Courts of Appeals.—These courts have continued to keep up with their work in a satisfactory manner.

District Courts—Removal of restrictions upon appointment of successors in existing judgeships.—Restrictions are now imposed by statute upon the filling of vacancies in certain existing judgeships. The conference has carefully considered the desirability of the removal of these restrictions so that successors can be appointed in the cases in which vacancies occur, where experience has shown the necessity of having a permanent, instead of a temporary, judgeship. As a result of its examination of conditions in each district, the conference last year recommended that the following judgeships should be made permanent by removing the existing limitation upon the appointment of successors:

Two in the district of Massachusetts.
Two in the southern district of New York.
One in the eastern district of New York.
One in the western district of Pennsylvania.
One in the eastern district of Michigan.
One in the eastern district of Missouri.
One in the western district of Missouri.
One in the northern district of Ohio.
One in the southern district of California.
One in the district of Arizona.
One in the district of Minnesota.
One in the southern district of Iowa.

The importance of making appropriate provision for the filling of such vacancies, before the vacancies actually arise, is shown by the situation in the eastern district of Michigan, one of the judgeships above mentioned. That judgeship was held by Judge Simons, and on his appointment as circuit judge there was no provision for filling the vacancy in the district court in the eastern district of Michigan; in consequence, the work of that court has been seriously impeded. Another illustration is found in the inability, under the existing statute, to fill the vacancy in the southern district of New York which arose on the resignation of Judge Winslow (since deceased). The attention of the conference was directed to the situations in other districts, special mention being made of those in Missouri, Minnesota, and Iowa, where the business is very heavy and serious impairment of the administration of justice will result in case vacancies should arise which, under the present limitation, could not be filled.

Provision for additional district judgeships.—What has been said above relates to properly maintaining the existing judicial service, where judgeships, although temporary, have already been created. In addition to these, there is imperative necessity for an increased number of judges. The conference last year recommended the creation of additional judgeships as follows:

Two additional district judges for the southern district of New York.
One additional district judge for the eastern district of New York.
One additional district judge for the northern district of Georgia.
One additional district judge for West Virginia.
One additional district judge for the southern district of Texas.
Two additional district judges for the southern district of California.
One additional district judge for the western district of Missouri.

On a further consideration of the question, the conference believes that this recommendation was fully justified, but in view of existing economic conditions the conference refrains from renewing the recommendation at this time, without prejudice to its later renewal, except in the following instances where provision for additional judgeships is deemed to be imperatively required—that is to say, the following additional district judges should be provided:

Two additional district judges for the southern district of New York.
Two additional district judges for the southern district of California.

It should be added that, in addition to the judgeships listed in last year's recommendation, as above stated, the conference has found that there is serious need for increased judicial service in Oklahoma, which might be afforded by an additional district judge for the western district of Oklahoma, but recommendation to this effect is withheld for the time being in view of the existing situation and of the special need which exists in the southern district of New York and the southern district of California.

Places of holding terms of the Circuit Court of Appeals for the Fifth Circuit.—The conference has heretofore recommended that sessions of the Circuit Court of Appeals for the Fifth Circuit should be held only at New Orleans, La., and the conference deems the matter worthy of serious consideration by the Congress.

Recommendations of legislation.—On consideration of proposed legislative measures which the Attorney General brought to the attention of the conference, the conference expressed its approval of the following:

Proposed bill.—To prevent the invalidation of an indictment because of the service of one or more unqualified persons upon the grand jury, if it shall appear that 12 or more grand jurors not disqualified concurred in the finding of the indictment.

Proposed bill.—Where the senior circuit judge of a circuit is disabled by illness, to permit his powers to be exercised by the other judges of the circuit in the order of the seniority of their respective commissions.

Proposed bill.—To relieve United States district judges of the duty of certifying to the expense accounts of United States attorneys and their assistants.

Proposed bill.—To amend existing law so as to abolish the requirement of a certificate by United States district judges as to the necessity for the appointment of assistant United States attorneys.

Proposed bill.—To amend the general criminal statute of limitations in criminal cases so as to permit the United States to reindict at any time within the next succeeding term of court, in cases where a demurrer or other dilatory plea to the indictment is sustained, after the period of limitation has run, on the ground that the indictment is bad as a plea.

The conference again expresses its opinion that legislation making the husband or wife of a person charged with crime in United States courts a competent, but not a compellable witness for or against his or her spouse, except as to confidential communications, is highly desirable.

Amendment of legislation with respect to the Judicial Conference.—The conference has heretofore requested the Attorney General to urge such change in the statute, under which the conference is organized, as should expressly authorize the conference to recommend to the Congress, from time to time, "such changes in statutory law affecting the jurisdiction, practice, evidence, and procedure of, and in the different district courts and circuit courts of appeals as may to the conference seem desirable." The conference renews its recommendation as to the advisability of this legislation.

Rules of practice and procedure in criminal cases after verdict.—By act of Congress approved February 24, 1933, the Supreme Court is authorized to prescribe rules of practice and procedure with respect to any or all proceedings after verdict in criminal cases in district courts of the United States and in the United States circuit courts of appeals. At the request of the Chief Justice, Attorney General Mitchell submitted a draft of proposed rules which had been prepared in the Department of Justice under the direct supervision, and with the personal attention, of Solicitor General Thacher. The Chief Justice submitted this draft to the circuit judges, to the end that the proposals might be the subject of discussion at this conference. The senior circuit judges gave

careful consideration to the proposals and consulted with other circuit judges and with district judges so that the views of the Federal judiciary should find appropriated expression on this important subject, as an aid to the deliberation and action of the Supreme Court.

The senior circuit judges brought to the conference the results of their consultations and study; and the provisions of the proposed rules, in their most important aspects, were the subject of extensive examination by the conference, with a full interchange of views, which were recorded for the purpose of submission to the Supreme Court. These proceedings of the conference were extremely helpful, not only with respect to the immediate purposes in view, but also as they brought before the conference, vividly and in detail, the existing causes of delays in the prosecution of criminal appeals and the remedies which may be deemed to be available.

General orders in bankruptcy.—The conference also considered questions relating to ancillary receiverships in bankruptcy, particularly with respect to proposals that have been made for consideration by the Supreme Court.

For the Judicial Conference:

CHARLES E. HUGHES,
Chief Justice.

OCTOBER 2, 1933.

REPORT OF THE SOLICITOR GENERAL, J. CRAWFORD BIGGS [1]

(THOMAS D. THACHER, Solicitor General until May 5, 1933; J. CRAWFORD BIGGS, Solicitor General from May 5, 1933)

1. THE WORK OF THE SUPREME COURT OF THE UNITED STATES

To indicate the extent to which the Government, through the Office of the Solicitor General, participates in the work of the Supreme Court, it is necessary first to survey briefly the general business of the Court.

A. APPELLATE DOCKET [2]

During its October term, 1932,[3] the Supreme Court disposed of 906 cases on the appellate docket, including every case argued or submitted before the term ended, except one, in which reargument was ordered at the next term. There remained for disposition only 110 cases, which were carried over to the succeeding term.

Only one of the cases remaining on the appellate docket was added to the docket prior to February 1, 1933.[4] Four were docketed in February, 12 in March, 25 in April, and 68 in May, shortly before the term ended. The work of the Court is current and cases are heard as soon after records have been printed as briefs can be prepared.

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[1] The statistics given in this report include each case separately numbered upon the docket of the Supreme Court of the United States. This method is in conformity with that used by the clerk of that Court in compiling and reporting statistics.

[2] Cases reach the appellate docket of the Supreme Court in three different ways: By appeal, by petition for certiorari, and by certification of questions of law by intermediate Federal appellate courts and the Court of Claims.

[3] While the Judicial Code provides (sec. 230, as amended; U.S.C., title 23, sec. 338) that "The Supreme Court shall hold * * * 1 term annually, commencing on the first Monday in October * * *," the October term, 1932, began, for all practical purposes, immediately upon the adjournment of the preceding term on May 31, 1932. All cases which were not disposed of during the 1931 term, as well as those docketed subsequent to May 31, 1932, were entered on the docket for the 1932 term.

[4] This case was docketed on petition for certiorari on Jan. 14, 1933. The petition was distributed on Feb. 18, 1933, and the writ was granted on Mar. 4, 1933. Because of a combination of circumstances, i.e., location of counsel on the west coast, the banking holiday, and the short time remaining before the Court would cease hearing arguments for the term, the Court, on Apr. 7, 1933, continued the case until the next term.

Whenever necessary to prevent delay, the Court expedites the hearing of Federal criminal cases,[5] thus discouraging petitions for certiorari designed solely to delay the execution of sentence.[6]

The progress which the Court has made in clearing its appellate docket and in the prompt dispatch of current business since the enactment of the Judiciary Act of February 13, 1925, is indicated by the following table:

	1925	1926	1927	1928	1929	1930	1931	1932
Cases at close of preceding term not disposed of	533	438	283	175	125	173	123	120
Cases docketed during term	749	730	749	772	838	843	880	896
Total	1,282	1,168	1,032	947	963	1,016	1,003	1,016
Cases disposed of at the term	844	885	857	822	790	893	883	906
Cases carried over to the next term	438	283	175	125	173	123	120	110

The figures for the 1932 term are of particular interest because they disclose that during that term a greater number of cases were docketed and disposed of and fewer cases remained on the docket at the end of the term than during any preceding term since the act of 1925 became effective.

Intelligent consideration of the progress made by the court in clearing its docket requires separation of the court's discretionary and obligatory jurisdiction, for in the exercise of its discretionary jurisdiction the court may determine whether the case is worthy of review and decline to consider the case if it is not. The following table covering the disposition of its appellate business both immediately before and since the act of February 13, 1925, separates the cases accordingly.

[5] The date of argument of 11 of the 13 Federal criminal cases which the Court heard was advanced. In the other 2 cases advancement was unnecessary. The cases were argued within 2 months after certiorari was granted. Cases involving criminal contempts are classified as "Criminal Cases."

[6] By an amendment to the Court's rules effective Sept. 1, 1932 (286 U.S. 623–624), petitions for certiorari are now "distributed" by the clerk of the Court instead of being formally submitted in open court by the clerk, as was the former practice. Under the amended rule the certiorari papers are "distributed" by the clerk to the members of the Court "upon the expiration of the period for filing the respondent's brief (20 or 25 days, depending upon the residence of counsel for the respondent), or upon an express waiver of the right to file or the actual filing of such brief in a shorter time." Except during the summer vacation, all petitions for certiorari are usually disposed of in about a week after the certiorari papers are distributed to the Court. This was the situation in respect of all of the petitions for certiorari in Federal criminal cases in which the date of distribution occurred after the commencement by the Court of its sessions on Oct. 3, 1932.

	1925		1926		1927		1928		1929		1930		1931		1932	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Appellate cases disposed of	844	100	885	100	857	100	822	100	790	100	893	100	883	100	906	100
A. Obligatory jurisdiction	342	41	318	36	180	21	158	19	119	15	142	16	135	15	108	12
Appeals disposed of after oral argument [1]	269	32	250	28	150	18	138	17	66	8	76	9	75	8	56	6
Appeals disposed of without oral argument	64	8	58	7	20	2	10	1	44	6	49	5	48	5	43	5
Certificates	9	1	10	1	10	1	10	1	9	1	17	2	12	1	9	1
B. Discretionary jurisdiction	502	59	567	64	677	79	664	81	671	85	751	84	748	85	798	88
Certioraris granted and disposed of after oral argument [1]	62	7	88	10	165	19	94	12	108	13	175	19	136	15	144	15
Certioraris granted but disposed of without oral argument	4	5	9	1	12	2	9	1	4	5	9	1	11	1	5	1
Petitions for certiorari denied	423	50	460	52	492	57	555	67	552	70	563	63	597	68	645	71
Petitions for certiorari dismissed	13	1.5	10	1	8	1	6	1	7	1	4	1	4	1	4	1

[1] This includes cases submitted by one or both parties at the time of argument.

The figures given in this table are peculiarly significant because they indicate that the number of cases arising under the court's obligatory jurisdiction is steadily decreasing, while the number in which its jurisdiction depends upon the exercise of discretion is steadily mounting. A result of this shifting of the character of jurisdiction is, as the table discloses, that the court during the 1932 term disposed of a greater number and percentage of petitions for certiorari through denials and dismissals than at any term since the act of 1925 became operative.

Of the 906 appellate cases disposed of during the past term,[7] 700 cases (77 percent) were disposed of without oral argument, and 206 (23 percent) were disposed of after oral argument. Of the former, 649 cases, or 93 percent, were disposed of by the denial or dismissal of petitions for certiorari. In addition, 5 cases in which the petition for certiorari has been granted were disposed of prior to argument.

Of the remaining 46 cases disposed of without oral argument, 3 certificates were dismissed by the court and 43 appeals were either

[7] The 1932 term consisted of 34 weeks. During this period the court was in session 15 weeks and in recess 19 weeks. There were, in addition, 10 Mondays and 1 Saturday during the recess on which the court met for the announcement of opinions and orders. During 2 of the weeks of session the court adjourned on Wednesday to the following Monday.

dismissed or affirmed upon motion or upon jurisdictional statements filed under rule 12.[8]

The figures given in the preceding paragraph disclose the volume of time and labor expended by the court in the disposition of cases which do not reach a hearing on the merits. Rule 12, which was adopted as an innovation in appellate procedure in 1928, particularly as amended in 1932,[9] has resulted in a great saving of time both for the court and for counsel, but the figures again disclose that a very large majority of the cases on the appellate docket do not possess sufficient merit to warrant consideration on the merits.[10] It is quite erroneous to regard the court as constituted for the correction of error in every case. In the exercise of its discretionary jurisdiction under the Judiciary Act of 1925 it has become a court for the decision of important questions of general application and for the settlement of conflicts in the decisions of other courts. The limitations of the court's statutory jurisdiction and its rules for the exercise of its discretionary jurisdiction should be more carefully observed. Many petitions for certiorari are filed which in the light of settled practice must be regarded as entirely without merit.

The court heard oral argument in 206 [11] of the cases on the appellate docket disposed of at the term. Opinions were written in 187 of these cases and *per curiam* decisions rendered in 19. The sources of

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[8] As originally promulgated this rule was adopted on June 5, 1928, and became effective July 1, 1928. (See 275 U.S. 603.) It required the appellant, within 30 days after the docketing of the case in the Supreme Court, to file a printed statement showing the basis of jurisdiction. The appellee was allowed, within 20 or 25 days after service of the jurisdictional statement, depending upon the place of residence of his counsel, to file a printed opposing statement. Thereafter, or following an express waiver of the right to file an opposing statement, or the actual filing of such a statement within a shorter time than that prescribed by the rule, the jurisdictional papers were submitted by the clerk in open court. Under an important amendment effective Sept. 1, 1932 (286 U.S. 602-604), the jurisdictional statement is now presented in typewritten form to the court from which the appeal is taken at the same time that the appeal papers are presented. Within 5 days after the appeal is allowed the jurisdictional statement, together with the appeal papers, must be served on counsel for the appellee. Counsel for the appellee has 15 days within which to file a typewritten opposing statement. He may include in this statement, or may file concurrently therewith, a motion to dismiss or affirm. The jurisdictional papers are then transmitted by the clerk of the lower court to the clerk of the Supreme Court as a part of the transcript of record. When the case is docketed in the Supreme Court the jurisdictional papers are printed by the clerk of that court. They are then distributed to the members of the court for consideration. By decreasing the time which elapses between the filing of the jurisdictional papers and their distribution to the court, the new rule substantially lessens the period which must ensue before the case can be considered upon the merits. For the 1928 term, the first term affected by the rule, the percentage of dismissals on jurisdictional statements was 37.3; in 1929, 33.6; in 1930, 30.4; in 1931, 30.9; and in 1932, the term under consideration, 40. During that term there were also affirmances in 3 of the cases (3 percent) disposed of on jurisdictional statements.

[9] See footnote [8].

[10] Of the 40 appeals disposed of on the jurisdictional statement and on motion without oral argument, 16 were dismissed for want of a substantial Federal question. The application of this criterion of substantiality was an exercise of discretion similar to that involved in the denial of a petition for certiorari. In 4 of the 14 appeals in which the court had previously noted jurisdiction or had postponed consideration of that question to the merits, the cases were disposed of per curiam after argument, indicating that arguments might possibly have been avoided if the jurisdictional papers had more clearly revealed the exact nature of the case.

[11] There is not included in this figure 1 case which was argued at the 1931 term and reargued during the 1932 term under its 1931 number. This case was not given a number on the 1932 docket and was not included by the clerk in his statistics for that term.

these cases and the nature of the issues involved are disclosed in the following tables:

TABLE A [1]

	Number of cases	Percent
Government	95	46.1
Non-Government	111	53.9
Total	206	100
Obligatory jurisdiction	62	30
Discretionary jurisdiction	144	70
Total	206	100
Source of litigation:		
District courts	32	15.6
Circuit courts of appeals	110	53.4
Court of Appeals, District of Columbia	14	6.8
Court of Claims	12	5.8
Court of Customs and Patent Appeals	2	.9
State courts	36	17.5
Total	206	100

[1] This table covers appellate cases argued or submitted at the term.

TABLE B [1]

	Government cases	Non-Government cases	Total	Percent
Federal taxation	45	----------	45	24
Interstate and foreign commerce	12	6	18	9
State taxation	----------	15	15	8
Patents	3	3	6	3
Bankruptcy	1	16	17	9
Immigration and naturalization	5	----------	5	3
Federal crimes and forfeitures	13	----------	13	7
Miscellaneous	14	54	68	37
Total	----------	----------	187	100

[1] This table covers appellate cases argued or submitted at the term in which the court rendered opinions.

As in the two preceding terms for which statistics are available, the percentage of Federal tax litigation considered by the court at the 1932 term still remained substantial. With the recent amendment of the tax laws this litigation will no doubt increase. Frequent amendments of these laws call for new constructions, and new conflicts arise which must be resolved in the court of last resort, whether the question be of intrinsic importance or not.

B. ORIGINAL DOCKET

At the close of the 1931 term 19 cases remained on the original docket. Two were docketed during the 1932 term and 4 disposed of, leaving 17 pending at the end of the term. The United States was interested in 2 of the cases on the original docket, 1 of which was disposed of during the term. An opinion was written in this case.

II. THE WORK OF THE SOLICITOR GENERAL'S OFFICE

The work of the Solicitor General's Office falls into three main divisions: (A) Conduct of Government litigation in the Supreme Court of the United States; (B) authorization of appeals to the circuit courts of appeals and the Court of Appeals of the District of Columbia, and of petitions to the Supreme Court of the United States for writs of certiorari; (C) examination and revision of opinions to be rendered by the Attorney General to the President and heads of executive departments. These will be considered in order.

A. THE BUSINESS OF THE GOVERNMENT IN THE SUPREME COURT

The ratio of Government to non-Government cases in the Supreme Court is shown in the tables below. As indicated, 40 percent of all appellate dispositions during the last term were cases in which the Government was involved as a litigant. In the 77 percent of the cases disposed of without oral argument, the Government was a litigant in 38 percent. In the 23 percent of the cases which reached the stage of argument, 46 percent were Government cases requiring the preparation of briefs and the participation of the Solicitor General or a member of the Department in oral argument.

TABLE I

	1925		1926		1927		1928		1929		1930		1931		1932	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Petitions for certiorari disposed of:																
Total	534	100	589	100	604	100	663	100	692	100	726	100	747	100	800	100
Non-Government cases	352	66	380	65	409	68	457	69	407	59	416	58	440	59	459	57
Government cases	182	34	209	35	195	32	206	31	285	41	310	42	307	41	341	43
Government as petitioner	24	5	36	6	16	3	28	4	57	8	61	8	35	5	45	6
Government as respondent	158	29	173	29	179	29	178	27	228	33	249	34	272	36	296	37
Petitions for certiorari granted:																
Total	98	18	119	20	104	17	102	15	133	19	159	21	146	20	151	19
Non-Government cases	62	17	72	18	67	16	51	11	21	5	53	12	82	18	67	15
Government cases	36	19	47	22	37	19	51	24	112	39	106	34	64	21	84	24
Petitions by Government	17	70	23	63	12	75	27	96	52	91	47	77	26	74	41	91
Petitions by opponents	19	12	24	13	25	14	24	13	60	26	59	23	38	14	43	14
Writs of certiorari disposed of:																
Total	66	100	97	100	177	100	103	100	112	100	184	100	147	100	149	100
Non-Government cases	41	62	49	51	124	70	62	60	50	45	49	27	87	59	69	46
Government cases	25	38	48	49	53	30	41	40	62	55	135	73	60	41	80	54
Government as petitioner	11	17	21	22	20	11	21	20	32	28	57	31	27	18	34	23
Government as respondent	14	21	27	27	33	19	20	20	30	27	78	42	33	23	46	31

TABLE I—Continued

	1925		1926		1927		1928		1929		1930		1931		1932	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Appeals disposed of:																
Total	333	100	308	100	170	100	148	100	110	100	125	100	123	100	99	100
Non-Government cases	214	64	208	67	147	87	133	90	98	89	97	78	106	86	86	87
Government cases	119	36	100	33	23	13	15	10	12	11	28	22	17	14	13	13
Government as appellant	58	17	33	11	2	1	7	5	5	5	8	6	7	6	5	5
Government as appellee	61	19	67	22	21	12	8	5	7	6	20	16	10	8	8	8
Certificates disposed of:																
Total	9	100	10	100	10	100	10	100	9	100	17	100	12	100	9	100
Non-Government cases	2	23	4	40	1	10	5	50	2	23	8	47	1	8	3	33
Government cases	7	77	6	60	9	90	5	50	7	77	9	53	11	92	6	67
RECAPITULATION OF CASES DISPOSED OF																
Total	844	100	885	100	857	100	822	100	790	100	893	100	883	100	906	100
Non-Government cases	547	65	569	64	614	72	606	74	536	68	517	58	551	62	550	60
Government cases	297	35	316	36	243	28	216	26	254	32	376	42	332	38	356	40

TABLE II.—*Cases disposed of after argument*

	1925		1926		1927		1928		1929		1930		1931		1932	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Government as petitioner or appellant	52	15	48	14	24	7	28	12	37	20	66	25	30	14	40	19
Government as respondent or appellee	78	23	94	27	50	15	36	15	39	21	99	37	45	20	55	27
Total Government cases argued or submitted	130	38	142	41	74	22	64	27	76	41	165	62	75	34	95	46
Non-Government cases argued or submitted	214	62	206	59	257	78	177	73	108	59	102	38	148	66	111	54
Total cases argued or submitted	344	100	348	100	331	100	241	100	184	100	267	100	223	100	206	100

One of the aims of the Solicitor General's Office is not to burden the Supreme Court with useless appeals and applications for certiorari. Of the total of 800 petitions for certiorari disposed of at the last term, 649, or 81 percent, were denied or dismissed, and only 151, or 19 percent, were granted. Separating the petitions for certiorari in Government cases from those in non-Government cases, it appears that in all but 7 percent of the cases in which the Government opposed certiorari, the petition was denied. Ninety-one percent of the petitions in which the Government was petitioner were granted, a percentage not only almost five times as great as the general average but the best percentage attained by the Govern-

ment in recent years. In 24 cases, the Government either acquiesced in the granting of the petition or recommended certain action in connection therewith, and in all of these cases except 4, certiorari was either granted or the Government's recommendation followed.

The following table shows the percentage of success (measured in terms of reversals secured) of litigants in the Supreme Court, excluding cases disposed of without hearing or submission:

	1926	1927	1928	1929	1930	1931	1932
	Pct.	*Pct.*	*Pct.*	*Pct.*	*Pct.*	*Pct.*	*Pct.*
1. Reversals secured by Government	67	90	65	65	57	63	70
2. Reversals secured by opponents	30	40	17	45	37	23	29
3. Reversals secured in non-Government cases	39	50	55	33	48	39	44
4. Reversals secured in all cases	41	51	48	45	45	39	45

The percentages in this table are based upon the total number of cases affirmed or reversed: In group no. 1, in which the Government was appellant or petitioner; in group no. 2, in which opponents of the Government were appellants or petitioners; in group no. 3, in all non-Government cases, and in group no. 4, in all cases.

At the last term the court rendered 84 opinions in 93 cases in which the Government was a party or had an interest. Among the more important opinions were those holding that because of the treaty with Great Britain the right to search and seize British liquor smuggling vessels extends only to vessels which can reach the United States within 1 hour (288 U.S. 102); that the Court of Appeals of the District of Columbia is a constitutional court and that therefore the pay of its judges may not be reduced by Congress, while the Court of Claims is a legislative court and that, in consequence, the pay of its judges is subject to reduction by Congress (289 U.S. 516); that hearings conducted by the Tariff Commission are legislative in their nature, so that the commission is not necessarily obliged to give publicity to information which has been submitted to it as confidential (288 U.S. 294); and that the United States is not entitled to assignments of patents obtained by technical research employees of the Bureau of Standards where the work which resulted in invention was not specifically assigned (289 U.S. 178). The court also considered the history of criminal trials in courts of admiralty and determined that the jurisdiction of admiralty courts of the United States extends to crimes committed on board American vessels even when within the territorial waters of another sovereignty (289 U.S. 137). Thirty-nine cases, in which thirty-six opinions were rendered, involved the construction of internal revenue laws of the United States, while nine opinions were rendered in cases arising under the Interstate Commerce Act in which the United States was a party. Others related to the exclusion or deportation of undesirable aliens, the misbranding of food products, the enforcement of the National Prohibition Act, and questions of substantive law and procedure in the enforcement of other criminal laws.

B. AUTHORIZATION OF PETITIONS FOR CERTIORARI AND APPEALS

During the past fiscal year, applications for certiorari were authorized in 52 cases out of 277 considered, as compared with 42 out of 312 during the fiscal year 1932, and 46 out of 319 during the fiscal year 1931. Of the 52 cases in which certiorari was authorized, the writ was granted in 37 cases and denied in 4; in 11 cases the applications were still pending at the time this report was written.

During the same period the question whether appeals should be taken to the circuit courts of appeals or to the Court of Appeals of the District of Columbia was considered in 605 cases, as compared with 614 during the fiscal year 1932, and 903 during the fiscal year 1931. Appeals were authorized in 293 cases.

C. OPINIONS OF THE ATTORNEY GENERAL

Drafts of 7 formal and 54 informal opinions from the Attorney General to the President and the heads of executive departments were considered during the past fiscal year.

REPORT OF ASSISTANT ATTORNEY GENERAL HAROLD M. STEPHENS, IN CHARGE OF THE ANTITRUST DIVISION [1]

ENFORCEMENT OF FEDERAL ANTITRUST LAWS

On July 1, 1932, the beginning of the fiscal year just closed, there were pending 18 cases under the antitrust laws, 16 civil and 2 criminal. During the ensuing year 7 additional cases were instituted, 5 civil and 2 criminal, and 6 cases were finally determined, 4 civil and 2 criminal, leaving 19 cases pending at the close of the fiscal year.

Of the civil cases finally disposed of, 2 were terminated in favor of the Government, 1 by the entry of a consent decree enjoining the practices complained of in the Government's petition, and 1 by the denial of a petition for rehearing by the Supreme Court; 1 case was decided adversely to the Government by the Supreme Court; and 1 case was dismissed without prejudice upon motion of the Government in view of convictions obtained in a criminal case involving the same defendants.

While not finally terminated, one case (*United States* v. *Radio Corporation of America et al.*) was settled by the entry of a consent decree, but is still pending with regard to certain foreign contracts.

In 1 of the 2 criminal cases finally determined, a judgment of conviction by the district court was affirmed by the circuit court of appeals and sentence was served, and the other criminal case was dismissed upon motion of the Government.

Two cases of serious interest to the public were argued during the year. The case of *United States* v. *The Sugar Institute, Inc., et al.* was argued before the district court and is now awaiting decision. The case of *United States* v. *Appalachian Coals, Inc., et al.* was argued before both the district court and the United States Supreme Court during the year, the decision of the district court in favor of the Government being reversed by the Supreme Court.

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[1] This report covers the fiscal year for 1933, to wit, from July 1, 1932, to July 1, 1933. The incumbency of the present Assistant Attorney General signing the report did not commence until June 14, 1933. From July 1, 1932, until Dec. 20, 1932, John Lord O'Brian was in charge of the Antitrust Division as the assistant to the Attorney General. From that date until the date Mr. Stephens took office, Russell Hardy was acting head of the Antitrust Division.

This Division is engaged in the enforcement of the Federal antitrust laws and matters arising in connection therewith, as well as the prosecution of suits to enforce orders of the Federal Radio Commission, of the Secretary of Agriculture under various acts, and of the Interstate Commerce Commission, and the prosecution of other suits under the Interstate Commerce Act and related acts. Proceedings to enforce orders of the Federal Trade Commission Act in the Supreme Court are also taken care of by this Division.

In addition to the work incident to the preparation and prosecution of the litigated cases just mentioned, a large part of the time of the Division during the past year was devoted to consideration and investigation of complaints and the institution of investigations upon its own initiative, as well as consideration of various matters submitted to the Department. As an indication of the volume of such work, the following figures are submitted:

Office matters pending on July 1, 1932	197
Complaints received during the year	449
New investigations made during the year	103
New office matters considered during the year	202
Matters disposed of during the year	203
Office matters pending on June 30, 1933	196

CASES IN THE SUPREME COURT

During the year one case under the antitrust laws was argued in the United States Supreme Court and resulted in a decision adverse to the Government. In one case a petition for rehearing was denied. A third case is now pending there for argument at the next term.

The case of *Appalachian Coals, Inc., et al.* v. *United States* was argued before the Supreme Court on an appeal by defendants from the decision of the district court upholding the Government's charge of a combination and conspiracy to control the supply, distribution, and price of bituminous coal, and enjoining the operation of a common sales agency plan for a large part of the bituminous coal supply. The Supreme Court reversed the decree of the district court and remanded the cause with instructions to enter a decree dismissing the bill of complaint without prejudice and with the provision that the district court shall retain jurisdiction of the cause and may set aside its decree of dismissal and take further proceedings if future developments justify that course in the appropriate enforcement of the Antitrust Act.

In the case of *Atlantic Cleaners & Dyers, Inc., et al.* v. *United States*, the Supreme Court denied defendants' petition for rehearing of its decision affirming the decree of the district court enjoining them from continuing in the District of Columbia an alleged combination and conspiracy in restraint of trade and commerce in cleaning, dyeing, and otherwise renovating clothes.

The case of *Local 167 of the International Brotherhood of Teamsters, Chauffeurs, Stablemen & Helpers of America, et al.* v. *United States* (*United States* v. *Greater New York Live Poultry Chamber of Commerce, et al.* in the District Court) is now pending in the Supreme Court on an appeal by defendants from the decree of the District Court at New York enjoining the continuance of an unlawful combination and conspiracy to restrain and monopolize interstate commerce in live and freshly slaughtered poultry. The case will be argued at the October term, 1933.

DISTRICT COURTS

As previously mentioned, two important cases under the antitrust laws were tried in the district courts during the past fiscal year.

In addition to the case of *United States* v. *Appalachian Coals, Inc., et al.*, which, as above stated, was tried in the District Court as well as the Supreme Court during the year, the case of *United States* v. *The Sugar Institute, Inc., et al.* was tried in the District Court at New York City, but has not yet been decided. The Government introduced evidence to show that 48 individual and corporate defendants, including the Sugar Institute, had fixed by agreement uniform prices, terms, and conditions for the sale of refined cane sugar by a comprehensive system for control and regulation of the channels of distribution. Dissolution of the Institute and injunctive relief were asked by the Government.

Two cases were settled during the year without trial by the entry of consent decrees, one of which, however, remains pending as to certain issues.

In the case of *United States* v. *Radio Corporation of America, et al.*, a consent decree was entered by the United States District Court at Wilmington severing the intercorporate relationships among the General Electric and Westinghouse companies and the Radio Corporation of America by requiring the electrical companies to dispose of their controlling stock interests in the Radio Corporation, and striking down the exclusive patent cross-licensing agreements among the defendants and enjoining them from restraining trade unlawfully in the future through restrictive patent license agreements, agreements for division of fields or territories, or other similar means. Issues with respect to contracts of the defendants with foreign governments and companies were reserved for determination at the end of 2½ years.

The case of *United States* v. *Fox West Coast Theatres, et al.*, a civil suit instituted during the year in the southern district of California, charging a conspiracy between Fox West Coast Theatres and its distributing corporations to restrain and monopolize interstate trade and commerce in motion-picture films by means of unfair and discriminatory zoning and clearance schedules, was terminated by the entry of a consent decree enjoining the defendants from further carrying out the provisions of the zoning and clearance schedule or any schedule of like character or effect.

In the case of *United States* v. *Swift & Company, et al.*, the Supreme Court on July 16, 1932, appointed a trustee to take over and dispose of all shares of stock owned by Swift & Co. in stockyards companies as required by the consent decree entered February 27, 1920. Armour & Co. reported to the court the final disposition of all unrelated lines. Swift & Co. reported the disposition of unrelated interest except its

ownership of stock in Libby, McNeill & Libby. The court appointed a trustee to take over and dispose of this stock.

Nine cases are now awaiting trial in the district courts, six of which were instituted during the year:

United States v. *International Business Machines Corporation, Remington Rand, Inc., et al.*, an equity suit instituted at New York City, charging four corporate defendants with combining and conspiring to monopolize the interstate sale and shipment of tabulating machines and the interstate sale and shipment of tabulating cards and to restrain the competition among themselves in such materials and to restrain the interstate commerce of others in tabulating cards, in violation of the Sherman and Clayton Acts.

United States v. *National Retail Credit Association, et al.*, an equity suit instituted in the eastern district of Missouri against 2 associations and 8 individual defendants, charging the employment of practices to monopolize the retail credit reporting business of the United States by members of the associations by excluding all others from the trade by means of boycotting and division of territory.

United States v. *Millinery Quality Guild, Inc. et al.* This is a civil suit instituted in New York City charging a combination and conspiracy to restrain and monopolize interstate trade and commerce in reproductions of women's French hats, by means of contracts, agreements, and understandings to fix and maintain wholesale and retail prices, through the instrumentality of Millinery Quality Guild, Inc.

The case of *United States* v. *United Theatres, Inc., et al.*, is a civil suit pending in the eastern district of Louisiana, charging that the United Theatres, Inc., in conjunction with 11 of the major motion picture producing and distributing companies, have secured a monopoly of the second exhibition of first-class picture films in the city of New Orleans by entering into contracts which contain provisions arbitrarily and unfairly fixing the order in which such motion pictures shall be shown in the various New Orleans theaters.

The case of *United States* v. *Warner Bros. Pictures, Inc., et al.*, is a civil suit pending at New York City alleging a violation of section 7 of the Clayton Act in the acquisition by Warner Bros. of stock of First National Pictures, Inc. (of Delaware) and First National Pictures, Inc. (of Maryland). Set for trial on October 2, 1933.

The case of *United States* v. *Asphalt Shingle & Roofing Institute, et al.*, is a civil suit instituted in the southern district of New York against the Institute and 142 companies and individuals connected with it, alleging a combination in restraint of interstate commerce by means of a reporting plan and other activities tending to fix uniform and noncompetitive prices in the sale of nonpatented asphalt shingle and roofing products manufactured by defendant companies.

United States v. *The Nevada Northern Railway Co., et al.*, is a criminal case in which an indictment was returned in the district of Nevada, charging that the railway company and eight of its officers and employees have engaged in a conspiracy to prevent, by means, among others, of boycotting and intimidation, the shipment of goods in interstate commerce by way of any common carrier other than the railway company.

Two criminal cases under the antitrust laws directed against racketeering activities have been instituted during the year and are awaiting trial.

In *United States* v. *Union Pacific Produce Co., et al.*, an indictment was returned at New York City charging the Union Pacific Produce Co. and 6 of its representatives individually with conspiring to monopolize and restrain interstate trade in artichokes, the conspiracy being effectuated by acts of violence and the like.

In *United States* v. *Fish Credit Association, Inc., et al.*, an indictment was returned at New York City charging 24 corporations engaged in the wholesale fish business, 54 individuals, 37 associations, and 1 union with conspiring to monopolize and restrain interstate trade and commerce in fresh-water fish by means, among others, of price fixing and boycotting, by intimidation and acts of violence.

ANTITRUST CASES PENDING AT THE CLOSE OF THE FISCAL YEAR 1933

1. *Greater New York Live Poultry Chamber of Commerce, et al.*, v. *United States.*—A civil case pending on appeal by defendants to the Supreme Court from an injunctive decree entered by the District Court for the Southern District of New York.

2. *United States* v. *The Sugar Institute, Inc., et al.*—A civil case, charging a combination and conspiracy to restrain interstate and foreign trade in sugar, has been tried in the District Court for the Southern District of New York and is awaiting decision.

3. *United States* v. *Asphalt Shingle & Roofing Institute, Inc., et al.*—A civil proceeding pending in the southern district of New York, alleging a combination in restraint of interstate trade and commerce by means of a reporting plan and other activities tending to fix uniform and noncompetitive prices in the sale of nonpatented asphalt shingle and roofing products. Awaiting trial.

4. *United States* v. *International Business Machines Corporation, et al.*—A civil suit instituted at New York City, charging a combination and conspiracy in restraint of interstate trade and commerce in tabulating machines and tabulating cards in violation of the Sherman Act and the Clayton Act. Awaiting trial.

5. *United States* v. *Warner Bros. Pictures, Inc., et al.*—A civil suit pending in the southern district of New York, alleging a violation of section 7 of the Clayton Act in the acquisition by Warner Bros. of

stock of First National Pictures, Inc. (of Delaware) and First National Pictures, Inc. (of Maryland). Set for trial on October 23, 1933.

6. *United States* v. *United Theatres, Inc., et al.*—A civil suit pending in the eastern district of Louisiana, charging a monopoly of the second exhibition of all first class motion picture films in the city of New Orleans. Awaiting trial.

7. *United States* v. *Millinery Quality Guild, Inc., et al.*—A civil suit pending in the southern district of New York, charging a combination and conspiracy to restrain and monopolize interstate trade and commerce in reproductions of women's French hats by means of wholesale and retail price-fixing contracts and agreements. Awaiting trial.

8. *United States* v. *Union Pacific Produce Co. et al.*—Indictment returned in the southern district of New York charging a conspiracy to monopolize and restrain interstate commerce in artichokes, the conspiracy being effectuated by acts of violence and the like. Awaiting trial.

9. *United States* v. *The Nevada Northern Railway Co. et al.*—Indictment returned in the district of Nevada, charging a conspiracy between the railway company and eight of its officers and employees to prevent, by means, among others, of boycotting and intimidation, the shipment of goods in interstate commerce by way of any common carrier other than the railway company. Awaiting trial.

10. *United States* v. *The Fish Credit Association, Inc., et al.*—Indictment returned in the southern district of New York, charging a conspiracy to monopolize and restrain interstate trade and commerce in fresh water fish by means, among others, of price fixing and boycotting, the conspiracy being effectuated by intimidation and acts of violence. Awaiting trial.

11. *United States* v. *National Retail Credit Association et al.*—A civil suit pending in the eastern district of Missouri, charging the employment of practices to monopolize the retail credit reporting business of the United States by members of the association by excluding all others from the trade by means of boycotting and division of territory. Awaiting trial.

12. *United States* v. *Jeffrey Manufacturing Company et al.*—Motions to dismiss the Government's petition in this case, charging a combination and conspiracy to restrain interstate trade and commerce in coal-cutting machinery by means of pooling of patents and cross-licenses containing price-fixing agreements, were denied by the District Court for the Southern District of Ohio. Pending decision as to further action.

13. *United States* v. *Swift & Co. et al.*—This case is pending incident to the carrying out of the decree entered by the Supreme Court of the District of Columbia on February 27, 1920. A trustee appointed

by the court has taken over and is seeking to dispose of the interests of the Swift defendants in public stockyards. Another trustee has been appointed by the court to take over and dispose of the shares of stock owned by Swift & Co. and Libby, McNeill & Libby.

14. *United States* v. *Radio Corporation of America et al.*—This is a civil case pending in the district of Delaware in which a consent decree granting the relief asked by the Government was entered November 21, 1932, but issues with respect to contracts were reserved for disposition at the end of 2½ years.

15. *United States* v. *Balaban & Katz Corporation et al.*—A civil case in which the District Court for the Northern District of Illinois entered a decree consented to by all but one defendant, enjoining defendants from granting to theaters affiliated with them in the Chicago territory any arbitrary or unreasonable protection or clearance over competing unaffiliated theaters in obtaining motion-picture films. Case still pending as to one defendant.

16. *United States* v. *Fox Theatres Corporation et al.*—This is a civil suit pending incident to the carrying out of a consent decree by three trustees appointed by the United States District Court for the Southern District of New York.

17. *United States* v. *Lehigh Valley Railroad Co. et al.*—Provisions of the decree entered November 7, 1923, have been complied with as to all properties involved except Coxe Brothers & Co., Inc., which is being operated independently of the Lehigh Valley Railroad Co. by a trustee appointed by the United States District Court for the Southern District of New York.

18. *United States* v. *Cement Securities Co. et al.*—Case pending incident to carrying out terms of the decree of the District Court for the district of Colorado entered December 13, 1924.

19. *United States* v. *Bricklayers', Masons' & Plasterers' International Union of America et al.*—Case still pending as to three local unions which did not consent to a decree entered by the District Court at New York City.

RADIO ACT OF 1927

The most important decision thus far rendered under the act was handed down by the Supreme Court during the current year. In *Federal Radio Commission* v. *Nelson Brothers Bond & Mortgage Co.*, 289 U.S. 266, the court upheld the validity of an order of the Federal Radio Commission which terminated the existing licenses of two radio broadcasting stations located in the State of Illinois and assigned their frequency to a station located in the State of Indiana, the action having been taken by the Commission in compliance with the provisions of the Davis Amendment of 1928, requiring the Commission to make an equitable allocation of radio broadcasting facilities among

the States. In determining the case in favor of the Government, the Supreme Court held that Congress had the power under the commerce clause to regulate radio communications and to allocate the available broadcasting facilities under a licensing system administered by the Federal Radio Commission; that in the exercise of the power existing stations might be put off the air, and that under the circumstances of the case under review, the deletion of the two stations, in order to achieve a more equitable distribution of facilities between the two States, was a lawful and reasonable exercise of power.

The Supreme Court denied two petitions for certiorari, in *Trinity Methodist Church, South*, v. *Federal Radio Commission*, and in *The Radio Investment Co., Inc.*, v. *Federal Radio Commission*, which were filed during the year. In the former case, the Court of Appeals of the District of Columbia had upheld an order of the Federal Radio Commission, terminating the petitioner's license, against the contention that the Commission's action abridged the constitutional guaranty of free speech; the Commission having found that the station in permitting the broadcasting of defamatory speeches, was not operating in the public interest. The latter case presented the question whether the petitioner was afforded a fair hearing before the Federal Radio Commission in a proceeding resulting in an order terminating petitioner's license to operate part time, and assigning its facilities to another station which had applied therefor. The case was decided in favor of the Government by the Court of Appeals of the District of Columbia.

The Department has continued to assist in the enforcement of the criminal provisions of the Radio Act of 1927.

GRAIN FUTURES ACT

Two suits in which the Government is interested are now pending under this act:

Board of Trade of the City of Chicago v. *Wallace, et al.*, which was initiated by a complaint filed with the Secretary of Agriculture by Farmers National Grain Corporation alleging that the Board of Trade of the city of Chicago was violating section 5 (e) of the Grain Futures Act, which gives cooperative associations full membership and privileges on duly designated contract markets. Clearing membership had been denied Farmers National. A hearing before the Commission created in the act, composed of the Secretary of Agriculture, the Attorney General, and the Secretary of Commerce, resulted in an order suspending the contract market designation of the Board of Trade for 60 days. The Board of Trade sought review of the order by the Circuit Court of Appeals for the Seventh Circuit. The case was argued before that court on November 10, 1932, the Government being

represented by the assistant to the Attorney General. No decision has yet been rendered.

Bartlett Frazier Co. v. *Wallace, et al.*, which is a suit to enjoin the Secretary of Agriculture and his representatives from requiring reports of Board of Trade members pertaining to volume and manner of conducting transactions in grain futures, and from examining the books and records of such members. The United States District Court at Chicago upheld the Government's contentions in all respects and dismissed the suit. Plaintiff appealed to the Circuit Court of Appeals for the Seventh Circuit and on March 16, 1933, that court affirmed the decree of the district court. A petition for rehearing was denied on July 5, 1933. On July 17, 1933, a petition for certiorari was filed in the Supreme Court, and this Department has filed a brief in opposition.

In addition to the above two cases, a proceeding is pending before the Commission created by the Grain Futures Act in the matter of William B. Massey, John S. Reddy, and Philip J. Reddy. The respondents in that matter are charged with having violated the Grain Futures Act by attempting to manipulate the market price of grain, circulating false and misleading market information, executing certain contracts for sale and purchase of grain without evidencing the same by record in writing, and keeping certain false and inaccurate records of transactions. A hearing before a referee designated by the Secretary of Agriculture has been held and evidence taken. The matter has been tentatively set for oral argument before the full Commission on September 8, 1933.

PACKERS AND STOCKYARDS ACT

The only case pending under this act at the close of the fiscal year is *Union Stockyards Co. of Omaha, Ltd.*, v. *United States*, which is a suit brought in the District Court for Nebraska to enjoin an order entered by the Secretary of Agriculture on March 1, 1933, reducing the stockyard rates and charges at the Omaha stockyards. It is alleged by the stockyards company that the rates and charges fixed by the Secretary's order are confiscatory and otherwise illegal and unconstitutional. An interlocutory injunction was entered on March 28, 1933, restraining the enforcement of the order until final hearing and decision on the merits. Petitioner was required to give a bond for $150,000 covering the period during which the interlocutory injunction is effective, the condition of the bond being that if the order is ultimately upheld by the court, petitioner shall refund to the shippers of livestock the difference between the rates and charges fixed in the Secretary's order and those actually collected during the period that the interlocutory injunction is effective. The case will be heard

on the merits before a specially constituted 3-judge court at Omaha sometime during November 1933.

In addition to the above matter which is now pending, three cases were disposed of during the past year:

United States v. *Donahue Bros., Inc.*, which was a suit to collect a penalty for violation of an order of the Secretary of Agriculture requiring defendant to keep a separate account for the proceeds of the sales of shippers' livestock, and to cease and desist from commingling defendant's private funds with those of the shippers. In 1931 the District Court for Nebraska rendered judgment against the Government. Although finding all facts in favor of the Government, the district court held that as a matter of law the United States was not entitled to recover as the Secretary of Agriculture had exceeded his authority in entering the order upon which the suit was based. The Government appealed to the Circuit Court of Appeals for the Eighth Circuit, which on July 21, 1932, rendered its decision reversing the District Court of Nebraska and upholding the power of the Secretary to enter an order. The cause was remanded for a new trial and on February 27, 1933, the District Court of Nebraska entered judgment for the United States on one count, and the remaining counts were dismissed by consent of the Government.

United States v. *Roberts & Oake* was a suit in equity in the northern district of Illinois to compel a meat-packing concern to give bond to cover its operations on a public stockyard. The District Court for the Northern District of Illinois dismissed the Government's petition for want of jurisdiction. On appeal, the Circuit Court of Appeals for the Seventh Circuit on June 5, 1933, affirmed the decree of the district court.

Brown v. *United States*. This was a suit by livestock commission men operating on the Sioux City, Iowa, stockyards to enjoin the enforcement of an order by the Secretary of Agriculture reducing the charges of commission men doing business on the Sioux City stockyards. The suit was filed in August 1931 and was never brought to trial. On July 1, 1933, the case was dismissed on motion of the plaintiff.

PRODUCE AGENCY ACT

This act was passed in 1927 imposing criminal penalties upon persons handling perishable produce on behalf of others who unwarrantedly destroyed or dumped such produce or who fraudulently or falsely accounted or failed to account therefor. Complaints of violations are investigated by the Department of Agriculture and referred to the Department of Justice for prosecution.

