

77TH CONGRESS : : : : 1ST SESSION

JANUARY 3, 1941-JANUARY 2, 1942

# SENATE DOCUMENTS

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77th CONGRESS : 1st Session  
JANUARY 3, 1941 - MAY 1, 1941

# SENATE DOCUMENTS

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SUMMARY OF MAJOR LEGISLATION,  
AND OF FEDERAL COURT DECISIONS  
ON ITS CONSTITUTIONALITY,  
73<sup>D</sup>-76<sup>TH</sup> CONGRESS

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SUMMARY OF MAJOR LEGISLATION, 1933-1940,  
WITH THE VARIOUS AMENDMENTS TO EACH  
BASIC ACT, AND DECISIONS OF THE  
FEDERAL COURTS AS TO THE CON-  
STITUTIONALITY OF THE BASIC  
AND AMENDING ACTS

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REVISING AND SUPPLEMENTING SENATE DOCUMENT  
NO. 187, 76TH CONGRESS



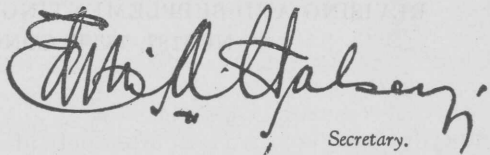
UNITED STATES  
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WASHINGTON : 1941

[Submitted by Mr. BARKLEY]

IN THE SENATE OF THE UNITED STATES,  
*April 22, 1941.*

*Ordered*, That Senate Document No. 187, Seventy-sixth Congress, being a compilation of outstanding legislation enacted since March 4, 1933, with significant decisions of the Federal courts on the constitutionality of the basic and amending acts, prepared by the Legislative Reference Service of the Library of Congress, be revised and printed as a Senate document.

Attest:

  
Secretary.

## PREFACE

This document is a revision of Senate Document No. 187 (76th Cong., 3d sess.), bringing the latter down to the close of the Seventy-sixth Congress. It is designed to include the outstanding legislation during President Roosevelt's first two terms, together with the various amendments to each basic act, as well as the more significant decisions of the Federal courts as to the constitutionality of the basic and the amending acts, including certain decisions in 1941, prior to April 15. In selecting acts for inclusion in the list, the aim has been to include primarily those which have undertaken to blaze new trails, and to omit those which merely carry on long-standing Federal activities, such as those in relation to the public lands. Where a basic act is included, its amendments are also included, although they may not in themselves be of any significance. In the selection of cases passing on the constitutionality of the laws, the decisions of the lower courts have ordinarily been disregarded wherever there is a decision as to the same point by a higher court. In connection with each case cited, a very brief summary has been given of the discussion of the constitutional points involved, with a reference to the dissenting opinions, if any.

The acts have been classified under 25 heads, with cross-references at the end of each group to other acts relating to the same general subject matter. There is appended an alphabetical list of cases cited, a chronological list of acts included (showing the slip law number for each act), and an alphabetical index of the subject matter of the legislation and of the constitutional points involved.

This document was prepared by W. H. McClenon, in charge of the Federal Law Section of the Legislative Reference Service.

ERNEST S. GRIFFITH,  
*Director, Legislative Reference Service.*

WASHINGTON, D. C., April 17, 1941.



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# SUMMARY OF MAJOR LEGISLATION, 1933-1940, AND OF FEDERAL COURT DECISIONS ON THE CONSTITUTIONALITY THEREOF

## A. AGRICULTURE

1. AGRICULTURAL ADJUSTMENT Act of May 12, 1933 (48 Stat. 31-41; U. S. Code 7: 601-619).

Secretary of Agriculture authorized to acquire stocks of cotton, and given broad powers for the purpose of establishing parity between agriculture and other industries, including the power to enter into agreements to reduce agricultural production, to license processors, etc., and to fix the amount of processing taxes on basic agricultural commodities (wheat, cotton, field corn, hogs, rice, tobacco, milk and milk products) and competing commodities, the proceeds of such taxes to be available for benefit payments, etc.

### AMENDING ACTS:

Act of June 16, 1933 (48 Stat. 210, § 221; U. S. Code 7: 607). Secretary authorized to enter option contracts to sell cotton to producers. [Superseded by act of August 24, 1935, below.]

Act of June 16, 1933 (48 Stat. 273, § 86; U. S. Code 7: 610). State administrators to be appointed by the President with the Senate's consent.

Act of January 25, 1934 (48 Stat. 337, c. 5; U. S. Code 18: 206; 41: 22). Members of Congress authorized to participate in contracts under the act. [Amended by act of August 26, 1937 (50 Stat. 838, c. 821).]

Act of April 7, 1934 (48 Stat. 528; U. S. Code 7: 608, 609, 611, 612, 612a). Cattle, peanuts, rye, flax, barley and grain sorghums included in "basic agricultural commodities." \$250,000,000 authorized to be appropriated to enable the Secretary to finance surplus reductions and production adjustments with respect to the dairy and beef-cattle industries, to support and balance the markets for these industries, to make advances to Federal Surplus Relief Corporation for distribution of dairy and beef products for relief purposes, and to eliminate diseased cattle. [\$150,000,000 was appropriated for these purposes by joint resolution of May 25, 1934 (48 Stat. 805, c. 351); the act was largely superseded by the acts of August 24, 1935, and June 3, 1937, below.]

## A-1—Continued.

Act of May 9, 1934 (48 Stat. 670-678; U. S. Code 7: 608a, 609-611, 613, 615-617, 620). Sugar beets and sugarcane included in "basic agricultural commodities," with special regulations governing their production, marketing, etc., including restrictions on employment of child labor, etc. [Amended by joint resolution of June 19, 1936 (49 Stat. 1539, c. 612), and largely superseded by acts of June 3 and September 1, 1937, below.]

Act of June 16, 1934 (48 Stat. 973, c. 551; U. S. Code 7:615). Refund of processing tax on products for charitable, etc., distribution. [Temporary and executed.]

Act of June 19, 1934 (48 Stat. 1058-59; U. S. Code 7: 604). Special provisions for financing cotton loans. [Amended by act of August 24, 1935, below.]

Act of June 26, 1934 (48 Stat. 1223, c. 753; U. S. Code 7:621, 622). Tax on floor stocks not to apply to certain machinery belting.

Act of June 26, 1934 (48 Stat. 1241-42; U. S. Code 7: 609, 615, 616, 619). Provisions for adjustment, etc., of processing taxes in certain cases. [Largely if not entirely superseded by various acts cited below.]

Act of March 18, 1935 (49 Stat. 45-48; U. S. Code Supp. 7: 608, 609, 615-617). Various special provisions relating to rice. [Largely superseded by various acts cited below.]

Act of May 17, 1935 (49 Stat. 281, § 2; U. S. Code Supp. 7: 619a). Processing tax on cotton to be payable from 90 days to 6 months after filing of processor's report. [Superseded by act of June 3, 1937, below.]

Act of August 24, 1935 (49 Stat. 750-782; U. S. Code Supp. 7: 602, etc.). Numerous amendments to various provisions of the original act, especially:

- (a) new regulations governing commodity payments;
- (b) authority granted to the Secretary to issue orders regulating processing, marketing, etc., especially in relation to milk;
- (c) statutory standards prescribed for determination of rates of processing taxes, with certain rates specifically prescribed;
- (d) courts not to have jurisdiction of suits to prevent collection of taxes or for refunds;
- (e) President authorized to limit imports, on the basis of Tariff Commission's report that such imports tend to interfere with an agricultural adjustment program;
- (f) 30% of customs receipts set apart for use by Secretary of Agriculture to encourage exportation, etc., of agricultural products. (See also act of June 28, 1937, 50 Stat. 323 c. 385, and joint resolution of June 26, 1940, 54 Stat. 627 §41, Pub. Res. 88.)

[This act was largely repealed by act of February 10, 1936 (49 Stat. 1106 c. 42); see also act of March 2, 1936 (49 Stat. 1155 c. 112), and acts of January 25 and October 8, 1940, below.]

## A-1—Continued.

Act of August 26, 1935 (49 Stat. 801, c. 685; U. S. Code Supp. 7: 610). President authorized to attach United States possessions to collection districts for purposes of processing taxes. [Repealed by act of June 3, 1937, below.]

Act of February 11, 1936 (49 Stat. 1135, § 2). Provision for use of processing taxes on sugar beets or sugarcane in Puerto Rico. [Superseded by act of June 3, 1937, below.]

Act of February 29, 1936 (49 Stat. 1151-52; U. S. Code Supp. 7: 612c, 624). Minor amendments only.

Act of June 4, 1936 (49 Stat. 1464, c. 501; U. S. Code Supp. 7: 616). Correction of a date in the amending act of August 24, 1935, relating to taxes on stock on hand.

Act of June 22, 1936 (49 Stat. 1734-42, 1747-55; U. S. Code Supp. 7: 610, 615-617, 623, 641-659). Provisions concerning refunding of processing taxes, etc., modified, in the light of the decisions cited below; tax of 80 percent imposed on the "unjust enrichment" resulting from the refund of taxes that had already been shifted to the ultimate consumer. [Partly incorporated in and superseded by the Internal Revenue Code (O, 10, below).]

Act of June 3, 1937 (50 Stat. 246-249; U. S. Code Supp. 7: 601, etc.). Reenactment of those parts of the act not intended for control of agricultural production. Fixing of minimum prices for milk or its products permitted, subject to referendum of producers. Processing taxes specifically prohibited.

Act of August 5, 1937 (50 Stat. 563 c. 567; U. S. Code Supp. 7: 608c). Orders of Secretary under amending act of August 24, 1935, made applicable in the case of honey, etc.

Act of September 1, 1937 (50 Stat. 916, §510; U. S. Code Supp. 7: 1180). Original act, as amended, not to apply to sugar.

Act of April 13, 1938 (52 Stat. 215 c. 143; U. S. Code Supp. 7: 608c, 608c-1). Orders of Secretary under amending act of August 24, 1935, made applicable in the case of hops; such orders not to apply except during next two crop years (extended to September 1, 1942, by act of May 26, 1939, 53 Stat. 782 c. 150).

Act of May 31, 1939 (53 Stat. 793 c. 157; U. S. Code Supp. 7: 608). Orders of Secretary under amending act of August 24, 1935, not to apply to apples produced in Washington, Oregon, and Idaho.

Act of January 25, 1940 (54 Stat. 17 c. 13; Pub. No. 406). Amendment of import restrictions in amending act of August 24, 1935; President authorized to impose fees in such cases, limited to 50% ad valorem, to be treated as duties imposed under the Tariff Act of 1930.

Act of October 8, 1940 (54 Stat. 1019 c. 759; Pub. No. 802). Amendment of §8f, relating to warehouse receipts.

## DECISIONS AS TO CONSTITUTIONALITY:

The provisions of the original act relating to processing taxes were held unconstitutional in *United States v. Butler*,

## A-1—Continued.

297 U. S. 1, on the ground that the sole object of the tax was "to take money from the processor and bestow it upon farmers who will reduce their acreage," a purpose which is "foreign to the procurement of revenue for the support of government"; the court declared that a tax, under the Constitution, is "an exaction for the support of the Government," and cannot include "the expropriation of money from one group for the benefit of another." The court also held that the act "invades the reserved rights of the states," being "a statutory plan to regulate and control agricultural production, a matter beyond the powers delegated to the federal government"; since no power "to regulate agricultural production" is granted in the Constitution, by virtue of the Tenth Amendment "legislation by Congress for that purpose is forbidden"; since Congress has no power to enforce directly its declared policy to regulate agricultural production, it cannot indirectly accomplish this result "by taxing and spending to purchase compliance."

Justices Stone, Brandeis, and Cardozo, dissenting, maintained that the taxes, if they stood alone, would unquestionably be valid; and that they should not be held invalid merely because they constituted "a step in a plan to regulate agricultural production" and were to be used "to defray an expenditure for the general welfare rather than for some other support of government"; the levy of the taxes did not have "any perceptible regulatory effect" upon either the production or manufacture of agricultural products, hence the "regulation, if any there be, is accomplished not by the tax but by the method by which its proceeds are expended, and would equally be accomplished by any like use of public funds, regardless of their source"; the "spending power of Congress is in addition to the legislative power and not subordinate to it," and may be used in order to secure by persuasion "action over which Congress has no legislative control."

In *Rickert Rice Mills v. Fontenot*, 297 U. S. 110, it was held that the amendments to the processing tax, etc., provisions made by the act of August 24, 1935 did not "cure the infirmities of the original act which were the basis of decision in *United States v. Butler*." [Rehearing denied, 297 U. S. 726.]

In *United States v. David Buttrick Co.*, 28 Fed. Supp. 878, it was held that the provisions of the amending act of August 24, 1935, relating to milk handling, are constitutional.

In *United States v. Rock Royal Co-Operative*, 307 U. S. 533, the provision in the act of June 3, 1937, authorizing the fixing of minimum milk prices, was held to come within the commerce power, and not to involve any unconstitutional delegation of legislative power; the court stated that "the standards give ample indications of the various factors to be considered by the Secretary."

Justices McReynolds and Butler dissented, on the basis of the *Schechter* decision. (See under H (No. 3), below.)

## A-1—Continued.

Justices Roberts and Hughes also dissented on the ground that the act involved an unconstitutional delegation of legislative power.

[Rehearing of the *Rock Royal* case was denied, 308 U. S. 631.]

In *H. P. Hood & Sons v. United States*, 307 U. S. 588, the validity of the act of June 3, 1937, was again affirmed. Justices Roberts, McReynolds, and Butler, dissenting, maintained that the act "permitted such a variety of forms of regulation as to invest the Secretary with a choice of discrete systems each having the characteristics of an independent and complete statute," that "a law is to come into being on the basis of the Secretary's sole judgment as to its probable effect upon the milk industry, its probable effect upon the consumer, its probable consonance with the public interest, and its feasibility," and that hence there is an unconstitutional attempt to delegate legislative power.

The validity of the amending act of April 13, 1938, was upheld in *United States v. Hughes*, 28 Fed. Supp. 977.

## 2. Act of February 23, 1934 (48 Stat. 354).

Governor of Farm Credit Administration to make loans to farmers during 1934 for crop production, planting, fallowing, and cultivation and (up to \$1,000,000) for feed for livestock in drought- and storm-stricken areas.

[Appropriation of \$40,000,000 for this purpose was made by joint resolution of March 10, 1934 (48 Stat. 402, c. 56).]

## 3. COTTON CONTROL ACT of April 21, 1934 (48 Stat. 598-607; U. S. Code 7 : 701-724).

Tax of at least 5 cents a pound (based on average central market price) imposed on the ginning of cotton in excess of 10,000,000 bales (for the year 1934-35), to be apportioned to the several States, etc., by the Secretary of Agriculture, on the basis of average production for the past 5 years. The proceeds of the tax were to be used to carry out the cotton program of the Agricultural Adjustment Administration and for expenses under the act. The President was authorized to extend the act to the crop year 1935-36, subject to approval on referendum by two-thirds of the producers.

[The joint resolution of May 25, 1934 (48 Stat. 805, c. 351) made an appropriation for carrying out the provisions of this act.]

## AMENDING ACTS:

Joint resolution of June 20, 1934 (48 Stat. 1184, c. 687; U. S. Code 7 : 725). Restrictions on issue of tax-exempt certificates; allotment of surplus cotton.

Joint resolution of August 9, 1935 (49 Stat. 570, c. 504). State allotments not to be less than 4,000 bales if prior production over 5,000.

## A-3—Continued.

Act of August 24, 1935 (49 Stat. 776-778). Extension to 1936-37 and 1937-38 authorized; action of Secretary as to 1935-36 validated; provisions for allotments to individual farms.

Act of February 10, 1936 (49 Stat. 1106, c. 42). Repeal of practically the entire act, including the 1935 amendments. [See also act of March 2, 1936 (49 Stat. 1155, c. 112).]