During the past year 13 cases were tried, and convictions were obtained in 12 cases and a verdict of acquittal was returned in 1 case. Twenty-six of such cases are now pending. Seven cases were dis-

missed on motion of the Government. In addition, a number of cases were considered and disposed of by the Department without prosecution.

PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Five civil suits have been instituted under this act to collect penalties for carrying on a business of a commission man, dealer, or broker in perishable agricultural commodities without obtaining a license from the Secretary of Agriculture to engage in such business. All of these suits are now pending.

INTERSTATE COMMERCE ACT AND RELATED ACTS

MISCELLANEOUS CASES

Four civil suits were concluded during the year, as follows:

In *United States* v. *Great Northern Railway Co.*, 287 U.S. 144, the Supreme Court affirmed the judgment of the Eighth Circuit Court of Appeals, denying the right of the Government to recover money paid the railway company in excess of the amount payable under section 209, Transportation Act, 1920, which section guaranteed to carriers therein described that for the first 6 months after Federal control ended their railway operating incomes would be equal to their incomes for a similar portion of the "test period."

In *United States* v. *Chicago, North Shore & Milwaukee Railroad Co.*, 288 U.S. 1, the Supreme Court affirmed the decree of the District Court for the Northern District of Illinois, holding that the railroad company was not a "carrier" within the meaning of section 20a of the Interstate Commerce Act, but was an "interurban electric railway", and, as such, was expressly excepted from the provisions of that section requiring carriers to obtain the approval of the Interstate Commerce Commission before issuing securities.

United States v. *Richmond, Fredericksburg & Potomac Railroad Co.*, was a suit brought in the Supreme Court of the District of Columbia to recover excess income of the carrier found by the Interstate Commerce Commission to be due under section 15a of the Interstate Commerce Act, which required carriers to pay over to the Government one half of income earned by them in excess of 6 percent of the value of their railway property. The defendant had filed a motion to dismiss, which had been argued and submitted to the court for decision when the excess income provision of section 15a was retroactively repealed on June 16, 1933, by the Emergency Railroad Transportation Act, 1933. Thereupon, the Government dismissed the suit.

United States v. *Cleveland, Cincinnati, Chicago & St. Louis Railroad Co., et al.* was a suit brought before the Interstate Commerce Commission to require certain railroads to change their classification ratings

and minimum weights on mess tables and benches used in the military service of the Government so as to reduce the existing freight rates. Shortly after the suit was lodged the defendant carriers filed tariffs publishing the desired change in classification ratings and minimum weights and the suit was dismissed.

Three civil suits previously instituted are still pending: In *United States* v. *Butte, Anaconda & Pacific Railway Co.*, 61 F (2d) 587, the Ninth Circuit Court of Appeals affirmed the judgment of the District Court for the District of Montana, sustaining the right of the United States to recover $487,000, with interest, erroneously paid to the railway company upon a "deficit" certificate of the Interstate Commerce Commission under section 204, Transportation Act, 1920, which provided for reimbursement by the Government of any carrier, as therein defined, "which sustained a deficit in its railway operating income", for that portion of Federal control during which it operated its own line of railroad. The court held that the section authorized reimbursement only of carriers that incurred an actual loss for the months of the Federal control period during which they operated their railroads; that it did not, as contended by the railway company, authorize reimbursement of mere decreases in profits or incomes of carriers realized during those months as compared with profits or incomes realized during a similar portion of the "test period"; and that since the railway company admittedly had realized a profit, it was not entitled to any payment under section 204. The case is now pending in the Supreme Court, the railway company's petition for a writ of certiorari having been granted.

United States v. *Ray & Gila Valley Railroad Co.*, is a suit brought in the District Court for the District of Arizona to recover money erroneously paid to the railroad company upon a certificate of the Interstate Commerce Commission issued under the "guaranty" provisions of section 209, Transportation Act, 1920, described above. The Commission first found that the railroad company was "engaged as a common carrier in general transportation", within the meaning of that section, and issued its certificate upon which the guaranty payment was made, but on reconsideration and further hearing found that the railroad company was not engaged in general transportation. The district court sustained a demurrer to the Government's declaration on the ground that the Commission's first finding was final and conclusive upon both the Commission and the court, and dismissed the action. The case is now pending before the Ninth Circuit Court of Appeals.

In *United States* v. *Elgin, Joliet and Eastern Railway Co.* the Government is seeking an injunction in the northern district of Illinois, restraining and preventing the railway company, a subsidiary of the United States Steel Corporation, from transporting articles and com-

modities mined, manufactured, or produced and owned by other subsidiaries of the steel corporation, in violation of the commodities clause, section 1 (8), Interstate Commerce Act. The case is now pending trial.

In addition to the actual handling of the cases just described, this Division has charge of all cases involving violations of the Interstate Commerce Act referred directly to United States attorneys by the Commission pursuant to section 12 of the act. This work includes the actual preparation of briefs and handling of such of these cases as are reviewed by the Supreme Court. It also includes the review and consideration of requests for dismissal of indictments, and for settlement of cases involving violations of the several sections of the act. During the year work of this nature consumed approximately 2 months of the time of one of the attorneys of the Division.

Legal assistance is also rendered by this Division to the Treasury Department in matters arising out of transactions under the various sections of the Transportation Act, 1920. Such of these matters as resulted in actual litigation are included in the statement of cases set forth above.

Suits to set aside orders of the Interstate Commerce Commission

Number of cases pending July 1, 1932	13
Number of cases filed during the year	14
Number of cases concluded during the year	10
Number of cases pending June 30, 1933	17

Of the concluded suits involving orders of the Commission, 7 were appeals to the Supreme Court, and in 5 of these appeals the orders of the Commission were sustained, and in the other two cases, which attacked the same order and were consolidated, the Court held that the order was invalid.

Three of the concluded cases were in specially-constituted district courts, and in one the Commission's order was sustained and no appeal was taken; another was dismissed because a change in rates prescribed by the Commission's order made the case moot; and in the third the complainant withdrew the suit when the Commission reopened the proceedings for further hearing.

In five cases, not yet concluded, the specially-constituted district courts sustained orders of the Commission, while in two cases they held the orders to be invalid. These seven cases are awaiting further action either in the district courts or on appeal to the Supreme Court.

The orders attacked by these suits involve various phases of the Interstate Commerce Commission's powers, including its power to prescribe reasonable rates, to prescribe rates for intrastate application in order to remove unjust discrimination against interstate commerce, to issue certificates of public convenience and necessity authorizing

one carrier to operate over the tracks of another, to authorize one carrier to acquire control of another by purchase of a majority of its capital stock, to prescribe uniform accounting rules for carriers, to prescribe nonprejudicial rates for interstate application on export and import traffic, and to establish (under sec. 3 (e), Inland Waterways Corporation Act, as amended) through routes and joint rates for application to traffic transported by barge and rail carriers.

CASES IN THE SUPREME COURT

During the year four cases of unusual importance were decided by the Supreme Court.

In *Transit Commission et al* v. *United States et al.*, 289 U.S. 121, the Supreme Court held that the Commission had paramount and exclusive power, as against State authorities, to determine whether public convenience and necessity required one interstate carrier to operate over the tracks and to use terminal facilities of another under contracts and trackage agreements, and to determine whether such contracts and trackage agreements are reasonable and in the public interest.

In *Texas & Pacific Railway Co. et al.* v. *United States et al.*, 289 U.S. 627 (May 29, 1933), the Supreme Court held to be invalid an order of the Commission which required carriers to establish certain prescribed rates on import, export, and coastwise traffic to New Orleans, La., which the Commission had found necessary to avoid undue prejudice to Houston and Galveston, Tex. The Court's decision was that "ports as such are not localities with respect to export and import traffic routed through them, susceptible of undue preference or prejudice within the intent of the act." The Court further held the order to be invalid on the ground that the carriers serving New Orleans could not be held guilty of undue prejudice against the Texas ports because they did not control or effectively participate in joint rates over their lines and the lines of connecting carriers to the Texas ports.

In *Moffat Tunnel League et al.* v. *United States* 289 U.S. 113, the Supreme Court held that unincorporated, voluntary associations have no capacity to sue to enjoin an order of the Interstate Commerce Commission, because, first, they are not organized pursuant to, or recognized by, any law, and, second, they are not authorized by the Urgent Deficiencies Act or other statute to maintain such suit. The court also held that the complainants did not have a "legal interest" sufficient to entitle them to maintain the suit.

Interstate Commerce Commission et al. v. *Oregon-Washington Railroad & Navigation Company et al.*, 288 U.S. 14, was a suit brought by the Railroad Company against the United States to enjoin an

order of the Interstate Commerce Commission requiring the company to "extend its line of railroad" by constructing a new line approximately 185 miles in length, from Crane to Crescent Lake, Oreg. The Interstate Commerce Commission and certain State public service commissions intervened and defended. The district court held the order to be invalid and enjoined its enforcement. Having declined to appeal, the United States was duly severed and the appeal was prosecuted by the Commission and the State authorities which had intervened. The Supreme Court affirmed the decree of the district court holding that neither section 1 (21), which authorizes the Commission to require any carrier to provide itself with adequate facilities for performing car service and "to extend its line or lines", nor any other provision of the Interstate Commerce Act empowered the the Commission to require a carrier to build into a new and previously unserved locality, a new line of railroad of such proportions as was required in this case. The Court also sustained the right of the Commission and other interveners to prosecute the appeal even though the Attorney General had declined to appeal on behalf of the United States.

In still another case, *Alton Railroad Co.* v. *United States*, not yet concluded, the Supreme Court held that an order of the Commission which dismissed a complaint against divisions of joint through freight rates, was not negative and was reviewable by the Court, reversing the district court and remanding the case to it for decision upon the merits.

CASES IN DISTRICT COURTS

Four cases of significance in connection with the Commission's powers were decided by specially-constituted district courts.

Illinois Central Railroad Co. et al. v. *United States et al.*, 3 Fed. Supp. 1005 (June 14, 1933), was a suit brought in the District of Delaware to enjoin an order of the Commission which established, under section 3 (e), Inland Waterways Corporation Act, as amended, through barge-and-rail routes and joint through rates for application to traffic moving partly by barge and partly by rail. The specially-constituted District Court held that Section 3(e), which authorizes the Commission to establish through rail-barge routes and joint rail-barge rates, was unconstitutional because it authorizes the Commission to establish the routes and rates without conducting a *prior* hearing, and that the provision of the section that a hearing be accorded by the Commission immediately *after* the establishment of the routes and rates upon complaint of any aggrieved carrier was not sufficient to accord the carriers due process of law. The case is pending on appeal to the Supreme Court.

The authorization given by the Commission to carriers to increase both interstate and intrastate rates as a result of its proceedings in

Fifteen Percent Case, 1931, 178 I.C.C. 539 and 179 I.C.C. 215, was attacked by three States which refused to allow the authorized increases on intrastate shipments. In *Commonwealth of Kentucky* v. *United States*, 3 F.Supp. 778 (March 10, 1933), and *State of Montana* v. *United States*, 2 F.Supp. 448, the specially constituted district courts sustained the validity of the Commission's orders requiring carriers to increase the intrastate rates to the same extent that the interstate rates had been increased, while in *State of Louisiana* v. *United States*, 2 F.Supp. 545, the order was held by the district court to be invalid. The latter case and the *Montana case* have been appealed and are now pending in the Supreme Court.

DIVISION OF TAXATION AND PROHIBITION

(G. Aaron Youngquist, Assistant Attorney General in charge to February 28, 1933. Sewell Key, Attorney, in charge of Tax Section from March 1, 1933. Norman J. Morrisson, Special Assistant to the Attorney General, in charge of Prohibition Section from March 1, 1933.)

TAXATION

SUPREME COURT

The past fiscal year this section prepared 27 petitions for certiorari, 92 briefs in opposition, and 42 briefs on the merits as compared with 18 petitions, 100 briefs in opposition, and 21 briefs on the merits during the fiscal year 1932. The Supreme Court passed upon 107 petitions for certiorari in tax cases in which this section prepared the petitions or briefs in opposition. The position of the Government was upheld in 99 of these cases, a winning percentage of 92.52.

Of the 34 decisions on the merits handed down by the Supreme Court in tax cases in which the briefs were prepared by the Tax Section, 29, or 85.29 percent, were favorable to the Government. The percentage of such cases won in the previous fiscal year was 65.38. Of the 34 decisions on the merits, 20 were appeals by taxpayers, of which the Government won 16. The Government appealed 14 cases, of which 13 were won. The Government won 80 percent of the taxpayer's appeals and 92.86 percent of the Government's appeals.

CIRCUIT COURTS OF APPEALS

During the past fiscal year 430 cases were appealed from the United States Board of Tax Appeals to the various circuit courts of appeals including the Court of Appeals of the District of Columbia, an increase of 18.13 percent over the previous fiscal year. During the same period 243 briefs were filed and 227 cases argued. Of the 274 cases decided by these courts, 189, or 68.98 percent, were won by the Government. The 274 cases decided involved $17,860,717.34 in income and other taxes. At the end of the fiscal year there were pending 476 petitions for review of decisions of the Board of Tax Appeals which involved $24,249,350.29. The total number of briefs prepared in tax cases in all courts was 404, as compared with 354 for the previous year.

MISCELLANEOUS

The Tax Section prepared 655 memoranda recommending for or against appeals from adverse decisions of the United States Board of Tax Appeals and the various District Courts, and for or against certiorari to the circuit court of appeals and the Court of Appeals of the District of Columbia. In addition thereto 45 recommendations of the Commissioner of Internal Revenue as to compromise of tax cases were acted upon, 105 recommendations as to criminal prosecutions were considered, and 39 recommendations as to the commencement of civil actions involving tax liability were disposed of.

While the work of the Tax Section increased materially over the previous year, it was performed at less expense to the Government. There was no increase in personnel. The cost of printing briefs in all cases and records in those cases appealed by the Government averaged $78.39 per case as compared with $104.29 for 1932. Travel and subsistence expense incurred in the argument of cases was reduced $3.86 per case.

Tax cases of special importance and public interest decided by the Supreme Court during the fiscal year are summarized as follows:

Gulf States Steel Co. v. *United States*, 287 U.S. 32, decided November 7, 1932.—Where a taxpayer has given a bond to secure further consideration of a claim for abatement of a deficiency assessment as to which the statute of limitations is about to expire, the United States may recover upon the bond the amount of the unabated deficiency, even though it has been judicially determined that collection of the tax was barred.

Burnet v. *Harmel*, 287 U.S. 103, decided November 7, 1932.—Bonus received by the lessor upon execution of an oil lease, as well as subsequent royalties, is ordinary income and hence not taxable as capital gain, even though under the State law (Texas) such a lease is deemed to pass immediately title to the oil and gas in place. Federal taxing statutes are to be given a uniform construction of Nation-wide application, except insofar as Congress makes its application dependent on State law.

Gwinn v. *Commissioner*, 287 U.S. 224, decided December 5, 1932.—The provision of the Revenue Act of 1924 for including in the value of the gross estate of a decedent for purposes of the estate tax, his interest in property held as joint tenant with another, applies to tenancies created before September 8, 1916, when the first of the recent Federal estate tax statutes was enacted, where the rights of the survivor are not irrevocably fixed at the creation of the tenancy.

Murphy Oil Co. v. *Burnet*, 287 U.S. 299, decided December 5, 1932.—Under the Revenue Act of 1918 and Treasury Regulations, depletion allowances to the lessor of an oil well shall be deducted proportionately from both bonus and royalties received. It is consistent with this rule, and not unreasonable, where the bonus and expected royalties exceed the invested capital, to allocate bonus paid in earlier years and not returned for taxation, entirely to depletion, and thus reduce proportionately the depletion allowance per barrel of royalty oil extracted in later years.

Bankers Coal Co. v. *Burnet*, 287 U.S. 308, decided December 5, 1932.—Royalties based on coal production received by a lessor in 1920–26 under leases executed before the date of the Sixteenth Amendment are not converted capital but taxable

income whether title to the coal passed to the lessee upon the making of the leases, before the coal was severed, or only as the coal was mined. A point effecting tax liability, decided in a suit against a collector of taxes, is not *res judicata* against the Commissioner of Internal Revenue or the United States, in litigation respecting later taxes.

Strother v. *Burnet*, 287 U.S. 314, decided December 5, 1932.—Same as *Bankers Coal Co.* v. *Burnet, supra.*

Dalton v. *Bowers*, 287 U.S. 404, decided December 12, 1932.—Ownership of all the stock of a corporation is not enough to show that a loss sustained through worthlessness of the stock could be deducted from the taxpayer's income as a loss "attributable to the operation of a trade or business regularly carried on by the taxpayer" within the meaning of the "net loss" provision of the Revenue Act of 1924.

Burnet v. *Clark*, 287 U.S. 410, decided December 12, 1932.—The majority stockholder and president of a corporation is not entitled to deduct losses sustained through endorsement of obligations of a corporation and sale of its stock. The losses did not result "from the operation of any trade or business regularly carried on by the taxpayer", for he was not in the business of endorsing or buying and selling securities, and were not deductible by him from gains of succeeding years.

Burnet v. *Commonwealth Imp. Co.*, 287 U.S. 415, decided December 12, 1932.—A corporation wholly owned by the estate of a decedent is taxable on a gain arising out of an exchange of securities between it and the estate, the circumstances being insufficient to require disregard of the corporate form.

Pinellas Ice Co. v. *Commissioner*, 287 U.S. 462, decided January 9, 1933.—A sale by one corporation of all of its property for a money consideration, part in cash and the remainder to be paid in installments evidenced by promissory notes of the vendee, is not an "exchange" of property for cash and "securities" by a party to a reorganization wherein a gain or loss is not recognized to the transferor, under the Revenue Act of 1926. To constitute a "reorganization" under the act it is not essential that there be a merger or consolidation in the technical sense.

Burnet v. *Aluminum Goods Co.*, 287 U.S. 544, decided January 9, 1933.—The purpose of filing consolidated returns is to impose the tax on what is in practical effect a single business enterprise even though conducted by means of more than one corporation. Where a subsidiary, all of whose stock is owned by a parent corporation, is liquidated in 1917 and dissolved in the following year, the two corporations did not cease to be affiliated in 1917. In a consolidated return of excess profits taxes for 1917, the loss of the parent company's investment in the stock of the subsidiary, and the loss of money advanced and repaid may be deducted after subtracting from their sum the subsidiary's operating loss for that year.

Palmer v. *Bender*, 287 U.S. 551, decided January 9, 1933.—A lessee of oil wells who transfers them to another, stipulating for a royalty or bonus from oil to be produced, thereby retains an economic interest in the oil in place, which is depleted by production and which comes within the meaning and purpose of the revenue statute allowing depletion deductions. The interests to which the allowance applies are determined by the statute itself, as construed, and not by their formal characterization in the local law.

United States v. *Henry Prentiss & Co.*, 288 U.S. 73, decided January 9, 1933.—A general claim for refund may be amended after the period of limitation by particularizing the grounds therefor, if the amendment is made before final rejection, but it cannot differ in essence from the original claim so that the two are distinct claims, the one not amendable by the other.

Atlantic City. Co. v. *Commissioner*, 288 U.S. 152, decided February 6, 1933.—In determining whether one corporation has legally enforceable control of "substantially all" of the stock of another corporation, for the purpose of filing a consolidated return, there is no gound for excluding preferred stock outstanding with voting rights, even though it be redeemable at any time and have a limited interest in dividends. Ownership by one corporation of 77 percent of all stock outstanding held insufficient for affiliation.

Burnet v. *Huff*, 288 U.S. 156, decided February 6, 1933.—One of two partners in 1920 embezzled money from a trust fund held by the firm, and paid it to the other partner (who was innocent) in discharge of a firm debt to him. The other discovered the theft that year and in the following year restored the fund, partly from firm assets and the rest from his own pocket. The amount repaid was not deductible as a loss in 1920.

Burnet v. *Guggenheim*, 288 U.S. 280, decided February 6, 1933.—Where a trust was created in 1917, the settlor reserving power to modify, alter, or revoke, relinquishment of such power in 1925 is subject to the gift tax under the Revenue Act of 1924 as the gift was not consummate until put beyond recall by the relinquishment in 1925.

New York v. *Maclay*, 288 U.S. 290, decided February 6, 1933.—Taxes due by an insolvent corporation to the United States have priority over claims of a State for franchise taxes due but not liquidated.

Burnet v. *Brooks*, 288 U.S. 378, decided March 13, 1933.—Securities owned by a nonresident alien decedent, a citizen of Great Britain and resident of Cuba, comprising stock in a foreign corporation and bonds of foreign governments, foreign corporations, domestic corporations, and a domestic municipality which were in this country, at the time of his death should be included as part of the gross estate "situated in the United States" at the date of death.

Burnet v. *S. & L. Bldg. Corp.*, 288 U.S. 406, decided March 13, 1933.—In the case of an installment sale of real property, subject to a mortgage payable in installments which the purchaser assumes, the amount of the mortgage, to the extent that it does not exceed the basis to the vendor of the property sold, shall be included as part of the purchase price in finding the vendor's profit, but shall not be included in the initial payments or the total "contract price" in computing the ratio of profit on installment payments. Where an assumed mortgage exceeds the base or depreciated cost of the property to the vendor the excess shall be treated as if received in money by the vendor in the year of sale.

Harvey Co. v. *Malley*, 288 U.S. 415, decided March 13, 1933.—Judgment in a law case tried without a jury is not reviewable where no special findings of fact were made, where no rulings were excepted to and duly presented by bill of exceptions, and where the assignments of error present no substantial question on the pleadings. Affirmance by the Supreme Court of a judgment of the Circuit Court of Appeals upon the ground that no substantial question was presented to that Court by the assignments of error is not approval of that Court's decision of other questions not properly before it.

Pacific Coast Co. v. *McLaughlin*, 288 U.S. 426, decided March 13, 1933.—Waivers given after the date of the Revenue Act of 1924 with respect to the collection of taxes barred before that date are valid.

Porter v. *Commissioner*, 288 U.S. 436, decided March 13, 1933.—Transfers in trust, made in 1918 and 1919 and altered in 1926, under agreement by which the grantor reserved the right to modify or alter the terms of the trust so far as interests of others might be concerned, but not for his own benefit or that of his estate, are part of the gross estate on his death in 1926.

United States v. *Dakota-Montana Oil Co.*, 288 U.S. 459, decided March 13, 1933; *Petroleum Exploration* v. *Burnet*, 288 U.S. 467, decided March 13, 1933.—Expen-

ditures for drilling holes in the ground for oil wells are recoverable through depletion allowances, as distinguished from cost of physical property such as machinery, tools, equipment, pipes, etc., which are subject to depreciation allowances.

Heiner v. *Diamond Alkali Co.*, 288 U.S. 502, decided March 13, 1933.—Where a taxpayer's profits taxes have been determined by the Commissioner by special assessment, the District Court and the Circuit Court of Appeals are without jurisdiction, in a suit for refund, to recalculate the taxpayer's net income and recompute the tax by applying to the new figure found as the net income, the ratios of tax used by the Commissioner.

Burnet v. *A. T. Jergins Trust*, 288 U.S. 508, decided March 13, 1933.—A city made an oil and gas lease to a private party covering part of a tract owned by the city and used by it for water supply and other purposes. Under the lease the oil and gas recovered were sold by the parties jointly and the proceeds were divided in stated proportions between them. A Federal tax on the receipts of the leasee was not invalid since the subject taxed was so remote from any governmental function that the effect of the exaction on the city's activities was inconsiderable and its collection was consistent with and did not trench upon the immunity of the State as a sovereign.

Anderson v. *Wilson*, 289 U.S. 20, decided March 13, 1933.—A loss resulting from a sale of real estate by executors holding fee title on a trust to manage and sell and to distribute the proceeds is a loss of the estate and cannot be deducted by the beneficiary in making his personal return of income.

Bemis Bro. Bag Co. v. *United States*, 289 U.S. 28, decided March 13, 1933.—A claim for refund, although amended after a claim wholly new would be barred by limitation, did not differ in matter of substance from the claim as first presented and was legally sufficient to support a refund.

Lang v. *Commissioner*, 289 U.S. 109, decided April 10, 1933.—Upon a sale of realty in 1925 by surviving tenant by the entirety, the basis for gain or loss is the cost to the two tenants in 1915, although part of the cost was paid by petitioner's husband and the value of such part was included in his gross estate. Petitioner's contention that the basis should be the part of the cost contributed by her plus the value at the date of his death of the part purchased with his funds was not sustained.

Reinecke v. *Smith*, 289 U.S. 172, decided April 10, 1933.—Section 219 (g) of the 1924 Revenue Act does not violate the fifth amendment of the Constitution in requiring that the grantor of a trust is taxable on the income accruing after January 1, 1924, where the trust is revocable by the grantor in conjunction with one trustee, though the trust was created before the passage of the 1924 act and when there was no law taxing the income of such a trust to the grantor.

Moore Ice Cream Co. v. *Rose*, 289 U.S. 373, decided May 8, 1933.—The intention of Congress in abolishing the necessity of payment under protest, as a condition to the recovery of taxes, was to remove the requirement of protest in any suit thereafter brought, although the payment was made before the date of such amendment.

Leighton v. *United States*, 289 U.S. 506, decided May 29, 1933.—The right of the United States to maintain a suit in equity against stockholders of a corporation to require them to account for distributed corporate assets to the end that such assets may be applied to taxes due from the corporation to the United States and interest thereon from date of assessment against the corporation, was not abolished by the "transferee" provisions of the 1926 act.

Taft v. *Western Md. Ry. Co.*, 289 U.S. 620, decided May 29, 1933.—Congress merely by adopting the scheme of annual tax periods did not intend to abolish the doctrine of res judicata in tax cases and thus to deprive the Government and taxpayer of relief from redundant litigation of identical questions as to the

liability of the same taxpayer under the same taxing provisions. Where a question has been adjudged as between a taxpayer and the Government or its official agent, the Commissioner of Internal Revenue, the collector, being an official inferior in authority, and acting under them, is in such privity with them that he is estopped by the judgment.

Burnet v. *Wells*, 289 U.S. 670, decided May 29, 1933; *Du Pont* v. *Commissioner*, 289 U.S. 685, decided May 29, 1933.—It is not unconstitutional to tax income of trust estates to the grantor where the income is applied to the payment of premiums upon insurance policies on the life of the grantor, where it applies to income accruing since the date of the enactment from trust created earlier.

PROHIBITION

BRIEFING SECTION

Upon assignment by the Solicitor General, briefs in opposition to petitions for writs of certiorari in 44 cases, a memorandum in opposition in 1, and memoranda of no opposition in 2, were prepared in the prohibition section of this Division. The Supreme Court denied 41 of these petitions and granted 4, leaving 2 cases pending. The total number of cases handled by this section on certiorari during the past fiscal year was 47.

On the merits, 8 cases were assigned to this section for the preparation of briefs, 1 case being on certificate. Eight cases were decided by the Supreme Court, the decisions being favorable to the Government in 3 and adverse in 4. The case on certificate was dismissed on the Government's contention that the certificate was not in proper form. Of the cases decided against the Government, one was pending from the preceding year and involved the search of a private dwelling without an adequate search warrant. In this case the Government practically confessed error. One case is pending.

There was an increase of two cases on certiorari during the past fiscal year over the preceding year. On the merits there was a decrease of six cases.

Among the cases briefed on the merits and decided by the Supreme Court the questions involved were: Whether a search warrant was executed within the time prescribed by law and whether there was probable cause for its issuance; whether a defendant is entitled to a judical trial before his probation may be revoked under the Federal Probation Act, and whether the suspension of the imposition of a sentence and the imposition of the sentence at a later term were valid. An important case involved a construction of the treaty of 1924 with Great Britain respecting the search and seizure beyond our territorial limits of British vessels suspected of smuggling intoxicating liquors into this country. In another case the law of entrapment was completely reviewed by the Court, and one involved the extent to which the Government must prove its allegations of a defendant's failure to register a still and take out a bond as required by statute, where the

facts as to such allegations are peculiarly within the defendant's knowledge. In the case before the Court on certificate, which was dismissed, the question was whether a search warrant may issue under the internal revenue laws to search a residence for the unlawful manufacture therein of distilled spirits, without a showing of sale of intoxicants on the premises as required by the National Prohibition Act. The case pending before the Court on certiorari granted involves the important question whether a search warrant issued under the tariff act to search a private dwelling upon mere suspicion and belief of a customs officer that merchandise on which the duties have not been paid is secreted therein, is a sufficient compliance with the provisions of the fourth amendment that no search warrant shall issue but upon probable cause.

The cases in which briefs in opposition to petitions for certiorari were prepared involved a variety of questions arising under the Constitution, the National Prohibition Act, and the internal revenue, the customs, and the navigation laws as they affected liquor transactions, as well as the conspiracy statute. A number involved the sufficiency of probable cause for the search of premises and automobiles without search warrants. While these cases did not come before the court on the merits, it was necessary in many of them that the questions involved be carefully briefed because of the importance to the Government from a prohibition standpoint that the decisions of the courts below be sustained.

In addition to the above, this office reviewed 81 cases and prepared memoranda thereon recommending either for or against appeal from decisions adverse to the Government in the United States district courts and the circuit courts of appeals. The total number of briefs and memoranda prepared was 136, as against a total of 147 in the preceding fiscal year. Several briefs were also prepared in important prohibition cases pending before the circuit courts of appeals.

This office also passed upon a number of offers of compromise in prohibition cases and petitions for remission or mitigation of forfeitures under the revenue laws where violations of the prohibition laws were involved. Of the 801 offers of compromise reviewed, 638 were accepted and 163 denied. The number of petitions for the remission of forfeitures considered was 622, of which 271 were granted and 351 denied.

LIQUOR SMUGGLING BY MEANS OF WATER CRAFT

The outstanding case involving this type of liquor smuggling and perhaps the only one of general interest is that of the *Mazel Tov, Cooke* v. *United States*, 288 U.S. 102. The vessel, of British registry, was seized at a point 11½ miles from land and her speed actually was determined to be not more than 10 miles per hour. As section 581 of the Tariff Act of 1922 authorizes the officers of the Coast Guard

to stop and board any vessel within 12 miles of the shore, and the treaty entered into between this country and Great Britain on May 22, 1924, provides that the boarding of British vessels must be confined to those within an hour's run from land, the major problem before the Supreme Court was a reconciliation of these two provisions. It held that, as the treaty was of a later date and inconsistent with the act, it was controlling and that the jurisdictional test thereafter with respect to British vessels must be the distance that they could travel in an hour's sailing. As the United States has similar agreements with 16 foreign nations, the effect of the decision on the activities of the Government's enforcement agencies has obviously been marked.

The number of foreign vessels seized by the Government for liquor smuggling during the current year compares favorably with the year just past. Ten such crafts were taken and their forfeiture sought. While the table below states the number of seizures made during the current fiscal year, it does not indicate the seizures made month by month. A review of the report submitted by the Coast Guard and Customs Service indicates that during the half year extending from July 1932 to December 1932 8 of the 10 vessels were seized, and the remaining 2 during the period since then of equal length. It indicates further that smuggling practically ceased during the months of March, April, and May 1933, due perhaps to unsettled financial conditions in the United States and the legalizing of beer during that period, but that by July the activity had reached its 1928 level.

For the purpose of comparing the operations during the years 1925 to the present and determining the ratio between the foreign vessels seized and those forfeited, the following table is furnished:

Fiscal year	Foreign seizures	Forfeitures	Fiscal year	Foreign seizures	Forfeitures
1925	35	10	1930	29	12
1926	33	18	1931	20	16
1927	31	20	1932	12	10
1928	22	28	1933	10	6
1929	17	14			

REPORT OF THE DIRECTOR OF PROHIBITION

(Amos W. W. Woodcock, Director to Mar. 31, 1933; A. V. Dalrymple from Apr. 1, 1933.)

The Bureau of Prohibition ended its third year under the Department of Justice on June 30, 1933. It made a total of 63,622 cases for prosecution in the Federal courts and 12,042 for prosecution in the State courts, or a total of 75,664 as compared with a total of 90,217 cases during the previous year. There were 60,044 cases terminated in the Federal courts and convictions in 52,797 cases. There were 12,976 cases terminated in the State courts and convictions in 10,695 cases. There were 38,076 jail sentences and fines aggregating $4,177,-848 in the Federal cases and 5,145 jail sentences and $1,174,339 of fines imposed in the State cases. There were 6,661 permanent injunctions imposed in the Federal cases and 222 in the State cases. There were 12,222 automobiles and 52 boats seized in the Federal cases and 741 automobiles in the State cases. There were 16,602 stills and 1,362 breweries seized in the Federal cases and 2,308 stills and 74 breweries in the State cases. The ratio of convictions to terminations was 87.9 percent in the Federal cases and 82.4 percent in the State cases.

There was appropriated for the Bureau $10,250,000. Of that amount $775,075 was impounded because of compensation deductions and approximately $250,000 impounded through unfilled vacancies. In addition about $100,000 was not used and will be returned to the Treasury. The exact amount is not determinable because all accounts have not been audited.

The objective of the Bureau has been to detect and to bring to justice the commercial violator of the national prohibition laws. Legislative provisions have tended to be of assistance in accomplishing this.

While the provisions of the appropriations bill, prohibiting the use of funds in connection with wire-tapping cases and for the purchase of intoxicating liquors to be consumed by investigators did not become effective technically until July 1, 1933, it was deemed advisable to put the provisions into effect immediately. This was done early in March 1933. On March 22 the beer bill was approved, providing that "beer, ale, porter, wine, similar fermented malt or vinous liquor, or fruit juice" * * * "containing not more than 3.2 per centum of alcohol by weight" shall no longer be unlawful. These legislative

changes caused the Bureau to operate almost exclusively against the manufacturers and transporters of illicit liquors.

The decrease in cases made this year as compared with the preceding year is directly traceable to these legislative changes in procedure. Production in the last quarter of the fiscal year 1933 decreased 50 percent as compared with the same period of fiscal year 1932.

We regret to report that during this year the following-named prohibition investigators were killed while in the performance of their official duties: Ballard W. Turner, E. B. Vlasich, A. J. Sanderson, Leonard A. Welty, Paul A. Read, Eugene Jackson, James G. Harney, Howard B. Oursler, Frank A. Mather, Chester A. Mason, Teddie Balding, William E. Grubbs, LeRoy R. Wood, and Harry H. Elliott.

LEGAL DIVISION

In addition to the regular work reported under the various sections there were examined over 400,000 cases for the purpose of segregating the closed from the pending ones and taking appropriate action on the latter. Where it was found that final action had been taken, cases were clearly marked closed and sent to file. The remaining cases, totaling some 200,000, were reviewed to determine whether civil liability existed. A more detailed report is given under the Taxes and Penalties Section.

The monthly digest of current decisions relating to prohibition matters which is prepared in these headquarters by the librarian and sent to all bureau offices and to United States attorneys to enable them to have the benefits of early consideration of such decisions was improved in many respects. The digest has proved to be a helpful service to the entire legal organization.

In addition to the office proper of the chief counsel, which consists of the chief counsel, the assistant to the chief counsel, and a secretary, the Division consists of the general law, taxes and penalties, property, permit review, and pardon and parole sections. The principal accomplishments of these sections during the past year are as follows:

GENERAL LAW SECTION

The work of this section has consisted of the preparation of opinions and correspondence on general questions and matters involving the legal interpretation of the National Prohibition Act and of amendatory and supplemental legislation, including the internal revenue laws having to do with intoxicating liquor. More specifically, the work of the section has included the preparation of legal briefs involving questions relating to the taxation of liquor, the methods and statutes applicable for the forfeiture of property, and problems associated with the law of search and seizure; the formulation of recommendations to the Department of Justice concerning proposed legislation,

the preparation of memoranda to the Department of Justice, when requested, giving the recommendation of this Bureau concerning appeals, and the cooperation with and assistance to United States attorneys in civil and criminal actions and upon appeals in which the Bureau of Prohibition was interested, where such assistance was required because of the unusual importance and complexity of the case, or by reason of the fact that there were involved principles important from the standpoint of prohibition enforcement.

TAXES AND PENALTIES SECTION

This section reviews all civil liability cases where true taxes have been determined by administrators on the basis of violation reports for assessments and collection of such taxes by the Bureau of Internal Revenue; determines civil liability involved in certain classes of permit cases due to violation of the permits and in the absence of payment in full or compromise of the liability certifies the cases to the proper United States attorneys for suit; examines claims for abatement or refund of true taxes and makes recommendation to the Bureau of Internal Revenue; reviews briefs prepared by administrators covering offers in compromise of civil liability and makes recommendation to the Attorney General for acceptance or rejection of such offers; reviews permit cases to determine whether supporting bonds may be canceled; and conducts general correspondence relating to civil liability functions with field officers, other Government bureaus, and the public.

Assessments of true taxes.—During the fiscal year there were received in these headquarters from the various field offices 10,090 proposed assessments in the amount of $2,167,555.91. There were reviewed 10,333 proposed assessments in the amount of $1,933,681.42, of which 9,782 in the amount of $1,655,683.39 were approved and forwarded to the Bureau of Internal Revenue for assessment and collection.

Claims in abatement of true taxes.—The Bureau of Internal Revenue submitted to this Bureau for recommendation 189 claims in abatement of true taxes in the amount of $54,185.26. Claims were reviewed and recommendations made in 153 of such cases.

Offers in compromise of civil liability.—During the fiscal year, 419 offers in compromise of civil liability in the amount of $150,644.15 were received from administrators. There were 407 offers accepted in the amount of $116,368.94 and 139 offers rejected in the amount of $6,240.56.

During the year there were reviewed for determination of civil liability some 200,000 violation cases which were pending in these headquarters. Cases were closed where no liability existed or where the collection of penalties was barred by reason of the La Franca or

other court decisions. The remaining cases were then studied to determine whether the evidence was sufficient to warrant their certification to the United States attorneys for suit. This work was completed and attention was then directed toward the certification of cases where the evidence warranted.

Reviews have been made and preliminary work started toward the collection of taxes and penalties in 623 permit bond cases involving violations of the National Prohibition Act with a total liability of $30,086,868.18, and supported by bonds totaling $6,390,000. Considerable progress has also been made in the preparation of briefs in connection with proposed assessments and the institution of suits for penalties in several large permit bond cases.

There have been filed 400 claims totaling a liability of $1,908,935.90 where surety companies are in liquidation.

PROPERTY SECTION

This section handles legal matters pertaining to property seizures including the consideration of petitions under section 709 of the Revenue Act of 1928, as amended by the Prohibition Reorganization Act of 1930, seeking remission or mitigation of internal revenue forfeitures, the preparation of legal memoranda and recommendations to the Attorney General covering such petitions, the consideration of offers in compromise in property cases submitted under section 3229, R.S., or section 35, title II of the National Prohibition Act (both as amended by the Prohibition Reorganization Act of 1930), the preparation of briefs pertaining to such offers for submission to the Attorney General for acceptance or rejection of the offers, and the preparation of general correspondence on questions arising in connection with such functions.

During the fiscal year 648 petitions under section 709 were considered and recommendations submitted to the Attorney General, an increase of 336 over the number submitted during the prior fiscal year.

There were 225 offers in compromise of civil liability on property seizures received. The majority of these were in compromise of civil liability on seized automobiles. Of this number 191 in the amount of $35,122.27 were accepted and 34 in the amount of $2,925 were rejected.

PERMIT REVIEW SECTION

During the year the various administrators elected to act jointly with the supervisors of the Bureau of Industrial Alcohol, Treasury Department, in 2,513 applications for new, amended, or renewal permits, of which 1,598 were approved, and after examination joint action was withdrawn in 585 cases. In accordance with the provisions of section 214 (j) of regulations 2, 10 applications where disagreement existed between the respective administrators and supervisors were

forwarded to the Director for review and instructions and satisfactory adjustment was made of the differences.

In carrying out the duty imposed upon the Bureau by section 4 (b) of the Prohibition Reorganization Act to make necessary investigations in or incidental to administrative action with respect to permits and bonds given in connection therewith, there were furnished to the various supervisors 1,255 reports giving information relative to permits and the activities of permittees as developed in the course of investigations. Administrators recommended citation in 173 of these cases. The supervisors, acting on the basis of these reports and evidence obtained by their officers concerning such permits, issued 112 citations. Hearings by the supervisors on these cases and those carried over from the prior fiscal year resulted in the revocation of 125 permits, the modification of 19 permits, and the dismissal of 17 citations. There were also surrendered for cancelation by the permittees a total of 14 permits.

The permit review activities were materially increased by the act of March 22, 1933 (Public, No. 3, 73d Cong.) permitting the manufacture and sale of fermented liquors and fruit juice containing not more than 3.2 percent of alcohol by weight, as the administrators elected to join action in all applications filed under such act. There were 81 of these applications for the manufacture of fermented liquor submitted by administrators with their reports of investigations that were reviewed by these headquarters.

The passage of the act of March 22, 1933 (supra) and the act of March 31, 1933 (Public, No. 6, 73d Cong.) relating to the prescribing of medicinal liquor, necessitated the issuance of regulations to carry out the provisions of these acts. The chief of the permit review section was appointed as chairman of the committee from the Bureau of Prohibition to serve with a similar committee from the Bureau of Industrial Alcohol. The joint committee functioned so effectively that the Secretary of the Treasury and the Attorney General were able to promulgate the regulations and necessary permit and bond forms immediately following the approval of the respective acts, thus enabling the provisions to be put into immediate effect upon the approval of the bills and permitting the prompt collection of taxes.

There also devolved upon this section the preparation of a number of briefs relating to legal questions arising in connection with permits, including the question whether the importation of intoxicating liquors in and the exportation from the Virgin Islands could be permitted under existing law, and whether fermented liquors manufactured under the Act of March 22, 1933, could be taken into, sold, or manufactured on Indian Reservations. The section also prepared a brief for use in the defense of an official charged with contempt of court for failing to disclose certain information received by him in his official

capacity from an informer. Recommendations as to appeal were made in a number of cases where United States district courts ordered the issuance of permits denied by supervisors of permits or reversed them in their respective orders of revocation of permits.

Proposed amendments to regulations concerning permits were studied and recommendations made. There were also prepared replies to inquiries involving legal questions relating to permit functions.

PARDON AND PAROLE SECTION

The following statement summarizes the work of the section for the fiscal year:

Cases pending July 1, 1932:		
Paroles	319	
Pardons	36	
		355
Cases received to June 30, 1933:		
Paroles	2, 915	
Pardons	595	
		3, 510
Total cases for fiscal year		3, 865
Parole cases examined during the year	2, 645	
Pardon cases examined during the year	584	
		3, 229
Cases pending June 30, 1933		636

The total of 2,915 petitions for parole received during the fiscal year ending June 30, 1933, was a decrease of 2,522 as reported for the prior fiscal year, whereas the total of 595 applications for pardon represented and increase of 59 over the number received for the prior fiscal year.

REPORTS AND STATISTICS DIVISION

The work of collecting, coding, and tabulating information from case reports was transferred to this division July 1, 1932. During the year a total of 83,848 case reports were analyzed and coded. Seventy-five thousand six hundred and sixty-four were cases involving arrests of 98,159 defendants. Eight thousand one hundred and eighty-four cases were forwarded in which only seizures were made.

The violations charged are as follows:

	Cases
Conspiracy	1, 071
Manufacture	21, 688
Transportation	11, 937
Nuisance	20, 713
Sale	15, 653
Possession	12, 667
Miscellaneous	119

Twenty-seven thousand nine hundred and fifty violations occurred in residences; 30,734 in commercial locations; 25,164 in the open and in vehicles transporting illicit liquor. Investigations in 52,390 cases were made by prohibition investigators; 21,826 in cooperation with police officers; special agents assisted in 420 cases; other Federal officers assisted in 994 investigations. Police officers investigated 7,837 cases which were turned over to the prohibition office for prosecution and other Federal officers investigated 381 cases which were adopted by the Federal prohibition office. Prosecution in Federal courts was recommended in 63,622 cases and 12,042 in local courts.

Approximately 104,000 people were involved in the cases made, of whom 78,179 were American-born citizens; 10,355 naturalized; 5,364 aliens; and 36 Filipinos. The citizenship of 10,000 was not reported. About 9 percent of the violators were women. Over 60 percent of the violators were between 20 and 40 years of age.

Records of the defendents arrested during the year show that 19,760 previous violations against defendants were reported, and 18,535 prior violations against the premises.

Seizures made in connection with the cases for the fiscal year were as follows: 12,222 automobiles, valued at $2,402,534; 52 boats, valued at $97,127; 16,602 stills; 1,362 breweries; 1,846,358 gallons of beer; 1,458,890 gallons of spirits; 248,072 gallons of wine; approximately 3,032,167 pounds and 801,362 gallons of brewing and distilling materials, and 28,298,992 gallons of mash.

Fifty-eight thousand two hundred and seventy cases were placed on Federal dockets through informations filed and indictments returned; 60,044 cases were terminated, 52,797 resulted in convictions. Thirty-eight thousand and sixty-six persons received jail or penitentiary sentences amounting to 17,306 years, and 32,201 fines amounting to $4,177,848 were imposed. The average fine was $130, and the average jail or penitentiary sentence was 164 days. Of the sentences imposed, 2,332 fines amounting to $374,984 were remitted and 11,931 sentences amounting to 7,788 years were not served through suspensions and probations.

The number of sentences not served was 31 percent of the total number imposed and 45 percent of the total time involved. The average sentence not served was 235 days.

Total appraised value of property, including vehicles, seized during the year was $12,863,083.89. Of this property, equipment found at stills, breweries, speakeasies, etc., valued at $8,108,403.47 was destroyed.

There were 8,279 injunction suits instituted during the year. The court issued 2,914 temporary injunctions, and 6,661 permanent decrees were granted.

As a result of prohibition cases prosecuted in Federal courts there was collected and deposited in the United States Treasury the total of $2,661,758.59. Of this amount $2,009,661.35 in fines and penalties was collected through Federal courts; $529,788.84 was collected under the tax and tax penalty provision of the act; and $122,308.40 was collected from the sale of confiscated cars and miscellaneous sources.

Prohibition investigators assisted by local officers developed 13,618 cases. Arrests were made in 12,042 cases. Twelve thousand two hundred and five cases were filed for prosecution in local courts, and 12,976 cases were terminated. Of this number, 10,695 cases resulted in convictions. Five thousand one hundred and forty-five jail or penitentiary sentences were imposed, amounting to 1,579 years. Twelve thousand eight hundred and twenty-three fines, amounting to $1,174,339, were imposed. The average jail sentence was 110 days and the average fine $92. There were 222 permanent injunctions granted in connection with these cases. The seizures included 741 automobiles, valued at $112,754; 2,308 stills; 74 breweries, 88,388 gallons of beer, 90,776 gallons of spirits, and 43,999 gallons of wine.

REPORT OF ASSISTANT ATTORNEY GENERAL FRANK J. WIDEMAN

IN CHARGE OF THE

DIVISION FOR THE DEFENSE OF CLAIMS AGAINST THE UNITED STATES

(CHARLES B. RUGG, Assistant Attorney General to January 23, 1933; CHARLES F. KINCHELOE, Acting Assistant Attorney General from January 23 to March 1, 1933; WILLIAM W. SCOTT, Acting Assistant Attorney General from March 1 to June 28, 1933; FRANK J. WIDEMAN, Assistant Attorney General from June 28, 1933.)

COURT OF CLAIMS CASES

On July 1, 1932, there were pending in the Court of Claims 1,576 cases, claiming an aggregate of $1,521,208,727.04. Four hundred and sixty-one new cases were instituted during the year, with amounts claimed totaling $47,604,493.76. Seven cases were restored to the docket, with claims amounting to $1,106,027.19. During the year, amended petitions were filed increasing the amount claimed by the sum of $4,186,209.41, and decreasing the total amount claimed by the sum of $69,131.15, making a net increase of $4,117,078.26. This brought the total number of cases pending during the year to 2,044 and the amount claimed in them to $1,574,036,326.25.

During the year ended June 30, 1933, the Court of Claims disposed of 413 cases involving $184,085,071.34, which left 1,631 cases pending, claiming $1,389,951,254.91.

The last-named sum ($1,389,951,254.91) does not include the amount claimed in certain Indian and patent cases where no definite amounts have been stated. Of the 1,631 pending cases, 1,201 are brought under the general jurisdiction of the Court of Claims and under special jurisdictional acts, and 430 are congressional references under the provisions of section 151 of the Judicial Code. In over 300 of the 430 congressional reference cases, the court, in addition to finding the facts, will render judgments therein under sections 145 and 151 of the Judicial Code.

The total amount of judgments rendered against the Government during the year was $2,977,880.42, in cases in which the recovery sought was $184,085,071.34. The percentage of recovery for the current year was, therefore, slightly more than 1½ percent of the

total amount claimed in the cases disposed of. The total amount of the judgments entered in favor of the Government during the year was $162.88. Costs were collected from unsuccessful claimants during the year in the amount of $5,088.68.

Pursuant to the provisions of section 183 of the Judicial Code (U.S.C., title 28, sec. 289), report is made that there are no cases pending in the Court of Claims under section 180 of the Judicial Code (U.S.C., title 28, sec. 287), and none has been considered during the year.

SUPREME COURT CASES

(*a*) PETITIONS FOR CERTIORARI TO THE COURT OF CLAIMS

At the beginning of the year, July 1, 1932, there were pending in the Supreme Court 4 petitions for writs of certiorari—3 submitted by plaintiffs and 1 by the Government. During the year, 51 petitions for writs of certiorari were filed, 46 by plaintiffs and 5 by the Government, making a total of 55 pending during the year. Writs of certiorari were denied plaintiffs in 36 cases, but none where the Government filed the petition. In 1 case, the petition for certiorari was withdrawn by the plaintiff. Writs of certiorari were granted plaintiffs in 5 cases, and the Government in 4 cases. In all of the above-mentioned cases, briefs were prepared and submitted on behalf of the Government, either in support of, or opposing, the granting of writs of certiorari. At the end of the year, 9 petitions for writs of certiorari were pending in the Supreme Court—7 submitted by plaintiffs and 2 by the Government.

During the year, 9 Court of Claims cases came to trial in the Supreme Court—6 were decided in favor of the Government and 3 in favor of the plaintiffs. The Government filed briefs on the merits in these 9 cases.

In addition to the foregoing, the Court of Claims certified questions of law to the Supreme Court in 3 cases, in which briefs were filed by the Government.

(*b*) PETITIONS FOR CERTIORARI IN DISTRICT COURT CASES

During the year, 11 petitions for writs of certiorari were submitted to the Supreme Court in cases appealed from district courts to the circuit courts of appeals—7 of the petitions being filed by plaintiffs and 4 by the Government. Writs of certiorari were denied plaintiffs in 4 cases, but none where the Government sought the writ. Writs of certiorari were granted the plaintiffs in 3 cases, and the Government in 4 cases.

In the 7 cases in which petitions for writs of certiorari were granted, 3 of the cases were decided in favor of the plaintiffs and 2 in favor of the Government, while 2 cases are still pending.

INDIAN CASES

At the close of the fiscal year ended June 30, 1933, there were 84 Indian cases pending in the Court of Claims. In 59 of these cases the amount claimed is definitely stated in the petitions, and in 35 cases in this group, interest is also claimed. In the remaining 25 cases the amount claimed is not stated, being dependent either upon an accounting or upon the establishment of certain basic facts. In this group of 25 cases where no principal is stated, interest is claimed in 18 of them.

A tabulated summary of the Indian cases is as follows:

Amount claimed in 59 cases	$908, 243, 879. 24
Amount of interest to July 1, 1933, claimed in 37 of the above cases	1, 261, 797, 604. 94
Estimated amount of principal involved in the 25 cases where the amount claimed is not stated in the petitions	295, 800, 000. 00
Estimated amount of interest to July 1, 1933, involved in 18 of the above group of 25 cases where interest is claimed	339, 000, 000. 00
Total amount involved, principal and interest, actual and estimated, in the 84 cases pending	2, 804, 841, 484. 18

During the year 5 new cases (nos. 42077, Eastern Cherokees; 42078, Western Cherokees; 42079, 42080, 42081, Eastern and Western Cherokees), involving $41,429,680.04, principal and interest, were filed; and 1 case (no. L-261, Choctaw and Chickasaw Nations), involving $4,310,000, principal and interest, which had been dismissed upon the defendant's demurrer on May 2, 1932, was reinstated by the filing of an amended petition.

During the year 5 cases involving $565,576,922.23, principal and interest, were disposed of after trial upon the merits. In 4 of these cases (no. H-226, Delaware Tribe; no. L-168, Creek Nation; no. E-427, Blackfeet Nation; no. J-31, Assiniboin Tribe), the petitions were dismissed. In the fifth case (no. F-205, Creek Nation), the Indians were awarded $86,823.19. Defendant has moved for a new trial in this case; and the plaintiffs have moved for new trials in three cases (nos. L-168, E-427, and J-31).

One case (no. H-510, Creek Nation), involving $2,608,466.58, principal and interest, is awaiting the decision of the court after trial upon the merits; and one case (no. L-89, Seminole Nation), wherein the amount claimed is not stated in the petition, is awaiting the court's decision upon the defendant's demurrer.

TAX CASES

Suits for the refund of Federal taxes are based upon improper rejection of claims for refund filed with the Commissioner of Internal Revenue. They may be brought against the collector to whom the

tax was paid in a Federal district court, or against the United States in the Court of Claims. The tax cases handled in this division are those suits which are filed in the latter court. They are all original trials. They involve all possible questions of Federal taxation, including primarily estate taxes, excise taxes, and income taxes. This wide field presents questions of constitutionality, statutory construction, and administrative procedure, as well as questions of pure fact and accounting. While the field is technical and specialized, it also comprehends the whole body of the law.

Individual cases often establish the law upon a point in which the aggregate possible refunds may run into vast sums. Thus, a case involving a trivial sum may determine the liability of the Government for many millions of dollars in that particular type of case. The amount sued for in tax claims approximates the amount recoverable in the event of a decision favorable to plaintiffs.

The large volume of tax litigation started about 10 years ago, and reached its peak from 1928 to 1931. For the last 2 fiscal years, there has been a diminution of new tax cases filed, but the work of this division has not been lessened, since the active cases are not those recently filed.

Cases arising under the act of 1932, and cases based upon the more recently enacted tax legislation, will, without doubt, again swell the volume of this class of work. This is particularly true in respect to excise taxes under the 1932 act, as the Board of Tax Appeals does not review that class of cases.

At the beginning of the fiscal year 1933, 675 tax cases stood on the docket of the Court of Claims seeking the aggregate amount of $66,097,106.65.

During the fiscal year ended June 30, 1933, 179 tax suits were nstituted, which claim a total sum of $14,738,734.21.

At the close of the fiscal year 1933, 658 tax cases remained on the docket of the Court of Claims, involving $61,422,817.22.

During the fiscal year, 196 tax cases were disposed of, involving the sum of $19,413,023.64. Forty-seven of these cases were decided on the merits in favor of the Government, and involved $3,408,220.42. Judgments for plaintiffs resulted in 27 cases; these sought the recovery of $1,289,653.98, with judgments totaling $1,022,346.17. Sixty-four cases were disposed of administratively in favor of the United States, the aggregate amount involved being $4,321,927.11. Fifty-eight cases were settled administratively; these suits claimed the sum of $10,393,222.13. The amount refunded by the Internal Revenue Bureau was substantially less.

Judgments in tax suits carry interest at the rate of 6 percent per annum from the date of payment of the tax, in accordance with the provisions of subsection (d) of section 177 of the Judicial Code, being a part of the Revenue Act of 1928.

PATENT AND COPYRIGHT LITIGATION

COURT OF CLAIMS

During the fiscal year 1932–33, 8 cases involving alleged unauthorized use of patented inventions and 1 case alleging unauthorized use of copyrighted matter were disposed of—all in favor of the United States. Plaintiffs in these cases asked a recovery of $35,837,000.

On July 1, 1932, the patent section was charged with 41 cases involving $238,347,640.08. During the fiscal year, 6 new cases were received in which plaintiffs alleged damages amounting to $21,900,000, and 3 cases in which plaintiffs alleged damages amounting to $15,100,000 were restored to the docket by petitions for certiorari in 2 cases and a motion for new trial in the other. Therefore, during that year the section was charged with 50 cases in which plaintiffs alleged $275,347,640.08 damages. With the disposition of 9 cases during the fiscal year, there remained 41 cases charged to the patent section on June 30, 1933, in which the plaintiffs alleged damages amounting to $239,510,640.08.

The court disposed of the question of validity and infringement in two National Electric Signalling Co. cases in which it was held that there was unauthorized use by the Government. These cases were ordered to an accounting to determine the extent of the Government's use. Plaintiffs claim damages amounting to $7,953,047.29.

OTHER COURTS

During the year eight patent suits in United States courts, other than the Court of Claims, were disposed of. Three of these were decided in favor of the Government, two against the Government, and three were withdrawn. On July 1, 1932, there were 5 such suits pending, 7 new suits were instituted, and 4 were restored, making 16 suits pending during the fiscal year, 8 of which were disposed of, leaving 8 suits pending on June 30, 1933.

INTERFERENCES

On July 1, 1932, there were 25 interference cases pending. During the fiscal year 14 new cases were instituted and 1 was restored to the docket upon redeclaration, which made a total of 40 cases. Of these, 23 were disposed of—13 in favor of the Government and 10 against the Government. On June 30, 1933, 17 of these contested cases remained charged to the section, some of which are in the process of taking testimony, others in the briefing stage, and others awaiting argument either at final hearing or on appeal.

PATENT APPLICATIONS

The patent section has continued to file applications for patents for those Government inventors employed in departments in which no

provision is made for the preparation and prosecution of applications for patents. On July 1, 1932, there were 21 pending cases, of which 6 were awaiting preparation; 15 had been filed in the Patent Office and were in the course of prosecution. During the fiscal year 27 new requests for preparation of applications were received and 1 was restored to the docket for preparation after having once been dropped by the inventor. Eight applications were disposed of during the fiscal year. Of the 8 cases, 6 were patented and 2 were dropped by the departments submitting them. On June 30, 1933, there were on hand 41 patent applications, of which 34 were pending prosecution in the Patent Office and 7 were awaiting preparation.

MISCELLANEOUS

The patent section also passed upon 16 miscellaneous patent matters from other departments or from persons filing complaints with the Department of Justice. These items included requests for opinions as to Government rights in inventions, the possible infringement of patents in the award of contracts, questions as to validity of patents, proposed cancelation of patents for fraud, etc.

SPECIAL CASES

Among the cases of interest should be mentioned *United States* v. *Dubilier Condenser Corporation.* Three cases were originally filed in the District Courts of the United States to determine the rights of the Government in inventions conceived and developed while the inventors were in the employ of the Government. These cases were heard as one by the Supreme Court of the United States, and on April 10, 1933, an opinion was rendered (modified by the court on May 8, 1933), defining the rights of the Government and its employees in patented inventions.

Among the decisions of the Court of Claims, of interest to the industry, are the following patent cases:

Curtiss v. *United States, No. D-837.*—This was a suit for the alleged unauthorized use of four patents pertaining to aircraft motors. It was directed more particularly to the use by the Government of the so-called "Liberty" motors. It was estimated the damage amounted to $14,000,000. The case was brought on for trial, and on June 6, 1932, the court held the Curtiss invention was not patentable in view of the prior art and dismissed the petition. A petition for writ of certiorari was denied on October 24, 1932. Thereafter plaintiff dismissed the second suit, no. K-283, in the Court of Claims.

Elwood Grissinger v. *United States, No. D-923.*—This suit was brought under a special act of Congress, plaintiff alleging unauthorized use of his patent for a telephone system by the installation of long-distance communication in France during the war with Germany. The damages claimed were estimated at $2,000,000. The case was tried and the court dismissed the petition on March 13, 1933. Plaintiff's motion for new trial was overruled on June 5, 1933.

Parsons Marine Steam Turbine Co. v. *United States, No. D-503.*—This suit originally involved nine patents on turbine steam engines and their accessories

for which plaintiff alleged damages amounting to $2,687,000 by the use of such engines in naval vessels. Before briefing and argument, four patents were withdrawn from the suit. The Parsons company is an English corporation and the contest involved the right of the Government to use turbine engines purchased from the General Electric, the Westinghouse, and other American manufacturers. The court rendered an opinion on November 14, 1932, dismissing the petition.

Simon v. *United States, No. 34096.*—This suit involved Patent No. 1311919 for spark gaps for radio signaling for which plaintiff alleged damages amounting to $100,000 for use by the War and Navy Departments of similar apparatus which plaintiff contended infringed the patent. The case was tried, and on December 8, 1930, the Court of Claims dismissed the petition. Plaintiff's motion for new trial was overruled on May 2, 1932, and his petition for writ of certiorari was denied by the Supreme Court on October 21, 1932.

Isham v. *United States, No. 33966.*—Plaintiff alleged a damage of $1,000,000 by the use of illuminating shells, particularly by the War and Navy Departments, which plaintiff contended infringed the terms of three of his patents. On March 7, 1932, the Court of Claims handed down its opinion dismissing the petition. On June 5, 1933, the court overruled plaintiff's motion for new trial. It amended its findings of fact, but ordered the judgment and opinion to stand.

Smith and Smith v. *United States, No. 42055.*—This suit was for alleged infringement of plaintiffs' copyrights by the printing and distribution of certain Government publications. Plaintiffs alleged damages amounting to $10,000,000. Defendant raised the question of jurisdiction by filing a demurrer. The petition was dismissed without opinion on December 5, 1932, and no application was made for writ of certiorari.

DISTRICT COURT CASES

At the beginning of the year there were pending in the various district courts of the United States 208 cases involving claims amounting to $1,281,381.98. There were filed during the year 67 cases with claims aggregating $378,078.32. Thirty-three cases were disposed of during the year, involving an aggregate sum of $303,304.34, leaving pending at the close of the year 242 cases with claims amounting to $1,356,155.96. In the cases disposed of judgments amounting to $10,931.78 were rendered against the United States.

There were pending in the circuit courts of appeals at the beginning of the year 16 cases. There were filed during the year 18 appeals, of which 7 were taken by plaintiffs and 11 by the Government. Sixteen appeals were disposed of, leaving pending at the close of the year 18 cases. Of the 16 appeals disposed of, 1 was withdrawn by appellant-plaintiff, 13 were decided in favor of the United States, and 2 in favor of plaintiffs.

During the year the Supreme Court decided the cases of *Elting* v. *North German Lloyd*, 287 U.S. 324, and *Lloyd Sabaudo Societa* v. *Elting*, 287 U.S. 329, suits for the recovery of fines imposed by the Secretary of Labor under the immigration laws. These decisions supported the contentions of the Government on the major points involved in both cases, and will result in the disposition, favorable to the Government, of the majority of the large number of cases now pending for the recovery of immigration fines.

There are pending in the Supreme Court on writs of certiorari granted to the plaintiffs below, the cases of *Jacobs et al.* v. *United States* and the *Mullen Benevolent Corporation* v. *United States*. The Jacobs case involves the question whether in a suit under the Tucker Act for the taking of land by overflow resulting from dam construction, interest may be allowed on the amount of damage from the time of the damage to the date of judgment. The trial court allowed such interest, but this judgment was reversed by the Circuit Court of Appeals for the Fifth Circuit (63 Fed. (2d) 326).

The Mullen Benevolent Corporation case involves the question whether the United States is liable for the unpaid amount of certain bonds issued by a municipal corporation for the improvement of lots which were afterward acquired by the United States for a public purpose. The trial court awarded judgment to the plaintiff for the amount claimed, but this judgment was reversed by the Circuit Court of Appeals for the Ninth Circuit (63 Fed. (2d) 48).

In the case of *United States* v. *John L. Philips et al.*, a suit for the recovery of fraudulent profits realized in the sale of surplus lumber under a contract between the United States and John L. Philips and John Stephens, in which a judgment of the Supreme Court of the District of Columbia in favor of the United States in an aggregate amount of approximately $1,800,000 was affirmed by the Court of Appeals of the District of Columbia (59 Fed. (2d) 881), the Supreme Court, on October 17, 1932, denied the application for certiorari of defendant, Fidelity & Deposit Co. of Maryland, surety for the faithful performance of the contract, and on November 5, 1932, that company paid to the United States $790,000, the penal amount of its bond of $500,000 with interest, and $3,557.67, costs, in full satisfaction of the judgment against it.

Navy Department v. *Station WJSV*.—This division furnished counsel for the Navy Department on an application before the Federal Radio Commission by the owners of Radio Station WJSV for a permanent boradcasting license. The Navy Department opposed the application on the ground that the station interfered with the Naval Research Laboratory and Station at Bellevue, D.C. The proceeding was decided in favor of the Navy Department, and the application for a permanent license was denied. Thereafter the owners of Station WJSV completely altered their apparatus so as to substitute a directional antenna in place of that of the more usual type employed at broadcasting stations, and by a consent order a temporary permit was granted by the Commission to enable a trial of the new apparatus.

INTERNATIONAL ARBITRATIONS

The former Assistant Attorney General in charge of this division was designated as a member of a commission to hear and determine claims of British inventors, whose inventions were used by the United States during the World War. This commission was appointed pursuant to special congressional authorization, the other members of the commission being representatives of the State, War, and Navy Departments. Hearings were held in this country and abroad, and decisions reached in all of the 17 cases submitted for determination.

The former Assistant Attorney General was also a member of a commission to determine the claim of the Government of the Netherlands against the United States arising out of certain war-time purchases of materials and equipment.

LEGAL ADVICE

Legal advice was rendered the United States Board of Mediation, the Chief Coordinator, and Bureau of Prisons, from time to time, on questions of law pertaining to their respective activities.

WAR TRANSACTIONS CASES

This class of cases is gradually being disposed of. One case is now in the process of settlement, and all of them should be disposed of in the near future.

REPORT OF ASSISTANT ATTORNEY GENERAL GEORGE C. SWEENEY

In Charge of the

PUBLIC LANDS DIVISION

(Seth W. Richardson, Assistant Attorney General, to Mar. 2, 1933; Special Assistant to the Attorney General from Mar. 3, 1933, to June 18, 1933; George C. Sweeney, Assistant Attorney General from June 19, 1933)

CASES INVOLVING PUBLIC LANDS

July 1, 1932, there were pending 155 civil and 13 criminal cases affecting public lands. During the ensuing year, 92 civil and 5 criminal suits were instituted and 100 civil and 10 criminal cases were disposed of, leaving 147 civil and 8 criminal cases pending June 30, 1933. Of the civil cases terminated, 60 were decided in favor of the Government, 20 were dismissed or settled without recourse to the courts, 10 were compromised, 3 closed by relinquishment, 1 dismissed for lack of jurisdiction, and 6 were lost. Judgments and costs aggregating $90,911.26 and 12,296 acres of land were recovered. The sum of $1,175 was realized on old judgments. In the criminal cases 6 were convicted or pleaded guilty, 3 were discharged on orders of nolle prosequi, 1 is a fugitive, and fines were imposed in sum of $154. The sum of $122,349.75 was realized from compromises.

CASES INVOLVING INDIAN LANDS AND MONEYS

At the beginning of the year there were pending in the trial courts 331 civil and 20 criminal suits. During the ensuing year, 192 civil and 14 criminal suits were begun, and 210 civil and 16 criminal cases disposed of, leaving 313 civil and 18 criminal suits pending June 30, 1933. Of the civil cases disposed of, 130 were decided in favor of the Government, 13 were compromised, 38 were dismissed without recourse to the courts, 22 were closed by quitclaim deed, and 7 were adverse. In the criminal cases 8 were convicted or pleaded guilty, fines were imposed in the sum of $100, 2 were acquitted, and 6 cases were dismissed. There were recovered judgments and costs aggregating $69,647.61 and 11,602 acres of land. The sum of $16,269.25 was realized from compromises.

CLAIMS IN FAVOR OF THE UNITED STATES

There are 180 cases pending. Sixty-one cases have been closed; 5 have been abandoned and 3 dismissed for lack of sufficient evidence, during the year. Twenty of the 61 cases closed were judgments in favor of the United States, aggregating $46,651.42. Fifteen were compromises, from which $53,095.33 was realized. The remaining 18 suits closed were abandoned because of insolvency of the debtors.

CROP MORTGAGE CASES

There are 313 of crop and seed loan cases pending; 78 have been closed during the year, resulting in collection of $12,602.26.

FORECLOSURES

Since June 30, 1932, the United States has been made a party defendant under the Welch Act of March 4, 1931, in 802 cases, filed in various districts; 218 have been closed by final decree, copies of judgments being transmitted to the departments interested, in order that they might have the opportunity to exercise the right of redemption. In 152 of these cases disclaimers were filed after investigation by the United States Attorney disclosed that the Government had no lien.

WOOL CLIP CASES

Further action in the few cases remaining has been abandoned, it being clearly apparent that while there was technical liability on behalf of the dealer, the courts felt, as indicated by their attitude, that there were equities in favor of the dealers, and, in nearly every instance, took an opportunity to decide the cases against the Government.

CASES IN CIRCUIT COURTS OF APPEALS

July 1, 1932, there were pending in the circuit courts of appeals 20 cases involving public and Indian lands; 17 cases were filed during the year and 15 were disposed of, leaving 22 pending. Of the cases disposed of the Government won 10 and lost 5.

OPINIONS FOR THE ATTORNEY GENERAL

To the Secretary of the Interior regarding construction of section 2 of "An act relative to restrictions applicable to Indians of the Five Civilized Tribes in Oklahoma."

Requests were received from the various departments for opinions upon subjects which, upon consideration by this Department, were deemed not such as to warrant the rendering of formal opinions. In many instances informal opinions were written which gave the particular department the needed information and assistance.

CASES IN THE SUPREME COURT OF THE UNITED STATES

October term, 1932

Jack Gebardi et al. v. *United States.*

Ray Lyman Wilbur, Secretary of the Interior v. *Chestatee Pyrites & Chemical Corporation.* (2 cases.)

United States ex rel Lucien Greathouse v. *Secretary of War.*

MARE ISLAND NAVY BASE

The long pending litigation involving the title to Mare Island Navy Base at San Francisco was terminated with a decision in favor of the ownership of the United States.

FEDERAL POWER COMMISSION CASES

Clarion River Power Company v. *Federal Power Commission,* 59 Fed. (2d) 861. This is a case of great importance because of the claim of the power company that the Federal Power Commission could not conduct official hearings to determine the original cost and net investments of projects, which had been terminated last year in the Circuit Court of Appeals of the District of Columbia in favor of the United States, and was carried by the power company, by an application for a writ of certiorari, to the Supreme Court of the United States, which court denied certiorari October 17, 1932 (287 U.S. 639).

Appalachian Electric Power Company v. *Federal Power Commission,* pending in the United States District Court for the Western District of Virginia and involving several important constitutional questions and questions with reference to the power of the Federal Power Commission to attach conditions to licenses issued, was tried in the district court and a decision rendered in favor of the Government, after which an appeal was taken to the Circuit Court of Appeals for the Fourth Circuit, and the case has been there argued but a decision not yet made.

JACKSON BARNETT LITIGATION

The several cases comprising what is known as the Jackson Barnett litigation are for the recovery of funds belonging to Jackson Barnett, an Indian, from various persons upon the claim that said Indian was incompetent and trust deeds made by him were invalid. The case in California involving the annulment of the marriage has been tried but no decision rendered. The case in the Supreme Court of the District of Columbia has been tried and briefed in this division, but no decision as yet has been rendered. The cases against McGugin and Mott are awaiting trial.

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ABANDONMENT OF CONDEMNATION PRODEEDINGS

United States v. *Arthur Bouchard.* This case, arising from a condemnation proceeding instituted by the United States for lands in Vermont, became important by reason of the attempt of the property owner to collect a large judgment rendered in condemnation proceedings regardless of the dismissal of the action by the United States before taking possession or the passing of title. Decision was rendered in favor of the United States in the district court, from which the property owner appealed to the Circuit Court of Appeals for the Second Circuit, and in that court the position of the United States as to the right to abandon condemnation proceedings was upheld.

BOULDER DAM LITIGATION

Two cases involving important questions with reference to the rights of the United States were instituted in the Federal courts of Nevada, the United States however not being a party to either case but appearing as *amicus curiae* through the United States attorney.

The case of *Six Companies, Inc.*, v. *A. J. Stinson, Inspector of Mines,* in the District Court for the District of Nevada, resulted from an attempt of the State mine inspector to prohibit the use of gasoline propelled trucks in underground excavations. There became involved the question of the right of the State to control the work of contractors upon Government works. Decision was rendered in favor of the plaintiff enjoining the State inspector of mines, but the main question affecting the United States was not determined.

In the case of *Six Companies, Inc.* v. *DeVinney, Assessor of Clark County,* an attempt to assess the property of the Six Companies, Inc., contractors upon the Boulder Dam, was resisted by the Six Companies and injunction claimed upon the claim that the area within the Boulder Canyon Dam Reservation as claimed by the Secretary of the Interior was a Federal reservation under the exclusive jurisdiction of the United States. The District Court held against the United States and an appeal will be taken to the Circuit Court of Appeals. In this case also the United States Attorney filed a brief *amicus curiae* supporting the exclusive jurisdiction of the United States.

GRAIN STABILIZATION CASES

Important cases are pending in Nebraska with reference to the right of the State of Nebraska to tax grain and property of the Grain Stabilization Corporation, an auxiliary of the Federal Farm Board. Taxation has been resisted upon the theory that the Grain Stabilization Corporation is an agency and instrumentality of government and therefore any attempt to tax property of the corporation is an interference with the functions of the Government. One case is pending

in the State Court of Douglas County, Nebr., and cases involving several years' taxes are pending in the Federal District Court of Nebraska. No decision has yet been rendered.

WATER ADJUDICATION CASES

United States v. *Orr Water Ditch Co. et al.* United States Court for the District of Nevada. This is a suit quieting the Government's rights to the use of water from the Truckee River and tributaries in Nevada for the Pyramid Indian Reservation and the Government's Newlands project.

Some years ago a decree was prepared and submitted to the court by the special master, which sustained the contentions of the Government regarding its reserved and acquired water rights. This has been enforced by the courts since that time for the purpose of testing the quantity of water allowed the defendants and the general workability of the decree. It is now proposed to enter this decree as final and thereupon to make certain adjustments relating to power rights and rights of some farmers on the stream. The decree is of much importance to the Government in view of the definite acknowledgment of the Government's reserved rights for use upon Indian Reservations.

United States v. *Hope Community Ditch et al.* United States District Court, New Mexico. This is a suit to adjudicate the water rights of the United States for its Carlsbad project in New Mexico against more than 3,000 defendants and involving three separate and distinct geographical basins of something over 400 miles in extent in New Mexico. The special master's report incorporated in the decree fully sustains the claims of the Government. This decree has now been made final by adoption of the United States court. The only exception taken by the defendants relates to certain costs incurred by the State of New Mexico in connection with the hydrographic survey of the Pecos River and its tributaries. The Government has paid its proportion of such costs. The court was unwilling to burden the defendants by the imposition of these costs. This case demonstrates that by the adoption of a novel but sound practice, involved irrigation cases may be disposed of and all rights allocated and adjudicated within a reasonably short time and to the satisfaction of all parties.

H. H. Francis v. *C. J. Moody, Project Manager, Flathead Irrigation Project, Mont.* Court of Appeals, Ninth Circuit. This and nine similar suits were brought to enjoin interference by the defendant project manager with claimed private water rights and to enjoin the assessment and collection of construction and maintenance costs of the project system; also to adjudicate private water rights.

The court below decided in favor of the plaintiff, holding the defendant project manager to be a trespasser and acting unlawfully in the administration of the project water system. On appeal, the court of appeals reversed the trial court on the ground of a defect of parties defendant, the Secretary of the Interior or the United States, neither of whom had been made a party. While this reversal does not go to the merits of the controversy, it settles the question whether an employee of the Department of the Interior, following directions of the Secretary of the Interior, can be sued in relation to acts required by his superior in the administration of a Federal reclamation project.

United States v. *Alpine Land & Reservoir Co. et al.* United States Court, Nevada. This is a suit to adjudicate the Government's rights to the use of water from Carson River and its tributaries in Nevada and California for the irrigation of its Newlands project. Proposals and counterproposals are under way relating to lands, areas, and priorities of water use which, if agreed upon, will settle the case. The interests of the United States and the Truckee-Carson Irrigation District are identical and the negotiations are being had between the district and a considerable number of the defendants. Progress is being made and the probability of settlement without further protracted delay is encouraging.

United States v. *Walker River Irrigation District.* United States District Court, Nevada. This is a suit to quiet the Government's rights to the use of water from Walker River for its Walker River Indian Reservation. The report of the special master is adverse to the Government's interests. Exceptions to the proposed decree have been argued before the court and briefs have been submitted by counsel for the Government. The report of the special master is inconsistent in that, while it recognizes the sovereign capacity of the United States in relation to the administration of Indian reservations, it holds that it is estopped to claim more water than is shown to have been actually used by the Indians for the irrigation of their lands. This is contrary to the decree in *United States* v. *Orr Water Ditch Co.*, whose doctrine is based upon *United States* v. *Winters*, 207 U.S. 564, in which the Supreme Court of the United States ruled that when the Government created an Indian Reservation it at the same time reserved sufficient water for the use of the Indians, present and prospective.

United States v. *Gila Valley Irrigation District et al.* United States Court, Arizona. This is a suit to adjudicate water rights of the Pima and San Carlos Indian Reservations in the storage of water in the San Carlos or Coolidge Reservoir in Arizona. Work is going on, and has been for some time, in the way of reaching agreements between the parties as to all major issues. Indications are at present that negotiations will be successful and that this involved litigation will soon be settled

Pioneer Irrigation District v. *American Ditch Association et al.* State Court, Idaho. The United States attorney has been authorized to enter into stipulations for the purpose of modifying the so-called Bryan decree which was entered in this case and which later was reversed in some respects by the Supreme Court of Idaho and remanded for further proceedings. It appears that the Government, in behalf of its Boise irrigation project, and the defendants have tentatively agreed on a stipulation which, if adopted, will settle all controversies on the Boise River concerning the water rights of the United States for its Federal project, and will dispose of a number of other suits pending in the State court and will clarify a confused situation of long standing in Idaho.

WAR MINERALS CASES

Ickes v. *United States ex rel. Chestatee Pyrites & Chemical Corporation.* In the Supreme Court of the United States. Mandamus to compel the Secretary of the Interior to consider, in determining the amount of net losses under the War Minerals Relief Act of March 2, 1919, interest payable on borrowed money. Held on certiorari to the Court of Appeals of the District of Columbia that the Secretary was not authorized to consider items of interest payable on borrowed money in determining the amount of net losses. Demand was for $524,276.43, alleged to have been due on December 31, 1931, and for subsequent accruals on money borrowed, mainly for the enlargement of the company's plant in 1918. The court had previously held that in determining the amount of net loss the Secretary was required to take into account the amount of interest that at the time of the passage of the act of March 2, 1919, "had been paid or incurred by relator for money borrowed", etc. (*Wilbur* v. *United States*, 284 U.S. 231); whereupon the Secretary, whose predecessors had uniformly refused to award any interest at all on borrowed money, awarded $44,451.45, the amount of interest that at the time of the passage of the act "had been paid on the obligations incurred by the relator."

Mandamus was brought and the Supreme Court of the District sustained the Secretary. The Court of Appeals reversed the court below but the Supreme Court of the United States sustained the position of the Secretary and the lower court, ruling that the word "incurred" as used by the court in the *Wilbur case* meant "accrued" as of the date of the passage of the act.

POTOMAC RIVER WHARFING

United States ex rel. Lucien Greathouse v. *Secretary of War.* Mandamus to compel the Secretary of War and the Chief of Engineers to authorize the construction of a wharf in the Potomac River adjacent to petitioner's land on the Virginia shore within the District of Co-

lumbia, the construction being forbidden under the Rivers and Harbors Act "except on plans recommended by the Chief of Engineers and authorized by the Secretary of War." The Chief of Engineers had approved the plans and had recommended that a wharfing permit be issued, but the Secretary of War refused to authorize the construction on the ground that it would be inimical to the establishment of the George Washington Memorial Parkway authorized by the act of May 29, 1930. The proposed wharf would have extended into the Potomac River about 100 feet below high-water mark (the jurisdictional line between Virginia and the District of Columbia—*Smoot Sand & Gravel Corporation* v. *Washington Airport*, 283 U.S. 348), and would have interfered with the program of the National Capital Park and Planning Commission in the construction of the George Washington Memorial Parkway along the Virginia shore. Sustaining the courts below, the Supreme Court of the United States stated that Congress within the District of Columbia not only had plenary power relating to navigation but had "acquired by the cession (from Maryland) proprietary powers over the lands lying under water, and under article I, section 8 of the Constitution, granting exclusive powers over the District, the sovereign power to regulate and control their use for public purposes other than navigation." It was held that the petitioners had not made such a showing as to entitle them to mandamus and that the trial court had properly exercised its discretion in refusing to compel the Secretary of War to issue the wharfing permit.

RED KNOLL PLANTATION

Langdon Cheves et al. v. *E. B. Whitehead, U.S. Game Protector.* United States Court of Appeals, Fifth Circuit. An appeal is being prosecuted from the judgment of the United States District Court for the Eastern District of Georgia enjoining the appellant game protector from posting notices within the limits of what is known as the Red Knoll Plantation acquired many years ago by the United States as a part of the Savannah River Wild Life Refuge.

The trial court held that the United States had acquired only an easement to flow the lands and not the fee therein. The ruling is important in that it affects not only the Red Knoll Plantation but other plantations within the refuge acquired by the United States in a similar manner. It places a construction on *United States* v. *Lynah*, 188 U.S. 445, a case which also determines the property rights of the United States with one of the plantations making up the refuge, which is contrary to the understanding of the Government.

NORTHERN PACIFIC RAILWAY COMPANY LITIGATION

On February 25, 1932, the case was referred by Judge Webster to Mr. Frank H. Graves, special master in chancery, for hearing on

defenses of law appearing on the face of the amended bill of complaint and on the defenses of laches, res judicata, equitable estoppel, statute of limitations, and *bona fide* purchasers. After taking testimony at Washington, D.C., New York, N.Y., Missoula, Mont., and Spokane, Wash., and after argument and the filing of written briefs, the cause was submitted on such defenses. On May 31, 1933, the special master filed his report, containing findings of fact, conclusions of law, and recommendations for orders and decrees. The report was unfavorable to the Government in several important respects and favorable in some respects. Exceptions to it have been filed by all parties and it is expected that a hearing before the Court on the exceptions will be had sometime in October 1933. This case is progressing as rapidly as possible consistent with the magnitude and importance of the matters involved.

SPECIAL INDIAN CASES

Katie Fixico Daniels. N. Oklahoma. This matter involves prospective litigation to restore to the supervision and control of the Secretary of the Interior property in excess of $1,000,000 belonging to said Katie Fixico Daniels, full-blooded Creek Indian. The bulk of the property involved is derived from royalties accruing on an outstanding lease made by the guardian of said Katie Fixico, a minor, in 1912, the lands covered by the lease being inherited lands. The royalties so far accrued amount to $800,000, a great deal of which has been dissipated by successive guardians of said Indian, and there is a possibility of recovering approximately $300,000 to $400,000 from the guardians and bonding companies involved. The case is important not only because of the amount of property involved but also because of the main question presented, namely, whether royalties derived from a gas and oil mining lease covering inherited lands of a full-blooded Creek Indian are to be regarded as restricted property subject to the supervision of the Secretary of the Interior, the said lease having been approved by the proper State court as provided by section 9 of the act of May 27, 1908, 35 Stat. 312, 315.

United States v. *Rosa Mashunkashey et al.* N. Oklahoma. The United States brought this suit in its own behalf and in behalf of Charles Mashunkashey for the purpose of obtaining an accounting from the defendants and to restore to the supervision and control of the Secretary of the Interior certain trust funds, moneys, credits, and other property, both real and personal, in excess of $200,000, belonging to Charles Mashunkashey, the funds and other property having come into the hands of defendants by reason of the fraudulent procurement of a so-called certificate of competency in favor of Charles Mashunkashey, who is, in fact, an incompetent full-blooded Osage Indian.

The district court found that the certificate of competency was obtained by fraud and declared the same to be void, and canceled it.

The court also found that all of the property involved is trust property under the supervision and control of the Secretary. The court, however, awarded a substantial portion of the property to the principal defendant, Rosa Mashunkashey, former wife of Charles Mashunkashey, on the ground that she was entitled to compensation for her so-called "services and efforts" in conserving the property, and this in spite of the fact that she was a participant, if not the instigator, of the fraud, or at least knew of it, and attempted by this means to deprive this incompetent Indian of his property.

Appeal has been taken to the circuit court of appeals. The defendants, Rosa Mashunkashey and Lucille Stafford, a daughter of Rosa Mashunkashey by a former marriage, in whose name title to a substantial portion of the property now is, have also appealed. The district court has entered orders enlarging the time in which appellants must complete and file record in the circuit court of appeals. United States Attorney has been requested to furnish the Department with copies of the record as soon as printed. Copy of a tentative brief in the form of a memorandum for the Solicitor General recommending the appeal has been furnished the United States Attorney for his guidance in handling the matter of appeal.

This case is very important because it involves the question of the power of the court to dispose of any portion of the property which it itself has found to be restricted and subject to the jurisdiction and control of the Secretary of the Interior under pertinent congressional legislation.

Osage Indian Tribe Oil Matter. N. Oklahoma. This matter involves the eventual institution of suits by the United States in behalf of the Osage Tribe of Indians and against various oil companies in Oklahoma who appear to be purchasers of royalty oil from Osage oil leases, the purpose of said suits being to recover from said companies the value (estimated in several million dollars) of large quantities of oil, representing a 3 percent deduction from the total amount of oil sold by the Government to these companies, on account of so-called "base sediment" or waste matter in the oil. The matter was originally brought to the attention of this Department by the Secretary of the Interior on May 29, 1933, advising that certain attorneys in Oklahoma had entered into a contract with the Council of the Tribe for the purpose of assisting the Government in the contemplated litigation, which contract had been submitted to the Secretary for his approval. In his letter the First Assistant Secretary stated that the contract is wholly contigent and provides for compensation only in the event of recovery, and that the contract contained provisions to the effect that the said attorneys would bear all of their expenses for traveling, hotel bills, investigations, and employment of proper assistants or associates to make investigations and obtain evidence,

etc. The First Assistant Secretary expressed also the opinion that the Indians have a good cause of action, and recommended that appropriate proceedings be instituted if we agreed with his view. He also stated that his Department would be glad to consider approval of the contract if the procedure were agreeable to us, requesting an expression of our views.

After careful consideration of the matter we took the position that whether the proposed suits were to be brought depended on whether the said attorneys could make a showing from which it might be fairly considered that the United States ought to institute the same, and the Secretary was advised accordingly, with the suggestion that the said attorneys be advised that there is no objection to the proposed contract on the conditions stated above, and that they must show not only the fact that the 3 percent deduction is excessive but that the companies acted with knowledge of it and in bad faith.

United States v. *Hughes et al.* N. Oklahoma. Suit was brought to test the power of the county authorities of Osage County to tax certain funds, moneys, securities, and other property belonging to members of the Osage Tribe of Indians who do not possess certificates of competency, it being the contention of the Government that such property is restricted and therefore beyond the power of the State to tax. The suit affects approximately $20,000,000 worth of property belonging to more than 500 minor and incompetent Osage Indians, the property consisting of many items which by stipulation have been grouped under 14 different classifications.

On April 9, 1931, the district court entered a decree adjudicating the taxability or nontaxability of the property included in each classification. The said decree was approved by counsel on both sides. Thereafter, a question having been raised by this Department on the matter of costs, a substituted decree was signed and filed by the court on August 18, 1931, which differed from the former one only in the matter of costs, to meet the objection of the Government. This substituted decree was not appealed from for the reason that it appeared to be satisfactory to all parties concerned, including the Interior Department and the Indians.

Thereafter Comptroller General McCarl, in letter of February 4, 1932, outlined for the Secretary of the Interior the effect of the substituted decree in respect to classification no. 9, relating to funds and property in the hands of guardians, administrators, and executors, in order that the Secretary might properly comply with the provisions of the decree as to such property. Thereafter the district court took the position that its decree had been misunderstood by the Comptroller General, and on August 18, 1932, 1 year after the filing of the substituted journal entry of judgment, the court on its own motion entered an order nunc pro tunc "for the purpose of making its decree

definite, clear, and understandable." In legal effect, however, the order introduces material changes in the substituted decree, subjecting to taxation certain classes of property included in classification no. 9, which under the provisions of the decree would be clearly nontaxable, and if such orders were to stand, property estimated to reach $1,000,000 would be subject to taxation, and the amount of taxes due on such property would be about $60,000. A petition has been filed for rehearing, praying for a modification of the nunc pro tunc order. Hearing on this petition was had on April 15, 1933, at which time the matter was argued at length by counsel for the Government, the Indians, and the county. At the conclusion of the hearing the court ordered briefs to be filed, and announced that after briefs were filed it would then undertake to decide the case without further delay. The briefs now have been filed, and the court has informally expressed the opinion that the nunc pro tunc order should be vacated and set aside.

Hannah Anderson v. *O. K. Peck.* N. Oklahoma. This matter involves a contest between two alleged Indian heirs to the estate of Lena Yahola Alexander, mother of Hannah Anderson, both full-blooded Creek Indians, the defendant Jack Roberts, said to be of Negro blood, claiming that he is an illegitimate son of Lena Yahola Alexander, and as such entitled to one half of her estate, consisting of lands, moneys, securities, and other property in excess of $500,000. The Government intervened mainly for the purpose of seeing to it that the inheritance should go to the rightful heir, Hannah Anderson. The district court found the issues in favor of the plaintiff, and the defendants appealed to the Circuit Court of Appeals, Tenth Circuit.

The case is important not only because of the amount of property involved, which includes accumulated royalties from an outstanding lease on 160 acres of land originally allotted to Lena Yahola Alexander, but also because of the questions of law presented, especially in respect of the jurisdiction of the Federal court and the rights of the Government to intervene by reason of a former adjudication in a case pending in a State court wherein it is alleged that the tribal attorney appeared for the said Hannah Anderson.

United States v. *County of Mahnomen et al.* Minnesota. This is a test case to determine whether the State has power to tax lands of mixed-blooded Chippewa Indians by virtue of the so-called "Clapp amendments" which under certain conditions removed the restrictions as to lands held by such mixed-blooded Indians and authorized the issuance to them of patents in fee for their lands. The case is important because it is intended to clarify the tax situation which has developed in several counties of the State of Minnesota and various other States affecting the title to Indian lands. In some instances the Indians have paid the taxes for fear of losing their lands, and in

others, the Indians refusing or not being able to pay the taxes demanded, the lands have been sold. In the instant case the district court recently filed findings of facts and conclusions of law in favor of the Government.

CONDEMNATIONS IN THE DISTRICT OF COLUMBIA

During this fiscal year proceedings for the condemnation of land for Federal purposes were conducted, as heretofore, directly by this Department:

In district court no. 2118, for the acquisition of squares 575, 633, reservation 12, and part of squares 574, 630, and 631, instituted at the request of the Commission for the Enlarging of the Capitol Grounds, the jury's awards, returned on November 28, 1932, aggregated $2,233,495.77; in district court no. 2124, for the acquisition of reservation D, in which a jury had been impaneled and had viewed the property and the cause had been set for hearing, the proceedings were discontinued at the request of the Treasury Department; in district court no. 1988, for the acquisition of properties in square 256, in conformity with the mandate of the Court of Appeals granting a new trial, as to the apportionment of the award for parcel II between leaseholder and reversioner, the jury returned its verdict on January 4, 1933, apportioning to the tenant $4,100 out of the original award of $32,000; in district court no. 2139, for the acquisition of squares 296 and 297 as a site for the central heating plant, the jury's verdict, returned on January 31, 1933, made awards aggregating $100,153. In this case a declaration of taking was used to vest title in the United States prior to the trial of the case. A retrial was ordered by the trial court as to parcel I which resulted in a separate verdict returned on June 14, 1933, in the amount of $7,500. In district court no. 2120, for the acquisition of reservations A and B, appeals were noted by the Comptroller General from the order of the court allowing 6 percent interest on the judgments instead of the 4 percent allowable under the terms of the Act of June 30, 1932, known as the "Economy Act", the Comptroller General contending that said act applied to judgments entered on the awards of condemnation juries. These appeals were subsequently abandoned in consequence of the Amendatory Act of March 3, 1933, restoring the old rates of interest on judgments against the United States. In district court no. 2161, acquisition of certain lots in squares 5103, 5067, 5106, 5115, 5116, etc., instituted at the request of the War Department as part of the program for the reclamation of the flats of the Anacostia River, the jury on December 6, 1932, returned a verdict for $3,065. In district court no. 2164, acquisition of parcel 36/131 and certain lots in squares 1762 and 1846, the jury returned awards November 4, 1932, aggregating $21,250; in district court no. 2165, acquisition of

certain lots in squares 5078 and 5087, parcels 175/44, 175/23, etc., the jury on March 17, 1933, returned a verdict for $19,328.89; in district no. 2166, acquisition of parcels 231/3 and 231/4, the jury on April 24, 1933, returned a verdict for $16,694.40. This cause was subsequently discontinued at the request of the National Capital Park and Planning Commission because of a revision in the plans of the playground development. In district court no. 2169, acquisition of certain lots in squares 6007, 6010, 6069, and 6070, etc., the jury on January 26, 1933, returned awards aggregating $48,903. The four cases last mentioned were instituted at the request of the National Capital Park and Planning Commission for the development of the National Capital Park, Parkway, and Playground system.

In *United States* v. *Chesapeake and Ohio Canal Co. et al.*, Equity No. 31580, a suit under the Act of April 27, 1912, c. 96 (37 Stat. 93), to establish the title of the United States to a body of made land west of Twenty-eighth Street between I and K Streets, known as reservation 94-A, a decree was rendered in favor of the Government. The court held that the Chesapeake and Ohio Canal Co. had acquired no fee in the bed of Rock Creek below K Street and that any easement or franchise it may have had to use the locus had been lost by the abandonment of its use for canal purposes. The title and estate of the United States were declared to be complete and absolute and the cause referred for report concerning the value of any benefits that may have enured to the Government from the construction of any wall, filling, or other improvement.

During the fiscal year the following cases were disposed of in the Court of Appeals of the District of Columbia: No. 5689, *Colonial Ice Cream Co.* v. *United States*, and No. 5690, *Craig* v. *United States*, in both of which cases the appeals were dismissed pursuant to compromises between the Treasury Department and the appellants; No. 2044, *Loughran* v. *United States*, in which the judgment of the lower court from which the landowner took an appeal was affirmed; and No. 5697, *Futrovsky* v. *United States*, in which the judgment of the lower court from which the landowner took an appeal was affirmed. In the latter case the Court of Appeals laid down valuable rules for the determination of what constitutes fixtures in plants being condemned for public use.

The following condemnation cases are now pending: District court nos. 2198, acquisition of certain lots in squares 3549, 3550, and 3552; 2199, lots in square 3383, parcels 114/7, 101/40, etc.; 2200, lots 807 to 810 in square 3527; and 2201, acquisition of parcels 219/68, 219/70, etc., all instituted at the request of the National Capital Park and Planning Commission for the development of the Park, Parkway, and Playground system.

Pursuant to section 355, U.S.R.S., as amended by the Act of June 28, 1930, c. 710 (46 Stat. 828), opinions were rendered as to the validity of the title of all parcels acquired by condemnation.