## DECISIONS AS TO CONSTITUTIONALITY:

In *Moor v. Texas & N. O. R. R. Co.*, 75 Fed. (2d) 386, it was held that the requirement of a tax tag as prerequisite to shipment of cotton in interstate commerce was not clearly unconstitutional in view of "the broad power to regulate commerce among the several states, conferred by section 8 of article I, cl. 3 of the Constitution." [Certiorari granted, 295 U. S. 728, but writ dismissed, as having been "improvidently granted," 297 U. S. 101.]

In *United States v. Moor*, 93 Fed. (2d) 422, the act was held "so intimately related to the Agricultural Adjustment Act that the two should go down together," on the basis of the decision in the *Butler* case. (See under No. 1 above.) [Certiorari denied, 303 U. S. 663.]

In *Vidal v. Stahmann Farms*, 93 Fed. (2d) 902, the court refused to pass on the constitutionality of the act, on the ground that the question was "not squarely presented and necessary to a decision of the case." [The decision was reversed by the Supreme Court, 305 U. S. 61, but without any determination as to the constitutionality of the act.]

## 4. Act of June 28, 1934 (48 Stat. 1275-81; U. S. Code 7:751-766).

Promotion of marketing of tobacco in interstate and foreign commerce, by imposing a tax on the sale of tobacco harvested in the crop year 1934-35, providing for the issue of tax-payment warrants, and fixing quotas for the importation of tobacco; proceeds of taxes to be used for administrative expenses, refunds, and benefit payments.

[Various amendments were made by the act of August 24, 1935 (49 Stat. 778-780). The entire act, as amended, was repealed by act of February 10, 1936 (49 Stat. 1106, c. 42); see also act of March 2, 1936 (49 Stat. 1155, c. 112).]

## DECISIONS AS TO CONSTITUTIONALITY:

In *Penn v. Glenn*, 10 Fed. Supp. 483, the act was held unconstitutional as an evident attempt to regulate production through the use of the taxing power. [Appeal in this case dismissed on stipulation of counsel, 84 Fed. (2d) 1001.] The act was again held unconstitutional in *Robertson v. Taylor*, 90 Fed. (2d) 812, and *Glenn v. Smith*, 91 Fed. (2d) 447, on the authority of *United States v. Butler*. (See under No. 1, above.) [Certiorari in the *Smith* case was denied, 303 U. S. 657.]

## A—Continued.

5. Act of February 20, 1935 (49 Stat. 28-30).

Loans up to a total of \$60,000,000 to farmers for crop production, etc., during 1935 authorized.

[The act of March 21, 1935 (49 Stat. 50), reappropriated \$60,000,000 of certain unexpended balances for this purpose.]

6. Act of April 27, 1935 (49 Stat. 163-164; U. S. Code Supp. 16: 590a-590f).

Provisions for protection against soil erosion, including establishment of Soil Conservation Service, and cooperation with local agencies, etc.; appropriations for benefit payments authorized.

[See also No. 10, below.]

7. Act of June 29, 1935 (49 Stat. 436-439; U. S. Code Supp. 7: 343d, 427-427g).

Provision for research by Department of Agriculture into basic laws and principles relating to agriculture; additional support provided for agricultural colleges and experiment stations and co-operative extension work.

[The provisions of this act were extended to Puerto Rico by the act of August 28, 1937 (50 Stat. 881, c. 878). See also act of March 4, 1940 (54 Stat. 39, c. 38; Pub., No. 422).]

8. Act of August 23, 1935 (49 Stat. 731-735; U. S. Code Supp. 7: 511-511q).

Establishment of tobacco classification standards, with provision for inspection service, etc.; provision made for a referendum among tobacco growers to determine designation of auction markets.

#### DECISION AS TO CONSTITUTIONALITY:

In *Currin v. Wallace*, 306 U. S. 1, the court upheld the validity of this act, and stated: "The fact that intrastate and interstate transactions are commingled on the tobacco market does not frustrate or restrict the congressional power to protect and control what is committed to its own care \* \* \*. Congress could prescribe the conditions under which the sales should be made in order to give protection to sellers or purchasers or both." The court also held that the referendum feature does not constitute a delegation of legislative power, and that Congress had "set forth its policy for the establishment of standards for tobacco" sufficiently to negative the assertion that legislative power is improperly delegated to the Secretary of Agriculture. Justices McReynolds and Butler dissented, without giving a separate opinion.

## A—Continued.

9. POTATO ACT of August 24, 1935 (49 Stat. 782-793; U. S. Code Supp. I, 7: 801-833).

Provisions for allotment of potatoes, enforced by means of a tax.

[Repealed by act of February 10, 1936 (49 Stat. 1106, c. 42); see also act of March 2, 1936 (49 Stat. 1155 c. 112).]

10. SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT of February 29, 1936 (49 Stat. 1148-52; U. S. Code Supp. 16: 590g-590q, etc.).

Secretary of Agriculture authorized to make benefit payments up to a total of \$500,000,000 to farmers who take land out of production for "soil conservation" purposes; conservation program to be administered after 1938 by the States, aided by Federal grants.

## AMENDING ACTS:

Joint resolution of June 24, 1936 (49 Stat. 1915, c. 767; U. S. Code Supp. 16: 590k). Funds made available for expenses of cooperating committees, etc.

Act of June 28, 1937 (50 Stat. 329, c. 395; U. S. Code Supp. 16: 590g-590i). Powers of Secretary extended through 1941; annual reports required.

Act of February 16, 1938 (52 Stat. 31-36; U. S. Code Supp. 16:590h, 590o). Additional provisions for cooperation with local agencies and for making acreage allotments; authorization of increases in benefit payments within specified limits; special provisions as to division of payments between landlords and tenants. [Amended by joint resolution of May 14, 1940 (54 Stat. 216, c. 200; Pub. Res. 73).]

Act of March 25, 1939 (53 Stat. 550, c. 15; U. S. Code Supp. 16:590l). Secretary authorized to make advances to producers for insurance of crops with Federal Crop Insurance Corporation. [Amended by act of July 2, 1940, below.]

Act of April 10, 1939 (53 Stat. 573, c. 48). Repeal of a provision of the 1938 amendment fixing acreage allowance in certain cases.

Act of July 2, 1940 (54 Stat. 727-729; Pub., No. 716). Various definitions and administrative provisions; loans up to \$50,000,-000 a year to the Secretary by the Commodity Credit Corporation authorized.

11. Act of April 25, 1936 (49 Stat. 1239-42; U. S. Code Supp. 7: 515-515k).

Consent of Congress given to the negotiation of compacts between States to control production of and commerce in flue-cured, burley, fire-cured, cigar-filler, binder and wrapper tobaccos; Secretary of Agriculture to make advances to States for administrative expenses, and determine marketing quota, etc., for Puerto Rico.

A—Continued.

12. Act of May 20, 1936 (49 Stat. 1363-67; U. S. Code Supp. 7: 901-914).

Rural Electrification Administration established, with power to make loans to finance construction of generating plants, distribution lines, etc.; loans up to \$50,000,000 to the Administration by the Reconstruction Finance Corporation for 1937 and 1938 authorized, also appropriations of \$40,000,000 a year for 1939-46.

[The act of June 21, 1938 (52 Stat. 818 § 401) authorized \$100,000,000 additional R. F. C. loans to the Administration.]

13. Act of June 15, 1936 (49 Stat. 1491-1501; U. S. Code Supp. 7: 1, etc.).

Grain Futures Act broadened in scope into a Commodity Exchange Act, by including within its operation cotton, rice, mill feed, butter, eggs and potatoes, as well as grains. Provisions for control of speculation, manipulation, unreasonable price fluctuations and cornering, by setting quantity limits on futures trading, etc.

[Amended by acts of April 7, 1938 (52 Stat. 205, c. 108) and October 9, 1940 (54 Stat. 1059, c. 786; Pub., No. 818), to include also wool tops, fats, oils, peanuts, etc.]

#### DECISIONS AS TO CONSTITUTIONALITY:

The validity of this act was upheld in *Moore v. Chicago Mercantile Exchange*, 90 Fed. (2d) 735; the court stated: "We can not say that the evidence in the case before us was not sufficient to support the finding" that interstate commerce is affected. "Congress may well accept evidence in the way of statistical reports and unsworn statements of business men engaged in a particular field, without placing the witness under oath or subjecting him to cross-examination."

In *Board of Trade of Kansas City v. Milligan*, 90 Fed. (2d) 855, various provisions of the act were held to "have a direct relation to interstate commerce."

[Certiorari denied in both cases, 302 U. S. 710.]

14. Act of January 29, 1937 (50 Stat. 5-7; U. S. Code Supp. 12: 1020i-1020o).

Loans up to a total of \$50,000,000 to farmers for crop production, etc., through Farm Credit Administration, authorized.

[An appropriation of \$50,000,000 for this purpose was made by the act of February 9, 1937 (50 Stat. 11); its availability was extended to June 30, 1939, by the act of February 4, 1938 (52 Stat. 27).]

15. THE BANKHEAD-JONES FARM TENANT ACT of July 22, 1937 (50 Stat. 522-533; U. S. Code Supp. 7: 1000-1029).

Secretary of Agriculture authorized to make loans to farmers for acquisition of farms and for rehabilitation and to acquire

## A-15—Continued.

submarginal lands not suitable for cultivation; Farmers' Home Corporation created to exercise powers delegated by the Secretary under the act.

## DECISION AS TO CONSTITUTIONALITY:

In *United States v. 274 Acres of Land*, 32 Fed. Supp. 55, secs. 31 and 32 of the act were held not to constitute "an unconstitutional delegation of power."

## 16. SUGAR ACT of September 1, 1937 (50 Stat. 903-916; U. S. Code Supp. 7: c. 34).

Production quotas for the several sugar-producing areas regulated; payments to be made to sugar producers complying with quotas, conditioned on certain child labor and wage provisions; excise taxes and import compensating tax imposed; act to be in effect until December 31, 1940.

[Amended, as to Philippine Islands, by the act of August 7, 1939 (53 Stat. 1233, § 6 (c)); U. S. Code Supp. 48:1248). Tax provisions incorporated in and superseded by the Internal Revenue Code (O, 10, below). Further amended by acts of June 25, 1940 (54 Stat. 571, c. 423; Pub., No. 660), October 10, 1940 (54 Stat. 1092, c. 839; Pub., Res. 104) and October 15, 1940 (54 Stat. 1178, c. 887; Pub., No. 860); the last of these extends the act to December 31, 1941.]

## DECISION AS TO CONSTITUTIONALITY:

In *Gay Union Corporation v. Wallace*, 112 Fed. (2d) 192, the act was held not to make an unconstitutional delegation of legislative power. [Certiorari denied, 310 U. S. 647.]

## 17. AGRICULTURAL ADJUSTMENT ACT of February 16, 1938 (52 Stat. 31-77; U. S. Code Supp. 7: 1281; 16: 590h; etc.).

Amendments to Soil Conservation and Domestic Allotment Act (see under No. 10, above); provision for adjustment in freight rates; establishment of laboratories to develop new uses and markets for farm products; provisions for loans, parity payments, consumer safeguards, marketing quotas, cotton pool participation certificates, and crop insurance.

[Amended by acts of March 26, 1938 (52 Stat. 120, c. 54), April 7, 1938 (52 Stat. 202-205), May 31, 1938 (52 Stat. 586, c. 292), June 16, 1938 (52 Stat. 746), June 16, 1938 (52 Stat. 762, c. 480), June 20, 1938 (52 Stat. 775, c. 518), June 21, 1938 (52 Stat. 820 § 502), June 22, 1938 (52 Stat. 835, c. 563), March 13, 1939 (53 Stat. 512, c. 9), April 10, 1939 (53 Stat. 573, c. 48), June 22, 1939 (53 Stat. 853, c. 238), July 26, 1939 (53 Stat. 1125, 1126, c. 376-379), August 7, 1939 (53 Stat. 1261, 1262, c. 562-565), May 14, 1940 (54 Stat. 216, c. 200; Pub. Res. 73), June 6, 1940 (54 Stat. 232 c. 237; Pub. No. 544), June 13, 1940 (54 Stat. 392 c. 360; Pub. No. 628), November 22, 1940 (54 Stat. 1209 c. 914; Pub. No. 876) and November 25, 1940 (54 Stat. 1211 c. 917; Pub. No. 879).]

## A-17—Continued.

## DECISIONS AS TO CONSTITUTIONALITY:

The validity of the tobacco marketing quota provisions of this act was upheld in *Mulford v. Smith*, 307 U. S. 38. The court stated: "Any rule, such as that embodied in the Act, which is intended to foster, protect and conserve that [interstate] commerce, or to prevent the flow of commerce from working harm to the people of the nation, is within the competence of Congress. \* \* \* The provisions of the Act under review constitute a regulation of interstate and foreign commerce within the competency of Congress under the power delegated to it by the Constitution."

Justices Butler and McReynolds, dissenting, maintained that the decision cited under the act of May 12, 1933 (No. 1, above), and various other cases invalidating other acts of Congress, should be controlling in this case, and that the act should be held invalid as an attempt to control production.

In *Troppey v. La Sara Farmers Gin Co., Inc.*, 28 Fed. Supp. 830, the decision in the *Mulford* case was held to apply equally to cotton marketing quotas, on the ground that in each case the provision "is a regulation of marketing directly affecting and burdening interstate and foreign commerce." [See also *United States v. Hawthorne*, 31 Fed. Supp. 827.]

In *Hawthorne v. Fisher*, 33 Fed. Supp. 891, the referendum features of the act were held not to be an unconstitutional delegation of legislative power.

18. Act of August 9, 1939 (53 Stat. 1275-90; U. S. Code Supp. 7: 1551, etc.).

Regulation, under Secretary of Agriculture, of interstate and foreign commerce in seeds.

19. Joint Resolution of August 11, 1939 (53 Stat. 1418, c. 701; U. S. Code Supp. 15: 713a-6).

Commodity Credit Corporation authorized to sell surplus agricultural commodities to foreign governments.

[For additional legislation affecting agriculture, see under D (Nos. 2, 5-7), E (Nos. 3, 4), H (No. 3), I (Nos. 2, 13), J (No. 2), S (No. 11) and W (Nos. 4, 5, 9, 11, 12), below, also the acts of August 14, 1935 (49 Stat. 648-649; U. S. Code Supp. 7: 218-218d), April 24, 1939 (53 Stat. 589, c. 85; U. S. Code Supp. 7: 343c-1), and March 4, 1940 (54 Stat. 39, c. 38; Pub. No. 422); see also the annual appropriation acts for the Department of Agriculture.]

## B. ALCOHOLIC LIQUORS

### 1. BEER LEGALIZATION ACT of March 22, 1933 (48 Stat. 16-20).

Tax of \$5 a barrel imposed on the manufacture, sale, etc., of fermented malt or vinous liquor, and fruit juice, containing one-half of 1 percent or more alcohol by volume, and not more than 3.2 percent alcohol by weight; special tax of \$1,000 on brewers; miscellaneous regulations.

[Repealed by act of August 27, 1935, 49 Stat. 877, § 202.]

### 2. LIQUOR TAXING ACT of January 11, 1934 (48 Stat. 313-318; U. S. Code 26: various).

Taxes on distilled spirits and wines increased; miscellaneous administrative regulations, including penalties for the possession, etc., of unstamped distilled spirits.

[Amended by acts of August 29, 1935 (49 Stat. 988, § 12, 13), June 25, 1936 (49 Stat. 1930, § 9), June 26, 1936 (49 Stat. 1952 (d), 1956, § 326; 1957, § 331), and May 28, 1938 (52 Stat. 572, § 710); largely incorporated in and superseded by the Internal Revenue Code (O, 10, below).]