PURCHASES IN THE DISTRICT OF COLUMBIA

An examination was made and opinion rendered as to the validity of the title to each of the following properties purchased for public use by the governmental departments and agencies listed below:

For the Commission for the enlarging of the Capitol Grounds: (Under the Acts of April 11, 1928, and March 4, 1929, c. 350, 45 Stat. L. 420, and c. 208, 45 Stat. L. 1694): Part of lot 800 in square 574, lot "C" in square 575, lots 10, 41, and 42 in square 633, purchase price $358,804.63; lot 808, reservation 12, purchase price $13,795.60; lots 811 and 812, reservation 12, purchase price $27,716; lot 10, reservation 12, purchase price $29,429.40; lot 9, reservation 12, purchase price $31,915.90; lot 8, reservation 12, purchase price $36,-250.50; lot 815, square 575, purchase price $172,376.10; lot 51, square 575, purchase price $6,760; lot 803, square 575, purchase price $17,919.20; lot 54, square 575, purchase price $6,760; lot 57, part of lots 58, 59, and 60, square 575, purchase price $42,503.50; lot 55, square 575, purchase price $6,760; lot 102, square 633, purchase price $6,059.30; lot 93, square 633, purchase price $720; lot 804, square 633, purchase price $2,589.60; aggregate purchase price $760.359.73.

For the War Department: Lands required for and in connection with the reclamation of Anacostia Flats under the Act of March 2, 1911 (35 Stat. 1005) and acts amendatory thereof: Parcel 180/3, purchase price $1,675.50.

For the Treasury Department: Lands required for public building program under the Act of May 25, 1926 (44 Stat. 630), and acts amendatory thereof: lots 43 and 44, square 297, purchase price $2,500; lots 3, 5, and "C", square 577, purchase price $310,000; lot 822, reservation D, purchase price $8,000; aggregate purchase price $320,500.

For the National Capital Park and Planning Commission: Lands required in connection with the development of the park, parkway, and playground system of the National Capital, under the act of June 6, 1924, chapter 270 (43 Stat. L. 463); and acts amendatory thereof; parcel 2/4, purchase price $45,000.

Aggregate purchase price, $1,127,535.23.

LAND ACQUISITIONS

Opinions as to the validity of the title to lands acquired by the United States without the bounds of the District of Columbia were furnished to all of the Executive Departments except the State and Labor Departments, as follows:

TREASURY

One hundred sixteen new sites and additions to sites for Federal buildings, including post offices, customs houses, hospitals, inspection and quarantine stations, and narcotic farms. Of these, 6 were acquired by donation, 2 by exchange, 69 by purchase for $11,838,730.43 and 41 by condemnation at a cost of $8,790,453.54. Several of the larger condemnation awards were: Wilmington, Del., $500,000; Portland, Maine, $214,000; Lynn, Mass., $232,500; St. Louis, Mo., $1,511,005; Newark, N.J., $2,901,950.55; Rochester, N.Y., $662,685.58; Columbus, Ohio, $400,000.

In most instances the prosecution of condemnation proceedings resulted in a saving to the Government, the awards being less than the prices demanded for the property sought to be acquired.

It is of interest that in the St. Louis, Mo., acquisition, the city of St. Louis had commenced a proceeding to condemn portions of the site for street-widening purposes prior to the filing of the petition in condemnation by the Government. The owners of the lots abutting said streets demanded for the reduced areas the same amounts the Treasury Department offered for the unreduced areas, hoping thereby to collect from the city of St. Louis damages and thus increase their remuneration. The Government's petition requested the condemnation of the lots unreduced by the areas to be taken by the city and upon the filing of a declaration of taking in accordance with the provisions of the act of February 26, 1931, the court entered an order vesting title in the United States. Thus the United States became the real party in interest in the city's condemnation actions and as a result has received from the city damages totaling approximately $250,000. This reduced the close of the entire site to approximately $1,250,000, a reduction not anticipated at the time condemnation proceedings were authorized.

Approximately 116 sites to be acquired by the Treasury Department have been referred for consideration of the titles. Of these, 56 are now in condemnation.

COMMERCE

Twenty-eight acquisitions for radio station, airway station, fish-cultural station, light station, and air-navigation sites. Of these, 25 were acquired by direct purchase for $70,302.78, 1 by exchange, 1 by donation, and 1 by condemnation—the award being $700. Fourteen sites are now receiving consideration. Of these, six are in condemnation.

VETERANS' ADMINISTRATION

Hospital sites acquired by donation at Lafayetteville, Ark., Batavia, N.Y., and in Multnomah County, Oreg., and to an addition

to the site at St. Petersburg, Fla. Also to right of way for use in connection with site at Livermore, Calif., purchased for $1,198, and to the streets bordering on and intersecting the Canandaigua, N.Y., site acquired by condemnation for nominal damages of $5.49.

The title to eight additional or additions to sites: Bath, N.Y.; Huntington, W.Va.; Cheyenne, Wyo.; Hot Springs, S.Dak.; Lake City, Fla.; Biloxi, Miss.; Aspenwal, Pa.; and Albuquerque, N.Mex., are now receiving consideration.

INTERIOR

Eleven sites acquired for Indian day schools and miscellaneous projects by both donation and purchase. Four large areas acquired in the Virgin Islands for homestead purposes at a cost of $83,000, and 79,036.61 acres donated as a part of the Great Smoky Mountain National Park in North Carolina. Twelve cases are under consideration; three being in condemnation.

AGRICULTURE

Under the Weeks Forestry Act (36 Stat. 961) 314 acquisitions. Of these 273, totaling 93,429.52 acres and costing $202,564.66, were by direct purchase; and 41, covering 101,890.74 acres, by condemnation; the total awards being $682,134.93.

Thirty-one sites acquired in connection with the carrying out of the provisions of the Migratory Bird Refuge Act. Of these 28, comprising 36,313.07 acres and costing $164,564.98, were acquired by direct purchase, 1 containing 8,240.99 acres was condemned, resulting in an award of $114,353.86, and 2 with a total of 4,431.77 acres were donated.

Under the Wild Life and Fish Refuge Act, 46 acquisitions. Of these 43 totaling 3,614.17 acres and costing $39,794.81 were by purchase, and 3 aggregating 562.71 acres by condemnation with awards totaling $2,515.71.

Fourteen sites acquired for miscellaneous uses, 1 by condemantion, 6 by donation, and 7 by purchase at a total cost of $4,765.70. Three cases pending and various cases concerning Mount Vernon Memorial Boulevard.

Cases now under consideration for all Bureaus of this Department total more than 125, of which 70 are in condemnation.

NAVY

Two sites: One at Oahu, Hawaii, acquired by exchange for a national cemetery, and the other in Mineral County, Nev., for an ammunition depot at a cost of $5,400.

Five petitions in condemnation have been filed to acquire all registered fisheries in Pearl Harbor, Hawaii. The matter of the validity of unregistered fisheries is pending in the local courts of Hawaii. Proceedings are also pending for acquisitions in the Philippine Islands for a military reservation, in Hawaii for a naval ammunition depot, and in Alaska for a naval reservation.

JUSTICE

Two sites: One at Sandstone, Minn., acquired by condemnation for a Federal jail at a cost of $15,060, and the other for additional land at McNeil Island, Wash., for the Federal penitentiary at that place, the compensation just awarded being $97,104.

In the McNeil Island case the district judge allowed costs against the Government. This action was reversed by the circuit court of appeals on May 17, 1932 (*United States* v. *Ward*, 58 F. (2d) 1086). The same question was determined by that court on May 9, 1932, in another case taken up by the Department (*United States* v. *Knowles Estate*, 58 F. (2d) 718).

WAR DEPARTMENT

One hundred and five acquisitions, exclusive of flood control and major river and harbor projects, at a total cost of $299,988.78. Included in these were tracts required for use in connection with the national military parks near Petersburg, Spotsylvania Court House, Chancellorsville, and Wilderness; Edgewood Arsenal, Maxwell Field, Mount Vernon Memorial Highway, Lock and Dam No. 41 on the Ohio River, and locks and dams on the Allegheny and Monongahela Rivers.

Acquisitions now under consideration total approximately 50 and include tracts in some of the aforesaid projects.

INLAND WATERWAYS

Two major projects necessitated the preparation of numerous opinions as to titles—the intracoastal waterway from Jacksonville to Miami, Fla., and the Illinois waterway connecting Lake Michigan and the Mississippi River. In the former project, right of way and spoil disposal easements were acquired by the Florida inland navigation district, a special taxing district created by the legislature of the State of Florida, and conveyed free of cost to the United States. During the year the title to perpetual easements over 159 tracts comprising 1,585.38 acres was approved, and 9 condemnation actions were instituted covering several hundred parcels. In the latter project, right of way and flowage easements over 42 tracts received approval, the total cost thereof being $129,264.01, and extensive condemnations are now being carried on along the entire course of the development.

FLOOD-CONTROL MATTERS

In the lower Mississippi there were 29 acquisitions of lands or flowage easements in connection with the Atchafalaya spillway in Louisiana comprising 697.72 acres, with an expenditure of $24,373.90. Condemnation proceedings in the Bonnet Carre spillway area also received consideration and 15 cases involving 5,539.04 acres and resulting in awards of $1,352,129.78 were closed.

In the Bird's Point-New Madrid area in Missouri 12 new cases in condemnation were filed, and 13 cases involving 44 tracts and comprising 3,486.75 acres with awards of $101,913.01 were closed.

In the Upper Mississippi four petitions embracing numerous tracts of land were filed in connection with the establishment of Hastings lock and dam near Hastings, Minn. All matters in the first and second petitions have been concluded, except the claims of the Chicago, Burlington & Quincy Railroad Co. The commissioners awarded the Burlington $280,674.36 instead of $314,000 claimed by the railroad company. Upon a trial to a jury the amount was reduced to $240,000. An appeal by the Government is being considered. The commissioners awarded the Milwaukee $79,681.02. This matter is pending on an appeal by the Government to a jury trial.

The commissioners' award of $167,199.66 for some 400 separate tracts embraced in the third petition is before the Secretary of War for his consideration.

The proceedings in the fourth petition are held in abeyance pending certain investigations by the War Department as to the effect of the proposed levels upon packing and industrial properties in south St. Paul.

Relative to acquisitions for use in connection with Alma Dam No. 4 in Wisconsin, after the reversal of the district court's order granting an injunction against the prosecution of this project, the Chicago, Burlington & Quincy filed a supplemental bill asking an injunction against trespassing upon the railroad's property and the prosecution of the condemnation proceedings to acquire a site for a lock, until money in the sum of $110,000 had been deposited in court to pay damages which might ultimately be awarded the railroad company. Commissioners awarded the railroad company $85,896, and $4,527 to others. This matter is pending on appeal by the Government. Lands on the Minnesota side of the river required for this dam site have been acquired.

Lands on the Wisconsin side of the Mississippi River for use in connection with Fountain City Dam No. 5 have been acquired. In Minnesota the court denied the right of the Milwaukee Railway to set up a claim of $540,000 in a proceeding to take 1.9 acres of land for a dam site. The Commissioners awarded $58.50 for the railroad

property taken. Additional lands are being condemned for an earthen embankment in connection with the proposed dam.

LAKE OF THE WOODS

Pursuant to a treaty regulating the level of the Lake of the Woods (July 17, 1925, 44 Stat., pt. 3, 2108) and the act of Congress approved May 22, 1926 (44 Stat., pt. 2, 617), as amended on April 18, 1928 (45 Stat., pt. 1, 431), four petitions in condemnation involving 862 tracts were filed and the Commissioners' awards thereon totaled $363,974.07.

Appeals from the Commissioners' awards were taken by one or both parties in substantially all of the cases, the property owners basing their claims in the appeals on the adaptability of this land for reservoir purposes, aggregating some $89,000,000. In the decision of the circuit court of appeals in the cases of *Elias A. Olson* v. *United States*, no. 9279, May term 1933; *Randor G. Karlson* v. *United States*, no. 9280, May term 1933; *Harry Brewster* v. *United States*, no. 9281, May term 1933; filed August 17, 1933, the court sustained the Government's contention that said lands had no especial value for reservoir purposes.

In the case of *United States of America* v. *Wheeler Township*, no. 9596, May term 1933, the circuit court of appeals on July 20, 1933, affirmed the decision of the district court holding that Wheeler Township was entitled to damages measured by the difference between the cost of constructing reasonably passable roads in said township with the lake in a state of nature and the cost of constructing reasonably passable roads at the time the easement was taken. Application for a writ of certiorari to the Supreme Court is under consideration by the Government.

REPORT OF ASSISTANT ATTORNEY GENERAL, PAT MALLOY

IN CHARGE OF THE

CRIMINAL DIVISION

(NUGENT DODDS, Assistant Attorney General to February 28, 1933. FRANK M. PARRISH, Acting Head from March 1, 1933, to May 31, 1933. PAT MALLOY, Assistant Attorney General from June 1, 1933)

Activities of the criminal division for the most part extend to the supervision of the United States attorneys in their endeavors to enforce the general criminal laws throughout the country. The primary responsibility of the United States attorney for the proper administration of the law in his district is recognized, but this division is frequently called upon to advise and counsel with him with reference to investigations, grand jury proceedings, preparation of indictments, removal proceedings, and trials.

Appeals from the United States district courts to the circuit courts of appeals are likewise supervised by the division but under the immediate direction of the Solicitor General. In cases in the Supreme Court involving violations of the general criminal laws and cases involving the naturalization and immigration laws, briefs on behalf of the Government are prepared by this division at the request of the Solicitor General.

The chief classes of cases handled by this division are discussed under appropriate headings below.

CIVIL IMMIGRATION CASES

There were pending, at the beginning of the year, 277 cases. During the year 226 cases were commenced and 197 terminated. Of the cases terminated there were judgments for the United States in 122, the total amount of which was $12,987.65, and $4,825.02 was realized from such judgments. At the close of the year, there were pending 306 cases. The great majority of these cases were habeas corpus proceedings seeking review by the courts of exclusion or deportation orders of the immigration authorities.

CRIMINAL IMMIGRATION CASES

At the beginning of the year there were pending 525 criminal cases. During the year 4,395 prosecutions were commenced, and 4,609

terminated, leaving 311 prosecutions pending at the close of the year. Of the cases terminated 4,422 were convictions, with only 4 acquittals, and 183 cases were terminated by nolle prosse or dismissed on motion or demurrer. The aggregate amount of fines, forfeitures, and penalties imposed during the year was $7,015.08. Amount realized, $3,893.08.

The number of prosecutions commenced and terminated during the year is materially less than those commenced and terminated during the preceding year, although there has been no diminution in the prosecution of proper cases. Steps have been taken to facilitate the disposition of criminal immigration cases insofar as facilities and procedure will permit.

POSTAL VIOLATIONS

There were pending at the beginning of the year 1,031 cases. During the year 1,845 cases, as compared with 1,851 the previous year, were commenced and 1,897, as compared with 2,046 the previous year, were terminated, leaving 979 cases pending at the end of the year. In 232 cases pending at the end of the year the defendants were fugitives from justice. The fines, penalties, and forfeitures imposed during the year amounted to $297,708.38. Amount realized, $42,451.20.

Many of the violations of the postal laws involved prosecutions for the use of the mails in furtherance of schemes to defraud, as well as robbery of the mails, lottery violations, embezzlement of postal funds and mail matter, and kindred offenses. The mail fraud statute has been the only act under which the Federal Government could prosecute so-called "stock frauds," until the passage on May 27, 1933, of the Securities Act of 1933. It is hoped that many fraudulent promotions in which the public would lose millions of dollars can be prevented, and the prosecutions of this type of violator facilitated, under the stringent provisions of this act.

COOPERATION WITH STATE AUTHORITIES

This division has attempted to work out plans for the more effective enforcement of the criminal laws generally through the cooperation of the various agencies of the several States. It is realized that the Federal Government, by virtue of constitutional limitations, can operate in a relatively narrow field insofar as criminal prosecutions are concerned. However, it has been the policy to assist State authorities in every possible manner, and, in turn, to solicit their aid in Federal prosecutions. Marked progress has been made in this respect in connection with so-called "racketeering and gangster cases," as well as those involving kidnapping and extortion. Constant attention is directed toward improving the machinery concerned with

the administration of criminal justice, with particular emphasis upon speeding up the preliminary steps and the trial of criminal cases. As an example, legislation was secured at the last session of Congress authorizing the taking of stenographic notes of the testimony of grand-jury witnesses, which is valuable as a deterrent against the commission of perjury in the subsequent trial of the case.

FOREIGN EXTRADITION

The following results were obtained in extradition proceedings instituted during the fiscal year:

Harry Low, charged with bribery of a customs inspector in the northern district of New York, in connection with the importation of merchandise, was proceeded against in Canada. The case resulted in the release of the fugitive by the Canadian authorities.

Alexander C. Hercus. A new application for the fugitive's extradition from Canada for trial in the northern district of California, on the charge of embezzling funds of the Bank of Italy, National Trust & Savings Institution, was filed. He was returned to California and pleaded guilty.

Joseph L. Drummond, charged in the southern district of New York with embezzlement of funds of the Mott Haven Branch of the Public National Bank & Trust Co., was extradited from London, England, to New York City for trial.

Edward A. Campbell, charged in the northern district of California, with counterfeiting and forging a ten dollar gold certificate of the United States, was extradited from Canada to San Francisco.

Trinidad Romero. Proceedings were instituted in 1930 to secure the return of the fugitive from Mexico for trial in the western district of Texas on the charge of having in possession, with intent to defraud and conceal, a counterfeit $50 gold certificate of the United States, and attempting to pass the same. It was not until the present fiscal year that the Mexican authorities ordered his extradition.

John Molnar. The United States applied to Hungary for the extradition of Molnar, who is charged in Chicago, Ill., with the fabrication and circulation of counterfeit money. The case is pending in Hungary.

Frank Hilton. Application was made to the Canadian authorities for the extradition of Hilton, wanted in New Jersey on the charge of bribing a United States officer in connection with the smuggling of intoxicating liquor into the United States. The Canadian authorities, after hearing, released the accused. Hilton died in Canada in June 1933.

Extradition proceedings were instituted in 1929 on behalf of the Mexican Government against Francisco Lopez, R., who was charged with embezzlement. The fugitive was not apprehended until July 1932, at which time, after a hearing, he was extradited to Mexico.

CRIMINAL ANTINARCOTIC CASES

There were 2,305 cases commenced under the antinarcotic acts during the fiscal year, 2,394 cases were terminated, and convictions obtained in 2,083 cases. The aggregate of the fines, forfeitures, and penalties imposed was $111,179.21. By comparing these figures with those for the previous fiscal year there was a decrease of 191 in the number of cases commenced and 218 in the number of convictions obtained. The amount of the fines, etc., imposed was $68,786.83 less than the amount imposed during the prior fiscal year.

CASES UNDER THE WHITE SLAVE TRAFFIC ACT

The number of prosecutions commenced under this act during the year was 323, the number of cases terminated 335, and the number of convictions obtained was 266. The fines imposed amounted to $5,393.25. These figures show a decrease as compared with those of the prior fiscal year.

WAR-RISK INSURANCE CASES—CRIMINAL

Prosecutions were commenced in 77 cases during the fiscal year, 84 cases were terminated, and 51 convictions obtained. The amount of fines imposed was $4,964.99.

NATURALIZATION

During the year 731 proceedings to cancel certificates of naturalization were commenced. In the same period 561 cases were terminated, 522 resulting favorably to the Government, 5 adversely, and 34 were dismissed or discontinued, leaving 490 pending at the close of the year, as compared with 383 at the close of the previous year. In 3 cases review was had by the Circuit Court of Appeals.

Criminal prosecutions instituted for violation of the naturalization laws during the year numbered 108. Terminated during the same period 135, of which 97 were convictions, 8 acquittals, 16 ended by nolle prosequi or discontinuance, and 14 were quashed or dismissed on motion, demurrer, etc., leaving 87 pending at the close of the year as against 114 [1] at the close of the previous year.

PATENT AND COPYRIGHT LAWS

Complaints of violation of the patent and copyright laws have engaged attention from time to time.

FRAUDS AGAINST THE GOVERNMENT AND COUNTERFEITING

Considerable time has been given to the investigation and prosecution of charges of fraud against the Government, including forgery

[1] Number revised.

of Government obligations, fraudulent impersonation of Government officers, and bribery. Violations of the counterfeiting statutes have been unusually numerous.

RED CROSS ACT AND NATIONAL DEFENSE ACT

Cases involving the misuse of the name and emblem of the American Red Cross have been promptly investigated with a view of prosecuting the offenders where the facts justify such action. There have been comparatively few complaints of violation of the National Defense Act.

CASES UNDER THE BANKING LAWS

This classification includes violations of the national banking laws and of the Federal Reserve and the various Federal farm loan acts. Such cases are almost invariably reported to this Department by the Comptroller of the Currency, the Federal Reserve Board, and the Farm Credit Administration, respectively.

The numbers of new cases instituted and disposed of in the courts under these acts in the fiscal years 1930, 1931, 1932, and 1933 were as follows:

	1930		1931		1932		1933	
	Instituted	Disposed of	Instituted	Disposed of	Instituted	Disposed of	Instituted	Disposed of
National bank cases	216	237	427	409	305	325	317	337
Federal Reserve cases	26	31	34	32	58	57	28	27
Federal farm loan cases	13	10	14	18	82	12	29	92
Total	255	278	475	459	445	394	374	456

Of the 456 criminal banking cases disposed of in the fiscal year 1933, 281 resulted in convictions, 255 of which were on pleas of guilty and 26 on trials by jury. Thirty-two cases were terminated by acquittal, 120 by nolle prosequi or discontinuance, and 23 by demurrer, motion to quash, etc. The numbers of cases pending at the close of the fiscal year were 220 national bank cases, 22 Federal Reserve cases, and 12 Federal farm loan cases.

Next year, no doubt, the figures under this heading will be considerably increased, because of the increase in the number of acts made criminal offenses by the new banking laws, including also the acts made criminal in the new systems of banking set up by recent legislation. The amount of work on banking matters devolving on the Department during the latter half of the fiscal year 1933 was a great increase over prior periods, because of the increase of correspondence, research, etc., occasioned by the change of administration, the banking holiday, and the new banking laws.

CRIMINAL BANKRUPTCY CASES

The numbers of new cases instituted and disposed of in the courts under the bankruptcy law in the fiscal years 1930 to 1933, inclusive, were as follows:

	1930	1931	1932	1933
Instituted	180	178	115	156
Disposed of	144	197	248	185

Speaking generally, the number of criminal bankruptcy cases instituted has decreased somewhat since 1930. On the other hand, the numbers of petitions filed in bankruptcy matters have materially increased from 1930 to 1932, but with a very material reduction in 1933. See the following table showing the numbers of proceedings filed to administer estates under the bankruptcy law in the same years:

	1930	1931	1932	1933
Voluntary	57,299	58,780	62,475	56,049
Involuntary	5,546	6,555	7,574	6,207

REPORT OF ASSISTANT ATTORNEY GENERAL ROY ST. LEWIS

IN CHARGE OF THE

CIVIL DIVISION

ADMIRALTY LITIGATION

SUITS IN ADMIRALTY ACT

The number of libels, other than club cases, pending July 1, 1932, against the United States, Fleet Corporation and/or Inland Waterways Corporation, under authority of the suits in Admiralty Act of March 9, 1920, as reported by the United States attorneys, was 181 cases, involving $4,430,000. There were 155 club cases then pending, involving approximately $3,330,000. The number of non-club cases reported pending June 30, 1933, was 339, involving approximately $7,800,000, and the number of club cases pending was 194, involving approximately $4,800,000. The club cases for the most part are handled by P & I underwriters who carry the risks there involved. During the year 102 cases, involving approximately $1,860,000 were adjusted or discontinued of record without trial. Interlocutory decrees were entered in 19 cases, involving $380,000, and final decrees in 42 cases, involving $603,000. On June 30, 1932, there were pending 122 cases, involving approximately $3,500,000, brought on behalf of the United States and/or Fleet Corporation, and on June 30, 1933, there were pending 109 cases involving $1,500,000. During the year 48 cases, involving approximately $2,000,000, brought on behalf of the United States and/or Fleet Corporation, were tried or settled.

By authority of the amendment to the suits in Admiralty Act, approved June 30, 1932 (47 Stat. 420) which are included in the cases above listed, 100 libels were refiled with the amounts involved totaling $4,050,651.39. The losses here in suit occurred many years ago, and substantial difficulties by reason of this lapse of time may be present in the successful defense to many of the claims.

PUBLIC VESSEL ACT

The number of cases filed under authority of the Public Vessel Act of March 3, 1925, pending on June 30, 1932, as reported by the United States attorneys, totaled 30, involving approximately $550,000. On

June 30, 1933, there were pending 20 cases, involving approximately $500,000. There were 6 cases, involving $27,500, adjusted without trial and discontinued of record. Final decrees for $99,011.05, entered in 8 cases, were certified for payment.

APPEALS

Appeals from decrees entered in the district courts to the United States Circuit Courts of Appeals during the year were taken in seven cases, involving $272,056.44.

PRIVATE ACT DECREES

There were six private act cases disposed of during the year, in which decrees certified to the Treasury for payment were entered in the aggregate sum of $105,299.78. This litigation for the most part related to collision losses sustained during the war period.

WORLD WAR VETERANS' LITIGATION

WORLD WAR VETERANS' ACT

(43 Stat. 607)

On June 30, 1932, there were pending 10,482 cases, and on June 30, 1933, 11,802 cases were pending. During the year, 3,689 cases were disposed of, of which 925 resulted in judgments for the Government, 2,096 cases were dismissed, and in 668 cases judgments were entered against the Government. There were pending on July 1, 1932, 27 cases in the circuit courts of appeals in which the plaintiffs appealed, and during the fiscal year 67 appeals were taken by plaintiffs, 14 of which resulted in reversal and 46 were affirmed. Thirty-three appeals by plaintiffs were pending at the close of the year. On July 1, 1932, there were pending 48 appeals taken by the Government and during the year 99 more were taken. On the Government's appeals, 47 cases were reversed and 25 affirmed, and on July 1, 1933, 75 appeals by the Government were pending. Four mandamus suits and 1 suit for overpayment of compensation and insurance, 5 injunction proceedings, and 1 suit for damages were disposed of during the year.

EMERGENCY OFFICERS' RETIREMENT ACT

(45 Stat. 735)

In the one suit disposed of under this act judgment was rendered in favor of the defendant.

ADJUSTED COMPENSATION ACT

(43 Stat. 121; 44 Stat. 826)

The one case pending under this act in the Court of Claims was dismissed.

REGULATORY ACTS AND MINOR REGULATIONS OF COMMERCE

FOOD AND DRUGS ACT

(34 Stat. 768)

During the year the Department of Agriculture reported 2,227 cases, of which 399 were criminal and 1,828 civil. At the beginning of the year there were pending in the courts 445 cases, of which 151 were criminal and 294 civil. During the year there were terminated 1,729 civil cases and 296 criminal cases. Fines in criminal cases amounted to $26,020.01. Of the 1,729 civil cases terminated, 597 were by consent decrees, 967 by default decrees, 6 jury trials in which verdicts were returned in favor of the Government, and 2 jury trials in which verdicts were in favor of the claimants.

INSECTICIDE AND FUNGICIDE ACT

(36 Stat. 331)

The Department of Agriculture reported 20 criminal and 19 civil cases for prosecution. During the year, 19 criminal cases were terminated by fines aggregating $1,130; 12 civil cases were terminated by default decrees of condemnation and destruction, 3 by consent decrees of condemnation, and 2 were dismissed.

TWENTY-EIGHT HOUR LAW

(34 Stat. 607)

There were reported 140 cases for prosecution, and in 133 cases penalties aggregating $13,300 were recovered. Twenty cases were dismissed, and one case was terminated in favor of the defendant. At the close of the year 178 cases were pending.

MIGRATORY BIRD TREATY ACT

(40 Stat. 755)

During the year 352 cases were reported by the Department of Agriculture for prosecution, and 220 cases were disposed of and fines aggregating $7,416.14 were imposed. In addition 94 cases were terminated by dismissal, failure to indict, nolle prosequis, or judgment for defendants.

ANIMAL QUARANTINE LAWS

(23 Stat. 31; 26 Stat. 414; 32 Stat. 791; 33 Stat. 1264)

During the year there were reported for prosecution 27 cases, and 20 cases were disposed of by the imposition of fines aggregating $2,000. At the close of the year 41 cases were pending.

PLANT QUARANTINE ACT

(37 Stat. 315)

During the year 9 cases were reported for prosecution, and 7 cases were disposed of by fines aggregating $265, 3 were dismissed, and in

1 a judgment was entered for the defendant. At the beginning of the year 4 cases were pending and at the close of the year 2 cases.

FEDERAL CAUSTIC POISON ACT

(44 Stat. 1406)

At the beginning of the year, two civil and no criminal cases were pending. During the year 12 cases were reported for prosecution. Ten cases were disposed of, and at the close of the year four cases were pending.

MEAT INSPECTION ACT

(34 Stat. 1260, 21 U.S.C.A. 71)

and

HORSE-MEAT LAW

(41 Stat. 241)

The Department of Agriculture reported 39 cases for prosecution. Twenty-one were terminated by fines aggregating $1,056 and four by short sentences. At the end of the year 24 cases were pending.

UPPER MISSISSIPPI WILD LIFE AND FISH REFUGE ACT

(43 Stat. 650)

There were reported 17 cases for prosecution and 5 cases were terminated by fines and penalties in the sum of $60.

NAVAL STORES ACT

(42 Stat. 1430)

At the beginning of the year there was only one criminal case pending and this was terminated by a plea of nolo contendere and the imposition of a fine of $50. No suits were instituted during the year.

FEDERAL SEED ACT

(37 Stat. 506)

At the beginning of the year 6 criminal and 2 civil cases were pending. During the year 31 cases were reported for prosecution and 7 were terminated. At the close of the year 32 cases were pending.

STANDARD CONTAINER ACT

(39 Stat. 625; 45 Stat. 685)

Two cases were reported during the year and none disposed of in the courts.

SAFETY APPLIANCE ACT

(32 Stat. 943)

One hundred and three cases were referred by the Interstate Commerce Commission for prosecution. Penalties aggregating $22,900

were collected during the year, and on June 30, 1933, 97 cases were pending.

HOURS OF SERVICE ACT

(34 Stat. 1415)

During the year, two cases were referred for prosecution. Cases comprising 53 counts were confessed, 10 dismissed, and 5 tried. At the close of the year two cases were pending. Penalties aggregating $5,100 were collected.

LOCOMOTIVE BOILER AND INSPECTION ACT

(36 Stat. 913)

No suits were filed and none was terminated during the year.

AIR COMMERCE ACT OF 1926

(44 Stat. 568)

There were referred to the United States attorneys for investigation and prosecution 9 cases. There were disposed of 16 cases by payment of the penalty or dismissal and 12 cases remained for disposition.

EIGHT-HOUR LAW

(27 Stat. 340; 37 Stat. 726)

There were referred to the United States attorneys for investigation and prosecution 23 cases. At the beginning of the year, 24 cases were pending, 24 cases were disposed of without prosecution, and fines imposed in 3 cases, leaving 20 cases pending at the end of the year.

LONGSHOREMEN'S AND HARBOR WORKERS' ACT

(44 Stat. 1424; 45 Stat. 490)

On July 1, 1932, there were pending in the United States district courts 77 cases seeking review of compensation orders made by deputy commissioners of the United States Employees' Compensation Commission. During the year, 57 cases were disposed of and 51 cases were filed. At the close of the year there were pending 71 cases. On July 1, 1932, there were 7 cases pending in the circuit courts of appeals; during the year, 9 cases were appealed, 14 were disposed of, leaving 2 cases pending on June 30, 1933. No cases were brought to the United States Supreme Court, and none was pending or disposed of during the fiscal year under this act.

DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION ACT

(45 Stat. 600)

On July 1, 1932, there were pending 16 cases in the Supreme Court of the District of Columbia. During the year, 23 cases were filed, 18 were disposed of, leaving 21 cases pending at the close of the year. On July 1, 1932, there were pending 9 cases in the Court of Appeals of the District of Columbia, and during the year 6 cases were taken to that court, 11 disposed of, leaving 4 cases pending at the close of the year. The United States Supreme Court decided 1 case and denied applications for writs of certiorari in 2 cases, and 1 case remained pending upon application for writ of certiorari on June 30, 1933.

ALIEN PROPERTY MATTERS

At the beginning of the fiscal year there were pending 44 claims for Executive action. During the year, 32 additional claims were submitted. Thirty-one claims were allowed by the President and 4 claims for release of demands under section 29 (c) of the Trading with the Enemy Act, as amended by section 15 of the Settlement of War Claims Act of 1928, were approved, while 5 claims were returned to the office of the Alien Property Custodian for additional evidence, leaving 36 claims for Executive action pending at the end of the fiscal year. Under the claims allowed, money and other property of the approximate value of $338,827 were returned to the claimants. Numerous opinions have been rendered to the Alien Property Custodian during the year upon questions of law and policy arising in the administration of his office.

CASES IN LITIGATION

Number of cases pending at beginning of the year	59
Instituted during the year	8
Disposed of	15
Pending at the end of the year	52

FOREIGN RELATIONS, MATTERS OF FINANCE, TERRITORIAL, INSULAR AFFAIRS, ETC.

International relations (other than passports), including violations of the neutrality laws, fiscal matters including Federal banking, matters involving the civil-service laws, all cases involving the customs laws and regulations, except those involving liquor violations and the classification and appraisal of merchandise, the defense of actions involving extraordinary legal remedies brought against Cabinet officers and other Government officials, and the prosecution of all claims of the Government in Federal bankruptcy and State insolvency proceedings, are matters which are handled by this

division. Because of the very large number of bank and surety company failures, the last-mentioned class of cases involves an exceptionally large amount of litigation and other work on the question of the Government's right of priority.

By section 5 of the Executive Order No. 6166, dated June 10, 1933, there was transferred to this Department the function or authority to compromise all cases referred to the Department for prosecution or defense, and this division now handles all offers in compromise submitted in cases referred to the division for disposition, subject to the approval of the Attorney General.

This division also handles matters arising in the insular possessions and prepares for the Attorney General legal opinions requested by the President (which include requests of independent establishments which may obtain the opinion of the Attorney General upon the request of the President), the heads of executive departments and the Administrator of Veterans' Affairs, who is authorized by law to obtain the opinion of the Attorney General upon legal questions arising in the administration of the Veterans' Bureau.

During the year this division prepared 44 opinions, 10 formal opinions, and 34 informal opinions.

REPORT OF ASSISTANT ATTORNEY GENERAL CHARLES D. LAWRENCE

IN CHARGE OF THE

CUSTOMS DIVISION

The Customs Division has charge of the interests of the Government in all matters of reappraisement and classification of imported goods and of all litigation incident thereto and represents the Government in all the courts and before all tribunals wherein the interests of the Government require such representation, namely, the United States Customs Court, the United States Court of Customs and Patent Appeals, and the Supreme Court of the United States.

(Title 5 U.S.C., p. 45, sec. 296; 36 Stat. 108.)

The litigation before this division in the Supreme Court of the United States, the United States Court of Customs and Patent Appeals, and the United States Customs Court, during the fiscal year ended June 30, 1933, is shown by the following table:

	Pending July 1, 1932	Filed during year	Decided during year	Pending end of year
Supreme Court of the United States	1	9	9	1
United States Court of Customs and Patent Appeals (customs appeals)	63	135	94	104
United States Customs Court (trial court) protests	222, 125	65, 407	66, 955	220, 577
Reappraisement appeals 12,813 plus 279, error in previous reports	13, 092	2, 398	12, 077	3, 413
Applications for review of reappraisement appeals 90 plus 67, error in previous reports	157	157	239	75
Petitions for remission of additional duties	94	119	101	112
Claims for allowance under section 563	59		5	
Transferred to collectors of customs			44	10
Total	235, 591	68, 225	79, 524	224, 292

SUPREME COURT OF THE UNITED STATES

One petition for writ of certiorari in a customs case was pending in the Supreme Court at the beginning of the year (*Stone & Downer Co., et al.* v. *United States*, Customs Appeal No. 3409; Supreme Court No. 183). Petition denied. Nine petitions for writs of certiorari in customs cases were docketed in the Supreme Court during the year. All of these petitions were filed by counsel for importers. Seven were denied and two were granted.

The two cases in which petition for writs were granted were heard on the merits and decided in favor of the Government (*Norwegian Nitrogen Products Co.* v. *United States*, Customs Appeal No. 3454, Supreme Court No. 272; 288 U.S. 294, and *The Board of Trustees of the University of Illinois* v. *United States*, Customs Appeal No. 3441, Supreme Court No. 538; 288 U.S.).

There was one petition pending at the close of the year (*Sears, Roebuck & Co.* v. *United States*, Customs Appeal No. 3558, Supreme Court No. 998).

The nine cases decided involved the following subjects:

Wool, flexible tariff, whale oil, question of whether a State university is exempt from payment of customs duties on imports, anti-dumping, and sugar.

UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS (CUSTOMS APPEALS)

The following table shows the number of customs appeals pending before the United States Court of Customs and Patent Appeals during the last fiscal year:

Appeals pending at beginning of year (July 1, 1931)		63
Appeals filed during year		135
Total		198
Appeals disposed of during year:		
After argument	86	
By consent	8	
		94
Appeals pending at end of year (June 30, 1933)		104

Of the 86 cases disposed of after argument, 54 were decided in favor of the Government and 32 in favor of the importers.

Included in the cases disposed of by consent were two cases involving protests by American manufacturers which were decided in favor of the importers. Of the remaining 6 cases disposed of by consent, 3 were decided in favor of the Government and 3 in favor of the importers.

Of the 94 cases disposed of during the year, the Government was appellant in 45 and obtained reversals in 26; the importers were appellants in 47 and obtained reversals in 19.

LITIGATION BEFORE THE UNITED STATES CUSTOMS COURT

Thousands of cases were tried before the United States Customs Court not only at the headquarters in New York but at various other ports throughout the United States.

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Classification dockets (including claims for allowance on account of damaged merchandise) were held by each of the three divisions of the court at the port of New York each month of the year except July, August, and September. At the port of New York there were 84 reappraisement dockets, 26 dockets on applications for review of reappraisement appeals, and 23 dockets on petitions for remission of additional duties. At other ports there were 64 dockets including protests, reappraisement appeals, and petitions for remission of additional duties.

The number of cases appearing on the dockets during the last fiscal year, counting each case each time it appeared on the various dockets, is shown by the following table:

Protests on dockets at port of New York	159, 649	
Protests on dockets at other ports	16, 181	
		175, 830
Reappraisements on dockets at New York	6, 785	
Reappraisements on dockets at other ports	1, 736	
		8, 521
Applications for review of reappraisement appeals on dockets at port of New York		442
Petitions for remission of additional duties at port of New York	126	
Petitions for remission at other ports	66	
		192
Total number of cases appearing on dockets		184, 985

CLASSIFICATION CASES

The number of classification cases (protests) before the court during the last fiscal year is shown by the following table:

Protests pending at beginning of year (July 1, 1932)	222, 125
Protests filed during year	65, 407
Total	287, 532
Protests disposed of during year	66, 955
Protests pending at end of year (June 30, 1933)	220, 577

Of the 65,407 protests disposed of during the year, 53,996 were decided in favor of the Government, 11,401 in favor of the importers, and 1,558 partly in favor of the Government and partly in favor of the importers.

CLAIMS FOR ALLOWANCE UNDER SECTION 563

The disposition of claims before the court during the last fiscal year is shown by the following table:

Claims pending at beginning of year (July 1, 1932)		59
Claims disposed of during year:		
Decided by Customs Court	5	
Transferred to collectors of customs pursuant to sec. 563, Tariff Act of 1930	44	
		49
Claims pending at end of year (June 30, 1933)		10

Of the 5 claims decided by the court, 2 were in favor of the Government and 3 in favor of the importers.

REAPPRAISEMENT PROCEEDINGS

The number of reappraisement appeals and applications for review before the court during the last fiscal year is shown by the following table:

Reappraisement appeals:	
Pending at beginning of year (July 1, 1932) 12,813, plus 279 due to error in previous report	13, 092
Filed during year	2, 398
Total	15, 490
Disposed of during year	12, 077
Pending at end of year (June 30, 1933)	3, 413
Applications for review:	
Pending at beginning of year (July 1, 1932) 90, plus 67 due to error in previous reports	157
Filed during year	157
Total	314
Disposed of during year	239
Pending at end of year (June 30, 1933)	75

Of the 12,077 reappraisement appeals disposed of during the year, 1,708 were decided in favor of the Government and 10,369 in favor of the importers. Included in the number of cases decided were 9,142 involving the Japanese textile consumption tax which were disposed of by stipulation in accordance with the test case.

Of the 239 applications for review of reappraisement appeals disposed of during the year, 140 were decided in favor of the Government and 99 in favor of the importers.

PETITIONS FOR REMISSION OF ADDITIONAL DUTIES

The petitions for remission of additional duties before the court during the last fiscal year are shown by the following table:

Petitions pending at beginning of year (July 1, 1932)	94
Petitions filed during year	119
Total	213
Petitions disposed of during year	101
Petitions pending at the end of year (June 30, 1933)	112

Of the 101 petitions for remission of additional duties disposed of during the year, 42 were decided in favor of the Government and 59 in favor of the importers.

CASES OF SPECIAL INTEREST AND UNUSUAL IMPORTANCE DECIDED BY THE VARIOUS COURTS DURING THE FISCAL YEAR ENDED JUNE 30, 1933

SUPREME COURT OF THE UNITED STATES

In *Stone & Downer Co. et al.* v. *United States*, customs appeal no. 3409, Supreme Court no. 183, wool deposited in bonded warehouse under the tariff act of October 3, 1913, and under the Emergency Tariff Act of 1921, but not withdrawn therefrom for consumption until after the effective date of the tariff act of 1922, was held by the United States Court of Customs and Patent Appeals to be properly dutiable under the provisions of the tariff act of 1922. The importers, by petition for writ of certiorari, sought a review by the Supreme Court of this decision, claiming that the merchandise was entitled to free entry under the Tariff Act of 1913. The petition was denied.

In *Fox River Butter Co.* v. *United States*, customs appeals nos. 3438 and 3442, Supreme Court no. 262; *Harry Blandamer* v. *United States*, customs appeal no. 3485, Supreme Court no. 241; and *S. Leon & Co.* v. *United States*, customs appeals nos. 3487 and 3492, Supreme Court no. 261, the constitutionality of the right of Congress to delegate power to the President under the flexible provisions of the tariff act for the purpose of raising and lowering rates of duties was challenged by the importers on the ground that the power given to the President to change duties was an unlawful delegation of power by Congress.

The United States Court of Customs and Patent Appeals held the provisions of the flexible tariff to be valid and constitutional. Petitions for writs of certiorari were denied by the Supreme Court in each of those cases.

In *Norwegian Nitrogen Products Co.* v. *United States*, customs appeal no. 3454, Supreme Court no. 272, the importer unsuccessfully claimed that it was not afforded a hearing as required by law before the United States Tariff Commission, and that the proclamation of the President following the report of the Tariff Commission was null and void. A petition for certiorari in this case was granted and the case heard on the merits. The judgment of the United States Court of Customs and Patent Appeals was affirmed by the Supreme Court.

In *Procter & Gamble Manufacturing Co.* v. *United States*, Customs Appeal No. 3488, Supreme Court No. 245, whale oil procured from whales on the high seas and imported into the United States was claimed to be entitled to free entry on the ground that the merchandise was not imported from a foreign country as required by section 1 of

the tariff act of 1922. The United States Court of Customs and Patent Appeals affirmed the judgment of the lower court sustaining the action of the collector. A petition for writ of certiorari was denied by the Supreme Court.

In *The Board of Trustees of the University of Illinois* v. *United States*, Customs Appeal No. 3441, Superme Court No. 538, the collector of customs had assessed duty on chemical glassware and laboratory equipment imported by the University of Illinois. Claim was made that the university was an instrument of the State and that under the Constitution of the United States Congress had no power to tax the State or an instrumentality thereof. The United States Court of Customs and Patent Appeals affirmed the judgment of the lower court holding the merchandise to be properly dutiable. A petition for writ of certiorari was granted and the case heard on the merits. The Supreme Court affirmed the judgment of the United States Court of Customs and Patent Appeals.

In *J. H. Cottman & Co.* v. *United States*, Customs Appeals Nos. 3513 and 3520, Supreme Court No. 849, phosphate rock imported from Morocco was appraised under the provisions of section 202 of the Antidumping Act of 1921. The French Government had created a corporate body subsidized by the Government to control the sale, distribution, and price of the rock phosphate. The Secretary of the Treasury made a finding of dumping pursuant to the Antidumping Act, supra, it appearing that the purchase price of the commodity was less than the foreign market value. Important questions were raised and determined relating to the construction to be placed upon various provisions of the Antidumping Act with respect to foreign market value and the cost of production. The United States Court of Customs and Patent Appeals affirmed the judgment of the United States Customs Court which resulted in sustaining the dumping order of the Secretary. A petition for writ of certiorari was denied.

In *Savannah Sugar Refining Corp.* v. *United States*, Customs Appeal No. 3546, Supreme Court No. 661, the importer claimed that a mixture of sugar and water was entitled to a very low rate of duty as a sirup and that it was not dutiable as sugar at 0.017 cent per pound as claimed by the Government. The United States Customs Court rendered judgment in favor of the United States and the United States Court of Customs and Patent Appeals affirmed that judgment. The importer applied to the Supreme Court of the United States for a petition for writ of certiorari and the application was denied. The potential amount of duties involved, according to experts familiar with the situation, would exceed $100,000,000 per annum.

In *Sears, Roebuck & Co.* v. *United States*, Customs Appeal No. 3558, Supreme Court No. 998, there is now pending before the Supreme Court an application for writ of certiorari to review the judgment of

the United States Court of Customs and Patent Appeals holding that section 336 of the tariff act of 1930, the so-called flexible tariff provision, was valid and constitutional, and that the action taken thereunder by the President was lawful and valid. The final disposition of this case by the Supreme Court will determine the constitutionality of section 336 which varies somewhat in phraseology from the provisions of section 315 of the tariff act of 1922, known as the flexible provision, and upheld by the Supreme Court in the case of *Hampton* v. *United States* (276 U.S. 394).

UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

During the last fiscal year this court determined 94 cases disposing of the contentions raised by importers and the Government under various provisions of the tariff act. Many of these cases involved very substantial sums of money, which is not unusual in customs cases. Reference will not be made in detail to these cases except to those of unusual public interest.

The following cases in which writs of certiorari were sought by the Supreme Court were decided by the United States Court of Customs and Patent Appeals in favor of the Government.

Customs appeals nos.

3409. *Stone & Downer Co. et al.* v. *United States.*

3438/3442. *United States* v. *Fox River Butter Co.* and *Fox River Butter Co.* v. *United States.*

3487/3492. *United States* v. *S. Leon & Co.* and *S. Leon & Co.* v. *United States.*

3485. *United States* v. *Harry Blandamer.*

3488. *Proctor & Gamble Manufacturing Co.* v. *United States.*

3441. *Board of Trustees of the University of Illinois* v. *United States.*

3513/3520. *J. H. Cottman & Co.* v. *United States* and *United States* v. *J. H. Cottman & Co.*

3546. *Savannah Sugar Refining Corporation* v. *United States.*

3558. *Sears, Roebuck & Co.* v. *United States.*

In *Kleberg & Co., Inc.*, v. *United States*, customs appeal no. 3582, certain safety matches of the strike-on-the-box-variety, originating in Austria and reshipped from Sweden, were subject to dumping duties under the provisions of section 201 of the Antidumping Act of 1921. The provisions of said sections were held by the court to be constitutional and valid. The antidumping order issued by the Secretary of the Treasury was held to be within the powers conferred upon the Secretary by law, and it was held that the Secretary of the Treasury did not exceed his authority in construing the words "fair value" to be as defined in article 712 of the Customs Regulations of 1923.

In *Amtorg Trading Corporation* v. *United States* and *United States* v. *Amtorg Trading Corporation*, customs appeals nos. 3616 and 3617, the question of fact and law are similar to those in the *Kleberg case*, supra.

It is noteworthy that the judgments of the United States Court of Customs and Patent Appeals were not disturbed in any case by the Supreme Court of the United States.

UNITED STATES CUSTOMS COURT

In *Domestic Fuel Corporation and George E. Warren Corporation* v. *United States* coal imported from Germany and Great Britain was subjected to a tax or duty of 10 cents per hundred pounds under the provisions of the Revenue Act of 1932. Under the provisions of paragraph 1650 of the tariff act of 1930 coal is conditionally free of duty. The importers protested the payment of the tax or duties on the ground that the levying of a duty was contrary to the provisions of the most-favored-nation clause, in that coal from Germany and England was held to be taxable while coal imported from Canada and Mexico was admitted free of duty. It is further claimed that the provisions of said revenue act expressly exempt from duty coal imported from any nation having a most-favored-nation clause. The United States Customs Court rendered judgment in favor of the importers. This case is now on appeal to the United States Court of Customs and Patent Appeals.

There are also pending before this court cases involving importations of coal from Russia and from Belgium, in which the importers have made claims similar to those made in the *Domestic Fuel Corporation case*, supra.

The case of *Porto Rico Brokerage Co., Inc., et al.* v. *United States*, arose in Puerto Rico. The legislature of Puerto Rico had enacted a law requiring the payment of 10 cents per pound on coffee imported into Puerto Rico after the effective date of the act. The importers contended that the legislature of Puerto Rico had no authority to pass an act levying a duty at the time it was approved—because the resolution was in violation of the organic act of Puerto Rico; that it was therefore void ab initio and was not validated nor ratified, nor made effective by the subsequent legislation of the Congress of the United States. Judgment was rendered in favor of the Government. This issue involves not only the coffee industry of Puerto Rico but a very substantial sum of money. It also involves the right of the Congress to legislate upon questions arising in an unincorporated territory of the United States.

There are numerous other cases pending before this court raising interesting questions of law and fact and potential refunds in large amounts.

REPORT OF THE DIRECTOR OF THE DIVISION OF INVESTIGATION, J. EDGAR HOOVER

By an Executive order issued by the President on June 10, 1933, the Bureau of Investigation was consolidated with other functions of the Department of Justice and the new agency was designated as the Division of Investigation, the change to become effective on August 10, 1933.

TRAINING

Recognizing the economy and expediency of having all special agents qualified to perform all types of investigative work under the Division's jurisdiction, the training of all special agents, including new appointees, has continued with this end in view. The training of new men has been expanded in order to equip the employee to become productive at an earlier date than ever before, after he has reported to a field office for assignment. This training includes regulations, instructions, law, accounting, methodology, ethical investigations, organization and administration, procedure, fingerprint work, scientific crime detection usages, defense methods, and practical experience under the guidance of trained investigators. A large number of the special agents qualified as experts in fingerprint work, while study and research were carried out with the latest equipment recognized as valuable in crime-detection work. Research in investigative methods and administration was conducted and the cooperation of all employees was further stressed by inviting suggestions for improvements in all phases of the work in order to form a basis for progress in the various functions of the Division.

SCIENTIFIC CRIME DETECTION

Developments during the year indicated the increased importance of the use of scientific methods in law enforcement, and particularly of the laboratory examination of materials for the primary purpose of securing clues leading to the solution of the crime; and the secondary, but no less important, object of developing laboratory evidence of the identity of the criminal or the commission of the crime. In the cases handled in the Division's laboratory during the year, the subjects including moulage reproductions, the microscopic examination of bullets and shells, the examination of hair, of handwriting, type-

writing, and paper, the use of ultraviolet light in the examination of stains on clothes and paper, and the solving of various cryptographic messages used in intercommunication between criminals and their friends. Photographic exhibits displaying the results of the examinations were made on the special cameras within the laboratory and on those in the photographic laboratories.

Many individual requests for cooperative assistance and advice from police departments were received. These requests included the examination of bullets, handwriting, paper, typewriting, stains on clothes, hair, and cipher messages.

IDENTIFICATION ACTIVITIES

The accomplishments of the Division's identification unit as reflected by the following tabulation indicate continued growth. This tabulation reflects the volume of work performed during the fiscal year ended June 30, 1933, as compared with the work performed during the fiscal year ended June 30, 1932:

	Fiscal year 1933	Fiscal year 1932
Fingerprints received:		
Criminal	543, 508	532, 010
Miscellaneous	30, 750	41, 721
Fingerprints classified	582, 388	547, 165
Fingerprints searched	589, 055	577, 826
Fingerprints answered	573, 111	571, 243
Identifications made	244, 693	208, 715
Index cards searched	557, 677	600, 470
Index cards made	627, 627	592, 019
Total number of fingerprints in possession	3, 780, 584	3, 078, 572
Total number of index cards in possession	4, 901, 443	4, 133, 538
Total number of contributors	5, 941	4, 712

Identifications were effected in 45 percent of the criminal fingerprints received during the year. Of the 244,693 identifications made during the year, 3,818 were found to be fugitives from justice who were located as a result of fingerprint identification, as compared with 2,435 fugitives from justice located during the previous fiscal year.

In addition to the fingerprints received during the year, as indicated by the foregoing tabulation, 140,278 fingerprint records were received by the Division from the Civil Service Commission on July 1, 1932, consisting of the fingerprints of applicants for appointment to the Federal Civil Service. The fingerprints of such applicants are now searched against the Division's files. The Civil Service Commission is advised of any prior police record of the applicant.

FUGITIVES BULLETIN

In September 1932, the Division initiated the publication of the bulletin entitled "Fugitives Wanted by Police", which it has issued

upon a monthly basis since that time to law-enforcement officers and agencies contributing fingerprint records to the Division in order that information as to the fugitive status of badly wanted criminals may be in their possession, to afford them the opportunity to identify such fugitives at once. This bulletin contains information concerning persons whose apprehension is desired for the major offenses of murder, burglary, robbery, rape, kidnaping, and escapes therefor, in addition to fugitives whose apprehension is desired by this Division. In the bulletin there are included data with reference to the complete descriptions and the fingerprint classifications of individuals wanted for the major offenses listed, whose fugitive status may be brought to the Division's attention during the previous months. The Division also has published in these bulletins articles and items of particular interest to law-enforcement officials which usually are not readily available in libraries or from other sources. For example, the Division has included in the bulletins issued to date manuscripts relative to latent fingerprints, the deciphering of charred papers, instructions in the handling of bombs and explosives, articles with reference to ciphers, and material of similar interest to law-enforcement officials.

INTERNATIONAL EXCHANGE

Favorable progress has been made in the exchange of criminal identifying data with foreign countries. This project, which was initiated early in 1932, is designed to place a more effective curb upon the operations of criminals who have not confined their activities to any one country. At the present time the superintendents of identification bureaus of 47 of the principal nations, territories, and possessions are cooperating in this activity. The following-listed identification bureaus are now cooperating in the international exchange of criminal identifying data: Alaska; Argentina; Australia, New South Wales; Austria, Vienna; Bahamas; Barbados; Brazil; Belgium; Canada; Canal Zone; Ceylon; Chile; Columbia; Cuba; Czechoslovakia; Denmark; Egypt; England; Finland; France; Germany; Greece; Hawaii; Holland; Hungary; Ireland; Italy; Jamaica; Japan; Lithuania; Mexico; New Zealand; Norway; Panama; Paraguay; Philippines; Peru; Poland; Portugal; Pretoria, South Africa; Puerto Rico; Rumania; Spain; Sweden; Switzerland; Bulawayo, South Rhodesia; and Turkey.

SINGLE FINGERPRINT SYSTEM

During the past few months, the Division has inaugurated the installation of a single fingerprint system, in which at the present time are filed the single impressions of 2,819 known kidnapers, racketeers, and extortionists. This system will afford peace officers valuable

information relative to the identity of any individuals who have specialized in these offenses, provided their latent impressions can be detected and referred to the Division for search. In time, it is hoped that the Division will be enabled to include other important criminal types in the file indicated. Corollary to the single fingerprint system, the Division is giving intensive study to the development of a detailed descriptive system somewhat on the order of modus operandi, conducted through a consideration of the most noticeable characteristics of the persons whose records are on file in the single fingerprint section. Through a process of exclusion, it is hoped to enable identifications to be effected in the cases of criminals suspected of the offenses of kidnaping and extortion whose records may be available in the single fingerprint group. Another distinct advantage is served through the operation of the single fingerprint section in that it affords an excellent laboratory or experimental field for the determination of the means of applying further extensions in the main technical files. Since the Division's identification unit contains the largest collection of criminal prints extant, it is necessary constantly to modify and extend the said technical records to insure accurate and expeditious searching, and many desirable features of the application of new principles and systems of extension are being developed through the operation of the single fingerprint system.

UNIFORM CRIME STATISTICS

In September 1930 the Division initiated a system of uniform crime reporting based on police records. There has been continuous growth in the number of cities in the crime statistics reporting area. During the calendar year 1930 one or more reports were received from the police departments in 1,127 cities representing an aggregate population of 45,929,965. During 1931 the figures increased to 1,511 cities with a combined population of 51,145,734 and in 1932 to 1,578 cities with a population totaling 53,212,230. During the first six months of the calendar year 1933 reports were received from 1,606 cities with an aggregate population of 54,208,740.

The first compilation published of data from annual returns was based on the annual returns for 1931 and appeared in the issue of the bulletin Uniform Crime Reports for the second quarter of 1932. This tabulation was limited, however, to the major offenses which are included in part I of the uniform classification. In the issue of the bulletin for the first quarter of 1933 there is a group of tables based on the annual returns for 1932 and this tabulation included the data furnished regarding both part I and part II of the uniform classification of offenses. The tables based on the annual returns for 1931 included the reports of 511 cities with an aggregate population of

16,458,401; whereas the corresponding compilation for 1932 included the returns of 596 cities with an aggregate population of 21,661,366. Beginning with the publication of the bulletin for the first quarter of 1933, the tabulating machine equipment was used in compiling data from the several reports received from police departments throughout the country with the result that the tabulations were completed in a shorter time and with a smaller personnel.

The criminal statutes enacted by the several States of the Union during recent years were examined and necessary revisions were made in the schedule of offenses for each State. This schedule of offenses indicates for each State the statutory crimes which should be included in or excluded from the part I classes of offenses. The revised schedule of offenses, together with a revised edition of the handbook containing suggestions for the preparation of Uniform Crime Reports, was mailed in July to each contributor of uniform crime reports.

During the year the Division continued the tabulation of data regarding the age, sex, race, and previous record of persons arrested throughout the United States as evidenced by fingerprint records currently received at the Division. The compilation of this information was initiated in February 1932, and during the first 12 months (Feb. 1, 1932–Jan. 31, 1933) the data were compiled from 305,095 arrest records. The tabulation of this information has been included in the quarterly bulletin Uniform Crime Reports and has met with widespread public interest.

ADOPTION OF STANDARD CLASSIFICATION OF CRIMINAL OFFENSES

In November 1932 a standard classification was adopted of offenses for police, penal, and judicial statistics, as recommended by a committee of outstanding experts in criminal statistics in a report submitted to the Director of the Division.

This committee consisted of Prof. L. C. Marshall of the Institute of Law of the Johns Hopkins University; Prof. Raymond Moley of the School of Law, Columbia University; Mr. Bruce Smith and Miss Audrey Davies of the Institute of Public Administration; Prof. W. E. Mikell of the University of Pennsylvania Law School; Dean Justin Miller of the School of Law, Duke University; Dr. Thorsten Sellin representing the Bureau of the Census; and Mr. James J. Waters of the Division of Investigation. This committee was selected at a general conference of experts in the field of criminal statistics convened at the invitation of the Director of the Division of Investigation and at the offices of said Division at Washington, D.C., in December 1931, the purpose of that conference being to determine the practicability of adopting a classification of offenses which might be used in the three fields of criminal statistics, namely—police, judicial, and penal.

It was the consensus of opinion at the conference of experts that a standard classification of offenses might be devised which would permit of comparison among the three groups of criminal statistics.

The report which was submitted by the special committee appointed by this conference, of which Prof. L. C. Marshall was chairman, sets up a standard classification of offenses which, it is believed, essentially meets this problem. This report, which is the result of nearly a year's study on the part of the special committee and which was recommended only after consultation with men prominent in penology, the judiciary, and police administration urged the adoption of a classification of 15 major groups which are as follows:

1. Criminal homicide.
2. Robbery.
3. Assault.
4. Burglary, breaking or entering.
5. Larceny, theft.
6. Forgery and counterfeiting.
7. Sex offenses.
8. Violations of narcotic and drug laws.
9. Carrying deadly weapons.
10. Nonsupport or neglect of family or children.
11. Violations of liquor laws.
12. Violations of traffic or motor vehicle laws.
13. Disorderly conduct, drunkenness and vagrancy.
14. Gambling.
15. All other offenses.

Each of the above classifications is susceptible to subdivision to meet the exigencies of local needs.

In addition to recommending a standard classification for national use, the committee recommended, in the interest of accurate statistics, that each State would do well to prepare, for the guidance of reporting and compiling officers, a manual which will correlate the offense classification suggested with other types of classifications requisite to competent criminal statistics. A complete manual of this nature is available for use in police statistics, and is distributed by the Division of Investigation to police officers for their use and guidance. It was also recommended that steps be taken to secure a standardization of local records sufficient to make possible more precise and significant data.

The committee's plan marks a distinct improvement in criminal statistics, because it places the work of the two existing national agencies upon a comparable basis, and makes possible the integration of judicial statistics with police and penal statistics.

The adoption of the standard classification by the Division of Investigation does not necessitate any adjustments or changes in the

national system of police reporting which has been under development by the Division for the past several years.

INVESTIGATIVE ACCOMPLISHMENTS

During the year 3,896 convictions were secured in cases wherein employees of the Division performed investigative work. The sentences imposed amounted to 7 life sentences, 4,764 years 7 months and 14 days; fines totaled $326,177.07; suspended sentences imposed totaled 1,149 years 10 months and 6 days; probationary sentences imposed totaled 2,659 years 5 months and 24 days. The total value of recoveries effected in cases wherein employees of the Division performed investigative work amounted to $6,392,332.82. In addition to these recoveries, $380,613.83 was saved the Government in the Court of Claims in cases in which investigations were conducted by the Division.

Of the appropriation for detection and prosecution of crimes for the fiscal year 1933, amounting to $2,775,000, $477,300 was saved and returned to the Treasury as the result of economies effected in the Division's operations.

During the year 3,050 stolen motor vehicles valued at $1,200,307.32 were recovered in National Motor Vehicle Theft Act cases wherein the Division performed investigative work. Since the enactment of this act in October 1919 a total of 34,393 stolen motor vehicles valued at $22,917,143.52 have been recovered in cases wherein employees of the Division have performed investigative work.

During the year convictions were secured in 95.51 percent of all cases handled by employees of the Division which were brought to trial.

Aside from the fugitives from justice located through the efforts of the Identification Unit during the period, special agents of the Division in the field located 1,163 Federal fugitives from justice.

GOLD HOARDING

During the year there were a number of special investigative demands upon the personnel of the Division. Among these demands was one involving an effort to obtain strict adherence to the terms of an Executive order of April 5, 1933, requiring the return to Federal Reserve banks of outstanding gold, generally known as the gold-hoarding investigation. This investigation involved an effort to interview approximately 10,000 persons whose names were contained on lists forwarded by the Treasury Department to the Department of Justice and compiled by the Federal Reserve banks. At the end of the fiscal year, June 30, more than 5,000 such interviews had been accomplished, resulting in the return of $737,022 in gold coin, and

developing the fact that approximately 4,000 of these persons had, subsequent to the Executive order, but prior to the interview, returned, in round numbers, $26,000,000. More than 500 of the names included on the list up to that time had been ascertained to be fictitious names. In other words, persons withdrawing gold from banks by an exchange for currency had given false names and in many instances they were identified and called upon to return this gold.

KIDNAPING AND EXTORTION

Another demand upon the personnel of the Division was developed by the passage of the so-called "Federal kidnaping law", approved June 22, 1932, and the Extortion Act, approved July 8, 1932. While at first it was felt that the Division would not be called upon to function in the usual kidnaping case, but might restrict its investigative activities to those cases where there had been a transportation of the victim across State lines, it was soon realized that it would be impracticable to follow any such policy in view of the fact that in practically all cases it could be ascertained if an interstate transportation had occurred only after the victim had been returned by the kidnapers. Then, too, the efforts of the Department to cooperate to the fullest extent with law-enforcement agencies throughout the United States in combating kidnaping and racketeering necessitated the immediate entry of the Division into the case the moment that a kidnaping is reported. It is common knowledge, of course, that in the past year there have been perhaps more kidnapings than at any prior time, this in the face of the fact that a rather unusual record of crime solutions and swift punishment therefor was achieved by the Division in the first year of the existence of these statutes.

In addition to the foregoing, a large number of investigations were conducted during the year for the Department of State and other Federal agencies which did not require court procedure. Also, the Division made many investigations under the direction of the Attorney General of the qualifications of applicants for appointment to positions in the Federal service, including inquiries concerning persons under consideration for appointment as United States judge, United States attorney, and United States marshal.

The tabulation given below reflects the Division's accomplishments during the year in the various classes of cases handled in convictions, sentences, suspended sentences, probationary sentences, fines, recoveries, and fugitives located.

Summary of statistics for the fiscal year 1933

Class	Convictions	Life	Sentences			Suspended sentences			Probationary sentences			Fines	Recoveries	Fugitives located
			Years	Months	Days	Years	Months	Days	Years	Months	Days			
Antitrust	2													
Alaskan matters	1		2	4										
Bankruptcy	191		114		27	58	2	12	195	3	3	$21,229.97	$84,444.53	50
Bondsmen and sureties	18		15	3		7		1	7		1	1,175.00		2
Bribery	3		1	6								450.00		
Contempt of court	15			9	10							4,300.00		2
Copyrights	39		6	7	3	1	9		13			740.00		4
Counterfeiting														1
Crimes on Government and Indian reservations	125	7	278	8	9	18	8	2	63	6		588.00	105.00	5
Crimes on high seas	10		2	5	14	5			6	6				
Customs laws and smuggling														1
Desertions	2		8											4
Election laws	7		11		2							4.00		4
Escaped Federal prisoners	105		97	11	24	10			6			100.00		162
Frauds against the Government	51		13	8	11	22	9		67			3,950.00	1,338.66	1
Immigration	7			6		17		1	17			3,000.00		1
Impersonation	233		198	10	11	83	4	7	217	6		6,938.00		85
Interstate commerce, except thefts	15			11		2	6		8			2,050.00		1
Intimidating witnesses	4		2	2	1				3			100.00		1
Income tax														1
Kidnaping	4		63									1,000.00	33,497.65	2
Mail frauds	54		189		5	14		2	31		1	111,301.00		25
Miscellaneous matters	35		67	2	9	7	6		39			29,905.21	5,003,713.80	19
Narcotics	2			4					3					1
National bank act	312		454		2	124	5	13	277		6	76,207.56	56,728.52	41
National defense (illegal wearing of uniform)	20		5	10	21				5	6		101.00		
National motor vehicle theft act	1,717		2,327		15	567	1	27	1,087	3	15	47,773.43	1,200,307.32	514
Pardon, parole, and probation														13
Passports and visas	3		2	4					1			2,029.20		2
Patents	5		4		2	2			6			2,002.00		1
Peonage			2											
Perjury	9		3	3		6	5	26	9	11	26	101.00		1
Postal violations, except mail frauds	1			2										1
Prohibition act														4
Red Cross														1
Theft, embezzlement, or illegal possession of Government property	98		80	11	15	22	1		77	3		2,495.00	4,594.41	26
Thefts from interstate shipments	455		483	6	22	125	7	28	244	2	1	3,381.70	7,602.93	48
Veterans' Bureau matters	37		13	2		7	10	1	47	2		200.00		16
White slave traffic act	316		313	10	21	46	5	6	227	4	1	5,055.00		123
Total	3,896	7	4,764	7	14	1,149	10	6	2,659	5	24	326,177.07	6,392,332.82	1,163

In addition to the above recoveries, $380,613.83 was saved the Government in the Court of Claims in cases in which investigations were conducted by the Bureau.

REPORT OF THE DIRECTOR OF THE BUREAU OF PRISONS, SANFORD BATES

During the past year, in addition to those peculiar problems which always beset those who administer prisons and reformatories, the Prison Bureau has had to meet the host of problems more or less common to all Government departments incident to the changes and adjustments in connection with the recovery program. Every effort has been made to assist in bringing about economies of operation with full realization of the fact that there is a danger point below which we cannot with safety go.

Fortunately our efforts to curtail expenditures have been aided somewhat by a change in the trend of the Federal prison population. Since the establishment of the first Federal prison in 1894 at Leavenworth, Kans., the number of Federal prisoners has been increasing, slowly at first and phenomenally during the last decade. The constantly mounting tide of commitments to Federal prisons has, however, been checked during the past year as will be seen from the following table, which shows that there are 1,126 fewer prisoners in Federal penal and reformatory institutions than there were a year ago.

Federal offenders in institutions, on parole, and on probation, June 30, 1932 and 1933

	1933	1932	Increase or decrease
Penitentiaries:			
Atlanta	2,243	3,281	−1,038
Leavenworth main	2,993	3,537	−544
Leavenworth annex	1,715	1,835	−120
McNeil Island	953	1,005	−52
Northeastern (opened Nov. 15, 1932)	1,044	--------	1,044
Total penitentiaries	8,948	9,658	−710
Reformatories:			
Chillicothe	1,127	1,534	−407
Southwestern (opened Apr. 4, 1933)	199	--------	199
Alderson	389	470	−81
Total reformatories	1,715	2,004	−289
Reformatory camp (Petersburg)	422	635	−213
Correctional camp (Lee Hall)	465	640	−175
Prison camps:			
No. 1, Fayetteville, N.C	196	334	−138
No. 4, Junction City, Kans. (closed May 19, 1933)	--------	147	−147
No. 5, Dupont, Wash	174	139	35
No. 8, Montgomery, Ala	134	141	−7
No. 10, Tucson, Ariz. (opened June 4, 1933)	91	--------	91
Total prison camps	595	761	−166
Total penitentiaries, reformatories, and camps	12,145	13,698	−1,553

Federal offenders in institutions, on parole, and on probation, June 30, 1932 and 1933—Continued

	1933	1932	Increase or decrease
Federal jails:			
New York detention headquarters	184	252	−68
New Orleans, La	154	246	−92
La Tuna, Tex	500	118	382
Milan, Mich. (opened May 21, 1933)	205		205
Total Federal jails	1,043	616	427
Total Federal institutions	13,188	14,314	−1,126
St. Elizabeths Hospital	64	70	−6
National Training School for Boys	196	273	−77
Territorial jails	210	247	−37
Boarded out in—			
County and city institutions	6,951	10,743	−3,792
State institutions	169	292	−123
Grand total prisoners	20,778	25,939	−5,161
Under parole supervision:			
By U.S. Board of Parole	3,306	3,327	−21
By conditional release	106		106
Under probation supervision	30,870	23,200	7,670
Grand total under supervision	55,060	52,466	2,594

The decrease shown in the foregoing table is due in part to the change in the attitude of the public towards Federal prohibition of intoxicating liquor, and in part to the measures taken by the Congress to reduce the prison population by extending the probation system to practically every Federal district court, through improvement of methods of handling juvenile offenders, and a more scientific parole system. To be sure there are other factors which have a bearing on the trend of prison commitments but they are most difficult to analyze.

TREND OF PRISON POPULATION

It now seems safe to predict that the downward curve of commitments for violation of the National Prohibition Act will continue, but it cannot be assumed either that the Federal prison system will be relieved of all persons who are engaged in illicit liquor operations, or that upon adoption of the prohibition repeal amendment there will no longer be any need for some of the Federal penal institutions. The manufacture and sale of "moonshine" liquor has become so general and so profitable that it will doubtless continue after prohibition has been repealed, necessitating the prosecution of many under the Federal Internal Revenue Laws. As a matter of fact, approximately 9 percent of the Federal prisoners committed in 1916 and 17 percent in 1912 were convicted of violating Federal liquor laws. In all probability this same trend will continue, particularly if the Federal Government utilizes its police powers to protect the dry States. Certainly the adoption of the repeal amendment will not

entirely eliminate the profitable field of liquor "racketeering". Such study as we have been able to make indicates that many of those who were engaged in the illicit liquor traffic had merely turned aside from other less lucrative forms of crime or had been repeated violators of State and Federal liquor statutes. Despite the sincere efforts made by State and Federal penologists and others interested in reducing crime it must be admitted that a substantial portion of the prison population are repeated offenders and must be considered permanent custodial problems. Whether those who are now in Federal institutions as Prohibition Act violators will again become State or Federal charges is of course pure conjecture. However, the ever expanding scope of Federal police jurisdiction, the necessity for enforcing the Internal Revenue laws, and the tendency of criminals to continue to engage in illegitimate activities makes it seem certain that our prisons will not immediately and permanently be relieved of the obligation of caring for the more than 3,000 men and women now incarcerated for liquor law offenses.

Relieving the Federal prison system of the liquor law violators will probably not permit the abandonment of even the oldest and least desirable of our institutions. If every single violator of the liquor laws should be removed there would still be upwards of 9,000 prisoners in the Federal institutions. Since our prisons have been and still are greatly overcrowded, the expected diminution in the number of Federal prisoners will do little more than give us the facilities which have been so long and sadly needed.

The resurgence of popular demand that the central Government take a more active part in the suppression of crime points to an increasing prison population. If the Federal Government agrees to prosecute those who transport any kind of stolen property in interstate commerce, or if it agrees to regulate the transportation of firearms, or enacts any other of the numerous similar measures which have been proposed, the result will be that a large burden will be thrown upon the Federal crime enforcement machinery, which, of course, includes the prisons.

PRISONS AND CRIME PREVENTION

In any program for lessening the toll which the criminal levies upon society, the prison cannot be forgotten. The public cannot be adequately protected if it is assumed that the whole objective of law enforcement is to apprehend the wrongdoer and sentence him to prison. The fact of the matter is that something like 90 percent of the men who are punished by some sort of imprisonment again return to society. It would lighten tremendously the task of the police if the 100,000 men who are annually released from the penitentiaries of the country were imbued with a desire and a determination to live within

the law. Unfortunately, however, the prison does not seem to be accomplishing all that could be asked for. Undeniably a large group of men leave our State and Federal prisons each year embittered, unregenerate, and either unwilling or unable to abide by the laws. It seems to follow, therefore, that abundant profits may be reaped from the time and money invested in an intelligent and scientific program of crime prevention working through the prisons. It is a shortsighted policy which begrudges funds for financing the various proposals looking to the reformation of the men and women who are in prison. Is it not better to spend a few hundred dollars in removing the mental and physical handicaps which may have induced a person to commit crime or in equipping the prisoner with a vocation, than it is to spend thousands of dollars in apprehending him when he reverts to his former wrongdoing? Certain it is that there is a large group of men who cannot be scared or beaten into living in accordance with the law but who can be prevented by intelligent and scientific treatment from relapsing into a life which may hold no terror for them. A reasonable crime prevention program in the prisons is not maudlin sentimentality nor an attempt to make life easy for the malefactor. Whatever force imprisonment has as a deterrent to crime is chiefly effective at the time the malefactor is sentenced. Whether repressive and brutal treatment is accorded the prisoner after incarceration, or whether he is dealt with in a constructive and scientific manner, has no effect on the man contemplating crime. Men are deterred from committing crime by the speed with which a criminal is apprehended and the sentence meted out by the court, and not by what happens to the prisoner after he is placed behind walls. Men go to prison as punishment, not for punishment. Such being the case the conduct of a prison should not be vengeful but constructively preventive.

BUILDING PROGRAM

The last of the institutions authorized by the Congress in May 1930 has been completed and occupied during the latter part of the present year. Following years of neglect and forgetfulness Congress made an investigation of the Federal prison system in 1929 and after a thorough investigation and extended hearings established "an integrated Federal penal and correctional system which will assure the proper classification and segregation of Federal prisoners according to their character, the nature of the crime they have committed, their mental condition, and such other factors as should be taken into consideration in providing an individualized system of discipline, care, and treatment of the persons committed to such institutions." (Act of May 27, 1930.)

NORTHEASTERN PENITENTIARY

The first institution started under this mandate was a new penitentiary to serve the northeastern section of the country. This institution which is located at Lewisburg, Pa., was opened on November 15, 1932. On June 30, 1933, it had 1,044 prisoners. Its comfortable maximum capacity is 1,350. It is built on a new and radical principle, so designed as to lend itself to the application of the principle of classification and individualization among prisoners. It is located in the center of a thousand-acre tract offering ample opportunities for farming operations. Twenty-six acres of this tract are surrounded by a wall. Adequate school and library facilities are provided and the receiving building and hospital have been carefully planned to meet this important need. This was the first Federal institution in which the warden was chosen as a result of a Civil Service examination. The man who headed the list was Maj. Henry C. Hill, formerly warden at Joliet, Ill., who was selected to be the head of the new institution.

HOSPITAL FOR DEFECTIVE DELINQUENTS

The Federal Hospital for Defective Delinquents was substantially completed during the last fiscal year and will soon be opened to receive patients. This institution will serve as the medical center for the whole Federal penal system. The first prisoners to be transferred will be a group of mental cases now cared for at St. Elizabeths Hospital in Washington. This hospital has long been overcrowded and its facilities overtaxed to the point where it is impossible for them to assume longer the care of the rapidly mounting number of Federal prisoners who develop mental troubles during their incarceration. An equally important need for the medical center arises from the fact that a diagnostic center for all types of physically and mentally disabled prisoners is essential.

Soon after the legislation authorizing the institution was enacted, an appropriation in the amount of $2,500,000 was granted and plans were made for the construction of an efficient, modern hospital and diagnostic center. Generally speaking, the plan follows the more recent veterans' neuropsychiatric hospitals except that certain additional security features were added. The buildings are designed so as to conform to specifications for the most modern hospitals. They form a hollow square and give a maximum of air and sunlight to the patients. The buildings are connected by corridors which, in addition to serving as passages, also form a barrier against escape. The main building will serve as administrative headquarters for the whole institution and will contain up-to-date facilities for the reception, diagnosis, and treatment of all types of cases.

The land on which the hospital is located, consisting of 445 acres, was donated to the Government by the citizens of Springfield, Mo., and was chosen after careful inspection and investigation by agents of the Bureau of Prisons as the most suitable of about 30 sites offered by various cities and towns in the central part of the United States. The site was selected also because it is centrally located with reference to all the widely scattered institutions in the Federal system. It is in the Ozarks region of the Middle West and its elevation gives it a most favorable climate.

The total cost of constructing the hospital is $2,040,983. It will house, as at present designed, 705 patients, making the average bed cost per patient about $2,900. This makes the unit cost of the hospital not only less than other comparable institutions but less than the unit cost of most of the correctional institutions recently constructed. The institution will be headed by Dr. Lawrence J. Kolb, of the United States Public Health Service. The entire medical and hospitl staff will be recruited from that branch of the Federal service, which, in addition to its other manifold duties, now supervises the medical work in all Federal penal and correctional institutions. The other personnel is to be made up of employees taken from the Civil Service rolls and preference will be given to those persons who reside in the vicinity of the institution.

The completion of the medical center represents another progressive step in the Government's program for diversifying its penal institutions and will afford proper medical care to those types of cases for which no facilities have heretofore been available. Whatever may be our viewpoint as to the proper treatment for the healthy criminal, those who are demonstrably sick in body or mind demand our sympathetic consideration. Students of modern penology are not yet sure of the exact extent of the effect of physical and mental infirmities on conduct. If a man would not have been a criminal but for a recognizable physical or mental defect, may we not argue that the duty of the State is to cure this abnormality rather than merely punish the conduct which is the inevitable consequence of the defect?

The two great functions of this institution are, first, to protect the community from the antisocial individual and, second, to cure his delinquency through a scientific approach. But it is not too much to hope that a third function may develop through the intelligent administration of the institution by the United States Public Health Service. For hundreds of years society has attempted to find the reason why men commit crime. What is the relation of physical and mental infirmities to delinquency? What are the important hereditary and environmental factors? Is there any such thing as cause or effect? Is crime purely accidental?

Whatever may be our prejudices or preconceptions about this subject, we can never accurately determine these questions without prolonged scientific research. There is presented in this hospital a splendid opportunity for a relentless inquiry into these questions, with the result, we hope, that information may be forthcoming which will be of tremendous value to this and coming generations in the never ending battle against crime.

SOUTHWESTERN REFORMATORY, EL RENO, OKLA.

Among the institutions authorized in 1930 was the Southwestern Reformatory to be built on land owned by the Government at El Reno, Okla. There was a contract authorization of $3,000,000, but when it became evident that there would be a diminution in the number of Federal prisoners, plans were shifted so that now a complete institution is being built for $1,000,000. It will take care of 800 of the first offender type, similar to the prisoners now being handled at Chillicothe, Ohio, and will give facilities for the large southwest section of the country which have not existed before.

FEDERAL JAIL AT MILAN, MICH.

This institution was completed about March 15, 1933. The first group of prisoners was transferred there on April 21, 1933. This is a short-term institution housing a possible population of 600 and is designed for jail and short-term prisoners from the Detroit-Toledo area. It is built on a 200-acre lot, and while it has no wall it is so designed that the buildings form an ample enclosure which can be used for exercise space. Up to the end of the year 205 prisoners had accumulated at this point. The superintendent is John J. Ryan, formerly superintendent of the prison camp at Fayetteville, N.C.

FEDERAL JAIL, SANDSTONE, MINN.

The institution for which land was purchased in Minnesota has been indefinitely postponed, as have all further jail building projects.

The institutions now at the disposal of the Federal Bureau of Prisons may be classified as follows:

Penitentiaries:
- Atlanta, Ga.
- Leavenworth, Kans.
- McNeil Island, Wash.
- Lewisburg, Pa.

Institution for drug addicts only:
- Penitentiary annex, Fort Leavenworth, Kans.

Reformatories for men:
- Chillicothe, Ohio.
- El Reno, Okla.

Reformatory for women:
- Alderson, W.Va.

Hospital for defective delinquents:
- Springfield, Mo.

Camps:
- Reformatory Camp, Petersburg, Va.
- Correctional Camp, Lee Hall, Va.

Prison Camps:
- Tucson, Ariz.
- Fayetteville, N.C.
- Dupont, Wash.
- Maxwell Field, Montgomery, Ala.

Federal Jails:
- New York, N.Y.
- New Orleans, La.
- El Paso, Tex.
- Milan, Mich.

NOTE.—Two drug farms authorized by Congress in 1929 come under the supervision of the Treasury Department. One of them is in process of construction at Lexington, Ky.

CAMPS

The record achieved by the Federal prison camps continues noteworthy. Up to July 1, 1933, 9,000 prisoners have been transferred from other institutions or committed directly to these camps. Of this number 200 have attempted to escape but 189 of these have been recaptured. There are thus only 11 who must be considered successful escapes from these honor institutions.

During the year Camp Riley in Kansas was closed and a new camp was opened in the mountains northwest of Tucson, Ariz. One hundred men have been placed in this locality for the purpose of building a road down the mountain under the supervision of the Bureau of Public Roads. This is what is known as a low priority project and would be impossible of construction by free labor as no money is available for the project. The work of the camp is being watched with interest and the Bureau of Prisons hopes to demonstrate that roads and trails can be satisfactorily built by prisoners without the expenditure of substantial sums of money and without interfering with employment opportunities for free labor. The other camps have maintained consistently good records and in only rare instances have men betrayed the trust that has been reposed in them. The camp at Fort Eustis achieved the remarkable record of being free from escapes for one whole year.

INSTITUTION ACTIVITIES

Satisfactory progress has been made in the past year in bettering the plant and structures at the various institutions. Perhaps the outstanding accomplishment of this kind has been the completion of a new farm group at the Atlanta Penitentiary. Some years ago the Government acquired approximately a thousand acres of farm land some 7 miles distant from the United States Penitentiary, Atlanta, Ga. It was intended that this acreage would be developed as an honor farm on which vegetables and farm products would be raised for the main institution. In the beginning temporary buildings were constructed. They were of the most primitive nature and were unsafe for the care and custody of prisoners. Also they were little short of fire traps. The barns and outside buildings were not only unsanitary but also not suitable for institutional activities. Some 2 or 3 years ago plans

were developed for the erection of modern, sanitary barns and suitable housing for prisoners. In the fiscal year 1933 the institution was able to abandon the old dormitory representing a serious fire hazard and enter into the occupancy of a new modern dormitory. This dormitory as completed has two stories and a basement. On the second and third floors dormitory facilities have been provided suitable for the accommodation of approximately 250 men. On the subbasement or first floor, the mess hall, kitchen, refrigeration, and all equipment necessary for a complete, self-contained unit have been provided. The cost of this unit exclusive of movable equipment did not exceed $46,000. All of the work has been done by prison labor, including the landscaping and the development of roads, walks, etc. In addition to the farm dormitory, a new modern dairy barn has been constructed with prison labor, a site selected and colony houses for the rearing of swine have been completed; horse and mule barns, machinery and equipment sheds, and provision for the truck gardening unit have also been put into full operation.

At this institution we now have the physical properties necessary for the complete, well-rounded farm program. As planned by the prison bureau the farm activities at each institution would include the following principal projects: 1, dairy industry; 2, swine industry; 3, truck gardening; and 4, poultry unit.

At this institution records are to be maintained for the purpose of definitely establishing the fact as to whether or not the various farm operations are profitable and represent not only a saving to the Government but an opportunity for the training and employment of prisoner inmates.

It is expected that similar units will be developed at other institutions. In fact at most of the institutions the dairy, swine, and truck-gardening industries are now in operation, and the Bureau hopes to systematize and standardize the method of operation and control based on experiments being undertaken at the Atlanta project.

COMMISSARIES

We have continued to operate the prison commissaries with marked success during the past year. The distribution of a limited amount of carefully selected items to the prisoners has proved of great assistance in reducing the cost of inspecting articles which formerly were sent the inmates by their friends and relatives or were purchased from some commercial concern. For the most part the inmates prefer this system to the former haphazard scheme of obtaining articles which are not items of issue.

OPENING OF NEW INSTITUTIONS

Preliminary to the opening of the new institutions the principal administrative officers were selected and given a thorough training.

Under the supervision of the Bureau of Prisons, complete organizations were set up at each of the institutions, all necessary equipment was purchased, and contracts were made for supplies sufficient to start the institution and maintain it during the first few months of operation. The services of employees selected for the new institutions were utilized in connection with the purchase of supplies and equipment for establishment of suitable organizations.

PRISON OFFICERS' TRAINING SCHOOL

Curtailed appropriations made necessary in April 1933 a change in the manner of training prison officers.

In November 1929, following the example set by Great Britain 5 years before, a training school modeled after police schools was established at the detention headquarters in New York City, using officers of that institution and members of the New York Police Department as instructors. The general purpose of the school was to train officers to think intelligently on the practical problems of prison duty; to give them an adequate understanding of the historical and sociological background of modern corrective service; to help them understand the human material with which they have to deal; and to impress them with the reformative and constructive value of the work on which they were to engage. Emphasis was placed on methods of controlling men by intelligence and leadership rather than by force. More than 450 officers graduated from the school, while about 100 others were rejected a unfit for prison service. The good influence of trained officers has been manifested on innumerable occasions in the conduct of our institutions, in the quelling of disturbances, and in handling difficult prisoners. Anyone who studies a penal institution realizes that its success depends upon ability to attract and obtain an interested and intelligent group of prefessionally trained officers. The salary of $1,680 (less the 15 percent reduction) per annum, now paid prison officers is not sufficient to attract the best material, and training is of the utmost importance. Until sufficient salaries can be paid to men to justify their assumption of the hazards which are inherent in prison work and until they can be given a systematic course of training, much of the constructive work a prison should be expected to do, will necessarily have to go undone.

WELFARE AND EDUCATION

Education.—Educational work continues to be a major activity in all Federal institutions. Enrollment is on a voluntary basis in all but the reformatories, but the response of the inmates to educational opportunity has been gratifying, and classroom facilities have been taxed to the limit. For this reason and to individualize instruction as far as possible, extensive use has been made of cell-study courses.

These are correspondence courses obtained from outside sources (the Massachusetts Department of Education and Pennsylvania State College, for example), and are prepared and mimeographed by the institution educational staff who also correct the papers. This system makes it possible to offer a wide variety of courses suited to all degrees of intelligence and previous education.

Major emphasis is necessarily placed in all institutions on instruction in the fundamentals, because of the low level of previous education characteristic of many Federal prisoners. An effort is made to bring every prisoner to the fifth grade level, the minimum educational equipment needed in free life. At Chillicothe, the reformatory for men, it has been found that most prisoners can be brought to this level by intensive work in from 10 to 12 weeks. All assignments for academic work are based on the Stanford Achievement Tests and the findings of the psychologist.

Because of lack of trade school facilities and trained vocational instructors, vocational training has not been extensively developed, except at the reformatories. During the past year schools have constructed a number of the new buildings, and were not only doing excellent work but receiving invaluable training. At the new Northeastern Penitentiary at Lewisburg a system of instructing carefully selected vocational trainees or apprentices in the various maintenance shops has been worked out and indicates what can be done in the penitentiaries.

Educational work in all but the jails and smaller camps is in charge of trained civilians. The total educational personnel in the various institutions, exclusive of librarians, is 41. A typical staff for the larger penitentiaries is a supervisor of education and two assistants. Chillicothe has a staff of 16—a supervisor, an assistant supervisor, 3 academic instructors, 10 vocational instructors, and an instructor in physical education. The reformatory for women at Alderson has 8 academic and vocational instructors.

Approximately 4,000 Federal prisoners are enrolled for educational work. The penitentiary at McNeil Island has 70 percent of its population enrolled on a voluntary basis. This is believed to be the highest enrollment to be found in any American prison. Alderson has 50 percent of the inmates enrolled, Leavenworth and Lewisburg about 30 percent, Atlanta and the Leavenworth Annex (an institution for drug addicts) about 25 percent. At Chillicothe the enrollment at any one time is small, but the work is intensive and all inmates who need instruction receive it on a compulsory basis. That the demand for education is more than can be met with present staffs and facilities is indicated by the fact that 75 percent of those admitted to Atlanta express a desire for education, a figure that is typical of all the larger institutions.

LIBRARIES

The libraries have continued to demonstrate their effectiveness as agencies of wholesome recreation and indirect education. The Federal prison system has set a standard for all American prisons by appointing trained civilian librarians in the major institutions, making annual purchases of carefully selected new books with emphasis on readable nonfiction, and installing standard library methods not only for the care and circulation of the books but also for the stimulation and guidance of reader interest.

Book circulation has held steady at a high level. The highest circulation, eight books per inmate per month, is recorded at the new Federal jail at Milan, Mich. Lewisburg and McNeil Island have circulations of about 6 a month; nearly half of the circulation at the latter is nonfiction. Chillicothe follows closely with 5 a month.

Not only have new books been purchased during the fiscal year for all institutions, but a significant addition has been made to the central loan library in the bureau, which is available to the staffs and inmates of all institutions. This purchase, consisting of books recommended for reading courses by the American Association for the Advancement of Science and those included in the Reading With a Purpose Series of the American Library Association, is designed to promote organized and purposeful reading on the part of the more intelligent prisoners.

SOCIAL SERVICE

Social service units, with personnel ranging from 1 to 4 members, have now been established in all institutions, and the social service work of each of the smaller camps is carried on by the nearest large institution. The work of these units, the personnel of which are called warden's assistants, is (1) to prepare case histories on all incoming prisoners so that diagnosis and treatment may be individualized to the fullest possible extent, and (2) to assist prisoners with their personal and family problems, especially that of family destitution. The latter function has been of major importance during the past year. By contacting local agencies throughout the country the social-service units have secured relief for many hundreds of prisoners' families. Two workers in the Bureau assist in this phase of the work.

The case-study program entails an initial social interview with each prisoner during the quarantine period, verification through correspondence with relatives, former employers, etc., and correlation of the findings with those of the medical department, educational staff, record clerk, and others. The material obtained by the unit is made available in convenient form to the administrative officials and to the Parole Board.

During the past year the efforts of the social-service units to bring about individualization of treatment have been greatly aided by the establishment of staff conferences or classification boards at Atlanta, Lewisburg, and Chillicothe. Alderson has held classification meetings since it was opened. The meetings are presided over by the heads of the institutions and are attended by the deputy warden or assistant superintendent and representatives of the medical, educational, maintenance and industrial, religious, and social-service departments.

MEDICAL SERVICE

Placing the medical work in all Federal penal and correctional institutions under the United States Public Health Service by authority of legislation enacted in 1930 has resulted in a medical program superior to that of any other prison system in the world. Its excellence as judged by general standards, is shown by the fact that during the past year the hospitals of three institutions have been rated class A by the American College of Surgeons. It is expected that a similar rating will be accorded to others within another year.

There is in each of the larger institutions a large and well-rounded medical staff which includes general medical officers, dental officers, a surgeon, a psychiatrist, a psychologist, trained female nurses, and others. Consultants have been retained in a great variety of specialties. Hospitals are equipped and operated in accordance with the best medical standards.

All incoming prisoners are given a complete physical examination, and all necessary treatment, both preventive and remedial, is given. They are reexamined before being given a parole hearing and again before release.

Research work of great value has been continued during the past year. This includes the study of drug addiction being made at the Leavenworth Annex, a study of tuberculosis among prisoners, and a study of the psychiatric implications of prison discipline.

During the fiscal year the new hospital for defective delinquents at Springfield, Mo., has been under construction and is now virtually completed. This will care for insane and psychopathic prisoners, the tubercular, and those suffering from chronic degenerative diseases of all sorts.

GENERAL WELFARE

Careful attention has been paid to everything that would promote the mental and physical health of the prisoners and their general welfare. Indoor and outdoor recreation has been promoted but carefully regulated. An effort is made to bring about steady improvement in clothing, housing, and sanitation. The problem of discipline

has been the subject of constant study to ensure its being just and humane and, at the same time, constructive in character. Dietary problems, which bear so directly on the health and morale of prisoners, have received continued attention. The establishment of a standard ration has resulted in the prisoners receiving an adequate and well-balanced diet and has kept food costs at a desirably low level.

The religious programs give all prisoners an opportunity to follow whatever religious faith they profess, regular services being provided for all the leading faiths. Clergymen from nearby communities supplement the services of resident chaplains, in many cases bringing with them choirs, quartets, or other church music.

PRISON EMPLOYMENT

In line with the policy adopted by the Department soon after the depression in private business set in, no new prison industries have been established. This means that idleness still exists to a considerable extent in most of our prisons. Our employment program received a serious set-back when the Congress adopted a rider upon our appropriation bill forbidding the establishment of a small industry at the new penitentiary, to manufacture metal filing cases. The result is that we have what is undoubtedly the most modern and progressive institution of its kind in the country with no means whatsoever of employing the prisoners in a productive industry. It seems certain that those who favored this amendment did not fully realize that the Federal prison industries do not directly compete with private industry since none of the goods made in our prisons are sold in the open market but are transferred to other Government institutions. There can be no possible way in which our operations will depress standards or wages in private industry. It is doubtful, too, that those who voted to repeal our authority to establish a metal furniture factory at Lewisburg understood the imperative need for some kind of constructive employment if proper discipline is to be maintained and moral and physical degeneration of the men prevented. Long experience has indicated that idleness unfits a prisoner to take his place in the competitive world he faces when he leaves the walls. We know, too, that a proper industrial program can make a worker out of a shirker. Much more than the savings to the taxpayers was at stake.

We have tightened during the past year our regulations with respect to the methods used in computing the earnings of the prisoners employed in industries and have insisted more than ever that the men assigned to paying jobs must have families or dependents who look to them for support even though they are in prison. Thus the load upon private charities to support indigent prisoners' families is lightened. It also should be recorded that $400,000 was taken from

the earned surplus in our working capital fund and deposited in the Treasury to the credit of miscellaneous receipts.