#### DECISION AS TO CONSTITUTIONALITY:

The penalty provision of this act was held constitutional in *Ward v. United States*, 96 Fed. (2d) 189; see also *United States v. Hodorowicz*, 105 Fed. (2d) 218

### 3. Joint Resolution of June 18, 1934 (48 Stat. 1020, c. 611; U. S. Code 26: 1162a).

Commissioner of Internal Revenue authorized to require returns as to disposition of materials used in manufacture of distilled spirits, with a penalty for violation of the regulations prescribed by the Commissioner as to such returns.

[Incorporated in and superseded by § 2811 of the Internal Revenue Code (O, 10, below).]

#### DECISION AS TO CONSTITUTIONALITY:

In *United States v. Tishman*, 99 Fed. (2d) 951, this was held "not a delegation of legislative power but an exercise of it." [Certiorari denied, 306 U. S. 636.]

### 4. Act of August 27, 1935 (49 Stat. 872-881; U. S. Code Supp. 27: 151-166, etc.).

Repeal of Volstead Act, with miscellaneous provisions for regulation of liquor traffic.

[Amended by act of June 26, 1936 (No. 7, below); partly incorporated in and superseded by the Internal Revenue Code (O, 10, below).]

## B-4—Continued.

## DECISION AS TO CONSTITUTIONALITY:

In *United States v. Rosenzweig*, 25 Fed. Supp. 811, it was held that Sec. 2 (6) of this act, authorizing the Commissioner of Internal Revenue to make regulations to carry out the provisions of title III of the Volstead Act, did not "constitute an unconstitutional delegation of legislative power," the authority delegated being "administrative and not legislative."

5. FEDERAL ALCOHOL ADMINISTRATION ACT of August 29, 1935 (49 Stat. 977-990; U. S. Code Supp. 27: 201-211, etc.).

Establishment of Federal Alcohol Administration, in Treasury Department; permits required for interstate commerce, etc., in alcoholic liquors; miscellaneous regulations of liquor traffic (special regulations in case of distilled spirits).

[Amended by joint resolution of February 29, 1936 (49 Stat. 1152, c. 105) and act of June 26, 1936 (No. 7, below), and in part superseded by the Internal Revenue Code (O, 10, below). [See also Reorganization Plan No. III (b), under G (No. 6), below.]

## DECISION AS TO CONSTITUTIONALITY:

In *Jameson & Co. v. Morgenthau*, 307 U. S. 171, the court declared that it could "see no substance" in the contention that the act was unconstitutional "upon the ground that the Twenty-first Amendment to the Federal Constitution gives to the States complete and exclusive control over commerce in intoxicating liquors, unlimited by the commerce clause, and hence that Congress has no longer authority to control the importation of these commodities into the United States."

In *Arrow Distilleries v. Alexander*, 109 Fed. (2d) 397, it was held to be "clearly within the power of Congress to make it unlawful for one to engage in the operations of rectifying, distilling and bottling alcoholic liquors for interstate trade without first obtaining a permit from the United States," also that the act prescribed sufficiently definite standards to prevent it from being an unconstitutional delegation of legislative power. [Certiorari denied, 310 U. S. 646.]

6. LIQUOR ENFORCEMENT ACT of June 25, 1936 (49 Stat. 1928-30; U. S. Code Supp. 18: 388-390; 27: 221-228).

Provisions for enforcement of the Twenty-First Amendment; intoxicating liquor not to be shipped into a State contrary to its laws.

[Partly incorporated in and superseded by § 3170 of the Internal Revenue Code (O, 10, below).]

## DECISION AS TO CONSTITUTIONALITY:

In *Hayes v. United States*, 112 Fed. (2d) 417, the act was held warranted by the Twenty-first Amendment and not violative of the Tenth Amendment.

## B—Continued.

7. LIQUOR TAX ADMINISTRATION ACT of June 26, 1936 (49 Stat. 1939-66).

Numerous amendments to the Revised Statutes, and new provisions relating to liquor tax administration.

[Amended by acts of July 9, 1937 (50 Stat. 487, c. 472), August 20, 1937 (50 Stat. 737, c. 721), June 15, 1938 (52 Stat. 689, c. 393), June 15, 1938 (52 Stat. 700-702) and June 25, 1938 (52 Stat. 1093 § 36), and largely incorporated in and superseded by the Internal Revenue Code (O, 10, below).]

## C. ARCHIVES, ETC.

1. Act of June 19, 1934 (48 Stat. 1122-24; U. S. Code 40: 231-241).

Custody, publication, etc., of Government records regulated; National Archives, office of Archivist of the United States, National Historical Publications Commission and National Archives Council, created.

## AMENDING ACTS:

Act of June 22, 1936 (49 Stat. 1821, c. 706; U. S. Code Supp. 40: 238). Provision for furnishing of copies of records by the Archivist.

Act of May 23, 1938 (52 Stat. 421; U. S. Code Supp. 40: 232a, 232b). Regulations as to civil-service status of National Archives employees.

2. Act of July 26, 1935 (49 Stat. 500-503; U. S. Code Supp. 44: 301-314).

Establishment of the Federal Register, under direction of the Archivist of the United States, to contain proclamations, Executive orders, regulations, etc.; Administrative Committee established to regulate publication of the Register; filing of documents for publication in the Register to constitute valid notice to all persons; publication to establish presumption as to issue, etc.

## AMENDING ACTS:

Act of June 19, 1937 (50 Stat. 304, c. 369; U. S. Code Supp. 44: 311). Establishment of Codification Board, to supervise and coordinate codifications (every 5 years) of administrative regulations. [Board abolished, and functions transferred to National Archives (Federal Register Division) by Reorganization Plan No. II (53 Stat. 1435).]

## C-2—Continued.

Act of May 23, 1938 (52 Stat. 421; U. S. Code Supp. 40: 232a, 232b). Persons employed in connection with Federal Register to have civil-service status.

3. Act of June 20, 1936 (49 Stat. 1545-53; U. S. Code Supp. 44: 151, etc.).

Various amendments to the printing and binding laws, relating to printing and distribution of memorial addresses, Congressional Record, Supreme Court reports, Statutes at Large (eliminating publication of pamphlet copies), etc.

[The act of June 16, 1938 (52 Stat. 760, c. 477; U. S. Code Supp. 1:30; 44:7, 196, 196a) made various amendments to this act and to the Printing Act of 1895, increasing the number of copies of Statutes for the Senate and House Libraries, and eliminating the publication of separate volumes of the Statutes for extra sessions of Congress.]

4. Joint Resolution of July 18, 1939 (53 Stat. 1062-66).

Establishment of the Franklin D. Roosevelt Library, to be located at the Hyde Park, N. Y., estate of the Roosevelt family.

## D. BANKING, ETC.

1. EMERGENCY BANKING ACT of March 9, 1933 (48 Stat. 1-7; U. S. Code 12: 51a-51d, 95-95b, 201-212, 248 (n), 347b, 347c, 445).

President authorized, in time of war or other national emergency, to regulate or prohibit transactions in foreign exchange, transfers of credits between or payments by banking institutions, the export, hoarding, melting or earmarking of gold or silver coin or bullion, and the transaction of banking business by Federal reserve member banks. Secretary of the Treasury authorized to require payment of gold coin, gold bullion, and gold certificates into the Treasury, in exchange for an equivalent amount of any other form of United States coin or currency. Provisions for issue of preferred stock by national banks, also for regulations, etc., prescribed by Secretary of the Treasury as to issue, etc., of circulating notes by Federal reserve banks. Miscellaneous Federal Reserve Act amendments.

Title II, cited as the "Bank Conservation Act," provides for appointment of conservators by Comptroller of the Currency where necessary, to conserve the assets of national and District of Columbia banks for the benefit of depositors and other creditors, including provisions for reorganization of national banks.

## D-1—Continued.

## AMENDING ACTS:

Act of March 24, 1933 (48 Stat. 20-21; U. S. Code 12: 51d, 347d). Authorization of direct loans by Federal reserve banks to State banks and trust companies, after inspection and approval of the collateral and a thorough examination of the applicant bank or trust company.

Act of May 20, 1933 (48 Stat. 72, c. 34; U. S. Code 12: 207). Title II amended to extend reorganization provisions to include District of Columbia as well as national banks.

Act of June 15, 1933 (48 Stat. 147, c. 79; U. S. Code 12: 51a). Minor amendments only.

Act of August 23, 1935 (49 Stat. 705 §204, U. S. Code Supp. 12: 347b). Further amendment of Sec. 10 (b) of Federal Reserve Act, relating to advances by reserve banks to member banks.

Act of March 20, 1936 (49 Stat. 1185, c. 160, U. S. Code Supp. 12:51d-51f). Securities, etc., held by Reconstruction Finance Corporation to be exempt from taxation; interest on RFC loans to banks and trust companies not to exceed 3½% on condition that they do not charge over 4½%.

Act of May 7, 1940 (54 Stat. 179, c. 185; Pub. Res. 69). President authorized to regulate transfers of property in which foreign governments, etc., interested.

Act of June 25, 1940 (54 Stat. 572 c. 427 §1; Pub. No. 664). R. F. C. authorized to purchase stock of Federal home-loan banks in certain cases.

## DECISIONS AS TO CONSTITUTIONALITY:

In *Nortz v. United States*, 294 U. S. 317, it was held that section 3 of this act, authorizing the Secretary of the Treasury to require exchange of gold certificates for other currency, was a valid exercise of the "complete authority" of Congress "to regulate the currency system of the country." Justices McReynolds, Van Devanter, Sutherland and Butler dissented, on the ground that this provision, together with the joint resolution of June 5, 1933 (R, No. 2, below), constituted a "confiscation of property rights and repudiation of national obligations."

In *Perry v. United States*, 294 U. S. 330, it was held that the provisions of this act restricting foreign exchange, etc., were within the power of Congress "by virtue of its authority to deal with gold coin as a medium of exchange." [The same four Justices dissented in this case, but apparently not as to this point; see under R (No. 2), below.]

In *Smith v. Witherow*, 102 Fed. (2d) 638, the validity of the "Bank Conservation Act" was upheld. [See also *Hanley v. Corwin*, 15 Fed. Supp. 396; 89 Fed. (2d) 1008.]

2. EMERGENCY FARM MORTGAGE ACT of May 12, 1933 (48 Stat. 41-51; U. S. Code 12: 347, 636, 637, 723, 771, 781, 810, 963a, 992, 993, 1016-19; 15: 609c; 43: 403, 404).

## D-2—Continued.

Provisions for the issuance of bonds by Federal land banks; purchase, reduction and refinancing of farm mortgages, etc.; limitations on the power of joint-stock land banks to issue tax-exempt bonds, etc.; loans by Reconstruction Finance Corporation to drainage, levee and irrigation districts, etc., organized under State law.

[Amended by acts of June 16, 1933 (48 Stat. 180 §9); June 16, 1933 (48 Stat. 308 §19), January 31, 1934 (48 Stat. 345 §3, 346 §5, 6, 347 §9, 10); June 11, 1934 (48 Stat. 929, c. 446), June 19, 1934 (48 Stat. 1110 §6), June 27, 1934 (48 Stat. 1269, c. 851) May 28, 1935 (49 Stat. 300 §32), June 3, 1935 (49 Stat. 313-314, 318 §16, 17), June 22, 1936 (49 Stat. 1818, c. 702), June 24, 1936 (49 Stat. 1912, c. 762), July 22, 1937 (50 Stat. 521, c. 516), August 19, 1937 (50 Stat. 703 §3, 704 §5, 708-710), June 16, 1938 (50 Stat. 709 c. 462), February 1, 1940 (54 Stat. 19 c. 19; Pub. No. 410) and June 29, 1940 (54 Stat. 684 c. 441; Pub. No. 672).

### 3. HOME OWNERS' LOAN ACT OF June 13, 1933 (48 Stat. 128-135; U. S. Code 12: 1461-68).

Home Owners' Loan Corporation to be created by the Federal Home Loan Bank Board, with power to issue bonds up to \$2,000,000,000; also (for 3 years) to acquire, in exchange for bonds issued by it, home mortgages and other obligations and liens secured by real estate, and, in connection with any such exchange, to make advances in cash to pay the taxes and assessments on the real estate; and in general to provide emergency relief with respect to home mortgage indebtedness, to refinance home mortgages and to extend relief to the owners of homes occupied by them, who are who are unable to amortize their debt elsewhere. Board also authorized to issue charters to Federal savings and loan associations to make loans on local homes and business property; United States to subscribe to preferred shares in these associations.

#### AMENDING ACTS:

Act of April 27, 1934 (48 Stat. 643-647; U. S. Code 12: 1463, etc.). Secretary of the Treasury authorized to purchase bonds of the Corporation, and for such purpose to use as a public-debt transaction the proceeds of the sale of any securities issued under the Second Liberty Bond Act. Federal savings and loan associations authorized to act as fiscal agents of the government.

Act of June 27, 1934 (48 Stat. 1263 §506, 1264 §508; U. S. Code 12: 1462, 1463). Limit on bonds increased to \$3,000,000,000. Leasehold interests having 50 years or more to run included in the act (formerly only 99-year renewable leases included).

Act of May 28, 1935 (49 Stat. 296-298; U. S. Code Supp. 12: 1462-65, 1467). Limit on bonds increased to \$4,750,000,000. Corporation authorized to purchase Federal home loan bank bonds, etc. Various other amendments.

## D-3—Continued.

Act of August 10, 1939 (53 Stat. 1402, § 909; U. S. Code Supp. 1464). Federal savings and loan associations made subject to social security taxes.

Act of August 11, 1939 (53 Stat. 1403, c. 684). Adjustment of loans authorized so as to provide for amortization up to 25 years.

## DECISIONS AS TO CONSTITUTIONALITY:

In *Hopkins Federal Savings & Loan Association v. Cleary*, 296 U. S. 315, it was held that a provision authorizing conversion of members of a Federal home loan bank into a Federal savings and loan association was invalid insofar as it attempted to authorize State building and loan associations to convert themselves into Federal building and loan associations in contravention of State law, as this constituted "an illegitimate encroachment by the government of the nation upon a domain of activity set apart by the Constitution as the province of the states."

In *Kay v. United States*, 303 U. S. 1, the court declined to pass on the validity of the act as a whole, but held that in any event Congress had power to impose a penalty for "false statements designed to mislead those acting under the authority of the government" under the act.

In *United States v. Hill*, 90 Fed. (2d) 573, the act was held not "invalid because the penal section," § 8 (e), "is too vague, indefinite, and uncertain to inform the appellant of any crime and deprives him of his property without due process of law, in that it curtails his right and freedom of contract." [Certiorari denied, 302 U. S. 736, 779.]

In *First Federal Savings & Loan Association v. Loomis*, 97 Fed. (2d) 831, it was held that Congress had authority under the "general welfare" clause to provide for the creation of Federal savings and loan associations; the decision was largely based on the fact that these associations were made fiscal agents of the government by the amending act of April 27, 1934. Circuit Judge Sparks, dissenting, called attention to the fact that the original act did not make the associations fiscal agents, thus indicating that this was not the primary purpose of their creation; he regarded the amendment as "a mere pretext to accomplish that which otherwise may be prohibited"; he did not think the "general welfare" clause warranted Congress in setting up corporations to operate in competition with State-incorporated savings and loan associations and with authority to exercise powers not permitted to those associations by State law. [Certiorari granted, 305 U. S. 564, but dismissed on motion, 305 U. S. 666.]

See also *Pittman v. Home Owners' Loan Corp.*, 308 U. S. 21.

D—Continued.

4. BANKING ACT of June 16, 1933 (48 Stat. 162-195; U. S. Code 12: various).

Federal Deposit Insurance Corporation created, with capital of \$150,000,000, in addition to stock to be subscribed by the insured banks in proportion to their deposits, etc.; Corporation to insure bank deposits of Federal reserve member banks and other banks wishing to participate in the system, with 100 percent insurance up to \$10,000, 75 percent insurance up to \$50,000, and 50 percent insurance above \$50,000; temporary insurance up to \$2,500 only; group banking limited; savings banks admitted to Federal reserve system; bank loans, investments, interest rates, and call loans regulated; branch banking permitted to a limited extent; various other amendments to the Federal Reserve Act and other banking laws.

AMENDING ACTS:

Act of January 31, 1934 (48 Stat. 348, § 16; U. S. Code 12: 347). Advances by Federal reserve banks on bonds of Federal Farm Mortgage Corporation authorized.

Act of April 27, 1934 (48 Stat. 646 § 7; U. S. Code 12: 347). Advances by Federal reserve banks on bonds of Home Owners' Loan Corporation authorized.

Act of June 16, 1934 (48 Stat. 969-971; U. S. Code 12: 264, etc.). Amendment of provisions for temporary insurance; limit increased to \$5,000; loans to closed banks by Reconstruction Finance Corporation.

Joint resolution of June 28, 1935 (49 Stat. 435, c. 335). Temporary insurance continued to August 31, 1935.

Act of August 23, 1935 (49 Stat. 684-723; U. S. Code Supp. 12: 264, etc.). Revision of provisions for deposit insurance, with maximum of \$5,000; numerous additional amendments to Banking Act of 1933 and other banking laws.

Joint resolution of April 21, 1936 (49 Stat. 1237, c. 244). Power of Federal Deposit Insurance Corporation to make certain loans extended to July 1, 1938. [Superseded by joint resolution of June 16, 1938, below.]

Act of May 25, 1938 (52 Stat. 442, c. 276; U. S. Code Supp. 12: 264). Federal Deposit Insurance Corporation to waive certain claims against stockholders of closed banks.

Joint resolution of June 16, 1938 (52 Stat. 767, c. 489; U. S. Code Supp. 12: 264). Power of Federal Deposit Insurance Corporation to make certain loans extended without time limit.

DECISIONS AS TO CONSTITUTIONALITY:

In *Weir v. United States*, 92 Fed. (2d) 634, it was held that the creation of the Federal Deposit Insurance Corporation was "within the constitutional power of the government," and that Congress could properly punish offenses against State banks insured by the corporation. [Certiorari denied, 302 U. S. 761, 781.]

## D-4—Continued.

The same point was decided again in *Doherty v. United States*, 94 Fed. (2d) 495, in which the court stated that, "as Congress had the right to create this corporation, make it a depository of public moneys of the United States and a financial agent of the government, it must be conceded the power to enact such regulatory legislation as it deemed necessary to protect and make effective this government agency"; and "where a certain field of activity becomes subject to one of the enumerated federal powers, then the federal government may in that field exercise authority comparable to state police power." [Certiorari denied, 303 U. S. 658.]

5. FARM CREDIT ACT of June 16, 1933 (48 Stat. 257-273; U. S. Code 12: 1131-1131h, 1134-1134m, 1138-1138f, 1141c, 1141e, 1141j, 1141k, etc.).

Governor of Farm Credit Administration to organize twelve production credit associations from which farmers may borrow money, also twelve banks for cooperatives, which are to make loans to cooperative associations for any of the purposes and subject to the conditions and limitations set forth in the Agricultural Marketing Act; the act also makes miscellaneous amendments to the Agricultural Marketing and Federal Farm Loan Acts.

[Amended by acts of January 31, 1934 (48 Stat. 347, § 11, 13; 348, § 14, 15; U. S. Code 12: 1131i, 1138b, 1138d), June 18, 1934 (48 Stat. 983, c. 574; U. S. Code 12: 1131j), June 27, 1934 (48 Stat. 1263, § 504; U. S. Code 12: 1131gg), June 3, 1935 (49 Stat. 318, § 15; U. S. Code Supp. 12: 1134k), June 4, 1936 (49 Stat. 1461, c. 496; U. S. Code Supp. 12: 773a), and August 19, 1937 (50 Stat. 708, § 11; 717, § 35, 36; U. S. Code Supp. 12: 1131, 1134, 1134c, 1134j).]

6. FEDERAL FARM MORTGAGE CORPORATION ACT of January 31, 1934 (48 Stat. 344-349; U. S. Code 12: 1020-1020h, etc.).

Federal Farm Mortgage Corporation created, with a capital of \$200,000,000, to issue bonds, purchase farm-loan bonds, make loans to Federal land banks, and invest its funds in mortgage loans made under section 32 of the Emergency Farm Mortgage Act of 1933 (No. 2, above); the act also amends various sections of the Federal Farm Loan Act, Emergency Farm Mortgage Act of 1933, and Farm Credit Act of 1933 (No. 5, above).

[Amended by acts of February 26, 1934 (48 Stat. 360, c. 33), April 27, 1934 (48 Stat. 647 § 14), June 3, 1935 (49 Stat. 314 § 2), August 19, 1937 (50 Stat. 703 § 2, 4, 708 § 15) and June 25, 1940 (54 Stat. 573 § 4; Pub., No. 664).]

7. LOANS TO INDUSTRIES ACT of June 19, 1934 (48 Stat. 1105-13; U. S. Code 12: 352a, 596-599; 15: 606b-606h; etc.).

Federal reserve banks authorized to make loans to, or purchase obligations of, established industrial or commercial businesses which are unable to obtain requisite financial assistance on a reasonable basis from the usual sources. An industrial advisory

## D-7—Continued.

committee is established in each Federal reserve district, to aid in carrying out the act. Reconstruction Finance Corporation authorized to make loans (until January 31, 1935) to industrial and commercial businesses, up to \$300,000,000 (not over \$500,000 to any one borrower), also to farmers' cooperative mineral rights pools, mining, milling, and smelting industries, and fish industry, and up to \$75,000,000 to school districts, etc., for teachers' salaries due prior to June 1, 1934. Amendments to Sec. 36 of Emergency Farm Mortgage Act of 1933 (No. 2, above).

## AMENDING ACTS:

Act of June 27, 1934 (48 Stat. 1269, c. 851; U. S. Code 43: 403). Further amendment of Sec. 36 of Emergency Farm Mortgage Act of 1933. [Superseded by act of June 22, 1936, below.]

Act of January 31, 1935 (49 Stat. 4, § 10; 5, § 12; U. S. Code Supp. 15: 606b, 606d). Limit of \$500,000 on R. F. C. loans removed, and time limit extended to January 31, 1937; loans for household appliances, including air-conditioning, authorized; loans up to \$10,000,000 (not over \$20,000 to any one borrower) for mining development authorized. [Amended by Act of September 16, 1940, below.]

Act of August 23, 1935 (49 Stat. 714, § 323; U. S. Code Supp. 12: 352a). Minor amendment as to payments to Federal reserve banks.

Act of June 22, 1936 (49 Stat. 1818, c. 702; U. S. Code Supp. 43: 403). Further amendment of Sec. 36 of Emergency Farm Mortgage Act of 1933.

Act of April 13, 1938 (52 Stat. 212, c. 140; U. S. Code Supp. 15: 606b). R. F. C. loans to States, etc., authorized; powers to continue until June 30, 1939. [Amended by act of June 25, 1940 (54 Stat. 573, 574; Pub., No. 664), which adds provisions for national-defense loans, and extends powers to January 22, 1947.]

Act of September 16, 1940 (54 Stat. 897, c. 721; Pub., No. 784). R. F. C. loans for development of strategic or critical minerals authorized; maximum limit of loans increased to \$40,000.

# 8. FEDERAL CREDIT UNION ACT of June 26, 1934 (48 Stat. 1216-22; U. S. Code 12: 1751-70).

Incorporation of Federal credit unions, under supervision of Governor of Farm Credit Administration, to promote thrift among their members and create a source of credit for provident or productive purposes.

## AMENDING ACTS:

Act of July 9, 1937 (50 Stat. 487, c. 471; U. S. Code Supp. 12: 1771). Allotment of space in Federal buildings to credit unions authorized.

Act of December 6, 1937 (51 Stat. 4; U. S. Code Supp. 12: 1756, 1757, 1766, 1768; 29: 158a). Partial exemption of credit unions from taxation, also various minor amendments.

## D-8—Continued.

[Further amended by act of June 15, 1940 (54 Stat. 398, c. 366; Pub., No. 630).]

9. NATIONAL HOUSING ACT of June 27, 1934 (48 Stat. 1246-65; U. S. Code 12: 1701-30, etc.).

President authorized to create a Federal Housing Administrator, who may insure banks, trust companies, personal finance companies, mortgage companies, etc., against losses in connection with financing (prior to January 1, 1936) of alterations, repairs, and improvements on real property to the extent of 20 percent of the loans made for such purposes by any eligible institution. Total insurance liability limited to \$200,000,000; individual contract obligations insured are limited to \$2,000 each, and must conform to terms, etc., prescribed by the Administrator.

The act further creates a Mutual Mortgage Insurance Fund, with provisions for insuring mortgages up to \$1,000,000,000; also a Federal Savings and Loan Insurance Corporation, with a capital of \$100,000,000, to insure accounts of savings and loan, etc., associations, at a premium of one-fourth of 1 percent; and authorizes the establishment of national mortgage associations.

AMENDING ACTS:

Act of May 28, 1935 (49 Stat. 298-300). Various amendments, including extension of free mailing privilege to Federal Savings and Loan Insurance Corporation, reduction of savings and loan insurance premiums from one-fourth to one-eighth of 1 percent, and reduction of capital required of national mortgage associations from \$5,000,000 to \$2,000,000.

Act of August 23, 1935 (49 Stat. 722 § 344). Suits by or against Federal Housing Administrator authorized; also a few minor amendments.

Act of April 3, 1936 (49 Stat. 1187-88). Alteration, etc., loan insurance extended to loans, etc., made up to April 1, 1937, but only up to 10 percent of those made after April 1, 1936; limit of liability reduced to \$100,000,000.

Act of April 17, 1936 (49 Stat. 1233-34; U. S. Code Supp. 12: 1703, 1706a). Insurance extended to loans, etc., for rehabilitation after earthquakes or other disasters in 1935 or 1936.

Joint resolution of February 19, 1937 (50 Stat. 20 c. 12). Guaranty of debentures issued by the Administrator extended to July 1, 1939.

Act of April 22, 1937 (50 Stat. 70, c. 121). Amendment of act of April 17, 1936, above; time limit extended to July 1, 1939.

Act of February 3, 1938 (52 Stat. 8-26; U. S. Code Supp. 12: 1701a, etc.). Insurance extended to loans, etc., up to July 1, 1939; expansion of provisions for mutual mortgage loans, up to limit of \$3,000,000,000; various other amendments.

Act of June 3, 1939 (53 Stat. 804-808). Alteration, etc., loan insurance extended to July 1, 1941, with premium charge of not over three-fourths of 1 percent; mutual mortgage loans

## D-9—Continued.

authorized up to \$4,000,000,000; labor standards to be required in connection with mutual mortgage loans; various other amendments.

Act of September 18, 1940 (54 Stat. 901 § 3 (c): Pub. No. 785). Repeal of a provision authorizing reduced rate transportation in order to improve housing conditions.

## DECISION AS TO CONSTITUTIONALITY:

The constitutionality of the alteration, etc., loan insurance provisions of this act was upheld in *United States v. Brooks*, 28 Fed. Supp. 712, on the ground that the question of policy involved in the act "is a matter of legislative, and not of judicial, concern."

[For additional legislation relating to banks, see under R (Nos. 1, 3) and W (No. 4), below.]

## E. BANKRUPTCY, ETC.

1. Act of May 24, 1934 (48 Stat. 798-803; U. S. Code 11: 301-303).

Bankruptcy Act amended, by adding sections 78-80, authorizing (for 2 years) proceedings for readjustment of debts of municipal corporations.

## AMENDING ACTS:

Act of April 10, 1936 (49 Stat. 1198, c. 186). Provisions to remain in force until January 1, 1940.

Act of April 11, 1936 (49 Stat. 1203-1204). Modification of provisions relating to consent of creditors of drainage, irrigation, reclamation and levee districts.

[See also No. 5, below.]

## DECISION AS TO CONSTITUTIONALITY:

In *Ashton v. Cameron County Water Improvement District No. 1*, 298 U. S. 513, the court declared that this act "undertakes to extend the supposed power of the Federal Government incident to bankruptcy over any embarrassed district which may apply to the court"; the court regarded this as not only an improper interference with "the sovereignty of the State" but also an attempt to evade the prohibition on impairing of obligations by the States; the court declared: "The sovereignty of the State essential to its proper functioning under the

## E-1—Continued.

Federal Constitution cannot be surrendered; it cannot be taken away by any form of legislation."

Justices Cardozo, Hughes, Brandeis, and Stone, dissenting, stressed the fact that under the act the consent of the State is required, also the distinction between a State and its local subdivisions, the latter being subject to suit without their consent.

2. Act of June 7, 1934 (48 Stat. 911-925; U. S. Code 11: 76a, 103, 103a, 107, 202, 202a, 203, 203a, 204, 205a, 206, 207).

Bankruptcy Act amended, by adding sections 77A and 77B, providing for the reorganization of corporations which are insolvent and unable to meet their debts as they mature; special provisions safeguarding rights of employees; various other amendments to the Bankruptcy Act.

[Amended by acts of June 18, 1934 (48 Stat. 991 c. 580), August 20, 1935 (49 Stat. 664), August 28, 1935 (49 Stat. 942 §1), August 29, 1935 (49 Stat. 965, c. 809), June 5, 1936 (49 Stat. 1475, c. 512), August 12, 1937 (50 Stat. 622, c. 589) and March 4, 1938 (52 Stat. 84, c. 41). Largely superseded by No. 6, below.]

## DECISIONS AS TO CONSTITUTIONALITY:

In *Kuehner v. Irving Trust Co.*, 299 U. S. 445, this act was held to come within the bankruptcy power of Congress, on the ground that Congress "is free to establish standards of provability and measures of allowance regardless of the claimant's ability to maintain an action in a court or the measure of his recovery in such an action if maintainable," and that the Fifth Amendment "does not prohibit bankruptcy legislation affecting the creditor's remedy for its enforcement against the debtor's assets, or the measure of the creditor's participation therein, if the statutory provisions are consonant with a fair, reasonable, and equitable distribution of those assets."

In *Brockett v. Winkle Terra Cotta Co.*, 81 Fed. (2d) 949, the court stated that, "while the bankruptcy power is subject to the Fifth Amendment, under it Congress, unlike the States, is not prohibited from impairing the obligation of contracts. \* \* \* It cannot, however, take for the benefit of the debtor rights in specific property acquired by the creditor prior to the act."

In *City of Springfield v. Hotel Charles Co.*, 84 Fed. (2d) 589, it was held that Congress has power "to authorize courts of bankruptcy to reexamine claims for state taxes made against bankrupt estates and to allow them only for the amount which appears to be justly due."

In *Re 4136 Wilcox Building Corporation*, 86 Fed. (2d) 667, the court declared that a State "may not so frame its laws as to bring about a situation where the jurisdiction of the federal

## E-2—Continued.

courts to administer an insolvent estate is defeated. \* \* \* State court authority to annul an insolvent corporation's existence is subject to the paramount authority on the part of the bankruptcy court to take such steps regarding the debtor and its affairs as will effectuate the bankruptcy power."

In *Re Prima Co.*, 88 Fed. (2d) 785, the court declared that "all contracts were, and are, subject to all valid legislation which Congress may enact pursuant to the grant of power appearing in article 1, section 8" relating to bankruptcy.

See also *In re Central Funding Corporation*, 75 Fed. (2d) 256; *In re New Rochelle Coal & Lumber Co.*, 77 Fed. (2d) 881; *Grand Boulevard Investment Co. v. Strauss*, 78 Fed. (2d) 180; *In re Georgian Hotel Corporation*, 82 Fed. (2d) 917 (certiorari denied, 298 U. S. 673); *In re 333 North Michigan Ave. Building Corporation*, 84 Fed. (2d) 936 (certiorari denied, 299 U. S. 602); and *In re Witherbee Court Corporation*, 88 Fed. (2d) 251 (certiorari denied, 301 U. S. 701, 715).