During the past year not a single dispute arose between this department and other branches of the Government as to the prices to be charged for goods made in our prisons, and the Board of Arbitration created by the act of May 27, 1930, was not convened for any purpose. Other Government departments have willingly cooperated in supplying us with orders and we have done everything possible to build up good will with the bureaus with whom we deal, by improving the quality of our output and fulfilling promptly all contracts. The General Accounting Office has been especially helpful in aiding us to carry out the spirit and intent of the prison employment acts.

We hope to be able to go forward with our efforts to diversify our industrial program as soon as the present acute unemployment crisis is passed, and we eagerly anticipate the day when we can provide all of our prisoners with some productive means of occupying their time.

PROBATION

During the past fiscal year the progress of the probation system has been marked by a continued expansion of the service, by a decided growth of professional efficiency, and by an economy in expenditures. The table below is significant.

	Fiscal year 1932	Fiscal year 1933
District courts provided with organized service at end of year	55	63
Number officers on duty:		
End of fiscal year	63	[1] 92
Average number during year	63	80
Number clerks on duty:		
End of fiscal year	12	67
Average number during year	12	56
Number probationers under supervision at end of year	23, 200	30, 870
Number parolees under supervision at end of year	2, 013	[2] 3, 239
Total number under supervision at end of year	25, 213	34, 109
Average number under supervision per officer	400	371
Expenditures during year:		
Total	$230, 375	$422, 481
Average per officer, salaries, travel, etc	$3, 656	$3, 398

[1] 1 vacancy; officer served 1 month and resigned.
[2] Includes 98 conditional release cases.

It will be observed that of the 84 United States district courts there remain 21 to be provided with this important service. During the fiscal year 1934, 8 additional districts are being taken care of by the probation funds available. There will then remain 13 districts for which provision should be made in the fiscal year 1935.

More vitally important, however, is the necessity of providing additional personnel in 1935 so that there may be a continued improvement in the efficiency of the probation service. Three employees of the Bureau devoted their entire attention during the past year to supervising the field officers and developing efficiency of operations. One

third of one employee's time was given to field organization and in-inspection, stimulting probation officers and courts to higher standards of service. But efficiency cannot be raised to the proper standard if the probation officers must continue to supervise an average of 371 probationers and parolees and in addition make presentence investigations for the courts and preparole investigations for the institutions and Board of Parole.

The probation and parole violators during the past year formed only 3.2 percent of the total number under supervision, and 10.3 percent of the total number whose supervision was terminated during the year. However, this should not be considered the only measure of the success of the probation system. Its work is essentially constructive, a salvaging process for redeeming humanity. Incidentally it serves to save hundreds of thousands of dollars for boarding of prisoners. It is an investment in community protection. To obtain the greatest amount from the investment, the probation officers should be increased in number so that each officer will have the commonly accepted probation case load of 50 persons.

FEDERAL JUVENILES

After several months study of the problem of the Federal juvenile offender, with the active collaboration of the United States Children's Bureau, we instituted procedures and record-keeping machinery in the Probation Division on July 1, 1932, which will insure a complete administrative check on each juvenile case that might arise anywhere in the country. The purpose of the procedure is threefold; first, to make certain of immediate attention to the case by a United States probation officer; second, to make certain that the juvenile in question is detained in a proper place while a plan is being made for him; third, in each case in which the Federal court elects to commit, to select the institution which will afford the treatment and training needed by the individual juvenile.

PAROLE SUPERVISION

At the beginning of the fiscal year there were 3,327 prisoners on parole. One hundred and six prisoners had been released up to June 30, 1933, under the provisions of Public, No. 210, Seventy-second Congress, "as if on parole" to serve under supervision the length of time credited to them through the operation of the Good Time Act. The number of those released conditionally will increase rapidly until all persons released from prison are placed under supervision. This increasing number will tax the facilities for supervision to the utmost degree. Ninety-six percent of all prisoners under supervision (including those conditionally released) are under the field control of United States probation officers. In August 1932, this percentage

was 62. Each parolee has a reputable citizen serve as a parole adviser in addition to the official service of the probation officer. With few exceptions an adviser has been secured for those released conditionally. Through the addition of 224 accredited family social service agencies to the volunteer, cooperating field contacts, further assistance is available for better plan preparation and for improved supervision.

JAILS

The three new Federal jails, located at El Paso, New Orleans, and Milan, have helped to relieve the difficulty of proper and economical housing of Federal prisoners in and around the districts in which they are located. The Bureau still found it necessary, however, to use 1,200 county and city jails scattered throughout the country, and 48 territorial jails to which there were committed during the year approximately 68,000 persons charged with offenses against the United States. When it was considered advantageous to the Government and where arrangements could not be made for the proper housing of Federal prisoners at a reasonable rate in the local jails, restrictions on commitments to the Federal prison camps were modified so as to admit to the camps more of the shorter term prisoners who formerly had been housed in the county jails.

During the past year, there were 1,146 inspections made by the prison inspectors. Since July 1930 when the new jail-inspection program was adopted, there have been 2,557 jails and 29 other institutions inspected. With the exception of certain jails in New England, Nebraska, Kansas, and Texas, inspections have been made of practically every county jail in the entire country. From the information regarding these jails obtained from the inspectors' reports, it has been possible for the Bureau to select some of the better county jails throughout the country for the housing of persons committed by the Federal courts during the last fiscal year. Unfortunately there are still some States in which the majority of the jails do not conform to the minimum standards which the Bureau considers necessary in a jail for proper treatment of prisoners. However, many of the improvements suggested by the inspectors have been made in the county jails.

A special effort has been made to adjust rates paid to county jails in line with services rendered and to conform with the economy program. Taking into account the reductions made during the fiscal years 1932 and 1933 in per diem rates paid to the counties, a saving of approximately $100,000 has been realized in the fiscal year 1933. This saving has been accomplished without detriment to the service or the well-being of the prisoners.

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INSTITUTIONAL DISCIPLINE

Coincident with the accomplishment of a considerable building program and the introduction into new and existing institutions of newer methods of individualization and prisoner improvement, the Bureau of Prisons has not been unmindful of the fact that its first duty is to maintain a strict and imparital discipline in its institutions. It has called to the attention of the institution officials repeatedly that anything which savors of favoritism or undue preference must be scrupulously avoided. This is not always easy. The man who has been a racketeer outside sometimes seeks to obtain exemptions and privileges inside. It is to the everlasting credit of our wardens and institution staffs that, in spite of pressure, they have, with few exceptions, resisted this temptation, and by and large the discipline in our institutions has been fair and impartial. The Bureau of Prisons has done what it could to contribute to this situation.

I again take this opportunity to pay tribute and appreciation to the wardens and prison officers whose nearness to the work makes them valuable and important cogs in the machinery of prison administration. The staff of the central office has continued to exhibit an interest in and loyalty to the work which would be hard to match anywhere in the Government service. The Bureau of Prisons considers itself fortunate to have, as its new chief, Attorney General Homer S. Cummings, whose keen understanding and broad human sympathy has already been manifested in the wise interest which he has shown in the prison problem.

REPORT OF THE BOARD OF PAROLE

ARTHUR D. WOOD, IRVIN B. TUCKER, AMY N. STANNARD

Working in the fourth fiscal year under the legislation of 1930, wherein provision was made for a centralized Federal parole system, with a single and independent Board of Parole replacing the several institutional boards theretofore existing, the benefits which accrue through the establishment of a single and well-defined policy are beginning to show themselves. The replacement of various policies and different methods of procedure has permitted standards to be defined, careful supervision over which has resulted in an improvement in the preparation of cases; also, in the supervision of cases after release. Having uniform procedure has permitted the establishment of reliable, community contacts which affords to the parole service values of the work found in the local community social resources.

The improvement which has been noted in the work would not have been possible had the Board not received full cooperation at all times from the Director of the Bureau of Prisons, the Public Health Service, the probation system, the Bureau of Investigation, and the investiga-

tional services of other departments, and the wardens and superintendents of the various institutions and camps, as well as the Judiciary, United States district attorneys, United States marshals, in most instances.

Releases have begun under the authority of Public, 210, Seventy-second Congress, and procedure has been developed which provides supervisory contact to all persons who are released from Federal prisons, whose term of sentence has been more than 1 year. While in many instances the work connected with prisoners released at the minimum term of sentence is only in its initial stage and will need to be developed greatly, nevertheless, each case so released is receiving attention to the extent that time and personnel make possible. The fact that every inmate's case is assembled and studied at the original Board hearing permits those conditions which are critical to be noted and given special attention in the interest of effective supervisory contacts. This has been brought about by advancing the time of case preparation to a time before the Board hearing as distinguished from the development of cases after the hearing and after parole had been granted.

The report for the current year will show to what extent we have been able to provide the same service to those on conditional release as to those who are granted parole. The cases are not sufficiently numerous to permit such a statement to be made at this time.

It may now be said that the custodial aspects of supervision are afforded in like degree to those released conditionally at the expiration of the minimum term and to those released on parole. It will take considerable time to develop the same type of service work to those being so released.

COMMUNITY CONTACTS

Every person released on parole is assisted by a local adviser. The local adviser is a citizen resident in the community where the parolee will live and is selected because of his special fitness to be of service to the parolee and to the Government.

In addition, more than 96 percent of parolees are under the direct supervision of Federal probation officers through whom all contacts for investigation are made. The small number which are not under United States probation officers are those returned to the State of Wisconsin, where the State parole and probation system serves in like manner, and those released to the Territories outside of continental United States.

During the current year there have been added to the agencies assisting in the parole service more than 200 accredited family-social-service agencies which assist particularly in the study and develop-

ment of the plan for release. This plan is developed on the basis of the family situation and is considered in terms of the resources of the community which are available and which affect each case released on parole. It is thus made a cooperative venture.

While this relation between the community and the institution for parole service is in its infancy, the results of this coordination between the institution and the community promise to make the individualization program for parole much more effective than it has been in the past.

In one community an experiment is being pursued which provides that the contact with the family agency in that community is made at the time the man is sentenced to the institution. The agency's continued activity with the family is made with the aid and support of the institutional services. Similarly, the institution is benefited through the counsel and service of the agency in the community and the problems of the family incident to the family member being in prison are prevented, or at least impeded in developing in intensity. The result of this work is expected to relieve the intensity of the difficulties to which the prisoner will return at his release.

OFFICIAL COMMUNITY CONTACTS

The official contact in the field is the United States probation officer. These officers have rendered excellent work in maintaining contact, in assisting and providing service, and in conducting investigations of parolees. The great increase in the number of probationers as well as the increased numbers of parolees makes it obligatory to point out that there is danger to the parole service if the number and quality of the field officers should diminish or remain fixed at the present number. While we are strongly of the opinion that resources local to the community are valuable and should be part of our program, we are equally certain from the experience in parole work in the various States and hitherto in the Federal Government that official contacts are essential to effective work, particularly as concerns the custodial features of parole. The fact that, to be effective, official contact needs to be made in an unobtrusive manner calls for a high degree of skill on the part of the officer and requires that the officer should not be so burdened with numbers of cases that he cannot do the primary job with which he is charged.

CONSOLIDATION OF OFFICES

It has been a severe loss to the Board of Parole in that during this year Harry C. Heckman, who was the first executive secretary to the Board, passed away. A tribute should be paid to his efficient and unselfish work in the public interest.

In keeping with the policy of the Government, no new appointment was made to fill this vacancy. Rather, the office of executive secretary to the Board was consolidated with the office of Supervisor of Parole, under the title of Parole Executive.

WOMEN ON PAROLE

During the fiscal year there has been no woman released on parole under the supervision of a male advisor. Parole releases are approved only when a woman is available to serve as advisor for a woman prisoner released.

THE PERCENTAGE OF VIOLATIONS

During the fiscal year 7 percent of those who were dropped from supervision were dropped because of warrants issued. This is a slight increase over the previous year. To what extent the general economic conditions are responsible, or to what extent the closer supervision is responsible, cannot be stated beyond question. However, it is significant to note that 93 percent of those who have been released by the Board during the period of parole which is terminated by the ending of the sentence have not been in direct conflict with the law, or been found to violate the conditions of parole. To what extent the social readjustment which is demonstrated by this period of living in keeping with the law extends beyond the end of the sentence cannot be stated from data available. It would be of interest to know to what extent parolees who complete their terms successfully continue law abiding. Time and personnel do not make such a study practicable at this time.

STATISTICS

The statistics of parole are found included with the statistics of the Bureau of Prisons. Only a bare minimum of statistical data on parole is at this time available. Recognizing that any statistical information is just as valuable as the verity of the original data, it has been considered desirable to await further confirmation of original data before extensive statistical information is assembled.

SUMMARY

It is important in any program for preventing crime that the final steps in the control of prisoners be well fortified, with adequate supervision over those released from prison. The supervisory services should be of such nature that within the period of parole it should have been found possible to so adjust the controls normal to the community that these would suffice thereafter to insure social actions by the individual. It is significant in this regard to point out that parole has been effective with 93 percent of those released on Federal parole to

insure proper action and to protect the public, at least during the parole period. Since all persons being released from Federal institutions (having sentences of more than 1 year) are now released under supervision, it is to be expected that, at least for the length of time under which parole supervision is permitted by the sentence, a greater security than has heretofore been the case will be afforded to the public, through the supervision of prisoners after release.

REPORT OF THE PARDON ATTORNEY, JAMES A. FINCH

(June 30, 1933)

PARDON CASES

The following tabular statement shows the number of applications for Executive clemency presented during the fiscal year and their disposition:

Cases pending July 1, 1932		211
Cases presented during the year	1, 240	
Cases canceled	5	
		1, 235
Total number for consideration		1, 446
Applications granted:		
Pardons		28
Conditional pardons		5
Pardons (after sentence served) to restore civil rights		165
Sentences commuted		51
Sentences commuted conditionally		18
Fines and costs remitted		36
Pardons (Navy cases) to restore citizenship rights		1
Total		304
Applications denied		60
Total cases acted upon by the President		364
Cases not submitted to the President because adversely reported by the district attorneys and judges		522
Cases filed without action—paroled, terms expired, etc		164
Cases pending at the end of the year, most of which were before the United States attorneys for reports		397
Total		1, 446

REPORT OF THE SOLICITOR OF COMMERCE, SOUTH TRIMBLE, JR.

(EPHRAIM F. MORGAN, Solicitor to Apr. 15, 1933. SOUTH TRIMBLE, Jr., Acting Solicitor from Apr. 16, 1933, to June 14, 1933; Solicitor from June 15, 1933)

Legal opinions rendered, formal and informal (memorandum); a great many verbal opinions of which no record is kept were also rendered during the year	173
Contracts examined (approved, disapproved, drafted, redrafted, modified), involving expenditures amounting to $1,140,712.25	527
Contracts examined (indeterminate amounts)	77
Contract bonds examined (approved, disapproved, drafted, redrafted, modified), amounting to $1,871,097.88	212
Annual bid and performance bonds examined and approved	76
Official bonds examined (approved or disapproved), amounting to $979,985	126
Leases examined (approved, disapproved, drafted, redrafted, modified), involving the sum of $256,919.52	2,013
Revocable licenses examined (approved, disapproved, drafted, redrafted, modified), amounting to $1,644	37
Insurance policies, including extensions, covering contracts for the construction of vessels, examined, amounting to $1,607,740	9
Deeds examined (approved, disapproved, drafted, redrafted, modified), in the sum of $72,270	23
Legislative matters which concern the Department of Commerce (drafting and redrafting of bills, reports relative thereto, etc.)	90
Power of attorney cards, authorizing agents to execute official and contract bonds for surety companies, examined	4,200
Miscellaneous matters, embracing everything submitted for the advice or suggestion of the Solicitor, or for the formulation of departmental action, not included in the foregoing items, approximately	10,500

REPORT OF THE SOLICITOR OF LABOR, CHARLES E. WYZANSKI, JR.

(THEODORE G. RISLEY, Solicitor to May 22, 1933. CHARLES E. WYZANSKI, Jr., Solicitor from May 23, 1933)

Legal opinions rendered, formal and informal (including drafts of departmental letters to the Attorney General exhaustively discussing questions of law in pending court cases involving the Department and its bureaus)	255
Innumerable oral opinions were rendered during the year to the Secretary and his assistants, and to heads of bureaus, on questions of law and administration, of which no record is kept.	
Proposed legislation drafted, redrafted, or analyzed	12
Briefs for cases in Supreme Court and Court of Appeals for the District of Columbia	5
This office also cooperated with the Solicitor General's Office in the preparation of briefs in a number of other cases.	
Pleadings prepared in collaboration with United States Attorney in cases brought against the Secretary of Labor	27
Executive orders drafted for submission to the President	3
Bond forms drafted	2
Formal review of relief bills for Senate and House Committees on Claims and recommendation for or against passage	4
Opinions to the Attorney General regarding dismissal of criminal indictments by United States attorneys	26
Recommendations to Attorney General concerning suits on departmental bonds by United States attorneys	42
Court opinions concerning immigration and naturalization laws indexed and filed	73
Official bonds examined, approved or disapproved, amounting to $17,000	5
Bonds, alien immigrant, examined, approved or disapproved, amounting to $2,349,963.13	1, 381
Contracts and leases examined, approved or disapproved, involving the sum of $294,238.62	642
Bonds on contracts examined, approved or disapproved, amounting to $27,500	8
Power of attorney cards, authorizing agents to execute official, indemnity, and contract bonds for surety companies, examined and filed	2, 835
Revocations of authority of agents to execute official, indemnity, and contract bonds for surety companies, examined, and records corrected	2, 415
Miscellaneous matters submitted for advice or suggestion of the Solicitor, or for the formulation of departmental action, not included in the foregoing	572
Total	8, 307

The above list covers only formal office work. In addition, the Solicitor's staff was called upon to cooperate with the administrative officials of the Department of Labor in preparing regulations and to assist the Department of Justice in litigation involving the Department of Labor.

SUMMARY OF BUSINESS, REVENUES, AND EXPENDITURES, DEPARTMENT OF JUSTICE AND COURTS OF THE UNITED STATES, FISCAL YEAR 1933

(Detailed information will be found in Treasury reports and accompanying exhibits)

1. Business

(A) SUPREME COURT OF THE UNITED STATES

Number of cases pending at beginning of year	139
Number of cases docketed during the year	898
Number of cases disposed of during the year	910
Number of cases pending at close of the year	127

(B) UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

CUSTOMS

Number of cases pending at beginning of year	63
Number of cases docketed during the year	135
Number of cases disposed of during the year	94
Number of cases pending at the close of the year	104

PATENTS

Number of cases pending at beginning of year	204
Number of cases docketed during the year	163
Number of cases disposed of during the year	148
Number of cases pending at the close of the year	219

(C) COURT OF CLAIMS

Number of cases pending at beginning of year	1, 576
Number of cases docketed during the year	468
Number of cases disposed of during the year	413
Number of cases pending at the close of the year	1, 631

(D) COURTS OF APPEALS

Number of cases pending at beginning of year	1, 539
Number of cases docketed during the year	3, 105
Number of cases disposed of during the year	3, 177
Number of cases pending at the close of the year	1, 467

(E) UNITED STATES CUSTOMS COURT

Number of cases pending at beginning of year	222, 125
Number of cases docketed during the year	65, 407
Number of cases terminated during the year	66, 955
Number of cases pending at the close of the year	220, 577

1. BUSINESS—Continued

(F) DISTRICT COURTS

Number of cases and other proceedings commenced during the year:	
Civil cases to which the United States was a party	25, 797
Criminal prosecutions by the United States	82, 675
Admiralty cases (United States not a party)	1, 909
Other suits to which the United States was not a party	24, 747
Bankruptcy proceedings	62, 256
Total	197, 384
Number of cases and other proceedings terminated during the year:	
Civil cases to which the United States was a party	27, 744
Criminal prosecutions by the United States	84, 780
Admiralty cases (United States not a party)	3, 010
Other suits to which the United States was not a party	23, 064
Bankruptcy proceedings	67, 031
Total	205, 629
Number of cases and other proceedings pending at the close of the year:	
Civil cases to which the United States was a party	24, 293
Criminal proceedings by the United States	20, 907
Admiralty cases	4, 169
Other suits to which the United States was not a party	33, 470
Bankruptcy proceedings	68, 195
Total	151, 034

2. REVENUES AND COLLECTIONS

Judgments, fines, etc. (See exhibit no. 2.):	
In civil matters and cases	$5, 327, 095
In criminal prosecutions	2, 149, 807
Fees:	
Earnings from individuals and corporations by United States marshals	259, 208
Earnings from individuals and corporations by clerks of United States district courts	1, 421, 242
Net earnings by clerks, United States circuit courts of appeals	124, 535
Court of Customs and Patent Appeals (Treasury report)	8, 415
Passport applications (Treasury report)	1, 040
Other fees (Treasury report)	13, 899
Unclaimed moneys from court registries (Treasury report)	316, 323
Reimbursement for maintenance of District of Columbia inmates in Federal penal institutions (Treasury report)	120, 807
Gasoline State tax (Treasury report)	860
Funds contributed for chapel, Federal Industrial Institution for Women (Treasury report)	
Reimbursement for printing records (Treasury report)	6, 121
Reimbursement for government property lost or damaged (Treasury report)	60, 340
Sales of Government property (Treasury report)	3, 000

2. Revenues and Collections—Continued

Funds for Alaska roads and trails (collected by clerks of court in Alaska) (Treasury report)	$186, 993
Return of salaries from constitutional officers	2, 817
Net operating revenue of prison industries:	
United States Penitentiary, Leavenworth, Kans	37, 416
United States Penitentiary Annex, Fort Leavenworth, Kans	65, 104
United States Penitentiary, Atlanta, Ga	55, 614
Federal Industrial Institution for Women, Alderson, W.Va	5, 093
Miscellaneous collections not shown above	360, 134
Total	10, 525, 863

3. Expenditures (Including Known Liabilities)

DEPARTMENT OF JUSTICE AND COURTS OF THE UNITED STATES

General salaries and contingent funds, including rent and public printing	$1, 597, 110
Special legal branches	287, 928
Bureau of Prisons	198, 868
Bureau of Prohibition	9, 069, 670
Investigation	2, 494, 726
Total	13, 648, 302

MAINTENANCE, ETC., OF UNITED STATES PRISONERS

Maintenance and probation of prisoners	$9, 354, 273
Buildings and industries for prisoners	1, 592, 458
Total	10, 946, 731

UNITED STATES COURTS, INCLUDING JUDICIAL SALARIES AND EXPENSES

Supreme Court of the United States	$294, 872
United States Court of Customs and Patent Appeals	90, 300
United States Customs Court	208, 493
Court of Claims	209, 301
District of Columbia courts	465, 614
Circuit courts of appeals, district and territorial courts	15, 321, 738
Total	16, 590, 768
Grand total	41, 185, 801

The exhibits accompanying this report follow immediately.

Homer Cummings,
Attorney General.

EXHIBITS

No. 1, page 137

Statement of business transacted in the United States circuit courts of appeals and the Court of Appeals of the District of Columbia for the fiscal year 1933.

No. 2, pages 138 to 147

Statement of business transacted in the district courts of the United States for the fiscal year 1933.

No. 3, pages 148 to 151

Statistics of bankruptcy proceedings for the fiscal year 1933.

No. 4, pages 152 to 154

Statement showing amounts appropriated and amounts used, fiscal year 1933, for the Department of Justice and the courts of the United States.

No. 5, pages 155 to 157

Statement showing by judicial districts the amounts used under certain specified appropriations for expenses incident to the business of the courts of the United States incurred during the fiscal year 1933.

No. 6, page 158

Statement of business transacted in the United States Customs Court for the fiscal year 1933.

No. 7, page 159

Statement of business transacted in the United States Court of Customs and Patent Appeals for the fiscal year 1933.

No. 8, pages 159 to 166

Report of the United States Board of Parole (9 tables).

No. 9, pages 166 to 174

Statistics relating to United States prisons (10 tables).

EXHIBIT NO. 1

STATEMENT OF BUSINESS TRANSACTED IN THE UNITED STATES CIRCUIT COURTS OF APPEALS AND THE COURT OF APPEALS OF THE DISTRICT OF COLUMBIA FOR THE FISCAL YEAR 1933

UNITED STATES CIRCUIT COURTS OF APPEALS

Judicial circuit	Number of cases pending close of June 30, 1932			Number of cases docketed fiscal year 1933			Number of cases disposed of fiscal year 1933			Number of cases pending close of June 30, 1933			Cases marked "Pending" argued and awaiting decision	Cases marked "Disposed of" taken to the Supreme Court of the United States	Percentage of reversals to total number of cases heard and determined
	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total	Civil	Criminal	Total			
First	22	7	29	114	5	119	100	12	112	36	----	36	7	--------	38
Second	150	9	159	599	43	642	591	47	638	158	5	163	78	116	32.5
Third	164	36	200	220	38	258	252	49	301	132	25	157	80	52	19
Fourth	65	5	70	160	10	170	168	13	181	57	2	59	18	9	32
Fifth	139	31	170	309	55	364	291	66	357	157	20	177	17	91	27.3
Sixth	164	7	171	236	30	266	232	33	265	168	4	172	4	51	25.3
Seventh	75	25	100	186	30	216	140	37	177	121	18	139	36	41	26.4
Eighth	162	27	189	209	15	224	236	38	274	135	4	139	69	62	28.5
Ninth	155	4	159	287	35	322	298	23	321	144	16	160	81	63	35
Tenth	91	20	111	167	23	190	167	31	198	91	12	103	36	32	30
Total	1,187	171	1,358	2,487	284	2,771	2,475	349	2,824	1,199	106	1,305	426	517	29.2

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

	Appeals		
	Civil	Criminal	Total
Pending close of June 30, 1932	173	8	181
Docketed fiscal year 1933	310	24	334
Disposed of fiscal year 1933	325	28	353
Pending close of June 30, 1933	158	4	162

Cases marked "Pending" argued and awaiting decisions	8
Cases marked "Disposed of" taken to the Supreme Court of the United States (taken on certiorari)	5
Percentage of reversals to total number of civil and criminal cases disposed of	15

EXHIBIT NO. 2

STATEMENT OF BUSINESS TRANSACTED IN DISTRICT COURTS OF THE UNITED STATES FOR FISCAL YEAR 1933

General Summary for the United States as a Whole

	Customs	Internal revenue	Postal	Regulation of commerce	Public health and safety	Banking and finance	Liability and insurance	Foreign relations	Public lands	Not specially classified	Total
UNITED STATES CIVIL CASES											
Pending at close of June 30, 1932	422	2,787	37	545	7,489	50	10,345	966	870	2,729	26,240
Commenced during the fiscal year	346	2,614	24	2,031	12,568	193	4,116	1,105	360	2,440	25,797
Terminated during the same period	393	3,035	21	1,910	14,478	130	3,772	971	473	2,561	27,744
Judgments for United States	276	2,070	12	1,727	10,116	112	1,567	718	299	1,412	18,309
Judgments against United States	17	258	2	11	468	5	688	79	102	172	1,802
Dismissed or discontinued:											
After payment or compromise	41	72	3	26	202	10	25	31	23	149	582
For other reasons	59	635	4	146	3,692	3	1,492	143	49	828	7,051
Appealed to Circuit Court of Appeals	19	91	2	5	33		200	59	23	85	517
Appealed to Supreme Court	1	6					2		4	2	15
Trials by jury	10	65		24	294		976	10	64	35	1,478
Pending close of June 30, 1933	375	2,366	40	666	5,579	113	10,689	1,100	757	2,608	24,293
Cases inactive 1 year or more	50	713	8	115	1,062	12	3,524	221	152	827	6,684
Judgments in favor of United States	$344,934.08	$2,827,807.79	$4,399.72	$57,077.34	$524,212.01	$80,124.63	$29,159.12	$145,240.06	$9,313,551.93	$1,100,176.89	$14,426,683.57
Realized from such judgments	$81,879.88	$1,513,389.10	$1,788.53	$45,864.79	$309,391.19	$5,338.31	$7,870.71	$115,342.53	$5,906.20	$147,389.74	$2,234,160.98
From old judgments, compromises, etc	$82,091.68	$490,699.51	$200.00	$3,280.70	$190,256.76	$519.97	$10,542.80	$341,524.51	$5,354.57	$1,149,242.96	$2,273,713.46
Paid through U.S. attorney, no suit	$154,406.23	$485,197.92	$23,512.71	$351.60	$8,605.07	$4,712.77	$1,476.82	$23,182.21	$18,013.83	$99,762.02	$819,221.18
CRIMINAL PROSECUTIONS											
Pending close of June 30, 1932 [1]	409	481	1,031	961	17,079	723	90	647	33	1,558	23,012
Commenced during the fiscal year	783	775	1,845	2,620	61,779	1,047	122	4,515	264	8,925	82,675
Terminated during the same period	815	674	1,897	2,477	63,595	1,143	123	4,760	268	9,028	84,780
Convictions	690	503	1,574	2,115	55,948	757	84	4,529	246	6,761	73,207
Acquittals	13	15	46	54	1,002	78	12	13	11	576	1,820
Nol-pros or discontinued	70	96	210	207	3,432	242	20	146	4	1,232	5,659
Quashed or dismissed, demurrer, etc	42	60	67	101	3,213	66	7	72	7	459	4,094
Pleas of guilty	655	470	1,447	1,966	52,908	661	71	4,491	243	4,992	67,904
Trials by jury	48	48	173	203	4,042	174	25	51	14	2,345	7,123
Pending close of June 30, 1933	377	582	979	1,104	15,263	627	89	402	29	1,455	20,907
Cases inactive 1 year or more	141	176	372	278	4,179	197	34	156	7	441	5,981
Inactive cases above shown in which defendants are fugitives	130	83	232	136	2,839	105	17	129	6	208	3,885
Fines, etc., imposed during the year	$154,037.25	$292,373.72	$297,708.38	$94,328.60	$3,903,792.56	$127,883.41	$7,734.99	$13,843.27	$3,596.60	$280,746.51	$5,176,044.69
Realized on fines, forfeitures, etc	$47,365.10	$64,243.90	$42,451.20	$68,803.28	$1,784,662.08	$26,532.39	$3,340.55	$6,771.44	$2,685.00	$87,863.35	$2,134,718.29
Collected without prosecution	$50.00	$100.00	$150.00	$25.00	$13,344.75		$294.27	$1,052.40		73.00	$15,089.42

[1] The difference between the number of criminal cases herein given as pending on June 30, 1932, and the number given by the report for the previous fiscal year is the result of careful revision, the discrepancy applying to the southern district of New York.

PRIVATE LITIGATION	Admiralty	All other suits except bankruptcy cases	Total
Pending close of June 30, 1932	5,270	31,787	37,057
Commenced during fiscal year	1,909	24,747	26,656
Terminated during the same period	3,010	23,064	26,074
Judgments for plaintiffs	864	9,133	9,997
Judgments for defendants	171	2,647	2,818
Dismissed or discontinued	1,975	11,284	13,259
Pending close of June 30, 1933	4,169	33,470	37,639
Cases inactive 1 year or more	1,632	5,865	7,497
Judgments for plaintiffs	$3,428,349.08	$62,485,347.73	$65,913,696.81
Judgments for defendants	$152,462.84	$3,114,776.21	$3,267,239.05

EXHIBIT No. 2—Continued.—DETAILS AS TO CLASS 4, ENTITLED "REGULATION OF COMMERCE"

	Antitrust	Regulation of public utilities							Food and fuel			
		Interstate Commerce Commission	Hours of service	28-hour law	Safety appliances	Thefts	Other cases	Total	Food and drug act	Meat-inspection act	Other cases	Total
UNITED STATES CIVIL CASES												
Pending at close of June 30, 1932	10	6	4	130	72	8	13	233	284		3	287
Commenced during the fiscal year	3	5	2	124	102	2	14	249	1,751		5	1,756
Terminated during the same period	3	1	3	128	93	9	8	242	1,638		4	1,642
Judgments for United States	1		2	112	91	6	4	215	1,494		2	1,496
Judgments against United States		1	1	1	1			4	5		1	6
Dismissed or discontinued:												
After payment or compromise				1			2	3	18			18
For other reasons	2			14	1	3	2	20	121		1	122
Appealed to Circuit Court of Appeals		1			1		1	3			1	1
Appealed to Supreme Court												
Trials by jury					2			2	20			20
Pending close of June 30, 1933	10	10	3	126	81	1	19	240	397		4	401
Cases inactive 1 year or more	2	6	2	45	21	1	7	82	29			29
Judgments in favor of United States	$95.75		$931.00	$14,551.44	$21,751.68	$4,168.37	$1,438.00	$42,840.49	$13,343.70		$48.81	$13,392.51
Realized from such judgments	$95.75		$131.00	$12,117.08	$20,517.27	$20.20	$410.00	$33,195.55	$12,168.93			$12,168.93
From old judgments, compromises, etc	$66.45	$8.73	$650.00	$498.49	$523.20		$650.00	$2,330.42	$700.45			$700.45
Paid through U.S. Attorney, no suit											$146.60	$146.60
CRIMINAL PROSECUTIONS												
Pending close of June 30, 1932 [1]	3	17		2	3	608	24	654	104		1	105
Commenced during the fiscal year	3	22	1	2		1,631	64	1,720	368	29	11	408
Terminated during the same period	2	16		2	3	1,626	38	1,685	309	23	4	336
Convictions		13			3	1,397	34	1,447	265	23	2	290
Acquittals				1		30	1	32	4		1	5
Nol-pros or discontinued	1	2				129	3	134	26		1	27
Quashed or dismissed, demurrer, etc	1	1		1		70		72	14			14
Pleas of guilty		10			3	1,277	31	1,321	261	22	2	285
Trials by jury		3		1		150	4	158	8	1	1	10
Pending close of June 30, 1933	4	23	1	2		613	50	689	163	6	8	177
Cases inactive 1 year or more	1	6				178	5	189	28	1		29
Inactive cases above shown in which defendants are fugitives		2				107	2	111	5			5
Fines, etc., imposed during the year		$28,549.75				$14,802.34	$1,050.00	$44,402.09	$27,584.38	$1,401.00	$2,700.00	$31,685.38
Realized on fines, forfeitures, etc	$60.00	$26,375.00				$6,463.25	$2,700.00	$35,538.25	$21,810.75	$1,001.00	$2,700.00	$25,511.75
Collected without prosecution									$25.00			$25.00

	Miscellaneous forms of regulations							Total class 4
	Quarantine acts	Game-bird acts	Insecticide and fungicide acts	Virus acts	Shipping acts	Other cases	Total	
UNITED STATES CIVIL CASES								
Pending at close of June 30, 1932	1		4		2	8	15	545
Commenced during the fiscal year		2	11		1	9	23	2,031
Terminated during the same period		2	11		1	9	23	1,910
Judgments for United States		1	9			5	15	1,727
Judgments against United States		1					1	11
Dismissed or discontinued:								
After payment or compromise			1		1	3	5	26
For other reasons			1			1	2	146
Appealed to Circuit Court of Appeals						1	1	5
Appealed to Supreme Court								
Trials by jury		2					2	24
Pending close of June 30, 1933	1		4		2	8	15	666
Cases inactive 1 year or more					1	1	2	115
Judgments in favor of United States			$29.56			$719.03	$748.59	$57,077.34
Realized from such judgments			$29.56			$375.00	$404.56	$45,864.79
From old judgments, compromises, etc						$183.38	$183.38	$3,280.70
Paid through U.S. Attorney, no suit						$205.00	$205.00	$351.60
CRIMINAL PROSECUTIONS								
Pending close of June 30, 1932 [1]	40	119	7		5	28	199	961
Commenced during the fiscal year	22	371	14		9	73	489	2,620
Terminated during the same period	32	341	16		3	62	454	2,477
Convictions	28	277	16		3	54	378	2,115
Acquittals		16				1	17	54
Nol-pros or discontinued	3	36				6	45	207
Quashed or dismissed, demurrer, etc	1	12				1	14	101
Pleas of guilty	26	267	14		3	50	360	1,966
Trials by jury	2	26	2			5	35	203
Pending close of June 30, 1933	30	149	5		11	39	234	1,104
Cases inactive 1 year or more	21	27	1		1	9	59	278
Inactive cases above shown in which defendants are fugitives	2	10				8	20	136
Fines, etc., imposed during the year	$6,842.25	$7,885.22	$1,123.00		$1,110.00	$1,280.06	$18,240.53	$94,328.00
Realized on fines, forfeitures, etc	$1,445.25	$3,584.97	$1,073.00		$1,110.00	$480.06	$7,693.28	$68,803.08
Collected without prosecution								$25.00

[1] The difference between the number of criminal cases herein given as pending on June 30, 1932, and the number given by the report for the previous fiscal year is the result of careful revision, the discrepancy applying to the southern district of New York.

EXHIBIT No. 2—Continued.—DETAILS AS TO CLASSES 5, 6, AND 7, ENTITLED "PUBLIC HEALTH AND SAFETY," "BANKING AND FINANCE," AND "LIABILITY AND INSURANCE"

	Public health and safety						
	National Prohibition Act	Other liquor traffic cases	Anti-narcotic acts	White Slave Act	Peonage	Other cases	Total class
UNITED STATES CIVIL CASES							
Pending at close of June 30, 1932	6,940	213	18	2		316	7,489
Commenced during the fiscal year	11,478	437	10			643	12,568
Terminated during the same period	13,270	485	10			713	14,478
Judgments for United States	9,158	437	6			515	10,116
Judgments against United States	381	21	2			64	468
Dismissed or discontinued:							
After payment or compromise	170	6				26	202
For other reasons	3,561	21	2			108	3,692
Appealed to Circuit Court of Appeals	30	2	1				33
Appealed to Supreme Court							
Trials by jury	288	6					294
Pending close of June 30, 1933	5,148	165	18	2		246	5,579
Cases inactive 1 year or more	961	67	12	2		20	1,062
Judgments in favor of United States	$480,449.34	$8,498.73	$6,065.72			$29,198.22	$524,212.01
Realized from such judgments	$283,212.51	$8,426.77	$5,031.72			$12,720.19	$309,391.19
From old judgments, compromise, etc	$185,358.36	$505.23				$4,393.17	$190,256.76
Paid through U.S. Attorney, no suit	$7,994.50		$610.57				$8,605.07
CRIMINAL PROSECUTIONS							
Pending close of June 30, 1932 [1]	15,360	504	835	141	3	236	17,079
Commenced during the fiscal year	57,553	1,061	2,305	323	5	532	61,779
Terminated during the same period	59,267	1,089	2,394	335	1	509	63,595
Convictions	52,272	909	2,083	266		418	55,948
Acquittals	913	18	37	7	1	26	1,002
Nol-pros or discontinued	3,079	90	178	54		31	3,432
Quashed or dismissed, demurrer, etc	3,003	72	96	8		34	3,213
Pleas of guilty	49,618	863	1,863	227		337	52,908
Trials by jury	3,567	64	257	46	1	107	4,042
Pending close of June 30, 1933	13,646	476	746	129	7	259	15,263
Cases inactive 1 year or more	3,651	128	276	41	1	82	4,179
Inactive cases above shown in which the defendants are fugitives from justice	2,524	74	167	22	1	51	2,839
Fines, forfeitures, etc., imposed during the year	$3,674,486.90	$65,575.90	$111,179.21	$5,393.25		$47,157.30	$3,903,792.56
Realized on fines, forfeitures, etc	$1,723,339.76	$11,820.44	$40,894.32	$1,893.04		$6,714.52	$1,784,662.08
Collected without prosecution	$10,866.75		$2,478.00				$13,344.75

	Banking and finance						Liability and insurance					
	National banking laws	Federal Reserve Act	Federal Farm Loan Act	Bankruptcy acts	Other cases	Total class	War risk insurance	Federal employees compensation acts	Pension acts	Federal Retirement Act	Other cases	Total class
UNITED STATES CIVIL CASES												
Pending at close of June 30, 1932			29	6	15	50	10,228	70			47	10,345
Commenced during the fiscal year			159	15	19	193	4,023	54	1		38	4,116
Terminated during the same period			107	13	10	130	3,654	78	1		39	3,772
Judgments for United States			93	12	7	112	1,531	27	1		8	1,567
Judgments against United States			4	1		5	654	33			1	688
Dismissed or discontinued:												
After payment or compromise			8		2	10	22				3	25
For other reasons			2		1	3	1,447	18			27	1,492
Appealed to Circuit Court of Appeals							186	10			4	200
Appealed to Supreme Court							2					2
Trials by jury							976					976
Pending close of June 30, 1933			81	8	24	113	10,597	46			46	10,689
Cases inactive 1 year or more			5		7	12	3,498	11			15	3,524
Judgments in favor of United States			$67,095.83	$2,578.80	$10,450.00	$80,124.63	$27,828.82	$210.30			$1,120.00	$29,159.12
Realized from such judgments			$3,641.65	$1,629.66	$67.00	$5,338.31	$7,760.71				$110.00	$7,870.71
From old judgments, compromise, etc			$325.88		$194.09	$519.97	$10,492.80				$50.00	$10,542.80
Paid through U.S. Attorney, no suit	$512.00		$1,501.87	$688.96	$2,009.94	$4,712.77	$1,150.48				$326.34	$1,476.82
CRIMINAL PROSECUTIONS												
Pending close of June 30, 1932 [1]	240	21	75	202	185	723	75		3		12	90
Commenced during the fiscal year	317	28	29	156	517	1,047	77		8		37	122
Terminated during the same period	337	27	92	185	502	1,143	84		6		33	123
Convictions	228	21	32	81	395	757	51		6		27	84
Acquittals	25	4	3	14	32	78	11				1	12
Nol-pros or discontinued	61	2	57	76	46	242	17				3	20
Quashed or dismissed, demurrer, etc	23			14	29	66	5				2	7
Pleas of guilty	205	21	29	68	338	661	40		6		25	71
Trials by jury	48	4	6	27	89	174	22				3	25
Pending close of June 30, 1933	220	22	12	173	200	627	68		5		16	89
Cases inactive 1 year or more	57	6	2	75	57	197	28		2		4	34
Inactive cases above shown in which the defendants are fugitives from justice	31	5	1	24	44	105	16				1	17
Fines, forfeitures, etc., imposed during the year	$56,929.93	$2,533.30	$8,550.00	$14,354.13	$45,516.05	$127,883.41	$4,964.99		$150.00		$2,620.00	$7,734.99
Realized on fines, forfeitures, etc	$10,187.66	$954.05	$5,900.00	$8,526.93	$963.75	$26,532.39	$2,515.55		$100.00		$725.00	$3,340.55
Collected without prosecution							$294.27					$294.27

[1] The difference between the number of criminal cases herein given as pending on June 30, 1932, and the number given by the report for the previous fiscal year is the result of careful revision, the discrepancy applying to the southern district of New York.

EXHIBIT No. 2—Continued.—DETAILS AS TO CLASSES 8, 9, AND 10, ENTITLED "FOREIGN RELATIONS", "PUBLIC LANDS", AND "NOT SPECIFICALLY CLASSIFIED"

	Foreign relations							
	Immigration	Naturalization	Trading with enemy	Alien property	War trade and industries	Admiralty	Other cases	Total class
UNITED STATES CIVIL CASES								
Pending at close of June 30, 1932	277	320	19	35	5	307	3	966
Commenced during the fiscal year	226	731		2		139	7	1,105
Terminated during the same period	197	561	16	12		180	5	971
Judgments for United States	122	522	4	3		64	3	718
Judgments against United States	34	5	1	4		34	1	79
Dismissed or discontinued:								
After payment or compromise						31		31
For other reasons	41	34	11	5		51	1	143
Appealed to Circuit Court of Appeals	45	3	1	4		6		59
Appealed to Supreme Court								
Trials by jury	4	3				3		10
Pending close of June 30, 1933	306	490	3	25	5	266	5	1,100
Cases inactive 1 year or more	37	80	1	18	4	81		221
Judgments in favor of United States	$12,987.65	$39.40	$48,796.13	$9,032.76		$72,910.74	$1,473.38	$145,240.06
Realized from such judgments	$4,825.02	$15.00	$30,147.41	$7,500.00		$72,855.10		$115,342.53
From old judgments, compromise, etc	$3,064.46		$21,648.72			$316,811.33		$341,524.51
Paid through U. S. Attorney, no suit	$836.80		$21,835.41			$510.00		$23,182.21
CRIMINAL PROSECUTIONS								
Pending close of June 30, 1932 [1]	525	114	1				7	647
Commenced during the fiscal year	4,395	108				2	10	4,515
Terminated during the same period	4,609	135	1			1	14	4,760
Convictions	4,422	97				1	9	4,529
Acquittals	4	8					1	13
Nol-pros or discontinued	127	16					3	146
Quashed or dismissed, demurrer, etc	56	14	1				1	72
Pleas of guilty	4,398	84				1	8	4,491
Trials by jury	28	21					2	51
Pending close of June 30, 1933	311	87				1	3	402
Cases inactive 1 year or more	123	31					2	156
Inactive cases above shown in which the defendants are fugitives from justice	109	18					2	129
Fines, forfeitures, etc., imposed during the year	$7,015.08	$6,753.19					$75.00	$13,843.27
Realized on fines, forfeitures, etc	$3,893.08	$2,803.36					$75.00	$6,771.44
Collected without prosecution	$1,052.40							$1,052.40

	Public lands						Not specifically classified			
	Public lands and reservations	Indian lands	Condemnation proceedings	Reclamation and water rights	Other cases	Total class	Selective service	Indian matters	Other cases	Total class
UNITED STATES CIVIL CASES										
Pending at close of June 30, 1932	83	172	282	28	305	870		129	2,600	2,729
Commenced during the fiscal year	70	94	154	6	36	360		56	2,384	2,440
Terminated during the same period	51	126	181	4	111	473		75	2,486	2,561
Judgments for United States	36	91	157	4	11	299		51	1,361	1,412
Judgments against United States	5	13	12		72	102		4	168	172
Dismissed or discontinued:										
After payment or compromise	4	16	2		1	23		13	136	149
For other reasons	6	6	10		27	49		7	821	828
Appealed to Circuit Court of Appeals	3	7	3	1	9	23			85	85
Appealed to Supreme Court		4				4			2	2
Trials by jury			61	1	2	64		1	34	35
Pending close of June 30, 1933	102	140	255	30	230	757		110	2,498	2,608
Cases inactive 1 year or more	16	57	32	3	44	152		29	798	827
Judgments in favor of United States	$9,299,345.73	$5,405.16	$35.00	$3,874.84	$4,891.20	$9,313,551.93		$252,198.66	$847,978.23	$1,100,176.89
Realized from such judgments	$1,187.78	$1,906.22	$35.00		$2,777.20	$5,906.20		$40,293.17	$107,096.57	$147,389.74
From old judgments, compromise, etc	$4,968.19	$308.96	$77.42			$5,354.57		$13,735.72	$1,135,507.24	$1,149,242.96
Paid through U. S. Attorney, no suit	$45.62	$17,193.71	$569.50		$205.00	$18,013.83		$16,673.59	$83,088.43	$99,762.02
CRIMINAL PROSECUTIONS										
Pending close of June 30, 1932 [1]	23				10	33	21	54	1,483	1,558
Commenced during the fiscal year	51			2	211	264	2	226	8,697	8,925
Terminated during the same period	55			2	211	268	15	198	8,815	9,028
Convictions	42			1	203	246	10	163	6,588	6,761
Acquittals	6			1	4	11		8	568	576
Nol-pros or discontinued	4					4	4	19	1,209	1,232
Quashed or dismissed, demurrer, etc	3				4	7	1	8	450	459
Pleas of guilty	39			1	203	243	10	148	4,834	4,992
Trials by jury	9			1	4	14		23	2,322	2,345
Pending close of June 30, 1933	19				10	29	8	82	1,365	1,455
Cases inactive 1 year or more	6				1	7	7	15	419	441
Inactive cases above shown, in which the defendants are fugitives from justice	5				1	6	7	1	200	208
Fines, forfeitures, etc., imposed during the year	$1,340.60				$2,256.00	$3,596.60		$6,053.85	$274,692.66	$280,746.51
Realized on fines, forfeitures, etc	$465.00				$2,220.00	$2,685.00		$335.00	$87,528.35	$87,863.35
Collected without prosecution									$73.00	$73.00

[1] The difference between the number of criminal cases herein given as pending on June 30, 1932, and the number given by the report for the previous fiscal year is the result of careful revision, the discrepancy applying to the southern district of New York.