3. [FRAZIER-LEMKE] FARM MORATORIUM ACT of June 28, 1934 (48 Stat. 1289-91; U. S. Code 11: 203).

Farmers authorized to file petitions in bankruptcy, and upon adjudication to retain possession of their property, paying the appraised price in instalments over a period of 6 years, with 1 percent interest on the unpaid balances.

[See also No. 4, below.]

## DECISION AS TO CONSTITUTIONALITY:

In *Louisville Joint Stock Land Bank v. Radford*, 295 U. S. 555, this act was held to be in violation of the Fifth Amendment, on the ground that it would deprive mortgagees of specific property rights acquired prior to its enactment.

4. Act of August 28, 1935 (49 Stat. 943 § 6; U. S. Code Supp. 11: 203).

Farmers authorized to file petitions in bankruptcy, and upon adjudication to retain property, subject to existing encumbrances, with stay of other proceedings for 3 years, except that the court may order sale of property for protection of creditors, etc.; rental payments to be made to the court, to be used to pay taxes and upkeep of the property and distributed among creditors "as their interests may appear." The debtor may redeem the property by paying the appraised value (with 5 percent interest if the property has been sold by court order).

[Amended by acts of July 22, 1937 (50 Stat. 524 § 3 (d); U. S. Code Supp. 7: 1003) and March 4, 1938 (52 Stat. 85 § 2; U. S. Code Supp. 11: 203).]

## E-4—Continued.

## DECISIONS AS TO CONSTITUTIONALITY:

This act was held constitutional in *Wright v. Vinton Branch Bank*, 300 U. S. 440; the court stated that a bankruptcy court "may affect the interests of lien holders in many ways," and that the act makes "no unreasonable modification of the mortgagee's rights."

In *Kalb v. Feuerstein*, 308 U. S. 433, the court declared: "The Constitution grants Congress exclusive power to regulate bankruptcy and under this power Congress can limit the jurisdiction which courts, state or federal, can exercise over the person and property of a debtor who duly invokes the bankruptcy law. If Congress has vested in the bankruptcy courts exclusive jurisdiction over farmer-debtors and their property \* \* \* its Act is the supreme law of the land which all courts—state and federal—must observe."

The validity of the act was also upheld in *Wright v. Union Central Life Insurance Co.*, 304 U. S. 502; 311 U. S. 273.

5. Act of August 16, 1937 (50 Stat. 653-659; U. S. Code Supp. 11: 401-404).

Bankruptcy Act amended, by adding sections 81-84, authorizing, until June 30, 1940, composition of indebtedness of certain taxing agencies.

[Amended by acts of June 22, 1938 (52 Stat. 939, §3), March 4, 1940 (54 Stat. 44, c. 41; Pub., No. 425) and June 28, 1940 (54 Stat. 667-670; Pub., No. 669).

## DECISIONS AS TO CONSTITUTIONALITY:

In *United States v. Bekins*, 304 U. S. 27, the court held that "it is well settled that a proceeding for composition is in its nature within the federal bankruptcy power," and declared: "The statute is carefully drawn so as not to impinge upon the sovereignty of the State. The State retains control of its fiscal affairs. The bankruptcy power is exercised in relation to a matter normally within its province and only in a case where the action of the taxing agency in carrying out a plan of composition approved by the bankruptcy court is authorized by state law. It is of the essence of sovereignty to be able to make contracts and give consents bearing upon the exertion of governmental power." Justices McReynolds and Butler dissented on the ground that the decision cited under No. 1, above, should be followed.

This decision was cited as upholding the validity of the act in *Supreme Forest Woodmen Circle v. City of Belton*, 100 Fed. (2d) 655, and *Getz v. Edinburg Consol. Independent School Dist.*, 101 Fed. (2d) 734. See also *American National Bank v. City of Sanford*, 112 Fed. (2d) 435.

[See also *Luehrmann v. Drainage District No. 7*, 104 Fed. (2d) 696; 308 U. S. 604, 638.]

E—Continued.

6. Act of June 22, 1938 (52 Stat. 840-940; U. S. Code Supp., title 11).

General revision of Bankruptcy Act, including chapters on Corporate Reorganizations, Arrangements, Wage Earners Plans, and Maritime Commission Liens.

[Amended by acts of July 1, 1940 (54 Stat. 709, c. 500; Pub., No. 699) and August 22, 1940 (54 Stat. 835, 836; Pub., No. 768 § 29).

#### DECISIONS AS TO CONSTITUTIONALITY:

In *Shor v. McGregor*, 108 Fed. (2d) 421, it was held that sections 2 (a, 21) and 70 (a, 8), authorizing the court to order the transfer of the bankrupt's assets by his assignee to the trustee, were within the bankruptcy power of Congress and did not "offend against the Fifth and Seventh Amendments."

The amendment to section 14, changing the conditions for discharge after an adjudication, was held valid, in *Re Farrow*, 28 Fed. Supp. 9.

The validity of the corporate reorganization provisions has been upheld, in *Re Grand Rapids R. R. Co.*, 28 Fed. Supp. 802; the court stated: "The power of Congress to enact bankruptcy laws necessarily implies the power to affect vested rights of many kinds."

[See also *Clark Bros. Co. v. Portex Oil Co.*, 113 Fed. (2d) 45, and *In re Los Angeles Lumber Products Co.*, 24 Fed. Supp. 501.]

7. Act of July 28, 1939 (53 Stat. 1134-41; U. S. Code Supp. 11: 1200, etc.).

Bankruptcy Act amended, by adding c. XV, providing for railroad adjustments by courts of bankruptcy, until July 31, 1940.

#### DECISION AS TO CONSTITUTIONALITY:

The validity of this act has been upheld, in *Re Baltimore & Ohio R. R. Co.*, 29 Fed. Supp. 608. [Certiorari denied, 309 U. S. 654, 697.]

[See also act of August 27, 1935 (49 Stat. 911-926; U. S. Code Supp. 11: 205).]

### F. CARRIERS AND OTHER UTILITIES

1. EMERGENCY RAILROAD TRANSPORTATION ACT of June 16, 1933 (48 Stat. 211-221; U. S. Code 49: 5, 5a, 15a, 15b, 19a, 250-268).

Office of Federal Coordinator of Transportation created for 1 year, subject to extension by the President for another year;

## F-1—Continued.

expenses to be paid out of a fund created by assessing carriers \$1.50 a mile. The Coordinator was (1) to divide the lines of carriers into eastern, southern, and western groups for the purpose of avoiding unnecessary duplication of services and facilities, (2) to promote financial reorganization of carriers, and (3) to provide for the immediate study of other means of improving conditions surrounding transportation. Provision made for labor committees for regional groups of carriers. The act also amends sections 5, 15a, and 19a of the Interstate Commerce Act, among other changes striking out the provision for a general railroad contingent fund composed of half of railroad income over 6 percent, and making additional regulations governing consolidation of carriers.

## AMENDING ACTS:

Act of June 13, 1934 (48 Stat. 954, c. 498; U. S. Code 49: 264). Assessment of \$2 a mile on carriers.

Joint resolution of June 14, 1935 (49 Stat. 376, c. 247; U. S. Code Supp. (I-IV) 49: 264a, 267a). Powers of Coordinator to continue until June 17, 1936; new assessment of \$2 a mile on carriers.

[The amendment to section 5 of the Interstate Commerce Act is superseded, and that to §15a amended, by No. 14, below.]

## DECISIONS AS TO CONSTITUTIONALITY:

In *United States v. Lowden*, 308 U. S. 225, the amendment to section 5 of the Interstate Commerce Act was held to be constitutional insofar as it authorized the Interstate Commerce Commission to require provision to be made for employees in case of consolidation of railroads, on the ground that it does not infringe due process to require a business "to carry the burden of employee wastage incident to its operation."

In *Richmond, F. & P. R. R. Co. v. Early*, 97 Fed. (2d) 312, it was held to be "within the power of Congress to confer" on the carriers relief from the recapture provisions of the Interstate Commerce Act, and "to prescribe the conditions upon which the grant was made."

## 2. COMMUNICATIONS ACT of June 19, 1934 (48 Stat. 1064-1105; U. S. Code 47: 151-609).

Federal Communications Commission created, to regulate interstate and foreign commerce in communication by wire and radio. Licenses required for communications extending beyond the borders of the State within which they originate.

## F-2—Continued.

## AMENDING ACTS:

Act of January 22, 1936 (49 Stat. 1098, c. 25; U. S. Code Supp. 47: 154). Provision for appointment of accountants by the Commission.

Act of June 5, 1936 (49 Stat. 1475, c. 511; U. S. Code Supp. 47: 307). Repeal of provision dividing the United States into five radio zones; primary standard in considering applications for licenses, etc., to be fair, reasonable, and equitable geographical distribution of radio service.

Act of March 29, 1937 (50 Stat. 56, c. 58; U. S. Code Supp. 47: 318). Commission authorized to modify rule requiring operator's license for operation of radio transmitting apparatus.

Act of May 20, 1937 (50 Stat. 189-198; U. S. Code Supp. 47: 151, etc.). Special regulations as to radio equipment, etc., on vessels, in order to carry out International Convention for the Safety of Life at Sea. [Amended by Act of March 18, 1940 (54 Stat. 54, c. 66; Pub. No. 441).]

Act of May 31, 1938 (52 Stat. 588, c. 296; U. S. Code Supp. 47:201). Carriers authorized to furnish to newspapers reports of positions of ships at sea.

Act of June 25, 1940 (54 Stat. 570, c. 422; Pub. No. 659). Carriers authorized to render free service to national-defense agencies.

## DECISIONS AS TO CONSTITUTIONALITY:

In *Weiss v. United States*, 308 U. S. 321, the court, in construing §605 relative to wire-tapping, stated that, "as Congress has power, when necessary for the protection of interstate commerce, to regulate interstate transactions, there is no constitutional requirement that the scope of the statute be limited so as to exclude intrastate communications."

In *Pulitzer Publishing Co. v. Federal Communications Commission*, 94 Fed. (2d) 249, the court stated that "radio communication as contemplated by the act constitutes interstate commerce and involves the public interest," and that "the regulatory provisions of the Act are a reasonable exercise by Congress of its powers."

In *Sablowsky v. United States*, 101 Fed. (2d) 183, the court stated: "Congress must be deemed to have exercised its power within constitutional limitations. It possesses power to provide that Federal officers may not divulge intercepted intrastate wire communications in a district court of the United States."

3. Act of June 21, 1934 (48 Stat. 1185-97; U. S. Code 45: 151-158, 160-162), amending Railway Labor Act of 1926.

National Railroad Adjustment Board and National Mediation Board established, to aid in the prompt settlement of disputes.

## F-3—Continued.

between railroads and their employees. The purposes of the act are (1) to avoid interruption to commerce or to the operation of carriers engaged therein, (2) to forbid limitations on freedom of association among employees or the right of employees to join a labor organization, and (3) to provide for complete independence of carriers and of employees in matters of self-organization to carry out the act.

[Amended by act of August 13, 1940 (54 Stat. 785-786; Pub. No. 764), as to persons engaged in coal-mining operations. See also No. 9, below.]

## DECISIONS AS TO CONSTITUTIONALITY:

In *Virginian Ry. Co. v. System Federation No. 40*, 300 U. S. 515, the court stated: "The power of Congress over interstate commerce extends to such regulations of the relations of rail carriers to their employees as are reasonably calculated to prevent the interruption of interstate commerce by strikes and their attendant disorders. \* \* \* It was for Congress to make the choice of the means by which its objective of securing the uninterrupted service of interstate railroads was to be secured." Employees largely engaged in repair work on equipment used in transportation, 97 percent of which is interstate, "have such a relation to the other confessedly interstate activities of the petitioner that they are to be regarded as a part of them. All taken together fall within the power of Congress over interstate commerce."

In *Shields v. Utah Idaho Central R. R. Co.*, 305 U. S. 177, the court held that Congress has power to authorize the Interstate Commerce Commission to determine what carriers are excluded from the act as interurban electric railways, as this "cannot be regarded as an unconstitutional delegation of power."

[See also *Cook v. Des Moines Union Ry. Co.*, 16 Fed. Supp. 810; *Texas Electric Ry. Co. v. Eastus*, 25 Fed. Supp. 825; 308 U. S. 512, 637; *Burke v. Morphy*, 109 Fed. (2d) 572; and *Grand International Brotherhood v. Morphy*, 109 Fed. (2d) 576; 310 U. S. 635.]

#### 4. RAILROAD RETIREMENT ACT of June 27, 1934 (48 Stat. 1283-89; U. S. Code 45: 201-214).

Provisions for retirement of railway employees at 65 or after 30 years' service (postponement to age 70 by agreement authorized), at an annuity dependent on length of service and average compensation, with a maximum of \$120 a month, financed by a fund maintained by contributions determined by a Railroad Retirement Board, the railroads paying twice as much as the employees.

[See also Nos. 7, 8, and 10, below.]

F-4—Continued.

#### DECISION AS TO CONSTITUTIONALITY:

In *Railroad Retirement Board v. Alton R. R. Co.*, 295 U. S. 330, this act was held unconstitutional on the ground that it was not "in purpose or effect a regulation of interstate commerce within the meaning of the Constitution"; the court also declared certain provisions of the act "highly unreasonable and arbitrary," especially the fact that "solvent railroads must furnish the money necessary to meet the demands of the system upon insolvent carriers, since the very purpose of the act is that the pension fund itself shall be kept solvent and able to answer all the obligations placed upon it." Justices Hughes, Brandeis, Stone, and Cardozo, dissenting, maintained that "Congress was entitled to form a legislative judgment" as to whether or not a compulsory retirement law is essential to maximum efficiency of the railway service, and that "a reasonable pension plan by its assurance of security is an appropriate means" to maintain morale; "that industry should take care of its human wastage, whether that is due to accident or age \* \* \* is a reasoned conviction based upon abundant experience. \* \* \* When expressed in the government of interstate carriers, with respect to their employees likewise engaged in interstate commerce, it is a regulation of that commerce."

5. MOTOR CARRIER ACT of August 9, 1935 (49 Stat. 543-567; U. S. Code Supp. 49: c. 8).

Interstate and foreign motor carriers placed under regulatory power of Interstate Commerce Commission, including power to establish maximum hours of service of employees.

[Amended by acts of June 23, 1938 (52 Stat. 1029 § 1107), June 29, 1938 (52 Stat. 1236-41) and September 18, 1940 (54 Stat. 919-929; Pub. No. 785).]

#### DECISIONS AS TO CONSTITUTIONALITY:

In *Martin v. United States*, 100 Fed. (2d) 490, this act was held "not so vague and indefinite that it offends the due process clause." [Certiorari denied, 306 U. S. 649.]

In *Service Mutual Liability Insurance Co. v. United States*, 18 Fed. Supp. 613, it was held that a rule of the Commission under this act requiring liability insurance in companies "legally authorized to transact business" in the States affected was not "an unlawful and unconstitutional delegation of authority by the commission to the Legislatures and insurance commissioners of the various States."

The validity of the act was again upheld in *Interstate Commerce Commission v. Davidson*, 20 Fed. Supp. 832.

In *Charles Noeding Trucking Co. v. United States*, 29 Fed. Supp. 537, it was held that a provision in the act authorizing

## F-5—Continued.

the Commission to remove a partial exemption was not "so indefinite as to constitute a delegation of legislative power by Congress."

In *American Trucking Associations v. United States*, 31 Fed. Supp. 35, the court upheld the validity of the provision authorizing the Commission to fix qualifications and maximum hours for drivers of motor vehicles.

6. Act of August 26, 1935 (49 Stat. 803-863; U. S. Code Supp. 15: 79 to 79z-6, etc.).

Regulation of public-utility holding companies, including modified "death sentence" provision (§11), which requires simplification of holding-company systems by January 1, 1938; miscellaneous amendments and additions to Federal Power Act, including regulation by the Federal Power Commission of electric utilities engaged in interstate commerce, and of other utilities and licensees under the Federal Power Act.

## DECISIONS AS TO CONSTITUTIONALITY:

In *Electric Bond & Share Co. v. Securities and Exchange Commission*, 303 U. S. 419, it was held that the registration requirements are separable from the remainder of the act and are a valid exercise of Congressional authority; the court stated that it was clear that the transactions in question involved interstate commerce, and "Congress cannot be denied the power to demand the information which would furnish a guide to the regulation necessary or appropriate in the national interest." Justice McReynolds dissented, without giving a separate opinion.

In *Burco, Inc., v. Whitworth*, 81 Fed. (2d) 721, it was held that trustees in bankruptcy proceedings for the reorganization of a public-service company should not register under the act, the business of the company not being of an interstate character; the court declared that the act prohibits numerous activities "in so sweeping a fashion as to make it impossible for a holding company covered by the act to carry on its business without registration and without submission to the regulation of the commission in many important particulars;" the court however refused to include in its judgment a statement that the act as a whole is unconstitutional. [Certiorari denied, 297 U. S. 724.]

The validity of portions of §11 of the act has been upheld, *In Re Community Power & Light Co.*, 33 Fed. Supp. 901, as not being "spoliative and confiscatory and in violation of the Fifth Amendment."

7. RAILROAD RETIREMENT ACT of August 29, 1935 (49 Stat. 967-974; U. S. Code Supp. I or II, 45: 215-228).

Provisions for retirement of railway employees and their representatives at 65, or after 30 years' service if of age 50 or over

## F-7—Continued.

or physically disabled (postponement to age 70 by agreement authorized), at an annuity dependent on length of service and average compensation, with a maximum of \$120 a month; appropriations from the Treasury were authorized, to pay the annuities.

[This act was amended and superseded by the Railroad Retirement Act of June 24, 1937 (50 Stat. 307-319; U. S. Code Supp. III, IV or V, 45: 228a-228r), which provides that persons retired because of 30 years' service must be at least 60, unless totally disabled, fixes a minimum annuity of \$40 a month for practically all persons retiring at 65 after 20 years' service, and provides a railroad retirement account, to which appropriations are authorized to be made for payment of annuities, etc., on estimates submitted by the retirement board. Further amendments were made by joint resolution of June 11, 1940 (54 Stat. 264; Pub. Res. 81) and acts of August 13, 1940 (54 Stat. 785-787; Pub. No. 764), October 8, 1940 (54 Stat. 1014-17; Pub. No. 801 §625, 626), and October 10, 1940 (54 Stat. 1100 §25, 26; Pub. No. 833); see also joint resolution of October 9, 1940 (54 Stat. 1088-90; Pub. Res. 102).]

8. Act of August 29, 1935 (49 Stat. 974-977; U. S. Code Supp. I or II, 45: 241-253).

Income tax of 3½ percent levied on compensation (until February 28, 1937) of railway employees up to \$300 a month; also excise tax of same amount on their employers, and income tax of 7 percent on compensation of employees' representatives.

[Extended to June 30, 1938 by joint resolution of February 27, 1937 (50 Stat. 23, c. 19); repealed by act of June 29, 1937 (50 Stat. 440 §11); for new provisions, see No. 10, below.]

## DECISION AS TO CONSTITUTIONALITY:

In *Alton R. R. Co. v. Railroad Retirement Board*, 16 Fed. Supp. 955, this act was held unconstitutional, on the ground that it was obviously intended by Congress to constitute a part of a single scheme with the Railroad Retirement Act of the same date (No. 7, above), and was hence governed by the decision cited under No. 4, above.

9. Act of April 10, 1936 (49 Stat. 1189-91; U. S. Code Supp. 45: 181-188).

Railway Labor Act, providing for arbitration of labor disputes, extended to carriers by air, with various additional special provisions; National Air Transport Adjustment Board established, with powers similar to those of the National Railroad Adjustment Board.

10. CARRIERS TAXING ACT of June 29, 1937 (50 Stat. 435-440; U. S. Code Supp. III, IV or V, 45: 261-273).

Income tax of 2¾ percent, increasing to 3¾ percent by 1949, on compensation of railway employees up to \$300 a month, also

## F-10—Continued.

excise tax of same amount on their employers, and income tax of from 5½ percent to 7½ percent on compensation of employee representatives.

[Incorporated in and superseded by the Internal Revenue Code (O, 10, below), c. 9.]

[In *California v. Latimer*, 305 U. S. 255, the court declined to pass on the constitutionality of this act, in dismissing a bill for an injunction to prevent its enforcement.]

11. NATURAL GAS ACT of June 21, 1938 (52 Stat. 821-833; U. S. Code Supp. 15: 717-717w).

Regulation, through Federal Power Commission, of transportation and sale of natural gas in interstate commerce.

12. CIVIL AERONAUTICS ACT of June 23, 1938 (52 Stat. 973-1030; U. S. Code Supp. 49: c. 9).

Civil Aeronautics Authority created, with power to purchase aircraft, to establish and operate landing areas and other aids for air navigation, and to regulate operation of carriers; regulations governing charges for transportation, etc.; provisions for registration of aircraft, etc.

[The Civilian Pilot Training Act of June 27, 1939 (53 Stat. 855-856; U. S. Code Supp. 49: 751-757) authorizes the Civil Aeronautics Authority to conduct programs for training for civilian pilots, independently or in cooperation with educational institutions, etc., at a cost up to \$5,675,000 a year for 2 years, and \$7,000,000 for each of the following 4 years. The act is also amended in a minor respect by the act of July 2, 1940 (54 Stat. 735, c. 526; Pub. No. 721); see also the Act of August 27, 1940 (54 Stat. 862-863; Pub. No. 774). See also G (No. 6, Plans III, IV), below.]

13. RAILROAD UNEMPLOYMENT INSURANCE ACT of June 25, 1938 (52 Stat. 1094-1113; U. S. Code Supp. 45: 351-367).

Establishment (under supervision of Railroad Retirement Board) of a separate system of unemployment insurance applicable to employees of all carriers subject to part I of Interstate Commerce Act.

[Various amendments were made by acts of June 20, 1939 (53 Stat. 845-848), July 2, 1940 (54 Stat. 741, c. 530; Pub. No. 725), August 13, 1940 (54 Stat. 785-787; Pub. No. 764) and October 10, 1940 (54 Stat. 1094-1101; Pub. No. 833).]

14. TRANSPORTATION ACT of September 18, 1940 (54 Stat. 898-956; (Pub. No. 785).

Numerous amendments to the Interstate Commerce Act and to No. 5, above; addition of Part III, regulating carriers by water.

F—Continued.

[For additional legislation relating to carriers, see under E (No. 7), above, and I (No. 11) and X (No. 1), below; see also under H (especially Nos. 1, 4, 7, 19) and T (especially Nos. 1-3, 6, 7), below.]

## G. CIVIL SERVICE, ETC.

1. ECONOMY ACT of March 20, 1933 (48 Stat. 12-16; U.S. Code 5: 30a, 130, 132).

Amendments to Economy Act of June 30, 1932, abolishing provisions for furloughs, and substituting provision for reducing compensation of officers and employees in accordance with index figure of cost of living, but not over 15 percent.

### AMENDING ACTS:

Act of June 16, 1933 (48 Stat. 306 § 9). Repeal of administrative furlough provision of 1932 act and substitution of other furlough provision for fiscal year 1934.

Act of March 28, 1934 (48 Stat. 521-523). Reduction of compensation not to be over 10 percent beginning February 1, 1934, nor over 5 percent during fiscal year 1935.

Act of February 13, 1935 (49 Stat. 24 § 2). Reduction to terminate March 31, 1935.

2. Act of June 16, 1933 (48 Stat. 305 § 8 (a); U. S. Code 5: 736a).

Retirement annuities granted to Government employees involuntarily separated from the service prior to July 1, 1935, after thirty years' service; amount same as under the retirement act of May 29, 1930, with a deduction of 3½ percent during the period before reaching the automatic retirement age.

[For additional legislation relating to civil service retirement, see the acts of June 22, 1934 (48 Stat. 1201-1202; U. S. Code 5: 724), July 13, 1937 (50 Stat. 512-514; U. S. Code Supp. 5: 693b, etc.); June 25, 1938 (52 Stat. 1197, c. 698; U. S. Code Supp. 5: 693c, 719a) and August 4, 1939 (53 Stat. 1200-1202; U. S. Code Supp. 5: 693, 698, 710, 711, 719-1).]

3. Act of July 25, 1935 (49 Stat. 498-500; U. S. Code Supp. 5: 141-149).

Establishment of Central Statistical Committee and Central Statistical Board, to coordinate and eliminate duplication in the statistical services of the Government.

## G-3—Continued.

[Functions transferred to the Bureau of the Budget, by Reorganization Plan No. I, under No. 6, below.]

4. Acts of March 14, 1936 (49 Stat. 1161, 1162; U. S. Code Supp. 5: 29a, 30b-30m).

Standardization of annual and sick leave of government employees, including employees of government-controlled corporations; 26 days' annual leave, 15 days' sick leave. Heads of Departments, etc., to issue general regulations prescribing hours of duty of "each group of employees."

## AMENDING ACTS:

Act of August 19, 1937 (50 Stat. 707(c); U. S. Code Supp. 12: 640r). These acts not to apply to corporations under supervision of Farm Credit Administration, if any directors are selected by private interests.

Act of March 2, 1940 (54 Stat. 38, c. 33; Pub., No. 419). Annual and sick leave not to include Sundays (unless in a regular tour of duty), holidays or other "nonwork days."

Act of June 28, 1940 (54 Stat. 679 §7; Pub., No. 671). Employees of Navy Department, Naval Establishment, and Coast Guard may be employed with additional pay in lieu of vacations, during the present emergency.

5. Joint Resolution of February 3, 1937 (50 Stat. 7-8; U. S. Code Supp. 5: 135-138).

Joint Congressional Committee on Government Organization created, to investigate and report to Congress as to possible reorganization of government departments, etc., in the interest of simplification, efficiency, and economy.

6. Act of April 3, 1939 (53 Stat. 561-565; U. S. Code Supp. 3: 45a; 5:133-133r; 31:2).

President authorized to reorganize executive agencies of the government, subject to disapproval by concurrent resolution within 60 days; special rules prescribed for each House for the consideration of proposals to disapprove reorganization plans; six administrative assistants to the President authorized.

## REORGANIZATION PLANS UNDER THIS ACT:

No. I of April 25, 1939 (53 Stat. 1423-30).

(a) Budget Bureau, Central Statistical Board and National Resources Planning Board transferred to Executive Office of the President;

(b) Federal Security Agency established, including U. S. Employment Service, Office of Education, Public Health Service, National Youth Administration, Social Security Board, and Civilian Conservation Corps;

## G-6—Continued.

(c) Federal Works Agency established, including Bureau of Public Roads (changed to Public Roads Administration), Public Buildings Branch of Procurement Division and certain functions of National Park Service (changed to Public Buildings Administration), United States Housing Authority, Public Works Administration, and Works Progress Administration (changed to Work Projects Administration);

(d) Farm Credit Administration, Federal Farm Mortgage Corporation and Commodity Credit Corporation transferred to Department of Agriculture;

(e) Federal Loan Agency established, to supervise Reconstruction Finance Corporation, Electric Home and Farm Authority, RFC Mortgage Co., Disaster Loan Corporation, Federal National Mortgage Association, Federal Home Loan Bank Board, Home Owners' Loan Corporation, Federal Savings and Loan Insurance Corporation, Federal Housing Administration, and Export-Import Bank of Washington.

No. II of May 9, 1939 (53 Stat. 1431-36).

(a) Foreign Commerce Service and Foreign Agricultural Service, and functions of Foreign Service Buildings Commission, transferred to State Department;

(b) Bureau of Lighthouses, and functions of Director General of Railroads and War Finance Corporation, transferred to Treasury Department;

(c) Attorney General to administer Federal Prison Industries, Inc., and National Training School for Boys;

(d) Bureaus of Fisheries and Biological Survey and Mount Rushmore Memorial Commission, and functions of National Bituminous Coal Commission and Bureau of Insular Affairs, transferred to Interior Department; Secretary of the Interior to be chairman of Migratory Bird Conservation Commission;

(e) Rural Electrification Administration transferred to Department of Agriculture;

(f) Inland Waterways Corporation transferred to Department of Commerce;

(g) Radio Division and U. S. Film Service of National Emergency Council, and functions of Secretary of the Treasury concerning American Printing House for the Blind (except as to the trust fund), transferred to Federal Security Agency;

(h) Functions of Codification Board transferred to National Archives;

(i) National Emergency Council abolished, and its remaining functions transferred to Executive Office of the President.

[Plans I and II were made effective July 1, 1939, by joint resolution of June 7, 1939 (53 Stat. 813, c. 193; U. S. Code Supp. 5:133s, 133t). See also act of August 5, 1939 (53 Stat. 1216-17;

## G-6—Continued.

U. S. Code Supp. 14:10f-10h, etc.), which makes further provisions for consolidating the Lighthouse Service with the Coast Guard.]

No. III of April 2, 1940 (54 Stat. 1231-34; 5 Fed. Reg. (Daily) 2107).

(a) Fiscal Service of Treasury Department established, including office of Commissioner of Accounts and Deposits (changed to Commissioner of Accounts), Division of Book-keeping and Warrants (to be under Commissioner of Accounts), Division of Disbursement, Division of Deposits, Section of Surety Bonds, office of Commissioner of the Public Debt, Division of Loans and Currency, office of Register of the Treasury, Division of Public Debt Accounts and Audit, Division of Savings Bonds, Division of Paper Custody (last six consolidated into Bureau of the Public Debt), and office of Treasurer of the United States; head of the Service to be Fiscal Assistant Secretary, appointed by the Secretary, at \$10,000 a year; financing and accounting functions transferred from other Treasury officers; office of one Assistant Secretary abolished;

(b) Federal Alcohol Administration abolished, and functions transferred to Bureau of Internal Revenue;

(c) Bureaus of Fisheries and Biological Survey consolidated into Fish and Wildlife Service;

(d) Office of recorder of General Land Office abolished; Secretary of the Interior to designate persons in that office to exercise the recorder's functions;

(e) Division of Marketing and Marketing Agreements of Agricultural Adjustment Administration and Federal Surplus Commodities Corporation consolidated into Surplus Marketing Administration.

(f) Offices of commissioner of immigration at the various ports abolished; Commissioner of Immigration and Naturalization to administer their functions through district directors of immigration and naturalization;

(g) certain functions of Civil Aeronautics Authority transferred to Administrator of Civil Aeronautics.

No. IV of April 11, 1940 (54 Stat. 1234-38; 5 Fed. Reg. (Daily) 2421-23).

(a) Functions of Division of Territories and Island Possessions relating to Dominican customs receivership transferred to State Department;

(b) Compromises under Sec. 7 of Federal Alcohol Administration Act (B, 5, above) to be approved by Secretary of the Treasury rather than Attorney General;

(c) Disbursement functions of marshals not to be transferred to Treasury Department (under Exec. Order 6166) but to be vested in Department of Justice; cooperation between Attorney General and Secretary of the Treasury as to disbursements directed;

(d) Disbursement functions of Post Office Department not to be transferred to Treasury Department (under

## G-6—Continued.

Exec. Order 6166); cooperation between Postmaster General and Secretary of the Treasury as to disbursements directed;

(e) Transportation of mail, etc., between government agencies in District of Columbia to be administered by Post Office Department, with certain exceptions;

(f) Soil- and moisture-conservation functions of Soil Conservation Service on lands under jurisdiction of Interior Department transferred to that Department;

(g) Civil Aeronautics Authority, Administrator of Civil Aeronautics and Air Safety Board, also Weather Bureau, transferred to Department of Commerce;

(h) Powers of Secretaries of Treasury and Interior under Sec. 2 of act of June 13, 1934 (Q, 2, below) transferred to Secretary of Labor;

(i) Functions of Secretary of the Navy as to marine or nautical schools transferred to United States Maritime Commission;

(j) St. Elizabeths Hospital and Freedmen's Hospital, functions of Interior Department as to Howard University and Columbia Institution for the Deaf, and (with certain exceptions) Food and Drug Administration, transferred to Federal Security Agency.