STATEMENT BY JUDICIAL DISTRICTS OF CASES COMMENCED, TERMINATED, PENDING, ETC., IN THE UNITED STATES DISTRICT COURTS, FISCAL YEAR 1933

Judicial districts	Civil			Criminal						Private suits		
	Commenced	Terminated	Pending close of year	Commenced	Terminated	Convictions	Acquittals	Nolpros, etc.	Pending close of year	Commenced	Terminated	Pending close of year
Alabama:												
Northern	129	134	200	651	765	665	61	39	150	236	260	133
Middle	192	190	105	776	913	745	35	133	61	122	148	112
Southern	40	33	46	460	490	450	6	34	155	29	22	49
Alaska:												
First division	17	17	5	50	45	32	5	8	9	198	203	229
Second division	------	1	------	12	9	7	1	1	3	32	49	32
Third division	5	5	1	36	29	26	3	------	8	79	87	82
Fourth division	3	4	------	9	11	9	1	1	1	113	104	95
Arizona	46	64	122	742	731	623	5	103	203	107	118	156
Arkansas:												
Eastern	67	203	149	602	608	450	8	150	60	251	206	333
Western	72	42	177	149	145	65	------	80	151	116	73	212
California:												
Northern	921	1,087	339	1,293	1,329	1,123	29	177	340	404	442	455
Southern	583	637	1,018	1,302	1,320	1,140	15	165	608	691	715	1,056
Colorado	142	195	187	427	518	450	5	63	129	145	169	207
Connecticut	64	61	47	379	371	361	1	9	24	102	106	173
Delaware	25	29	18	125	132	106	14	12	17	72	76	222
District of Columbia	465	503	1,161	7,275	7,354	5,816	508	1,030	218	4,798	4,610	4,083
Florida:												
Northern	72	50	86	328	351	314	1	36	75	78	55	100
Southern	596	647	478	1,058	1,187	967	61	159	288	664	754	917
Georgia:												
Northern	516	495	240	979	921	682	32	207	643	108	161	172
Middle	119	149	82	922	914	824	20	70	184	170	151	134
Southern	143	153	60	477	537	425	14	98	277	90	77	87
Hawaii	129	148	40	449	451	418	1	32	16	5	7	9
Idaho	57	124	142	431	423	377	8	38	119	53	40	50
Illinois:												
Northern	1,477	1,434	1,151	1,801	2,092	1,833	80	179	840	1,338	1,099	1,297
Eastern	182	119	203	826	851	834	7	10	106	225	219	238
Southern	229	232	170	837	820	690	43	87	231	283	266	316
Indiana:												
Northern	198	154	329	384	217	199	3	15	331	193	150	393
Southern	101	235	74	501	524	511	3	10	114	223	196	246
Iowa:												
Northern	69	77	69	345	348	300	5	43	53	122	113	103
Southern	43	52	62	413	410	398	1	11	34	161	148	140
Kansas	149	126	330	256	311	267	2	42	233	428	383	572
Kentucky:												
Eastern	217	224	226	2,205	2,364	2,054	6	304	19	248	230	285
Western	117	116	161	750	765	635	16	114	56	217	185	310
Louisiana:												
Eastern	256	278	137	1,070	1,059	982	24	53	139	219	205	300
Western	169	208	88	429	429	391	8	30	34	113	75	144
Maine	121	89	55	335	350	310	------	40	50	58	63	76
Maryland	275	312	128	1,320	1,257	1,174	13	70	287	188	202	180
Massachusetts	434	450	872	873	806	729	6	71	385	518	437	685
Michigan:												
Eastern	1,092	1,043	463	1,415	1,178	1,111	16	51	464	465	366	675
Western	129	148	25	303	312	297	1	14	15	127	123	117
Minnesota	1,220	1,203	571	1,958	2,110	1,863	6	241	201	411	431	435
Mississippi:												
Northern	152	36	426	590	720	683	8	29	122	64	65	106
Southern	179	71	419	652	622	572	1	49	293	305	291	298
Missouri:												
Eastern	159	227	217	1,092	1,134	1,034	1	99	241	381	322	411
Western	400	496	157	1,246	1,148	1,066	7	75	183	505	482	698
Montana	585	669	410	950	953	939	3	11	263	48	86	200
Nebraska	182	150	380	591	281	224	7	50	649	301	278	405
Nevada	55	126	47	281	319	295	6	18	81	35	25	55
New Hampshire	65	75	2	180	180	176	1	3	6	35	45	14
New Jersey	1,685	1,485	1,422	1,779	1,751	1,637	15	99	497	871	777	1,166
New Mexico	58	98	16	539	558	458	15	85	16	50	58	61
New York:												
Northern	358	492	176	1,746	2,044	1,641	7	396	311	104	124	984
Eastern	826	1,031	703	3,249	3,667	2,903	21	743	648	1,310	1,338	4,396
Southern	2,872	3,571	3,115	5,992	6,441	5,291	19	1,331	1,966	1,731	2,142	3,589
Western	517	710	399	2,369	2,493	2,144	20	329	571	214	208	334

Statement by judicial districts of cases commenced, terminated, pending, etc., in the United States district courts, fiscal year 1933—Continued

Judicial districts	Civil			Criminal						Private suits		
	Commenced	Terminated	Pending close of year	Commenced	Terminated	Convictions	Acquittals	Nolpros, etc.	Pending close of year	Commenced	Terminated	Pending close of year
North Carolina:												
Eastern	209	192	115	606	624	555	58	11	66	206	212	282
Middle	192	268	241	507	749	642	18	89	179	102	78	109
Western	156	148	127	649	647	603	4	40	312	128	130	174
North Dakota	26	39	70	158	186	95	1	90	127	86	65	118
Ohio:												
Northern	489	530	245	838	955	872	8	75	236	637	677	769
Southern	140	176	267	424	451	408	3	40	147	261	347	564
Oklahoma:												
Northern	73	145	57	938	893	803	8	82	427	238	196	170
Eastern	105	233	197	1,466	1,464	1,408	13	43	372	79	128	112
Western	111	78	239	794	922	751	16	155	172	308	229	401
Oregon	132	165	313	389	381	362	7	12	62	213	198	281
Pennsylvania:												
Eastern	499	576	437	1,154	665	568	23	74	686	413	469	1,540
Middle	303	311	119	883	848	769	57	22	93	178	100	307
Western	830	886	326	1,651	1,623	1,479	26	118	255	455	330	640
Puerto Rico	45	36	15	218	209	194	7	8	15	45	41	50
Rhode Island	93	86	46	355	402	302	3	97	61	53	57	47
South Carolina:												
Eastern	87	105	216	665	558	460	27	71	525	223	160	255
Western	262	86	521	447	459	422	14	23	88	151	108	170
South Dakota	44	65	75	276	364	230	2	132	184	58	74	133
Tennessee:												
Eastern	170	167	185	651	657	557	26	74	184	192	122	200
Middle	149	116	191	978	915	750	107	58	681	75	48	110
Western	372	177	758	441	455	404	13	38	71	132	111	110
Texas:												
Northern	126	135	141	1,386	1,300	1,159	20	121	298	572	530	397
Eastern	94	66	113	479	502	437	9	56	134	514	328	497
Southern	349	341	241	2,392	2,729	2,543	37	149	317	293	240	299
Western	133	131	130	2,248	2,270	2,205	14	51	166	270	266	223
Utah	134	103	154	157	166	137	6	23	31	53	63	44
Vermont	50	30	67	267	282	252	11	19	31	61	21	104
Virginia:												
Eastern	189	192	162	443	473	424	22	27	33	282	192	237
Western	151	147	101	358	418	372	7	39	91	64	61	69
Washington:												
Eastern	73	87	53	283	251	219	11	21	112	38	42	57
Western	227	260	218	945	929	865	18	46	208	207	239	241
West Virginia:												
Northern	119	113	128	613	588	567	1	20	94	139	141	142
Southern	205	257	149	852	1,017	731	6	280	325	111	107	111
Wisconsin:												
Eastern	337	333	124	437	221	164	2	55	398	153	120	151
Western	102	175	27	898	714	615	9	90	506	70	36	159
Wyoming	47	81	19	220	225	167	1	57	42	42	43	39
Total	25,797	27,744	24,293	82,675	84,780	73,207	1,820	9,753	20,907	26,656	26,074	37,639

EXHIBIT NO. 3

STATISTICS OF BANKRUPTCY PROCEEDINGS FOR FISCAL YEAR 1933

Summary for the United States	Voluntary	Involuntary	Total
A. Cases pending, concluded, etc.:			
1. Pending at the close of previous fiscal year	53, 885	19, 085	72, 970
2. Filed during fiscal year	56, 049	6, 207	62, 256
3. Concluded during fiscal year, including petitions dismissed and compositions confirmed	59, 787	7, 244	67, 031
4. Pending close of fiscal year	50, 147	18, 048	68, 195
5. Petitions dismissed	2, 054	624	2, 678
6. Compositions confirmed	264	415	679
Nature of business of bankrupt in cases concluded (including petitions dismissed and compositions confirmed):			
7. Farmer	5, 906	18	5, 924
8. Wage earner	27, 385	51	27, 436
9. Merchant	13, 484	4, 460	17, 944
10. Manufacturer	931	646	1, 577
11. Professional	1, 934	92	2, 026
12. Other classes	10, 147	1, 977	12, 124
13. Total	59, 787	7, 244	67, 031
B. Liabilities:			
1. Represented by priority, secured, and lien claims	$441,658,173.94	$134,085,911.80	$575, 744, 085. 74
2. Represented by unsecured claims which have been proved and allowed	262,169,670.28	257,460,147.56	519, 629, 817. 84
3. Represented by unsecured claims, as shown by schedules, which have not been proved	470,868,797.59	60,823,543.51	531, 692, 341. 10
4. Total	1, 174,696,641.81	452,369,602.87	1, 627, 066, 244. 68
C. Amounts realized:			
1. Total amount realized or received by marshals, receivers, trustees, and referees	51, 429, 952. 58	93, 574, 830. 46	145, 004, 783. 04
2. Total amount disbursed in conduct of business	5, 722, 935. 36	23, 492, 914. 49	29, 215, 849. 85
3. Net amount realized	45, 707, 017. 22	70, 081, 915. 97	115, 788, 933. 19
D. Distribution of net assets as shown above (C 3):			
1. Fees and expenses of administration, as analyzed below	10, 225, 767. 76	13, 883, 409. 93	24, 109, 177. 69
2. Paid to bankrupt on account of or in lieu of exemptions	506, 685. 98	657, 205. 34	1, 163, 891. 32
3. Paid to priority, secured, and lien creditors	18, 307, 152. 42	18, 574, 882. 59	36, 882, 035. 01
4. Paid to general creditors	15, 613, 713. 15	34, 786, 721. 49	50, 400, 434. 64
5. Other payments	780, 545. 40	1, 865, 888. 18	2, 646, 433. 58
6. Undistributed balance, if any	273, 152. 51	313, 808. 44	586, 960. 95
7. Total	45, 707, 017. 22	70, 081, 915. 97	115, 788, 933. 19
E. Analysis of fees and expenses of administration (item D 1):			
1. Paid to referee on account of fees of every nature, excluding filing fees paid by clerk of court:			
(a) Commissions and 25-cent fees for filing claims	440, 767. 81	560, 649. 29	1, 001, 417. 10
(b) Fees as special masters, if any	31, 893. 42	45, 044. 02	76, 937. 44
(c) Other fees, if any	46, 588. 31	28, 784. 23	75, 372. 54
2. Paid to referee on account of expenses, as follows:			
(a) For printing and advertising	229, 992. 10	43, 271. 58	273, 263. 68
(b) For traveling expenses	30, 827. 20	8, 374. 40	39, 201. 60
(c) For office, clerical, and all other expenses	975, 217. 77	399, 856. 92	1, 375, 074. 69
3. Paid to marshals, receivers, and trustees on account of commissions, excluding filing fee of $5	1, 525, 464. 91	1, 733, 872. 65	3, 259, 337. 56
4. Paid to attorneys on account of fees	3, 230, 011. 64	4, 900, 116. 81	8, 130, 128. 45
5. All other expenses of administration	3, 715, 004. 60	6, 163, 440. 03	9, 878, 444. 63
6. Total	10, 225, 767. 76	13, 883, 409. 93	24, 109, 177. 69
F. Other data pertaining to property administered:			
1. Appraised value of exemptions set off to bankrupt in kind	20, 979, 958. 51	1, 282, 312. 47	22, 262, 270. 98
2. Appraised value of property securing debts of bankrupt which was not administered in bankruptcy court	37, 065, 271. 54	6, 983, 017. 91	44, 048, 289. 45
3. Filing fees paid by clerk of court to referee	762, 404. 42	83, 872. 50	846, 276. 92
G. No-asset cases included in this report:			
1. Number of cases	37, 522	659	38, 181
2. Total fees and expenses of referee (sec. E.) in such no-asset cases	$556, 189. 72	$23, 760. 64	$579, 950. 36
H. Number of cases concluded, which were filed in forma pauperis, and in which filing fees were not afterward paid	6, 340	2	6, 342

STATEMENT BY JUDICIAL DISTRICTS OF BANKRUPTCY PROCEEDINGS FILED, CONCLUDED, AND PENDING, ALSO AMOUNTS REALIZED, AMOUNTS PAID TO CREDITORS, AND EXPENSES OF ADMINISTRATION FOR THE FISCAL YEAR 1933

Judicial districts	Filed		Concluded		Pending close of year		Net amount realized		Paid priority creditors		Paid general creditors		Expenses of administration	
	Voluntary	Involuntary	Voluntary	Involuntary	Voluntary	Involuntary	Voluntary	Involuntary	Voluntary	Involuntary	Voluntary	Involuntary	Voluntary	Involuntary
Alabama:														
Northern	1,548	57	2,712	85	2,087	133	$556,812.44	$593,553.14	$366,145.53	$331,450.35	$100,605.42	$171,691.60	$73,695.48	$86,528.04
Middle	259	11	298	24	231	49	52,584.20	100,169.17	18,543.99	26,486.72	8,761.64	42,529.84	14,208.34	25,873.19
Southern	238	14	282	20	125	19	43,487.03	117,086.47	17,506.50	21,776.78	9,254.32	74,634.25	9,885.03	20,258.03
Alaska:														
First division	7	3	9	2	8	7	6,124.31	2,317.52		589.92	922.03	220.96	930.62	1,506.64
Second division	1				2									
Third division		1	3	3	2	2	356.05	18,176.00		2,786.10	204.09	5,650.01	151.96	9,739.89
Fourth division	5		3		5									
Arizona	81	12	74	9	75	27	23,407.57	27,750.28	7,266.62	2,657.27	4,524.28	16,291.69	11,441.27	8,801.26
Arkansas:														
Eastern	240	29	322	48	253	87	157,942.84	222,913.55	29,093.26	38,187.43	66,146.96	134,723.11	58,226.44	48,330.36
Western	138	12	183	18	84	45	110,317.25	105,216.75	44,404.20	32,268.00	40,935.44	57,787.25	22,636.44	13,821.05
California:														
Northern	1,613	96	1,550	114	2,172	354	735,602.27	762,683.70	260,348.74	208,671.51	241,277.05	380,217.94	231,020.88	169,203.98
Southern	2,182	226	2,279	232	1,798	614	3,516,567.17	1,918,541.63	1,338,184.99	564,546.54	1,316,528.24	846,345.87	741,714.09	406,565.01
Colorado	320	30	356	28	356	79	416,692.41	519,430.95	350,656.93	223,315.76	34,248.10	236,524.19	30,081.25	33,578.34
Connecticut	1,011	78	1,185	78	1,844	437	743,779.31	927,404.96	141,342.11	655,279.21	362,069.22	135,952.04	225,795.11	112,522.16
Delaware	91	12	85	23	67	25	179,973.71	1,029,549.55	127,439.64	779,291.60	18,468.32	10,250.65	33,455.13	239,807.30
District of Columbia	173	37	164	27	104	49	158,999.60	195,142.19	48,381.04	57,937.68	72,182.06	72,493.92	33,685.03	39,504.65
Florida:														
Northern	47	1	92	12	24	9	120,405.60	956,477.53	30,601.44	890,323.50	48,165.80	35,079.03	28,392.39	30,390.00
Southern	252	104	321	125	254	346	309,095.03	1,728,617.02	108,930.58	1,337,020.29	112,761.55	208,316.80	80,768.84	168,394.79
Georgia:														
Northern	1,537	58	1,331	60	910	94	610,997.21	446,453.50	108,874.34	87,638.54	367,585.61	229,481.79	128,155.14	96,706.11
Middle	475	43	543	38	300	41	214,291.60	85,264.62	94,390.80	25,831.47	64,680.85	32,693.23	48,728.05	23,853.32
Southern	308	26	375	35	110	28	66,519.10	100,136.26	13,010.05	39,645.88	25,956.33	32,807.57	19,886.07	25,713.19
Hawaii	225	3	237	4	87	20	106,876.83	15,563.51	27,585.26	2,226.27	50,230.42	8,922.11	28,701.87	4,415.13
Idaho	100	7	130	6	107	13	12,804.19	7,499.27	2,401.48	3,423.64	4,515.72	2,135.10	5,611.05	1,940.53
Illinois:														
Northern	2,372	583	2,752	503	3,376	2,385	952,284.34	3,461,451.67	209,812.36	416,643.73	316,556.04	2,026,066.80	326,026.06	943,543.28
Eastern	476	54	645	40	327	134	342,250.69	188,356.02	132,506.15	47,445.45	123,775.07	95,034.17	74,452.08	39,981.65
Southern	764	61	922	41	1,006	196	737,172.66	422,259.01	372,378.28	292,694.64	199,426.97	54,534.38	144,153.08	73,057.03
Indiana:														
Northern	430	37	445	34	294	148	154,130.10	115,915.82	32,365.74	4,930.73	46,407.07	75,500.90	53,255.64	32,535.41
Southern	378	53	399	74	185	98	601,651.34	1,914,429.03	214,277.69	1,224,623.55	224,993.07	403,859.14	117,463.54	278,845.84

Statement by judicial districts of bankruptcy proceedings filed, concluded, and pending, also amounts realized, amounts paid to creditors, and expenses of adminstration for the fiscal year 1933—Continued

Judicial districts	Filed		Concluded		Pending close of year		Net amount realized		Paid priority creditors		Paid general creditors		Expenses of administration	
	Voluntary	Involuntary	Voluntary	Involuntary	Voluntary	Involuntary	Voluntary	Involuntary	Voluntary	Involuntary	Voluntary	Involuntary	Voluntary	Involuntary
Iowa:														
Northern	357	35	447	26	397	71	$577,733.93	$36,549.99	$416,160.60	$13,867.64	$85,066.13	$12,763.21	$68,676.39	$9,915.01
Southern	615	43	695	43	310	55	265,315.01	310,340.52	136,670.63	71,096.70	59,316.91	162,023.30	67,190.20	77,214.72
Kansas	761	84	548	35	1,003	202	138,727.71	115,603.47	49,392.87	65,979.64	41,048.57	22,861.85	47,617.71	19,821.48
Kentucky:														
Eastern	518	28	505	28	274	60	356,889.26	48,201.58	207,957.74	21,670.93	77,953.44	14,013.23	61,053.36	10,423.16
Western	916	38	920	37	1,323	208	572,684.81	205,718.95	355,615.97	131,696.45	89,752.82	41,616.93	97,296.90	32,324.41
Louisiana:														
Eastern	355	9	328	4	260	35	120,333.54	7,114.67	52,733.48	3,254.54	11,202.26	----------	56,332.66	3,860.13
Western	286	20	277	28	284	21	494,782.43	115,864.65	369,789.01	42,662.84	52,756.42	43,537.40	71,563.68	27,639.38
Maine	711	26	647	28	360	34	66,254.58	82,086.10	12,664.30	3,615.90	27,530.61	66,086.13	25,164.44	11,712.04
Maryland	451	105	484	87	436	154	346,847.89	1,069,769.99	72,819.66	436,209.96	178,719.63	438,168.29	82,343.10	181,195.74
Massachusetts	1,932	230	2,034	244	1,784	393	1,284,091.48	1,889,590.33	209,843.23	426,184.55	705,012.06	943,398.46	363,218.28	517,524.00
Michigan:														
Eastern	1,894	213	1,831	194	1,158	607	993,875.95	2,725,766.70	530,646.80	1,087,630.00	203,441.32	1,148,983.17	219,551.26	335,829.34
Western	348	31	315	28	175	33	286,567.41	113,828.45	85,401.99	21,513.94	103,010.60	49,697.83	90,409.25	41,102.37
Minnesota	1,021	71	909	56	880	272	279,314.84	260,813.28	29,933.17	18,292.42	136,864.99	141,515.34	104,878.34	70,416.60
Mississippi:														
Northern	186	2	224	16	81	8	166,126.12	43,393.10	57,432.43	9,264.28	62,637.95	23,443.09	41,498.28	9,933.72
Southern	314	19	298	25	222	49	249,674.33	117,644.05	83,799.02	14,627.90	93,467.69	80,815.87	69,482.24	21,849.46
Missouri:														
Eastern	436	82	437	81	414	147	233,798.71	246,079.03	32,864.86	21,860.06	103,898.46	138,433.25	85,624.19	82,891.48
Western	1,227	75	1,242	71	788	280	256,697.75	300,126.25	57,966.32	108,906.11	80,464.64	91,273.37	106,383.71	92,466.23
Montana	129	10	189	18	220	49	46,290.89	52,335.47	6,175.35	17,327.30	22,685.03	20,757.16	14,145.54	14,130.98
Nebraska	433	46	463	33	552	93	1,406,917.23	257,355.86	220,217.97	73,954.20	335,167.30	128,943.05	521,527.76	51,785.55
Nevada	16	7	16	7	17	10	2,279.58	21,787.84	605.76	788.58	754.74	15,068.64	826.19	5,930.62
New Hampshire	95	18	91	10	85	17	63,142.50	21,849.60	11,995.59	3,864.02	34,021.40	10,876.03	15,750.85	7,100.53
New Jersey	1,592	222	1,710	184	2,357	627	1,028,499.87	1,791,485.27	258,268.43	1,060,834.85	305,844.00	441,656.85	431,028.47	273,856.06
New Mexico	49	8	41	6	60	16	29,630.88	4,782.53	12,424.02	2,355.00	5,477.62	964.27	5,489.82	1,463.26
New York:														
Northern	1,188	86	1,146	67	988	247	464,021.27	2,590,914.86	79,105.03	32,762.12	201,374.62	2,459,957.19	175,488.81	96,127.04
Eastern	1,717	448	1,545	387	839	1,889	614,780.92	1,672,208.96	34,615.96	79,325.63	396,640.17	1,209,243.21	182,309.42	380,804.13
Southern	2,264	790	2,378	917	2,107	2,024	4,234,375.43	23,762,088.74	2,109,049.31	2,719,945.19	1,354,546.84	14,294,212.17	747,014.51	5,426,169.76
Western	1,460	125	1,345	80	1,246	314	436,901.96	211,679.76	63,746.34	15,308.45	191,509.18	118,056.00	179,069.36	75,207.35

North Carolina:														
Eastern	329	52	330	58	278	108	364,933.97	508,409.67	171,012.92	245,804.34	133,963.07	183,921.85	49,021.17	74,747.31
Middle	167	19	134	12	222	79	216,102.01	65,529.77	130,610.76	41,136.47	42,647.00	13,390.07	31,066.99	9,615.07
Western	147	23	184	33	123	54	687,794.51	249,722.88	85,292.92	71,041.00	417,538.66	87,617.61	80,943.13	59,101.43
North Dakota	96	13	92	10	20	13	20,975.00	28,961.74	8,969.39	3,356.70	2,382.03	15,130.33	9,539.57	10,474.71
Ohio:														
Northern	3,408	275	3,499	283	2,593	848	2,117,483.06	3,044,416.79	644,465.42	644,813.13	1,013,416.74	1,776,364.26	422,107.66	598,941.04
Southern	1,950	87	1,674	84	2,202	260	1,345,449.23	397,796.87	642,049.24	111,733.30	296,563.74	143,110.22	359,943.66	137,889.17
Oklahoma:														
Northern	228	13	373	64	137	30	181,689.99	178,668.75	48,816.97	32,014.57	66,867.86	89,417.66	60,150.12	56,542.69
Eastern	105	25	149	19	152	136	123,389.08	35,708.99	39,901.00	8,531.28	53,113.55	19,063.66	26,396.07	8,038.12
Western	242	23	302	62	121	43	237,482.60	143,978.75	42,609.65	23,863.33	137,530.12	88,433.94	56,702.08	28,825.12
Oregon	802	36	863	44	401	80	296,900.38	167,187.05	129,341.57	46,041.93	76,001.16	80,064.76	84,620.07	39,178.51
Pennsylvania:														
Eastern	996	326	786	329	1,643	953	1,778,523.46	2,958,480.23	828,159.20	627,712.81	495,952.53	1,494,825.73	406,651.35	699,023.37
Middle	456	76	525	57	391	222	1,958,983.36	1,012,047.77	1,329,839.86	262,614.81	279,569.08	109,839.83	312,293.41	155,374.33
Western	724	140	1,354	1,100	1,053	364	865,079.72	1,602,216.37	265,731.42	298,385.90	244,361.34	903,634.40	312,792.19	360,644.02
Puerto Rico	24	29	18	29	41	47	211,549.10	289,915.67	170,457.31	231,900.00	15,060.74	32,589.95	25,963.86	23,211.06
Rhode Island	174	17	224	32	172	27	236,706.68	125,488.72	31,377.24	6,722.22	133,189.53	84,658.98	44,052.65	28,203.25
South Carolina:														
Eastern	63	10	80	34	61	24	83,947.11	234,087.90	34,281.36	92,394.84	27,659.08	47,880.05	17,521.34	92,336.91
Western	57	11	164	17	118	45	384,728.37	274,070.40	146,176.26	113,086.55	177,496.90	99,312.45	47,170.33	44,976.38
South Dakota	112	9	155	22	116	48	118,490.34	22,013.88	25,870.59	4,411.56	53,960.58	2,692.49	34,975.67	10,756.52
Tennessee:														
Eastern	1,307	45	1,242	34	695	117	348,870.43	130,610.81	64,875.86	11,695.65	209,724.32	85,715.86	71,113.65	27,756.48
Middle	809	19	795	11	311	83	610,767.85	718,646.21	173,055.38	676,400.15	364,094.17	12,681.03	72,795.29	29,113.36
Western	529	13	600	13	206	48	315,767.12	44,728.99	39,807.02	8,452.92	170,929.56	12,250.41	96,553.36	9,712.89
Texas:														
Northern	379	55	571	86	347	104	889,052.57	525,368.10	476,917.95	144,937.52	183,619.66	238,953.33	208,873.20	78,919.74
Eastern	203	33	347	24	357	110	653,138.71	178,622.99	394,415.09	135,988.57	136,939.43	25,094.17	95,916.00	16,974.68
Southern	211	39	227	52	270	123	396,517.44	849,562.84	256,041.48	111,454.76	82,744.80	623,620.61	54,934.08	113,992.90
Western	233	27	306	28	244	80	2,570,996.47	327,901.18	1,392,359.40	279,682.19	914,232.30	12,443.47	237,106.30	33,406.72
Utah	254	7	278	14	197	13	22,602.51	26,841.18	3,169.87	8,461.76	6,336.97	8,230.80	11,513.19	10,148.62
Vermont	162	3	216	3	168	33	76,841.59	48,060.67	11,224.86	7,925.54	37,595.05	30,811.01	15,312.34	9,324.12
Virginia:														
Eastern	1,532	37	1,427	20	647	71	489,589.96	18,024.08	189,527.03	4,943.21	204,680.56	8,198.97	88,482.98	4,844.53
Western	995	39	1,007	31	394	49	448,446.01	185,861.42	257,996.29	41,689.92	129,721.45	113,423.30	56,045.22	29,337.06
Washington:														
Eastern	166	4	221	3	100	7	75,495.60	647,947.22	31,217.74	38,084.90	18,909.73	484,149.18	24,223.10	65,871.28
Western	569	29	677	49	259	79	146,420.44	228,503.02	66,334.38	94,359.30	26,551.82	85,882.71	51,621.59	47,401.54
West Virginia:														
Northern	301	17	346	19	321	39	698,037.81	110,334.53	177,256.90	55,174.21	438,989.11	29,650.21	64,950.27	16,504.72
Southern	376	19	404	26	267	54	266,636.49	182,036.52	181,565.56	68,748.20	44,319.07	95,116.78	36,381.95	17,191.21
Wisconsin:														
Eastern	824	84	856	78	215	240	257,005.31	232,806.71	65,256.08	41,269.62	83,746.86	102,831.12	99,837.10	86,438.78
Western	529	30	509	32	412	51	234,288.29	222,061.80	88,470.83	156,566.65	60,314.39	32,426.15	76,717.16	32,790.56
Wyoming	48	4	90	9	80	12	28,653.52	7,956.38	8,360.06	991.02	11,643.12	5,184.51	7,924.06	1,691.00
Total	56,049	6,207	59,787	7,244	50,147	18,048	45,707,017.22	70,081,915.97	18,307,152.42	18,574,882.59	15,613,713.15	34,786,721.49	10,225,767.76	13,883,409.93

EXHIBIT NO. 4

STATEMENT SHOWING AMOUNTS APPROPRIATED AND AMOUNTS USED, FISCAL YEAR 1933, FOR THE DEPARTMENT OF JUSTICE AND THE COURTS OF THE UNITED STATES

Titles of appropriations	Amounts appropriated	Amounts used		
		Total	Disbursed and obligated, excluding retirement fund deductions	Carried to retirement fund
General salaries and contingent funds, including rent and public printing:				
Salaries, Department of Justice	[1] $1,134,000	$1,096,332	$1,071,798	$24,534
Books, Department of Justice	7,500	7,499	7,499	--------
Contingent expenses, Department of Justice	80,000	79,334	79,334	--------
Printing and binding, Department of Justice and courts	300,000	278,191	278,191	--------
Rent of buildings, Department of Justice	122,000	121,370	121,370	--------
Traveling and miscellaneous expenses, Department of Justice	[2] 10,000	14,384	14,384	--------
Total	1,653,500	1,597,110	1,572,576	24,534
Special legal branches:				
Protecting interests of the United States in customs matters	110,000	96,517	95,416	1,101
Defending suits in claims against the United States	60,000	49,373	49,373	--------
Enforcement of antitrust laws	[3] 150,000	142,038	140,790	1,248
Total	320,000	287,928	285,579	2,349
Miscellaneous items:				
Bureau of Prisons:				
Salaries and expenses	[4] 215,000	198,868	194,290	4,578
Bureau of Prohibition:				
Salaries and expenses	10,250,000	9,069,670	8,809,675	259,995
Total	10,465,000	9,268,538	9,003,965	264,573
Investigation:				
Detection and prosecution of crimes	[5] 2,775,000	2,297,699	2,286,812	10,887
Examination of judicial offices	[6] 200,000	197,027	190,410	6,617
Total	2,975,000	2,494,726	2,477,222	17,504
Supreme Court of the United States:				
Salaries	[7] 280,500	260,904	260,904	--------
Printing and binding	21,000	18,570	18,570	--------
Salary of reporter	8,000	8,000	8,000	--------
Miscellaneous expenses	15,000	7,398	7,398	--------
Total	324,500	294,872	294,872	--------
United States Court of Customs and Patent Appeals:				
Salaries and expenses	104,500	86,413	86,290	123
Printing and binding	5,000	3,887	3,887	--------
Total	109,500	90,300	90,177	123
United States Customs Court:				
Salaries and expenses	245,000	207,828	202,880	4,948
Printing and binding	3,000	1,115	1,115	--------
Total	248,000	208,943	203,995	4,948
Court of Claims:				
Salaries	[8] 117,500	108,055	107,881	174
Contingent expenses	6,000	6,000	6,000	--------
Printing and binding	35,000	25,102	25,102	--------

[1] Does not include $155,000 transferred from "Fees of Jurors and Witnesses."
[2] Does not include $5,000 transferred from "Salaries, Fees, and Expenses of Marshals."
[3] Does not include $16,319 transferred from "Detection and Prosecution of Crimes."
[4] Does not include $13,760 transferred from "Probation System, United States courts."
[5] Does not include $53,697 transferred from "Salaries and Expenses, Bureau of Prohibition."
[6] Does not include $25,000 transferred from "Fees of Jurors and Witnesses."
[7] Does not include $7,500 transferred from "Salaries, Fees, and Expenses of Marshals."
[8] Does not include $9,000 transferred from "Salaries and Expenses of Commissioners, Court of Claims."

Statement showing amounts appropriated and amounts used, fiscal year 1933, for the Department of Justice and the courts of the United States—Continued

Titles of appropriations	Amounts appropriated	Amounts used		
		Total	Disbursed and obligated, excluding retirement fund deductions	Carried to retirement fund
Court of Claims—Continued.				
Salaries and expenses of commissioners	$75,000	$66,169	$65,742	$427
Repairs to buildings	4,000	3,975	3,975	--------
Total	237,500	209,301	208,700	601
District of Columbia courts:				
(A) General items for salaries, fees, and expenses:				
Court of Appeals:				
Salaries and expenses	99,430	94,791	94,791	--------
Supreme Court:				
Salaries	133,700	129,380	129,334	46
Fees of jurors and witnesses	125,000	90,902	90,902	--------
Pay of bailiffs, etc	55,500	48,333	48,322	11
Miscellaneous expenses	65,000	55,509	55,509	--------
Printing and binding	6,200	5,084	5,084	--------
(B) Repairs, care, rental, and construction of buildings:				
Court of Appeals:				
Care, court of appeals building	9,120	8,080	8,080	--------
Supreme Court:				
Salaries of employees, courthouse	38,330	33,535	33,535	--------
Total	532,280	465,614	465,557	57
Circuit Courts of appeals, District and Territorial courts:				
(A) General items for salaries, fees, and expenses:				
Salaries, circuit, district and retired judges	[9] 2,174,000	2,180,713	2,180,713	--------
Salaries, justices and judges, Territory of Hawaii	88,500	73,440	73,440	--------
Salaries, fees, and expenses of marshals	[10] 4,100,000	3,476,562	3,474,465	2,097
Salaries and expenses of district attorneys	[11] 3,050,000	2,881,241	2,853,040	28,201
Pay of special assistant attorneys	[12] 360,000	352,758	352,043	715
Salaries and expenses of clerks	[13] 1,925,000	1,909,774	1,909,703	71
Fees of commissioners	550,000	603,044	603,044	--------
Fees of jurors and witnesses	3,750,000	2,450,613	2,450,613	--------
Pay of bailiffs, etc	400,000	344,380	344,380	--------
Miscellaneous expenses	900,000	819,121	818,653	468
(B) General supplies:				
Supplies for United States courts	75,000	74,776	74,776	--------
Books for judicial officers	75,000	67,948	67,948	--------
(C) Repairs, care, rental, and construction of buildings:				
Rent of court rooms	90,000	87,368	87,368	--------
Total	17,537,500	15,321,738	15,290,186	31,552
Maintenance and probation of prisoners:				
Medical and hospital service, penal institutions	[14] 312,000	297,300	297,300	--------
United States penitentiaries:				
Leavenworth, Kans	[15] 1,645,000	1,290,521	1,271,052	19,469
Atlanta, Ga	[16] 1,045,000	737,558	724,127	13,431
McNeil Island, Wash	[17] 428,500	359,914	352,359	7,555
Northeastern	[18] 440,000	344,253	337,591	6,662
Federal Industrial Institution for Women, Alderson, W.Va	300,000	233,254	228,134	5,120

[9] Does not include $32,000 transferred from "Salaries, Fees, and Expenses of Marshals."
[10] Does not include $55,610 transferred from "Fees of Jurors and Witnesses."
[11] Does not include $106,560 transferred from "Fees of Jurors and Witnesses" and $34,000 transferred from "Salaries, Fees, and Expenses of Marshals."
[12] Does not include $54,000 transferred from "Salaries, Fees, and Expenses of Marshals."
[13] Does not include $107,830 transferred from "Fees of Jurors and Witnesses" and $87,000 transferred from "Salaries, Fees, and Expenses of Marshals."
[14] Does not include $28,650 transferred from "Federal Jails, Maintenance."
[15] Does not include $6,821 transferred from "Commissary Fund."
[16] Does not include $5,565 transferred from "Commissary Fund."
[17] Does not include $2,003 transferred from "Commissary Fund."
[18] Does not include $1,268 transferred from "Commissary Fund."

Statement showing amounts appropriated and amounts used, fiscal year 1933, for the Department of Justice and the courts of the United States—Continued

Titles of appropriations	Amounts appropriated	Amounts used		
		Total	Disbursed and obligated, excluding retirement fund deductions	Carried to retirement fund
Maintenance and probation of prisoners—Continued.				
United States Industrial Reformatory, Chillicothe, Ohio	[19] $634,000	$508,319	$499,100	$9,219
United States Southwestern Reformatory	284,000	141,100	140,557	543
United States Hospital for Defective Delinquents	270,000	220,207	219,901	306
Federal jails	[20] 815,000	595,555	587,331	8,224
Prison camps	[21] 800,000	819,183	807,917	11,266
National Training School for Boys, Washington, D.C.	248,000	196,716	196,716	--------
Probation system, United States courts	415,000	322,491	322,293	198
Support of United States prisoners	2,855,000	3,222,858	3,222,858	--------
Support of convicts, District of Columbia	75,000	65,044	65,044	--------
Total	10,566,500	9,354,273	9,282,680	81,993
Buildings and industries for prisoners:				
United States penitentiaries:				
Leavenworth, Kans.:				
Buildings and equipment	8,000	8,000	8,000	--------
Repairs to bridge across Missouri River (no year)	--------	--------	--------	--------
Atlanta, Ga.:				
Buildings and equipment	8,500	8,500	8,500	--------
McNeil Island, Wash.:				
Buildings and equipment	32,000	31,599	31,446	153
Buildings (no year)	--------	--------	--------	--------
Northeastern:				
Construction (no year)	--------	--------	--------	--------
United States Industrial Reformatory, Chillicothe, Ohio:				
Construction (no year)	521,000	521,000	518,482	2,518
United States Southwestern Reformatory:				
Construction (no year)	520,000	520,000	520,000	--------
Federal jails:				
Buildings and equipment	--------	--------	--------	--------
Construction (no year)	500	500	500	--------
United States Hospital for Defective Delinquents:				
Construction (no year)	468,000	468,000	468,000	--------
National Training School for Boys, Washington, D.C.:				
Construction (no year)	76,000	34,859	34,859	--------
Total	1,634,000	1,592,458	1,589,787	2,671
Grand total	46,603,280	41,185,801	40,754,896	430,905

[19] Does not include $2,930 transferred from "Commissary Fund."
[20] Does not include $1,780 transferred from "Commissary Fund."
[21] Does not include $69,150 transferred from "Federal Jails" and $2,166 transferred from "Commissary Fund."

EXHIBIT NO. 5

STATEMENT SHOWING BY JUDICIAL DISTRICTS THE AMOUNTS USED UNDER CERTAIN SPECIFIED APPROPRIATIONS FOR EXPENSES INCIDENT TO THE BUSINESS OF THE COURTS OF THE UNITED STATES INCURRED DURING THE FISCAL YEAR 1933

Judicial districts	Totals	Fees of jurors and witnesses (including Supreme Court, District of Columbia)	Support of United States prisoners	Miscellaneous expenses (including courts of District of Columbia)	Salaries and expenses of district attorneys (including salaries of attorneys in Alaska)	Rent of court rooms United States Courts	Salaries, fees, and expenses of marshals (including salaries of marshals in Alaska)	Probation system, United States courts	Pay of bailiffs, etc., (including Supreme Court, District of Columbia)	Salaries and expenses of clerks, United States courts (including salaries of clerks in Alaska)	Fees of Commissioners United States courts
Alabama:											
Northern	$172,305	$37,893	$42,578	$8,207	$20,220	----------	$32,301	$4,629	$1,827	$18,650	$6,000
Middle	114,378	31,975	19,549	7,182	10,542	----------	25,717	2,926	2,648	10,049	3,790
Southern	86,540	15,208	11,861	3,366	17,000	----------	23,023	3,763	1,111	8,017	3,191
Alaska:											
First Division	201,601	20,583	96,738	1,362	16,408	----------	56,417	----------	2,321	4,785	2,987
Second Division	104,362	9,140	27,994	12,707	7,307	$900	41,600	----------	196	3,780	738
Third Division	161,370	10,709	71,483	9,204	14,488	1,265	47,611	----------	564	3,832	2,214
Fourth Division	112,795	11,168	29,395	1,989	11,641	1,725	51,181	----------	253	4,365	1,078
Arizona	180,169	22,091	47,133	10,614	27,158	----------	45,780	3,867	4,204	13,496	5,826
Arkansas:											
Eastern	129,952	27,257	16,664	6,161	20,369	----------	32,110	4,206	1,356	17,873	3,956
Western	72,049	9,522	10,744	303	13,518	----------	20,145	----------	935	14,358	2,524
California:											
Northern	334,119	31,529	39,882	26,177	71,027	----------	88,427	6,330	12,106	48,585	10,056
Southern	345,766	46,083	50,820	31,340	73,307	----------	74,251	8,161	14,725	39,870	7,209
Colorado	171,791	19,841	40,002	12,063	26,065	----------	39,919	----------	2,299	27,557	4,045
Connecticut	72,147	5,664	3,172	5,201	15,349	----------	16,565	4,195	1,843	17,094	3,064
Delaware	46,085	7,027	6,579	4,841	6,476	----------	7,747	----------	2,589	9,524	1,302
District of Columbia	485,186	90,283	741	54,921	116,532	----------	104,784	1,698	47,473	65,731	3,023
Florida:											
Northern	62,441	12,698	7,033	3,883	11,583	----------	13,847	----------	1,616	8,779	3,002
Southern	253,585	48,966	44,391	15,411	35,489	1,800	55,151	8,718	4,778	29,459	9,422
Georgia:											
Northern	195,301	38,391	30,541	5,652	36,724	360	39,701	6,087	3,091	27,744	7,010
Middle	164,851	30,059	53,155	3,917	17,853	25	26,729	4,204	2,284	22,058	4,567
Southern	110,184	16,445	26,435	3,340	17,620	----------	20,376	4,502	1,950	16,204	3,312
Hawaii	81,499	4,054	25,424	10,334	18,781	----------	10,411	----------	379	8,175	3,941
Idaho	167,130	24,595	66,422	6,941	23,571	----------	29,406	----------	2,622	10,624	2,949
Illinois:											
Northern	535,428	71,589	90,425	28,774	120,872	50	119,703	8,966	7,062	77,293	10,694
Eastern	179,518	21,921	60,976	5,572	25,298	----------	38,867	3,975	1,307	14,954	6,648
Southern	145,095	22,311	40,856	4,593	22,873	----------	26,346	3,384	2,795	15,910	6,027
Indiana:											
Northern	106,034	14,068	9,957	3,829	20,724	8,450	24,894	5,325	2,615	13,686	2,486
Southern	138,305	19,733	41,735	4,528	18,958	----------	29,669	1,371	1,967	16,271	4,073

Statement showing by judicial districts the amounts used under certain specified appropriations for expenses incident to the business of the courts of the United States incurred during the fiscal year 1933—Continued

Judicial districts	Totals	Fees of jurors and witnesses (including Supreme Court, District of Columbia)	Support of United States prisoners	Miscellaneous expenses (including courts of District of Columbia)	Salaries and expenses of district attorneys (including salaries of attorneys in Alaska)	Rent of court rooms United States Courts	Salaries, fees, and expenses of marshals (including salaries of marshals in Alaska)	Probation system, United States courts	Pay of bailiffs, etc., (including Supreme Court, District of Columbia)	Salaries and expenses of clerks, United States courts (including salaries of clerks in Alaska)	Fees of Commissioners United States courts
Iowa:											
Northern	$93,476	$15,616	$9,998	$8,313	$16,691	----------	$20,929	$2,069	$1,492	$15,797	$2,571
Southern	110,730	23,037	14,773	2,906	17,153	----------	23,984	2,826	2,247	19,457	4,347
Kansas	135,421	19,761	22,789	8,211	24,322	----------	31,344	4,584	2,563	17,990	3,857
Kentucky:											
Eastern	256,380	45,607	53,542	3,677	23,818	$360	61,686	11,946	1,790	24,360	29,594
Western	141,767	18,410	35,594	8,204	19,931	966	28,301	4,493	684	18,769	6,415
Louisiana:											
Eastern	165,407	14,552	9,460	10,881	33,383	----------	42,444	4,128	9,069	35,274	6,216
Western	121,252	25,030	22,739	3,932	16,282	----------	31,202	2,946	2,064	14,192	2,865
Maine	75,619	5,549	20,030	5,112	13,870	----------	16,641	187	916	11,400	1,914
Maryland	237,007	29,859	62,224	12,422	46,456	----------	39,891	6,268	5,948	23,393	10,546
Massachusetts	229,232	33,538	20,917	7,819	47,694	----------	44,855	9,617	1,954	54,376	8,462
Michigan:											
Eastern	297,229	56,738	50,313	11,413	67,008	----------	54,068	7,141	7,623	35,297	7,628
Western	94,000	17,502	13,147	3,933	15,729	----------	24,837	4,661	1,409	10,741	2,041
Minnesota	421,227	43,427	167,464	37,166	46,977	----------	57,849	10,559	11,483	33,971	12,331
Mississippi:											
Northern	148,068	29,443	57,603	3,145	9,219	----------	29,911	1,727	1,311	11,567	4,142
Southern	131,358	29,414	30,953	4,514	15,941	----------	28,145	3,142	2,327	13,146	3,776
Missouri:											
Eastern	223,910	24,143	54,851	18,298	34,869	----------	30,584	3,857	7,726	42,710	6,872
Western	251,663	44,893	48,974	16,680	37,007	6,800	53,639	5,236	6,491	24,744	7,199
Montana	170,296	13,551	62,006	643	23,615	----------	43,034	3,093	2,940	14,535	6,879
Nebraska	160,930	38,050	17,026	8,194	28,659	----------	29,174	3,475	7,677	23,400	5,275
Nevada	99,828	13,327	23,542	5,308	17,009	----------	22,896	4,672	1,333	9,976	1,765
New Hampshire	65,810	10,520	12,432	6,402	13,220	550	11,746	----------	2,001	7,968	971
New Jersey	361,367	56,356	31,973	16,768	57,471	19,667	113,412	4,624	5,094	46,836	9,166
New Mexico	137,522	28,905	23,621	8,278	21,169	----------	33,881	4,462	1,722	11,774	3,710
New York:											
Northern	232,566	30,133	36,460	5,936	60,915	612	57,706	6,586	3,225	18,401	12,592
Eastern	352,627	66,637	358	17,108	127,158	----------	66,238	2,785	16,559	43,303	12,481
Southern	824,488	125,275	933	50,985	290,536	39,159	150,161	9,222	23,005	112,380	22,832
Western	211,537	34,559	21,306	10,905	55,678	----------	40,719	4,285	5,608	22,855	15,622
North Carolina:											
Eastern	122,821	20,717	18,389	4,299	17,649	----------	32,318	4,247	1,819	18,603	4,780
Middle	127,488	22,802	24,366	5,221	21,745	----------	33,223	3,305	1,673	10,377	4,776
Western	141,393	18,163	37,312	9,025	17,068	150	32,807	4,205	4,135	12,019	6,509

North Dakota	68,352	8,570	7,065	3,896	13,334		21,663		699	11,915	1,210
Ohio:											
Northern	232,291	29,019	49,317	9,198	45,274		51,456		4,337	37,134	6,556
Southern	208,528	38,144	25,625	12,880	38,994		45,258	4,345	9,288	29,149	4,845
Oklahoma:											
Northern	172,109	21,352	54,896	4,053	23,612		43,625		2,277	14,667	7,627
Eastern	220,471	37,197	76,492	4,068	25,941		38,590		4,552	17,810	15,821
Western	134,019	21,036	37,637	8,693	20,956		25,890		3,127	11,170	5,510
Oregon	145,733	36,767	14,231	6,488	24,471		31,508	4,039	5,202	20,410	2,617
Pennsylvania:											
Eastern	225,672	32,318	8,470	22,091	50,493		42,170	6,898	11,039	44,764	7,429
Middle	118,116	19,800	9,627	5,600	21,033	780	27,352	6,606	3,956	17,137	6,225
Western	224,565	43,789	28,184	12,375	57,559		29,387	9,607	6,357	25,985	11,322
Puerto Rico	58,208	8,034	2,042	6,769	10,669		18,314		2,315	8,689	1,376
Rhode Island	64,577	3,821	1,832	2,432	17,145		16,901	4,038	84	14,673	3,651
South Carolina:											
Eastern	153,590	45,860	34,119	3,285	16,362	100	28,247	1,995	3,883	13,681	6,058
Western	113,566	22,636	25,929	7,426	12,848	1,623	20,636	4,074	2,256	13,483	2,655
South Dakota	141,149	30,941	26,646	10,234	20,350		30,125	2,378	3,100	14,653	2,722
Tennessee:											
Eastern	147,609	24,521	32,879	10,888	16,968	1,674	33,928	4,100	677	15,783	6,191
Middle	190,240	40,563	55,998	6,669	22,612		31,053	3,127	3,560	15,943	10,715
Western	122,850	31,478	18,673	9,148	19,610		22,589	4,252	1,998	12,194	2,908
Texas:											
Northern	250,179	60,336	46,697	10,602	32,204		52,973	5,995	6,004	24,382	10,986
Eastern	112,057	22,988	19,045	4,124	13,381		25,416	4,426	1,838	16,321	4,518
Southern	257,564	36,344	76,782	7,314	36,249		53,180	5,082	4,443	20,254	17,916
Western	277,403	45,639	69,436	7,622	35,707		63,434	2,433	7,640	28,162	17,330
Utah	89,563	20,030	10,244	3,940	17,642		22,328	1,000	2,804	9,300	2,275
Vermont	82,018	11,643	17,227	10,425	12,707		17,442		1,483	9,653	1,438
Virginia:											
Eastern	136,346	14,098	13,548	5,296	31,699	407	28,408	1,396	5,062	33,857	2,575
Western	99,822	15,549	12,420	5,824	14,036	90	28,737		1,078	19,213	2,875
Washington:											
Eastern	81,755	22,470	11,338	3,765	12,225		19,113		1,451	9,744	1,649
Western	179,226	14,932	42,154	7,403	39,348		38,675	4,305	6,601	20,107	5,701
West Virginia:											
Northern	116,627	12,761	25,907	3,647	26,759		27,677		1,907	13,652	4,317
Southern	185,453	25,032	44,301	8,944	26,419		46,218	10,109	1,822	14,635	7,973
Wisconsin:											
Eastern	99,201	10,473	25,076	2,846	16,980		24,319		2,654	10,510	6,343
Western	92,170	14,689	17,883	3,083	15,414		22,821		1,375	11,356	5,549
Wyoming	69,404	15,682	6,499	3,240	13,906		17,753		916	9,850	1,558
Supreme Court, United States	840								840		
State institutions	254,758		254,758								
Miscellaneous	14,580		2,101	4,551				7,928			
Estimated unreported liabilities	51,335										51,335
Total	16,264,351	2,514,829	3,222,858	846,929	2,878,902	87,513	3,477,489	324,788	389,429	1,918,570	603,044

EXHIBIT NO. 6

REPORT OF THE UNITED STATES CUSTOMS COURT FOR THE FISCAL YEAR ENDED JUNE 30, 1933

CLASSIFICATION CASES

Cases pending at the beginning of the year	222, 125
Cases received during the year	65, 407
Total	287, 532
Cases decided during the year	66, 955
Cases pending at the close of the year	220, 577

DOCKETS IN CLASSIFICATION CASES

Dockets prepared for hearings at New York	112
Dockets prepared for hearings at other ports	65

CLAIMS FOR ABATEMENT OR REFUND OF DUTIES UNDER TARIFF ACT OF 1922

Claims pending at the beginning of the year		59
Claims decided during the year	5	
Claims transferred to Collector of Customs pursuant to section 563, Tariff Act of 1930	44	
Total		49
Claims pending at the close of the year		10

REAPPRAISEMENT CASES

Appeals to reappraisement pending at the beginning of the year, including 279 erroneously omitted from previous report	13, 092
Appeals to reappraisement filed during the year	2, 398
Total	15, 490
Appeals to reappraisement decided during the year	12, 077
Appeals to reappraisement pending at the close of the year	3, 413

DOCKETS IN REAPPRAISEMENT CASES

Dockets prepared for hearings at New York	84
Dockets prepared for hearings at other ports	49

APPLICATIONS FOR REVIEW

Applications pending at the beginning of the year, including 67 erroneously omitted from previous report	157
Applications received during the year	157
Total	314
Applications decided during the year	239
Applications pending at the close of the year	75

DOCKETS IN APPLICATIONS FOR REVIEW

Dockets prepared for hearings at New York	25

PETITIONS FOR REMISSION OF ADDITIONAL DUTIES

Petitions pending at the beginning of the year	94
Petitions received during the year	119
Total	213
Petitions decided during the year	101
Petitions pending at the close of the year	112

DOCKETS IN PETITIONS FOR REMISSION OF ADDITIONAL DUTIES

Dockets prepared for hearings at New York	22

COMMISSIONS AND LETTERS ROGATORY

Commissions issued during the year	33
Letters rogatory issued during the year	5

EXHIBIT NO. 7

UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS SUMMARY OF BUSINESS FOR FISCAL YEAR ENDING JUNE 30, 1933

Customs

Number of cases pending at beginning of year	63
Number of cases docketed during the year	135
Number of cases disposed of during the year	94
Number of cases pending at the close of the year	104

Patents

Number of cases pending at beginning of year	204
Number of cases docketed during the year	163
Number of cases disposed of during the year	148
Number of cases pending at close of the year	219

EXHIBIT NO. 8

STATISTICS OF THE UNITED STATES BOARD OF PAROLE

The United States Board of Parole is responsible by law for the administration of the Federal parole law. The Board also administered, through the early part of the past fiscal year, the parole law of the District of Columbia. Statistics of the activities of the Board of Parole, the work of parole supervision, and other information of interest for comparative purposes in connection with parole, are presented herewith. Reference should be made to the closely related statistics of prisoners which are presented in Exhibit No. 9.

The first table in this exhibit shows the historical development of parole since the Federal parole law became effective in 1911. Tables 2 and 3 analyze the disposition of the cases considered by the Board of Parole during the past year. The outcome of the Board's work, as affecting the institutions, is shown in tables 4 and 5, in which the regular parole releases and "conditional releases"[1] are classified according to offense and judicial district to which discharged. The volume of the work of parole supervision is summarized in tables 6 and 7, showing the movement of cases under supervision according to institution from which paroled, and for each month of the year. The problem of the parole violator is dealt with in table 8, which shows the relative number of parole violators and parole releases for each year since 1911; and in table 9, which analyzes the issuance of parole violator warrants and the revocation of parole, during the past fiscal year.

[1] Conditional releases are those authorized by "Public 210", enacted in 1932, by which all prisoners sentenced after July 28, 1932, who are released on good conduct before expiration of their full terms, are placed under parole supervision, instead of being given a final discharge.

Table 1.—Parole Releases Compared with Prison Population and Commitments, Fiscal Years 1910 to 1933 (for Federal Prisons, Reformatories and Camps)

Year ending June 30—	Prison population, June 30	Court commitments during year	Discharges during year (except transfers)	Parole releases during year	Year ending June 30—	Prison population June 30	Court commitments during year	Discharges during year (except transfers)	Parole releases during year
1910	2,075	1,045	807	(1)	1922	5,540	3,802	2,556	617
1911	2,067	1,048	1,064	133	1923	5,616	3,567	3,230	638
1912	2,340	1,213	964	178	1924	6,225	4,085	3,486	699
1913	2,258	1,140	1,219	263	1925	7,170	4,946	3,937	781
1914	2,034	980	1,222	252	1926	7,080	4,706	4,537	898
1915	2,937	1,889	1,045	142	1927	7,508	4,924	4,257	680
1916	3,365	1,914	1,535	241	1928	8,401	5,706	4,743	887
1917	3,020	1,644	1,916	258	1929	10,068	7,105	5,510	1,069
1918	3,646	2,495	1,793	210	1930	13,103	9,866	5,827	2,536
1919	3,852	2,658	2,209	306	1931	13,657	10,178	9,822	4,566
1920	3,889	2,780	2,502	759	1932	13,698	10,496	10,771	5,215
1921	4,296	2,887	2,497	876	1933	[2] 12,148	8,775	10,770	4,855

[1] Federal parole law not in effect. [2] Includes 3 prisoners in custody outside institution, as witnesses.

Table 2.—Parole Applications Considered During the Year Classified by Disposition: 1932–33

Institution	Number of cases considered				Percentage of cases which were—			Average daily prison population	Parole applications per 100 average population	
	Total [1]	Parole granted [2]	Parole denied [2]	Case continued [2]	Granted	Denied	Continued		Granted	Denied
Penitentiaries:										
Atlanta	1,865	1,000	794	71	53.6	42.6	3.8	2,729	36.6	29.1
Leavenworth Main	1,665	820	768	77	49.2	46.1	4.6	3,189	25.7	24.1
Leavenworth Annex	487	151	321	15	31.0	65.9	3.1	1,777	8.5	18.1
McNeil Island	484	220	245	19	45.5	50.6	3.9	942	23.4	26.0
Northeastern	328	185	134	9	56.4	40.9	2.7	417	44.4	32.1
Reformatories:										
Chillicothe	1,115	713	370	32	63.9	33.2	2.9	1,294	55.1	28.6
Southwestern	15	14	1	------	(4)	(4)	(4)	31	(4)	(4)
Alderson [3]	324	130	167	27	40.1	51.5	8.3	425	30.6	39.3
Reformatory Camp (Va.)	679	468	193	18	68.9	28.4	2.7	523	89.5	36.9
Correctional Camp (Va.)	747	561	150	36	75.1	20.1	4.8	547	102.6	27.4
Prison camps:										
No. 1, Fayetteville, N.C.	322	268	46	8	83.2	14.3	2.5	265	101.1	17.4
No. 4, Junction City, Kans.	128	94	24	10	73.4	18.8	7.8	103	91.3	23.3
No. 5, Dupont, Wash.	22	10	12	------	(4)	(4)	(4)	147	6.8	8.2
No. 8, Montgomery, Ala.	206	168	31	7	81.6	15.0	3.4	122	137.7	25.4
U.S. Detention Farm (LaTuna)	18	7	8	3	(4)	(4)	(4)	382	1.8	2.1
Federal institutions—Total	8,405	4,809	3,264	332	57.2	38.8	4.0	12,515	38.4	26.1
D.C. Reformatory	35	9	24	2	(4)	(4)	(4)	(5)	(5)	(5)
State, county and city institutions [6]	150	96	54	------	64.0	36.0	------	(5)	(5)	(5)
National Training School for Boys, D.C. [7]	52	51	------	1	(4)	------	(5)	215	23.7	------
Oahu Prison, Hawaii [6]	26	13	13	------	(4)	(4)	5	(5)	(5)	(5)
Grand total	8,668	4,978	3,355	335	57.4	38.7	3.9	(5)	(5)	(5)

[1] Total column necessarily involves duplication, since cases of some individuals were considered more than once.

[2] Individuals to whom parole was first denied and later granted and those first granted and later denied are counted in both columns; likewise, those whose cases were continued and later granted or denied are counted in each column.

[3] Females.

[4] Percentage or ratio not shown, as base is less than 100.

[5] Average population and ratios not shown.

[6] Includes a number of cases recommended by State and territorial institution authorities and disposed of by U.S. Board of Parole as approved, here classed as "granted," and disapproved, here classed as "denied."

[7] All cases recommended by Board of Trustees and approved by U.S. Board of Parole.

Table 3.—Disposition of Individual Applicants for Parole Whose Cases Were Considered During the Year, by Institution: 1932–33

Institution	Number of applicants				Percentage whose cases were—		
	Total	Parole granted [1]	Parole denied [2]	Case continued [3]	Granted [1]	Denied [2]	Continued [3]
Penitentiaries:							
Atlanta	1,793	986	773	34	55.0	43.1	1.9
Leavenworth Main	1,561	801	750	10	51.3	48.0	.6
Leavenworth Annex	470	150	318	2	31.9	67.7	.4
McNeil Island	450	216	234	--------	48.0	52.0	--------
Northeastern	318	183	133	2	57.5	41.8	.6
Reformatories:							
Chillicothe	1,060	702	351	7	66.2	33.1	.7
Southwestern	15	14	1	--------	(4)	(4)	(4)
Alderson [5]	302	128	166	8	42.4	55.0	2.6
Reformatory Camp (Va.)	646	467	179	--------	72.3	27.7	--------
Correctional Camp (Va.)	706	558	144	4	79.0	20.4	.6
Prison camps:							
No. 1, Fayetteville, N.C	310	268	41	1	86.5	13.2	.3
No. 4, Junction City, Kans	118	93	24	1	78.8	20.3	.8
No. 5, Dupont, Wash	22	10	12	--------	(4)	(4)	(4)
No. 8, Montgomery, Ala	198	167	27	4	84.3	13.6	2.0
U.S. Detention Farm (LaTuna)	16	7	8	1	(4)	(4)	(4)
Federal institutions, total	7,985	4,750	3,161	74	59.5	39.6	.9
D.C. Reformatory	35	9	24	2	(4)	(4)	(4)
State, county and city institutions	147	96	51	--------	65.3	34.7	--------
National Training School for Boys, D.C	52	51	--------	1	(4)	--------	(4)
Oahu Prison, Hawaii	25	13	12	--------	(4)	(4)	(4)
Grand total	8,244	4,919	3,248	77	59.7	39.4	.9

[1] Exclusive of cases granted, but later reopened and denied.
[2] Exclusive of cases denied, but later reopened and granted.
[3] Exclusive of cases continued and later granted or denied; also, cases continued more than once are counted only once.
[4] Percentage not computed as base is less than 100.
[5] Females.

Table 4.—Parole Releases from Federal Institutions, by Institution and Offense: 1932–33

Offense	Total	Penitentiaries					Reformatories			Camps		
		Atlanta	Leavenworth		McNeil Island	Northeastern	Chillicothe	Southwestern	Alderson	Reformatory Camp (Va.)	Correctional Camp (Va.)	Prison camps
			Main	Annex								
Bankruptcy Act violation	21	1	9	------	5	1	1	------	------	------	------	4
Counterfeiting and forgery	224	49	56	1	30	9	33	3	2	11	12	18
Customs Act violation	------	------	------	------	------	------	------	------	------	------	------	------
Homicide	5	1	3	------	1	------	------	------	------	------	------	------
Immigration Act violation	46	6	10	------	18	2	9	------	------	------	1	------
Internal Revenue Act violation	78	25	------	------	6	------	16	------	------	8	17	6
Interstate Commerce Act violation	84	13	28	1	1	2	20	1	1	6	2	9
Liquor law violations:												
Prohibition Act	3,138	562	617	1	64	11	488	9	81	385	437	483
Other liquor laws	45	9	2	------	7	1	1	------	------	18	1	6
Mann Act violation	54	8	13	------	11	------	11	------	1	------	2	8
Motor Vehicle Act violation	322	38	88	2	9	4	116	1	4	14	11	35
Narcotic Drug Act violation	212	25	4	140	24	2	------	------	10	1	1	5
National Bank and Federal Reserve Act violations	120	23	32	1	6	8	26	------	2	11	5	6
Postal law violations:												
Burglary	35	9	4	------	1	------	12	1	------	5	1	2
Embezzlement	50	15	10	------	4	3	2	------	------	4	6	6
Forgery	18	4	3	------	2	1	3	------	2	2	1	------
Fraud	70	12	26	------	4	7	3	------	2	4	5	7
Larceny	9	4	1	------	------	------	------	------	------	3	1	------
Mailing obscene matter	5	2	2	------	------	------	1	------	------	------	------	------
Robbery	32	4	12	1	1	1	5	------	------	3	------	5
Other and not specified	62	4	9	------	------	2	34	------	5	3	4	1
All other Federal offenses	225	47	59	1	28	10	44	------	3	7	11	15
District of Columbia Code violations	------	------	------	------	------	------	------	------	------	------	------	------
Military prisoners	------	------	------	------	------	------	------	------	------	------	------	------
Total	4,855	861	988	148	222	64	825	15	113	485	518	616

Table 5.—Releases from Federal Institutions Under Parole Supervision During the Year, by Judicial Districts: 1932–33

Judicial district	Discharged from institution	
	Parole	Conditional release
Alabama:		
Northern	78	7
Middle	106	2
Southern	15	--------
Arizona	28	--------
Arkansas:		
Eastern	31	--------
Western	22	--------
California:		
Northern	35	--------
Southern	80	2
Colorado	44	--------
Connecticut	5	1
Delaware	1	--------
District of Columbia	38	3
Florida:		
Northern	21	--------
Southern	52	2
Georgia:		
Northern	31	3
Middle	52	4
Southern	12	--------
Idaho	3	--------
Illinois:		
Northern	128	6
Eastern	20	3
Southern	20	--------
Indiana:		
Northern	25	--------
Southern	44	3
Iowa:		
Northern	9	--------
Southern	13	2
Kansas	47	2
Kentucky:		
Eastern	643	--------
Western	75	--------
Louisiana:		
Eastern	49	15
Western	8	1
Maine	5	--------
Maryland	30	1
Massachusetts	19	--------
Michigan:		
Eastern	129	--------
Western	38	--------
Minnesota	223	--------
Mississippi:		
Northern	91	--------
Southern	125	1
Missouri:		
Eastern	46	--------
Western	133	9
Montana	5	--------
Nebraska	22	1
Nevada	--------	--------
New Hampshire	5	--------
New Jersey	36	--------
New Mexico	16	--------
New York:		
Northern	51	--------
Eastern	75	3
Southern	69	6
Western	11	--------
North Carolina:		
Eastern	253	2
Middle	138	1
Western	107	3
North Dakota	8	--------
Ohio:		
Northern	59	--------
Southern	78	--------
Oklahoma:		
Northern	103	--------
Eastern	94	6
Western	32	1
Oregon	25	--------
Pennsylvania:		
Eastern	18	1
Middle	12	--------
Western	34	1
Rhode Island	7	--------
South Carolina:		
Eastern	23	1
Western	31	1
South Dakota	21	--------
Tennessee:		
Eastern	72	1
Middle	32	--------
Western	22	--------
Texas:		
Northern	73	--------
Eastern	18	--------
Southern	49	--------
Western	30	1
Utah	22	--------
Vermont	4	--------
Virginia:		
Eastern	20	2
Western	40	--------
Washington:		
Eastern	7	--------
Western	44	--------
West Virginia:		
Northern	31	--------
Southern	430	1
Wisconsin:		
Eastern	6	--------
Western	14	2
Wyoming	4	--------
Deportation	151	5
Alaska	7	--------
Hawaii	5	--------
Puerto Rico	5	--------
Total	4,993	106

Table 6.—Movement of Population under Parole Supervision During the Year by Institution: 1932–33

Institution from which paroled	On parole at beginning of year	Placed on parole during year			Parole terminated during year		On parole at end of year
		Newly released on parole	Restored to parole		Discharged from parole	Parole violator warrants issued	
			Reinstated	Parole violator warrants withdrawn			
Penitentiaries:							
Atlanta	642	861	3	18	882	70	572
Leavenworth Main	685	988	4	5	1,055	59	568
Leavenworth Annex	65	148			104	10	99
McNeil Island	99	222		1	183	11	128
Northeastern (Lewisburg, Pa.)		64			6	1	57
Reformatories:							
Chillicothe	415	825		1	776	38	427
Southwestern (El Reno, Okla.)		15				1	14
Alderson	90	113	1	3	131	6	70
Reformatory Camp (Va.)	338	485		1	480	20	324
Correctional Camp (Va.)	257	518	1	2	359	42	377
Prison camps:							
Fayetteville, N.C	328	339		3	298	44	328
Odenton, Md	39		1		33	5	2
Junction City, Kans	70	97		1	104	1	63
Dupont, Wash	11	7			13		5
Wrightstown, N.J	8				8		
Staten Island, N.Y	22				13	5	4
Montgomery, Ala	76	173			103	7	139
Federal prisons, reformatories and camps, total	3,145	4,855	10	35	4,548	320	3,177
Jails:							
United States Detention Headquarters, New York	21				15		6
United States Detention Farm (La Tuna)		7			4		3
Federal Institutions, total	3,166	4,862	10	35	4,567	320	3,186
State and Territorial institutions	52	91		3	63	7	76
St. Elizabeths		1					1
District of Columbia Reformatory	109	39	1	1	84	23	43
Grand total	3,327	4,993	11	39	4,714	350	3,306

Table 7.—Movement of Population under Parole Supervision by Months: 1932–33

Period	On parole at beginning of period	Placed on parole during period			Parole terminated during period		On parole at end of period
		Released on parole	Restored to parole		Discharged from parole	Parole violator warrants issued	
			Reinstated	Parole violator warrants withdrawn			
1932:							
July	3,327	479	1	1	256	29	3,523
August	3,523	381	--------	2	513	35	3,358
September	3,358	343	--------	1	484	37	3,181
October	3,181	439	--------	--------	361	26	3,233
November	3,233	458	1	6	312	20	3,366
December	3,366	657	3	1	387	25	3,615
July 1 to Dec. 31	3,327	2,757	5	11	2,313	172	3,615
Averages	--------	460	1	2	386	29	--------
1933:							
January	3,615	372	1	1	436	37	3,516
February	3,516	254	2	4	377	24	3,375
March	3,375	372	2	2	435	34	3,282
April	3,282	401	--------	18	417	22	3,262
May	3,262	404	--------	3	294	30	3,345
June	3,345	433	1	--------	442	31	3,306
Jan. 1 to June 30	3,615	2,236	6	28	2,401	178	3,306
Averages	--------	373	1	5	400	30	--------
July 1, 1932 to June 30, 1933	3,327	4,993	11	39	4,714	350	3,306
Averages	--------	416	1	3	393	29	--------

Table 8.—Total Federal Parole Releases and Total Parole Violators Returned to all Classes of Institutions During Each Fiscal Year: 1911–33

Year ending June 30	Prisoners released on parole	Parole violators returned to institutions		Year ending June 30	Prisoners released on parole	Parole violators returned to institutions	
		Number	Ratio per 100 released on parole			Number	Ratio per 100 released on parole
1911	143	1	0.7	1923	855	45	5.3
1912	198	7	3.5	1924	1,060	37	3.5
1913	284	3	1.1	1925	944	40	4.2
1914	325	13	4.0	1926	1,055	25	2.4
1915	212	17	8.0	1927	802	38	4.7
1916	286	10	3.5	1928	1,202	51	4.2
1917	315	13	4.1	1929	1,402	54	3.9
1918	247	15	6.1	1930	2,753	72	2.6
1919	425	11	2.6	1931	4,715	102	2.2
1920	912	19	2.1	1932	5,496	131	2.4
1921	962	23	2.4	1933	4,977	157	3.2
1922	696	22	3.2				

Table 9.—Parole Violator Warrants Issued and Revocations of Parole Compared with Total Parolees Handled and Terminations of Parole: 1932-33

Institution from which paroled	Parole violator warrants issued during the year			Revocations of parole during year			Total persons handled on parole during year	Total terminations of parole during year
	Number	Ratio per 100		Number	Ratio per 100			
		Persons handled on parole	Terminations of parole		Persons handled on parole	Terminations of parole		
Penitentiaries:								
Atlanta	70	4.6	7.4	115	7.5	12.1	1,524	952
Leavenworth Main	59	3.5	5.3	46	2.7	4.1	1,682	1,114
Leavenworth Annex	10	4.7	8.8	7	3.3	6.1	213	114
McNeil Island	11	3.4	5.7	10	3.1	5.2	322	194
Northeastern	1	(1)	(1)	2	(1)	(1)	64	7
Reformatories:								
Chillicothe	38	3.1	4.7	33	2.7	4.1	1,241	814
Southwestern	1	(1)	(1)				15	1
Alderson	6	2.9	4.4				207	137
Reformatory Camp (Va.)	20	2.4	4.0	2	.2	.4	824	500
Correctional Camp (Va.)	42	5.4	10.5	3	.4	.7	778	401
Prison camps:								
No. 1, Fayetteville, N.C	44	6.6	12.9	1	.1	.3	670	342
No. 3, Odenton, Md	5	(1)	(1)				40	38
No. 4, Junction City, Kans	1	.6	1.0				168	105
No. 5, Dupont, Wash							18	13
No. 6, Wrightstown, N.J							8	8
No. 7, Staten Island, N.Y	5	(1)	(1)				22	18
No. 8, Montgomery, Ala	7	2.8	6.4				249	110
Federal prisons, reformatories and camps, total	320	4.0	6.6	219	2.7	4.5	8,045	4,868
Jails:								
United States Detention Headquarters, New York							21	15
United States Detention Farm (La Tuna)							7	4
Federal Institutions, total	320	4.0	6.5	219	2.7	4.5	8,073	4,887
State and Territorial Institutions	7	4.8	(1)	1	.7	(1)	146	70
St. Elizabeths, District of Columbia							1	
District of Columbia Reformatory	23	15.3	21.5	7	4.7	6.5	150	107
Grand total	350	4.2	6.9	227	2.7	4.5	8,370	5,064

[1] Ratios not computed when total persons handled are less than 100.

EXHIBIT NO. 9

UNITED STATES BUREAU OF PRISONS—STATISTICS OF PRISONERS IN FEDERAL INSTITUTIONS AND OF PERSONS UNDER SUPERVISION OF FEDERAL PROBATION OFFICERS

The United States Bureau of Prisons is responsible for the handling of all Federal prisoners and the supervision of Federal prisoners who have been released on parole. In addition, the Bureau supervises the work of the probation officers in the Federal district courts. These officers are required by law to maintain such records and furnish such reports as may be directed by the Bureau of Prisons.

The tables in this exhibit cover all Federal-sentenced prisoners and all cases under the supervision of Federal probation officers. No statistics are here presented covering Federal prisoners held for trial in local jails. Information concerning cases under Federal parole supervision, together with certain historical information concerning Federal prisoners, are to be found in exhibit no. 8, together with statistics of the work of the United States Board of Parole.

The first table in this exhibit shows the average population of Federal institutions for each year from 1896 to 1933, inclusive. Table 2 shows the movement of Federal sentenced prisoners during the past fiscal year, for each principal class of institutions. Table 3 gives similar information for each of the Federal institutions. Table 4 shows the classification by offense of sentenced prisoners received during the year, for each principal class of institutions. Table 5 shows all Federal sentenced prisoners received during the year, classified by sex and judicial district in which committed.

Tables 6 to 10 inclusive cover those persons placed on probation by the Federal courts, who are under supervision of salaried full-time Federal probation officers. (No statistics are available concerning the relatively small group of probationers not under such supervision.) Table 6 shows the growth in the probation work during the past 3 years, while table 7 shows the movement of cases under probation supervision during the same period. Table 8 shows the classification by offense of persons placed on probation during the past fiscal year. Table 9 shows the same group, classified by sex and judicial district. Table 10 shows, for each judicial district, the number of persons under supervision of United States probation officers on June 30, 1933, including those on probation and also those on parole and on conditional release.

Table 1.—Average Population of Federal Institutions for Each Fiscal Year Ending June 30, 1896 to 1933[1]

Fiscal year	Average daily population	Index of change (1910=100)	Fiscal year	Average daily population	Index of change (1910=100)
1896	301	16.0	1915	2,265	120.2
1897	491	26.1	1916	3,016	160.1
1898	499	26.5	1917	3,086	163.8
1899	608	32.3	1918	3,121	165.7
1900	792	42.0	1919	3,712	197.0
1901	805	42.7	1920	3,760	199.6
1902	1,019	54.1	1921	3,786	201.0
1903	1,306	69.3	1922	4,785	254.0
1904	1,466	77.8	1923	5,323	282.5
1905	1,505	79.9	1924	5,652	300.0
1906	1,575	83.6	1925	6,464	343.1
1907	1,448	76.9	1926	6,708	356.1
1908	1,469	78.0	1927	7,016	372.4
1909	1,538	81.6	1928	7,743	411.0
1910	1,884	100.0	1929	8,418	446.8
1911	1,951	103.6	1930	11,250	597.1
1912	2,087	10.8	1931	12,433	659.9
1913	2,268	120.4	1932	13,085	694.5
1914	2,008	106.6	1933	12,515	664.3

[1] Includes all Federal prisons, reformatories, and camps.

Table 2.—Movement of Federal-Sentenced Prisoners by Class of Institution and Sex: 1932–33

	All institutions			Federal institutions [1]			State institutions			Jails, etc.[2]			National Training School Boys (D.C.)	St. Elizabeths Hospital (D.C.)		
	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Male	Total	Male	Female
Population July 1, 1932	22,454	21,558	896	13,698	13,228	470	292	228	64	[3] 8,121	[3] 7,767	[3] 354	273	70	62	8
Admissions during year:																
Received from courts	42,766	40,938	1,828	8,775	8,458	317	70	58	12	33,848	32,349	1,499	73			
Parole violators returned	238	227	11	140	140		3	3		85	74	11	10			
Escaped prisoners returned	122	117	5	55	53	2	15	12	3	47	47		5			
Other admissions	107	92	15	26	23	3				81	69	12				
Transferred from other institutions [4]	2,351	2,348	3	2,337	2,334	3	11	11		(4)	(4)	(4)	2	1	1	
Total received	45,584	43,722	1,862	11,333	11,008	325	99	84	15	34,061	32,539	1,522	90	1	1	
Discharges during year:																
Sentence expired [4]	34,493	32,931	1,562	5,509	5,242	267	107	78	29	[5] 28,774	27,508	1,266	100	3	3	
Conditional release	106	98	8	104	96	8	2	2								
Paroled	5,004	4,882	122	4,855	4,742	113	71	64	7	27	25	2	50	1	1	
Pardoned	10		10	10		10										
Sentence commuted	21	20	1	20	20		1		1							
Died	112	106	6	69	65	4	3	3		38	36	2		2	2	
Escaped	142	140	2	76	74	2	15	15		38	38		13			
Other	7,626	7,234	392	128	126	2	1	1		7,494	7,104	390	3			
Total discharges except transfers	47,514	45,411	2,103	10,771	10,365	406	200	163	37	36,371	34,711	1,660	166	6	6	
Transferred to other institutions [4]	2,136	2,126	10	2,112	2,112		22	12	10	(4)	(4)	(4)	1	1	1	
Grand total discharged	49,650	47,537	2,113	12,883	12,477	406	222	175	47	36,371	34,711	1,660	167	7	7	
Population June 30, 1933	18,388	17,743	645	12,148	11,759	389	169	137	32	5,811	5,595	216	196	64	56	8

[1] Includes Federal prisons, reformatories, and camps.
[2] Includes Federal jails, as well as territorial, county, and city institutions.
[3] These figures differ from the previously published count of jail population on June 30, 1932, because of the inclusion here of Oregon (for which figures were lacking last year); and also because of corrections based on later information.
[4] Transfers between jails not tabulated.
[5] Includes all cases reported as released on expiration of sentence, including those also reported as released in other ways.

Table 3.—Movement of Population for Each Federal Institution: 1932–33

	Total	Penitentiaries					Reformatories			Camps		
		Atlanta	Leavenworth		McNeil Island	North-eastern[1]	Chillicothe	South-western[2]	Alderson	Reformatory camp (Va.)	Correctional camp (Va.)	Prison camps[3]
			Main	Annex								
Population July 1, 1932	13,698	3,281	3,537	1,835	1,005	--------	1,534	--------	470	635	640	761
Admissions during year:												
Received from courts	8,775	1,890	1,813	1,002	646	584	1,205	6	317	445	458	409
Parole violators returned	140	49	38	8	6	--------	34	--------	--------	1	3	1
Escaped prisoners returned	55	10	4	1	3	--------	14	--------	2	12	3	6
Other admissions	26	3	2	16	--------	--------	--------	--------	3	1	--------	1
Transferred from other institutions	2,337	177	165	57	1	570	44	213	3	147	194	766
Total received	11,333	2,129	2,022	1,084	656	1,154	1,297	219	325	606	658	1,183
Discharges during year:												
Sentence expired:												
Full time served	283	94	22	4	6	2	45	--------	2	47	61	--------
Good conduct deduction	5,226	989	1,106	961	420	32	509	4	265	195	201	544
Total sentence expired	5,509	1,083	1,128	965	426	34	554	4	267	242	262	544
Conditionally released	104	21	18	27	2	3	16	--------	8	--------	2	7
Paroled	4,855	861	988	148	222	64	825	15	113	485	518	616
Pardoned by the President	10	--------	--------	--------	--------	--------	--------	--------	10	--------	--------	--------
Sentence commuted by the President	20	8	6	1	--------	--------	--------	--------	--------	2	--------	3
Died	69	12	17	20	4	1	5	--------	4	--------	3	3
Escaped	76	9	1	1	1	1	15	--------	2	17	3	26
Other	128	82	8	15	1	1	6	--------	2	2	3	8
Total discharged, except transfers	10,771	2,076	2,166	1,177	656	104	1,421	19	406	748	791	1,207
Transferred to other institutions	2,112	1,091	400	27	52	3	283	1	--------	71	42	142
Total discharged	12,883	3,167	2,566	1,204	708	107	1,704	20	406	819	833	1,349
Population June 30, 1933	12,148	2,243	2,993	1,715	953	1,047	1,127	199	389	422	465	595

[1] Opened Nov. 15, 1932.
[2] Opened Apr 4, 1933.
[3] Includes Camps No. 1, Fayetteville, N.C; No. 5, Dupont, Wash.; and No. 8, Montgomery, Ala.; in operation during entire year. Includes also Camp No. 4, Junction City, Kans., in operation up to May 19, 1933, and Camp No. 10, Tucson, Ariz., in operation beginning June 15, 1933.

Table 4.—Federal-Sentenced Prisoners Received from the Courts During the Year by Offense, Class of Institution, and Sex: 1932–33

Offense	All institutions			Federal institutions [1]			State institutions			Jails, etc.[2]			National Training School for Boys (D.C.)
	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Male
Counterfeiting and forgery	1,292	1,257	35	867	848	19	4	3	1	419	404	15	2
Homicide	36	35	1	22	22					14	13	1	
Immigration Act violation	4,083	3,892	191	221	215	6	4	4		3,858	3,673	185	
Interstate Commerce Act violation	296	295	1	194	193	1	1	1		97	97		4
Liquor law violations	29,962	28,830	1,132	3,337	3,261	76	21	17	4	26,576	25,524	1,052	28
Mann Act violation	254	216	38	142	123	19	3	2	1	109	91	18	
Motor Vehicle Act violation	1,416	1,396	20	1,019	1,012	7	17	17		355	342	13	25
Narcotic Drug Act violation	1,955	1,698	257	1,385	1,235	150	6	3	3	563	459	104	1
National Banking and Federal Reserve Act violation	162	157	5	133	128	5				29	29		
Postal law violation	1,224	1,174	50	816	791	25	7	5	2	389	366	23	12
Other offenses	2,006	1,908	98	580	571	9	6	5	1	1,419	1,331	88	1
Offenses not reported	80	80		59	59		1	1		20	20		
Total	42,766	40,938	1,828	8,775	8,458	317	70	58	12	33,848	32,349	1,499	73

[1] Includes Federal prisons, reformatories, and camps.
[2] Includes Federal jails, as well as county and city institutions.

Table 5.—Federal Sentenced Prisoners Received From the Courts During the Year, by Judicial District and Sex: 1932-33 [1]

Judicial districts	Total	Male	Female
Alabama:			
Northern	752	707	45
Middle	363	355	8
Southern	276	262	14
Arizona	636	609	27
Arkansas:			
Eastern	209	208	1
Western	41	40	1
California:			
Northern	701	690	11
Southern	701	680	21
Colorado	448	414	34
Connecticut	133	133	--------
Delaware	62	59	3
District of Columbia	8	8	--------
Florida:			
Northern	152	152	--------
Southern	586	559	27
Georgia:			
Northern	562	552	10
Middle	534	521	13
Southern	287	279	8
Idaho	371	353	18
Illinois:			
Northern	1,217	1,167	50
Eastern	814	734	80
Southern	455	426	29
Indiana:			
Northern	99	99	--------
Southern	455	428	27
Iowa:			
Northern	169	165	4
Southern	280	266	14
Kansas	132	129	3
Kentucky:			
Eastern	680	662	18
Western	565	552	13
Louisiana:			
Eastern	794	746	48
Western	332	318	14
Maine	192	190	2
Maryland	997	982	15
Massachusetts	83	79	4
Michigan:			
Eastern	580	533	47
Western	236	230	6
Minnesota	1,331	1,219	112
Mississippi:			
Northern	633	599	34
Southern	378	357	21
Missouri:			
Eastern	555	511	44
Western	976	923	53
Montana	722	692	30
Nebraska	195	181	14
Nevada	150	149	1
New Hampshire	145	130	15
New Jersey	881	873	8
New Mexico	359	355	4
New York:			
Northern	734	726	8
Eastern	967	964	3
Southern	2,034	2,019	15
Western	339	336	3
North Carolina:			
Eastern	340	338	2
Middle	452	450	2
Western	482	468	14
North Dakota	74	74	--------
Ohio:			
Northern	784	746	38
Southern	326	312	14
Oklahoma:			
Northern	774	706	68
Eastern	1,362	1,314	48
Western	430	412	18
Oregon	263	257	6
Pennsylvania:			
Eastern	166	160	6
Middle	151	146	5
Western	441	432	9
Rhode Island	38	37	1
South Carolina:			
Eastern	405	398	7
Western	282	277	5
South Dakota	151	142	9
Tennessee:			
Eastern	438	426	12
Middle	673	645	28
Western	142	140	2
Texas:			
Northern	972	891	81
Eastern	302	293	9
Southern	2,157	2,035	122
Western	1,954	1,845	109
Utah	88	85	3
Vermont	179	176	3
Virginia:			
Eastern	168	160	8
Western	263	249	14
Washington:			
Eastern	198	191	7
Western	447	441	6
West Virginia:			
Northern	434	395	39
Southern	777	722	55
Wisconsin:			
Eastern	184	173	11
Western	323	310	13
Wyoming	77	73	4
Military courts	10	10	--------
District not reported	59	59	--------
Total	42,067	40,309	1,758
Alaska	509	443	66
Hawaii	117	113	
Puerto Rico	73	73	--------
Total	699	629	70
Grand total	42,766	40,938	1,828

[1] This table covers all classes of institutions.

Table 6.—Growth of Probation: July 1, 1930, to July 1, 1933

Date	Number of probation officers	Probationers under supervision	
		Total number	Average case load per officer
July 1, 1930	8	4,281	535
July 1, 1931	62	13,321	215
July 1, 1932	63	23,200	368
July 1, 1933	92	30,870	336

Table 7.—Movement of Cases Under Probation Supervision: July 1, 1930, to June 30, 1933

	1930–31	1931–32	1932–33
On probation at beginning of year	4,281	13,321	23,200
Received on probation during year:			
Received from court	11,273	15,318	16,907
Reinstated on probation	(1)	16	254
Voluntary case load taken over by newly appointed officers	(1)	(1)	922
Transferred from other districts [2]	1,701	639	678
Total received	12,974	15,973	18,761
Discharged from probation during year:			
Discharged from supervision	2,805	4,906	8,951
Died	51	155	232
Probation violators	444	728	1,244
Total discharged, except transfers	3,300	5,789	10,427
Transferred to other districts [2]	634	305	664
Total discharged	3,934	6,094	11,091
Remaining on probation at end of year	13,321	23,200	30,870

[1] Not separately classified.
[2] The number received by transfer exceeds the number discharged by transfer because of cases transferred from districts not having Federal probation officers to districts which have officers.

Table 8.—Persons Newly Received From Courts on Probation During the Year, by Offense and Sex: 1932-33

Offense	Total	Male	Female
Bankruptcy Act violation	79	76	3
Counterfeiting and forgery	405	371	34
Customs Act violation	25	24	1
Homicide	4	4	
Immigration Act violation	81	74	7
Internal Revenue Act violation	189	183	6
Interstate Commerce Act violation	140	140	
Liquor Law violations:			
Prohibition Act	13,537	12,124	1,413
Other liquor laws	326	307	19
Mann Act violation	75	54	21
Motor Vehicle Theft Act violation	404	398	6
Narcotic Drug Act violation	419	344	75
National Bank and Federal Reserve Act violations	130	122	8
Postal law violations:			
Burglary	51	51	
Embezzlement	138	116	22
Forgery	84	62	22
Fraud	189	145	44
Larceny	88	85	3
Mailing obscene matter	46	38	8
Robbery	34	30	4
Other and not specified	132	104	28
All other Federal offenses	298	291	7
Unclassified	33	30	3
Total	16,907	15,173	1,734

Table 9.—Persons Newly Received from Courts on Probation During the Year, by Judicial District and Sex: 1932-33

Judicial district	Total	Male	Female
Alabama:			
Northern	302	264	38
Middle	448	433	15
Southern	212	181	31
Arizona	122	102	20
Arkansas:			
Eastern	250	232	18
Western	(1)	(1)	(1)
California:			
Northern	170	149	21
Southern	451	426	25
Colorado	(1)	(1)	(1)
Connecticut	259	252	7
Delaware	(1)	(1)	(1)
District of Columbia	(1)	(1)	(1)
Florida:			
Northern	(1)	(1)	(1)
Southern	482	420	62
Georgia:			
Northern	226	206	20
Middle	496	459	37
Southern	134	122	12
Idaho	(1)	(1)	(1)
Illinois:			
Northern	353	317	36
Eastern	324	260	64
Southern	108	96	12
Indiana:			
Northern	132	118	14
Southern	132	124	8
Iowa:			
Northern	29	24	5
Southern	45	41	4
Kansas	197	176	21
Kentucky:			
Eastern	1,309	1,276	33
Western	448	430	18
Louisiana:			
Eastern	243	188	55
Western	63	48	15
Maine	(1)	(1)	(1)
Maryland	229	172	57
Massachusetts	544	522	22
Michigan:			
Eastern	77	71	6
Western	103	91	12
Minnesota	578	443	135
Mississippi:			
Northern	66	55	11
Southern	373	316	57
Missouri:			
Eastern	53	43	10
Western	224	201	23
Montana	348	307	41
Nebraska	74	50	24
Nevada	166	160	6
New Hampshire	(1)	(1)	(1)
New Jersey	114	106	8
New Mexico	102	86	16
New York:			
Northern	371	338	33
Eastern	219	202	17
Southern	167	153	14
Western	123	99	24
North Carolina:			
Eastern	304	296	8
Middle	420	416	4
Western	365	330	35
North Dakota	(1)	(1)	(1)
Ohio:			
Northern	(1)	(1)	(1)
Southern	102	99	3
Oklahoma:			
Northern	(1)	(1)	(1)
Eastern	(1)	(1)	(1)
Western	(1)	(1)	(1)
Oregon	217	184	33
Pennsylvania:			
Eastern	382	362	20
Middle	556	493	63
Western	905	766	139
Rhode Island	197	195	2
South Carolina:			
Eastern	91	85	6
Western	151	143	8
South Dakota	80	72	8
Tennessee:			
Eastern	179	168	11
Middle	32	32	(1)
Western	176	170	6
Texas:			
Northern	284	238	46
Eastern	108	91	17
Southern	571	467	104
Western	185	135	50
Utah	(1)	(1)	(1)
Vermont	(1)	(1)	(1)
Virginia:			
Eastern	98	90	8
Western	(1)	(1)	(1)
Washington:			
Eastern	(1)	(1)	(1)
Western	414	369	45
West Virginia:			
Northern	(1)	(1)	(1)
Southern	224	213	11
Wisconsin:			
Eastern	(1)	(1)	(1)
Western	(1)	(1)	(1)
Wyoming	(1)	(1)	(1)
Total	16,907	15,173	1,734

[1] No full-time salaried probation officer provided for district during fiscal year, due to limited appropriation.

Table 10.—Persons Under Supervision of United States Probation Officers on June 30, 1933

Judicial district	Probationers	Parolees	Conditional releases
Alabama:			
Northern	904	47	7
Middle	1,030	69	2
Southern	329	6	
Arizona	233	22	
Arkansas:			
Eastern	265	17	
Western	(1)	16	
California:			
Northern	294	30	
Southern	1,003	46	2
Colorado	(1)	[2] 20	
Connecticut	228	3	1
Delaware	(1)		
Florida:			
Northern	(1)	[3] 4	
Southern	778	29	2
Georgia:			
Northern	313	15	3
Middle	663	25	4
Southern	394	2	
Idaho	(1)	[4] 4	
Illinois:			
Northern	907	60	6
Eastern	649	19	3
Southern	152	13	
Indiana:			
Northern	251	17	
Southern	127	34	3
Iowa:			
Northern	23	8	
Southern	79	9	2
Kansas	371	26	2
Kentucky:			
Eastern	3,560	662	
Western	642	52	
Louisiana:			
Eastern	525	15	15
Western	75	5	1
Maine	(1)	[5] 5	
Maryland	245	17	1
Massachusetts	720	15	
Michigan:			
Eastern	177	75	
Western	118	27	
Minnesota	1,359	138	
Mississippi:			
Northern	71	55	
Southern	325	46	1
Missouri:			
Eastern	119	42	
Western	301	64	9
Montana	1,468	6	
Nebraska	208	19	1
Nevada	270		
New Hampshire	(1)	[6] 6	
New Jersey	130	21	
New Mexico	241	14	
New York:			
Northern	641	21	
Eastern	288	47	3
Southern	365	50	6
Western	133	9	
North Carolina:			
Eastern	433	161	2
Middle	863	66	1
Western	802	62	3
North Dakota	(1)	[6] 4	
Ohio:			
Northern	(1)	48	
Southern	104	44	
Oklahoma:			
Northern	(1)	[2] 60	
Eastern	(1)	[2] 58	[2] 6
Western	(1)	[2] 22	[2] 1
Oregon	212	13	
Pennsylvania:			
Eastern	481	14	1
Middle	656	11	
Western	1,208	19	1
Rhode Island	291	2	
South Carolina:			
Eastern	87	14	1
Western	254	17	1
South Dakota	110	11	
Tennessee:			
Eastern	469	42	1
Middle	87	22	
Western	197	18	
Texas:			
Northern	563	32	
Eastern	192	9	
Southern	1,101	12	
Western	169	8	1
Utah	(1)	[2] 13	
Vermont	(1)	[7] 1	
Virginia:			
Eastern	110	11	2
Western	(1)	[8] 26	
Washington:			
Eastern	(1)	[9] 6	
Western	628	29	
West Virginia:			
Northern	(1)	14	
Southern	879	303	1
Wisconsin:			
Eastern	(1)	[10] 5	
Western	(1)	[10] 11	2
Wyoming	(1)	1	
Total	30,870	3,141	98

[1] No full-time salaried probation officer provided for district during fiscal year, due to limited appropriation.
[2] Supervised by United States probation officer for Kansas.
[3] Supervised by United States probation officer for Florida, southern.
[4] Supervised by United States probation officer for Nebraska.
[5] Supervised by United States probation officer for Massachusetts.
[6] Supervised by United States probation officer for Minnesota.
[7] Supervised by United States probation officer for New York, eastern.
[8] Supervised by United States probation officer for Virginia, eastern.
[9] Supervised by United States probation officer for Washington, western.
[10] Supervised by chief probation officer, State board of control.