No. V of May 22, 1940 (54 Stat. 1238; 5 Fed. Reg. (Daily) 2223.

Immigration and Naturalization Service transferred from Labor Department to Department of Justice.

[By joint resolution of June 4, 1940 (54 Stat. 230, c. 231; Pub. Res. 75), Plans III and IV were made effective June 30, 1940, and Plan V ten days after the date of the resolution.]

7. HATCH ACT of August 2, 1939 (53 Stat. 1147-49; U. S. Code Supp. 18: 61-61k).

Restrictions on political activities of Federal officers, etc.

[Amended by act of July 19, 1940 (54 Stat. 767-772; Pub. No. 753), to apply to officers and employees of State, etc., agencies financed by the United States.]

8. Act of June 26, 1940 (54 Stat. 599; Pub. No. 667).

Government establishments authorized to employ \$1 a year men during "the present emergency."

9. RAMSPECK ACT of November 26, 1940 (54 Stat. 1211-16; Pub. No. 880).

President authorized, by Executive Order, to cover offices or positions into the classified civil service; incumbents to take a noncompetitive examination. Extension of Classification Act of

## G-9—Continued.

1923 also authorized, with certain specific exceptions. Boards of review to be established, to pass on requests for review of efficiency ratings.

[For civil service status of National Archives employees, etc., see under C (Nos. 1, 2), above; for State taxation of Federal officers and employees, see under O (No. 11), below; for civil-service status of postmasters, see under U (No. 2), below.]

## H. COMMERCE AND INDUSTRY

### 1. SECURITIES ACT of May 27, 1933 (48 Stat. 74-92; U. S. Code 15: 77a-77aa).

Regulation of the sale or offering for sale of securities through the mail or in interstate commerce, under supervision of Federal Trade Commission. Securities, etc., required (with certain exceptions) to be registered with the Commission; specific information required to be included in prospectuses, etc.; penalties prescribed for false statements, etc.

#### AMENDING ACTS:

Act of June 6, 1934 (48 Stat. 905-909; U. S. Code 15: 77b-77e, 77j, 77k, 77n, 77o, 77s, 78ii). Functions of Federal Trade Commission transferred to Securities and Exchange Commission. Various specific amendments.

Acts of August 9, 1935 (49 Stat. 557 § 214) and June 29, 1938 (52 Stat. 1240 § 15; U. S. Code Supp. 15: 77c). Amendment of provision exempting securities of carriers.

Act of August 26, 1935 (49 Stat. 851 § 204 (h); U. S. Code Supp. 16: 824c). Special provision as to filing of reports, etc., by public utilities.

Act of August 27, 1935 (49 Stat. 920 (f); U. S. Code Supp. 11: 205). Certain provisions not to apply to securities issued in connection with railroad reorganization proceedings in bankruptcy courts.

Act of June 22, 1938 (52 Stat. 902 § 264, 914 § 393, 928 § 518; U. S. Code Supp. 11: 664, 793, 918). Certain provisions not to apply to securities issued in connection with corporate reorganizations or arrangements under titles X-XII of Bankruptcy Act.

Act of August 3, 1939 (53 Stat. 1154, 1155; U. S. Code Supp. 15: 77eee, 77fff). Certain provisions not to apply to trust indentures subject to the Trust Indenture Act (No. 19, below).

Act of August 22, 1940 (54 Stat. 826 § 24 (d), 857 § 301; Pub. No. 768). Certain exemptions not to apply to securities

## H-1—Continued.

issued by investment companies. Commission authorized to provide that registration statements shall become effective within less than 20 days after filing.

## DECISIONS AS TO CONSTITUTIONALITY:

In *Jones v. Securities and Exchange Commission*, 79 Fed. (2d) 617, it was held that the act is constitutional so far as it relates to the use of the mails, and that there was not an improper delegation of power to the Commission.

This decision was in part reversed in *Jones v. Securities and Exchange Commission*, 298 U. S. 1, in which the court held that the Commission had taken "wholly unreasonable and arbitrary action" in refusing to permit the withdrawal of a registration statement which it believed to be in violation of the act; the court concluded its opinion with the statement that it was "unnecessary to consider the constitutional validity of the act." Justices Cardozo, Brandeis, and Stone, dissenting, maintained that the Commission had a right to refuse to permit withdrawal of statements and to conduct investigations as to whether such statements constitute a violation of the act.

In *McMann v. Securities and Exchange Commission*, 87 Fed. (2d) 377, the court stated that the constitutional point decided by the circuit court of appeals in the *Jones* case had not been "disturbed" by the Supreme Court's decision. [Certiorari denied, 301 U. S. 684.]

In *Coplin v. United States*, 88 Fed. (2d) 652, the constitutionality of the act was again upheld, in particular section 17 (a, 2), which requires statements to include any facts needed in order to prevent the statements made from being misleading. [Certiorari denied, 301 U. S. 703.]

In *Newfield v. Ryan*, 91 Fed. (2d) 700, a provision authorizing the Commission to conduct investigations and issue subpoenas was held to be "well within" the constitutional powers of Congress. [Certiorari denied, 302 U. S. 729, 777, 650.]

In *Securities and Exchange Commission v. Crude Oil Corporation*, 93 Fed. (2d) 844, the act was again held constitutional, as to the use of the mails and interstate commerce.

In *Bogy v. United States*, 96 Fed. (2d) 734, it was held that section 17 is constitutional in so far as it prescribes a penalty for use of the mails for fraudulent sales of securities. [Certiorari denied, 305 U. S. 608.]

In *Oklahoma-Texas Trust v. Securities and Exchange Commission*, 100 Fed. (2d) 888, the act was again upheld, the court stating: "It is well settled that Congress may enact reasonable regulations to prevent the mails and the facilities of interstate commerce from being used as instruments of fraud and imposition."

The validity of the act was again upheld in *Davis v. Securities and Exchange Commission*, 109 Fed. (2d) 6. [Certiorari denied, 309 U. S. 687.]

## H-1—Continued.

In *United States v. Goodner*, 35 Fed. Supp. 286, it was held that a person could not, under the Fifth Amendment, be prosecuted for violation of the act in relation to matters as to which he was required to give testimony before the Commission; no specific provision of the act was however held invalid.

2. CORPORATION OF FOREIGN BONDHOLDERS ACT of May 27, 1933 (48 Stat. 92-95; U. S. Code 15: 77bb-77mm).

Corporation of Foreign Security Holders established, to protect interest of holders of foreign securities issued, etc., in the United States.

3. NATIONAL INDUSTRIAL RECOVERY ACT of June 16, 1933 (48 Stat. 195-200, 211; U. S. Code 15: 701-712).

President authorized to establish agencies to remove obstructions to the free flow of commerce, to approve codes of fair competition for trade and industry as represented by trade or industrial associations or groups (such codes to provide for maximum hours, minimum wages, collective bargaining, favorable conditions of labor, and fair trade practices), and to enter into agreements with labor organizations, etc., relating to trade or industry, if in his judgment such agreements, etc., would aid in the removal of obstructions to the free flow of commerce, promote the fullest possible utilization of the productive capacity of industries, and increase the consumption of industrial and agricultural products by increasing purchasing power; actions taken in accordance with such codes and agreements to be exempt from antitrust laws. President also authorized to prohibit the interstate shipment of "hot oil."

[The deficiency appropriation act of June 16, 1933 (48 Stat. 275) carried an item of \$3,300,000,000 to carry out the above (among other) provisions. The joint resolution of June 14, 1935 (49 Stat. 375, c. 246) repealed the provisions for codes of fair competition, extended the remainder of the act to April 1, 1936, and modified the provision exempting agreements from the antitrust laws. See also joint resolution of August 29, 1935 (49 Stat. 990, c. 815; U. S. Code Supp. 41: 34).]

DECISIONS AS TO CONSTITUTIONALITY:

In *Panama Refining Co. v. Ryan*, 293 U. S. 388, the provision authorizing the President to prohibit interstate shipment of "hot oil" was held invalid, on the ground that it "establishes no criterion to govern the President's course," but "gives to the President an unlimited authority to determine the policy and to lay down the prohibition, or not to lay it down, as he may see fit"; the court regarded this as an unconstitutional attempt to delegate to the President what was clearly a legislative power, which "Congress manifestly is not permitted to abdicate, or to transfer to others." Justice Cardozo, dissenting, denied that there was any lack of a criterion to govern the

## H-3---Continued.

President's action, maintaining that "the President is to forbid the transportation of the oil when he believes, in the light of the conditions of the industry as disclosed from time to time, that the prohibition will tend to effectuate the declared policies of the act."

[See also act of February 22, 1935 (No. 8, below).]

In *Schechter Corporation v. United States*, 295 U. S. 495, the court held invalid the attempt to authorize the President to approve a code of fair competition that would regulate the live-poultry industry in the matter of hours and wages and trade practices, on the ground that this was an attempt to delegate "essential legislative functions," and was "utterly inconsistent with the constitutional prerogatives and duties of Congress. \* \* \* Congress cannot delegate legislative power to the President to exercise an unfettered discretion to make whatever laws he thinks may be needed or advisable for the rehabilitation and expansion of trade or industry." The court also held that the attempt "to fix the hours and wages of employees of defendants in their intrastate business was not a valid exercise of federal power," because "where the effect of intrastate transactions upon interstate commerce is merely indirect, such transactions remain within the domain of state power." Justice Cardozo, concurring, distinguished this case from the *Panama Refining Co.* case in which he had dissented, because this was "an attempted delegation not confined to any single act nor to any class or group of acts identified or described by reference to a standard. Here in effect is a roving commission to inquire into evils and, upon discovery, correct them."

4. SECURITIES EXCHANGE ACT of June 6, 1934 (48 Stat. 881-909; U. S. Code 15:78a-78hh, etc.).

Licensing of stock exchanges and registration of listed securities with Securities and Exchange Commission required. Periodical reports certified by independent public accountants may be required in certain cases. The act defines the function of dealers, brokers, and specialists, forbids manipulative practices to establish artificial prices for securities, and provides minimum margin requirements of 55 to 75 percent of current market prices.

AMENDING ACTS:

Act of August 26, 1935 (49 Stat. 851 § 204 (h); U. S. Code Supp. 16: 824c). Special provision as to filing of reports by public utilities.

Act of August 27, 1935 (49 Stat. 921 (f); U. S. Code Supp. 11: 205). Certain provision as to proxies not to apply in case of railroads in reorganization proceedings in bankruptcy courts.

Act of May 27, 1936 (49 Stat. 1375-80; U. S. Code Supp. 15: 78l, 78l-1, 78o, 78o-1, 78o-2, 78q, 78t, 78u, 78w, 78ff, 78hh-1). Regulation of trading in unlisted securities and over-the-counter

## H-4—Continued.

brokers; filing of information, etc., by issuers of unlisted and unregistered securities required.

Act of June 25, 1938 (52 Stat. 1070-76; U. S. Code Supp. 15: 78o, 78o-3, 78q, 78cc, 78ff). Further regulation of over-the-counter brokers, etc.

Act of August 22, 1940 (54 Stat. 836 § 30 (c); Pub. No. 768). Special provision as to filing reports, etc., by investment companies.

## DECISIONS AS TO CONSTITUTIONALITY:

In *American Sumatra Tobacco Corp. v. Securities and Exchange Commission*, 110 Fed. (2d) 117, it was held that this act "provides a sufficient guide for administrative action whenever the Commission is called upon to decide whether or not disclosure" of alleged confidential information "is in the public interest," so as to avoid the charge "that Section 24 (b) of the Act delegates power without setting any standard for the Commission's action."

In *Wright v. Securities and Exchange Commission*, 112 Fed. (2d) 89, the act was held not violative of the Fifth Amendment on the ground of "vesting in the Commission the functions of prosecutor, judge, and jury."

5. Act of June 18, 1934 (48 Stat. 979-980; U. S. Code 18: 420a-420e).

Penalty prescribed for interference with interstate or foreign trade or commerce by violence, threats, coercion, or intimidation; legitimate rights of bona fide labor organizations not affected.

## DECISION AS TO CONSTITUTIONALITY:

In *United States v. Gramlich*, 19 Fed. Supp. 422, it was held that the provision of § 4 of the act, granting discretionary powers to the Attorney General, did not constitute such "an unwarranted delegation of power" as to invalidate the entire act, which contained a separability clause.

6. Act of June 25, 1934 (48 Stat. 1213-14; U. S. Code 15: 521, 522).

Persons engaged in fishing industry authorized to form associations for marketing, etc., the products of such industry, but not to monopolize or restrain interstate or foreign commerce to such an extent as to unduly enhance the price.

7. Act of January 31, 1935 (49 Stat. 1-5; U. S. Code Supp. 15: 604b, etc.).

Reconstruction Finance Corporation authorized to continue its functions until February 1, 1937. Various amendments to Reconstruction Finance Corporation Act, in relation to railroads, mort-

## H-7—Continued.

gage associations, etc. Commodity Credit Corporation recognized as Federal agency until April 1, 1937, and Export-Import Banks until June 16, 1937.

## AMENDING ACTS, ETC.:

Act of April 10, 1936 (49 Stat. 1191, c. 168; U. S. Code Supp. 15: 713a). Capital stock of Commodity Credit Corporation to be increased to \$97,000,000, such stock to be acquired by Reconstruction Finance Corporation.

Act of January 26, 1937 (50 Stat. 5, c. 6). Further extension of the corporations above listed until June 30, 1939.

Act of March 8, 1938 (52 Stat. 107-108; U. S. Code Supp. 15: 713a-1 to 713a-5). Capital of Commodity Credit Corporation fixed at \$100,000,000; limit of obligations, \$500,000,000.

Acts of March 4, 1939 (53 Stat. 510, c. 4, 5; U. S. Code Supp. 15: 613c, 713, etc.). Further extension of the corporations above listed until June 30, 1941; limit of loans, etc., of Export-Import Bank of Washington fixed at \$100,000,000; of obligations of Commodity Credit Corporation, \$900,000,000.

Act of March 2, 1940 (54 Stat. 38, c. 34; Pub., No. 420). Limit of loans, etc., of Export-Import Bank increased to \$200,000,000; not more than \$20,000,000 to be loaned to any one foreign country; loans not to be made for purchase of munitions, nor to governments in default of obligations to United States.

Act of June 25, 1940 (54 Stat. 572-574; Pub. No. 664.) Further extension of most of the corporations above listed until January 22, 1947; various amendments to R. F. C. Act.

Act of August 9, 1940 (54 Stat. 782, c. 649; Pub. No. 759). Limit of obligations of Commodity Credit Corporation increased to \$1,400,000,000.

Act of September 18, 1940 (54 Stat. 955, § 331; Pub. No. 785). Limit of R. F. C. loans to railroads, etc., increased to \$500,000,000; further extension of the R. F. C. to January 31, 1955.

Act of September 26, 1940 (54 Stat. 961, c. 734; Pub. No. 792). Limit of R. F. C. notes, etc., outstanding increased by \$1,500,000,000; loan of \$500,000,000 to Export-Import Bank of Washington to assist marketing, etc., of products of the Western Hemisphere; further extension of the Export-Import Bank until January 22, 1947.

[See also acts of January 20, 1934 (48 Stat. 318, c. 3), February 3, 1938 (52 Stat. 26 § 11), and April 13, 1938 (52 Stat. 212, c. 140).]

8. Act of February 22, 1935 (49 Stat. 30-33; U. S. Code Supp. 15: 715-715l).

Shipment of "contraband oil" in interstate, etc., commerce prohibited, until June 16, 1937; President directed to prescribe

## H-8—Continued.

regulations to enforce the act, but authorized to suspend the prohibition when he finds there is "a lack of parity" between supply and demand, "resulting in an undue burden on or restriction of interstate commerce."

[The time limit was extended to June 30, 1939, by act of June 14, 1937 (50 Stat. 257, c. 335), and again to June 30, 1942, by act of June 29, 1939 (53 Stat. 927, c. 250).]

## DECISIONS AS TO CONSTITUTIONALITY:

The constitutionality of this act has been upheld in *President of United States v. Artex Refineries Sales Corporation*, 11 Fed. Supp. 189; *Griswold v. President of the United States*, 82 Fed. (2d) 922; *Gibson v. Stiles*, 90 Fed. (2d) 998; and *Hurley v. Federal Tender Board No. 1*, 108 Fed. (2d) 574.

In *United States v. Powers*, 307 U. S. 214, it was held that the amending act of June 14, 1937, was not ex post facto as to violations occurring during 1935 and 1936. [Rehearing denied, 308 U. S. 631.]

9. Act of July 24, 1935 (49 Stat. 494, c. 412; U. S. Code Supp. 49:61-64).

Prohibition of interstate, etc., transportation of prison-made goods for use, etc., in violation of law of the place to which shipped, except products of Federal prisons for use of the Federal Government.

## DECISION AS TO CONSTITUTIONALITY:

The validity of this act was upheld in *Kentucky Whip & Collar Co. v. I. C. R. R. Co.*, 299 U. S. 334; the court stated that there was "nothing arbitrary or capricious bringing the statute into collision with the requirements of due process of law," nor any attempt to delegate Congressional authority to the States. "The Congress has formulated its own policy and established its rule. The fact that it has adopted its rule in order to aid the enforcement of valid state laws affords no ground for constitutional objection."

10. Joint Resolution of August 27, 1935 (49 Stat. 939-941).

Consent of Congress given to interstate oil and gas compact between New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, effective until September 1, 1937.

[An amending compact, extending the operation of the original compact to September 1, 1939, was approved by joint resolution of August 10, 1937 (50 Stat. 617-619). A further extension to September 1, 1941, was approved by joint resolution of July 20, 1939 (53 Stat. 1071-74).]

H—Continued.

11. [GUFFEY] BITUMINOUS COAL CONSERVATION ACT of August 30, 1935 (49 Stat. 991-1011).

Stabilization of bituminous coal industry, including excise tax of 15 percent on sale price at the mine (with 90 percent drawback in case of compliance with coal code, regulating wages, prices, and trade practices, provided for in the act).

[Repealed April 26, 1937 (50 Stat. 90 § 20); for new provisions, see No. 13, below.]

#### DECISION AS TO CONSTITUTIONALITY:

In *Carter v. Carter Coal Co.*, 298 U. S. 238, the excise tax imposed by this act was held unconstitutional, on the ground that it was "clearly not a tax but a penalty" for failure to comply with labor and price-fixing regulations, which did not have a sufficiently direct relation to interstate commerce to come within the commerce power of Congress. The court also held that a provision authorizing groups of producers to fix minimum wages constituted "legislative delegation in its most obnoxious form; for it is not even delegation to an official or an official body, presumptively disinterested, but to private persons whose interests may be and often are adverse to the interests of others in the same business."

Chief Justice Hughes concurred in the opinion of the majority as to the tax and the labor provisions, but maintained that the price-fixing provisions of the code were a valid regulation of interstate commerce and hence were saved by the separability clause of the act.

Justices Cardozo, Brandeis, and Stone also maintained that the price-fixing provisions were valid, and that it was proper to impose a penalty on producers for refusal to become members of the code.

12. Act of June 19, 1936 (49 Stat. 1526-28; U. S. Code Supp. 15: 13, etc.).

Clayton Antitrust Act amended by prohibiting price discriminations tending to lessen competition or to create monopolies, allowing differential on account of differences in cost of manufacture, sale, or delivery; discriminatory rebates, or discounts for purpose of eliminating competitors, prohibited.

[The act of May 26, 1938 (52 Stat. 446, c. 283; U. S. Code Supp. 15: 13c) exempts schools, churches, etc., from these restrictions.]

#### DECISIONS AS TO CONSTITUTIONALITY:

In *Biddle Purchasing Co. v. Federal Trade Commission*, 96 Fed. (2d) 687, this act was held not to be in conflict with the Fifth Amendment; the court stated that the amendment "does not prohibit governmental regulation for the public welfare," nor "proscribe the exercise by Congress of its power

## H-12—Continued.

to regulate commerce in derogation" of the "right of freedom or liberty of contract." Circuit Judge Swan, dissenting, did not discuss the constitutionality of the act. [Certiorari denied, 305 U. S. 634.]

In *Oliver Bros. v. Federal Trade Commission*, 102 Fed. (2d) 763, it was held that §2(c) of the act was not "violative of the due process clause of the Fifth Amendment," because it "is addressed to a definite evil in interstate trade and commerce which Congress has full power to regulate, \* \* \* is uniform in operation and applies to all persons alike, \* \* \* is not arbitrary or unreasonable, but is directed toward the elimination of hidden discriminations in price which are thought to be injurious to the proper operation of a free competitive system of trade and commerce and to have a tendency to promote unreasonable restraints and monopolization."

In *Great Atlantic & Pacific Tea Co. v. Federal Trade Commission*, 106 Fed. (2d) 667, it was again held that the exercise of the commerce power of Congress is not prohibited by the Fifth Amendment; the court stated: "Congress is not required to limit the exercise of its power under the Commerce Clause upon the effect of forbidden acts in particular instances. It may proceed generally for the protection of commerce in general, expressing its disfavor of certain acts as hurtful to competition in such terms as it sees fit so long as it does not transgress the boundaries imposed by the Constitution." [Certiorari denied, 308 U. S. 625; 309 U. S. 694.]

In *Webb-Crawford Co. v. Federal Trade Commission*, 109 Fed. (2d) 268, a provision prohibiting partners of brokerage firms from accepting commissions for purchase of commodities by a corporation substantially owned by them, was held not to deprive them of a property right without due process of law, as "Congress has a power to regulate interstate commerce so full and complete that it may prohibit what is of harmful tendency therein, much like a State may in other fields by virtue of the police power." [Certiorari denied, 310 U. S. 638.]

### 13. BITUMINOUS COAL ACT of April 26, 1937 (50 Stat. 72-94; U. S. Code Supp. 15: 828-851).

Regulation of interstate commerce in bituminous coal, imposing excise tax of one cent a ton; also 19½% on sale price of coal, with exemption for code members; provision for Bituminous Coal Code (similar to that contained in act of August 30, 1935 (No. 11, above) with "Labor Relations" provisions omitted); separate provisions guaranteeing collective bargaining, etc.; act to continue in effect for four years.

[The tax provisions are incorporated in and superseded by the Internal Revenue Code (O, 10, below).]

#### DECISION AS TO CONSTITUTIONALITY:

In *The Sunshine Anthracite Coal Co. v. Adkins*, 310 U. S. 381, it was held that the 19½% tax, although clearly "not designed

## H-13—Continued.

merely for revenue purposes" but "primarily a sanction to enforce the regulatory provisions of the Act," was nevertheless "within the power of Congress under the commerce clause of the Constitution"; also that the act does not violate the Fifth Amendment, nor "contain an invalid delegation of legislative power." Justice McReynolds dissented.

In *City of Atlanta v. National Bituminous Coal Commission*, 26 Fed. Supp. 606, it was held that the "regulatory power of Congress over interstate commerce" permits it "to establish prices of coal sold in that commerce"; also that the act does not violate the due process clause of the Fifth Amendment, nor "make an excessive delegation of legislative power," nor usurp "powers reserved to the states by the Tenth Amendment." [Affirmed, 308 U. S. 515, 517.]

14. Act of August 17, 1937 (50 Stat. 693 Title VIII; U. S. Code Supp. 15: 1).

Amendment to § 1 of Sherman Antitrust Act, to permit resale price maintenance contracts or agreements, with regard to trade-marked articles moving into States which permit such contracts as to intrastate transactions.

15. Act of March 21, 1938 (52 Stat. 111-117; U. S. Code Supp. 15: 41, etc.).

Amendment of Federal Trade Commission Act, broadening the powers of the Commission to prevent unfair commercial practices, especially in the matter of procedure for enforcement of "cease and desist" orders; special provisions relating to fraudulent advertising.

[Amended by act of June 23, 1938 (52 Stat. 1028, f).

## DECISIONS AS TO CONSTITUTIONALITY:

In *National Candy Co. v. Federal Trade Commission*, 104 Fed. (2d) 909, the amendment to §5 of the Federal Trade Commission Act was held not to "offend the due process clause." [Certiorari denied, 308 U. S. 610.]

In *Ostler Candy Co. v. Federal Trade Commission*, 106 Fed. (2d) 962, the amendment to §5 of the Federal Trade Commission Act was held "not open to attack for want of constitutional validity" on the ground that it vested judicial power in the Commission.

16. Joint Resolution of June 16, 1938 (52 Stat. 705-706).

Establishment of Temporary National Economic Committee, to make study, in cooperation with other Federal agencies, of concentration of economic power, price policies, effect of taxation, etc., and recommend legislation to improve antitrust policy and establish national standards for interstate corporations; \$100,000

## H-16—Continued.

authorized for the use of the committee, and \$400,000 for the cooperating agencies.

[The amounts authorized for the use of the committee and the cooperating agencies were increased to \$220,000 and \$880,000, respectively, by joint resolution of April 26, 1939 (53 Stat. 624, c. 104). The time for submitting the final report of the committee was extended to April 3, 1941, by joint resolution of December 16, 1940 (54 Stat. 1225, c. 932; Pub. Res. 109).]

17. FEDERAL FOOD, DRUG, AND COSMETIC ACT of June 25, 1938 (52 Stat. 1040-59; U. S. Code Supp. 21: c. 9).

New provisions substituted for Food and Drug Act of 1906; cosmetics in general subjected to similar regulations as food and drugs.

[The act of June 23, 1939 (53 Stat. 853-854) postponed the operation of certain provisions of this act to January 1, 1940, others to July 1, 1940. See also act of June 22, 1934 (48 Stat. 1204, c. 712; U. S. Code 21: 14a), amended by act of August 27, 1935 (49 Stat. 871, c. 739; U. S. Code Supp. 21: 372a).]

18. FEDERAL FIREARMS ACT of June 30, 1938 (52 Stat. 1250-52; U. S. Code Supp. 15: 901-909).

Federal license required of all manufacturers or dealers desiring to do interstate and foreign business in firearms or ammunition.

[The act of August 6, 1939 (53 Stat. 1222, c. 500), restricted the term "ammunition," as used in this act, to pistol and revolver ammunition.]

## DECISIONS AS TO CONSTITUTIONALITY:

In *United States v. Tot*, 28 Fed. Supp. 900, this act was held not to violate the Second Amendment, on the ground that it was "not the design of Congress" to infringe "the right of the people to bear arms," but rather "it is apparent that Congress seeks here to control the interstate traffic in firearms upon the part of criminals, and in this respect, it is acting entirely within the scope of its powers."

In *United States v. Platt et al.*, 31 Fed. Supp. 788, it was held that a provision penalizing receipt of firearms by persons convicted of a crime of violence was not *ex post facto* as to persons convicted prior to the act, as the punishment provided by the act "is for the offense committed *after* the statute went into effect."

19. TRUST INDENTURE ACT of August 3, 1939 (53 Stat. 1149-77; U. S. Code Supp. 15: 77aaa-77bbbb).

Addition of Title III to Securities Act of May 27, 1933 (No. 1, above), providing regulations for issue, etc., of trust indentures covering securities in interstate and foreign commerce, under Securities and Exchange Commission.

## H—Continued.

20. Act of July 19, 1940 (54 Stat. 773, c. 642; Pub., No. 755).

Secretary of the Interior directed, through National Park Service, to promote travel within the United States; advisory committee representing other Departments, etc., to make recommendations.

21. Act of August 22, 1940 (54 Stat. 789-858; Pub. No. 768).

Provisions for registration and regulation of investment companies and investment advisers, under Securities and Exchange Commission.

22. WOOL PRODUCTS LABELING ACT of October 14, 1940 (54 Stat. 1128-33; Pub. No. 850).

Labeling of wool products in interstate and foreign commerce required, with penalties for misbranding.

[For additional legislation relating to commerce and industry, see under A (No. 18), B (Nos. 5, 6), D (No. 7), and F (generally), above, and under L (Nos. 2-4, 6-8, 13), Q (Nos. 3-5, 9), S (Nos. 3, 5, 8, 10), and T (No. 2), below; also the acts of June 10, 1933 (48 Stat. 119-122; U. S. Code 15: 605, 605b, 605e-605j), June 10, 1933 (48 Stat. 123-125; U. S. Code 7: 581-589), May 22, 1934 (48 Stat. 794, c. 333; U. S. Code 18: 414-419), June 11, 1934 (48 Stat. 930, c. 447; U. S. Code 15: 251, 253), August 3, 1939 (53 Stat. 1178-79; U. S. Code Supp. 18: 415-419) and June 5, 1940 (54 Stat. 231, c. 232; Pub. No. 543); see also the annual appropriation acts for the Department of Commerce.]

## I. CONSERVATION

1. REFORESTATION ACT of March 31, 1933 (48 Stat. 22-23; U. S. Code 16: 585, 586, 588-590).

President authorized (for two years) to provide for employing unemployed citizens in the construction, etc., of works of a public nature in connection with the reforestation of lands belonging to the United States, to relieve the acute condition of widespread distress and unemployment.

[The President's authority was extended to March 31, 1937, by the joint resolution of April 8, 1935 (49 Stat. 119 §14). See also act of June 28, 1937 (No. 9, below), and act of June 19, 1934 (48 Stat. 1056).]

## I—Continued.

2. TENNESSEE VALLEY AUTHORITY (MUSCLE SHOALS) ACT of May 18, 1933 (48 Stat. 58-72; U. S. Code 16: 831-831cc).

Creation of Tennessee Valley Authority, a corporation for the operation of properties at Muscle Shoals in the interest of national defense, and for agricultural and industrial development, etc. Sec. 3 provides for payment of prevailing wages on construction contracts. Sec. 5 (n) authorizes the President to lease Nitrate Plant No. 2 and Waco Quarry for not over fifty years to a farm organization to use the property exclusively for the manufacture of fertilizer. Sec. 10 empowers the board of directors to sell surplus power not used in its operations to States, corporations, individuals, etc. Section 13 provides for certain payments to Alabama and Tennessee.

## AMENDING ACTS:

Act of August 31, 1935 (49 Stat. 1075-81; U. S. Code Supp. 16: 831c, etc.). Tennessee Valley Authority given additional power to construct dams, dispose of surplus property, regulate stream flow at dams, extend credit for acquisition of distribution facilities, and issue bonds up to \$50,000,000; dams, etc., not to be constructed on Tennessee River without approval of the Authority.

Act of July 26, 1939 (53 Stat. 1083-85; U. S. Code Supp. 16: 831n-2, 831n-3). Corporation authorized to issue bonds up to \$61,500,000 for purchase of certain utility properties, etc.

Joint resolution of June 26, 1940 (54 Stat. 626-627; Pub. Res. 88, § 39). Amendment of § 13, increasing the amounts to be paid to the States, such payments to be in lieu of taxes.

[A joint resolution of April 4, 1938 (52 Stat. 154-156) created a special joint Congressional committee to make a full and complete investigation of the administration of the Tennessee Valley Authority Act, in 19 specified respects.]

## DECISIONS AS TO CONSTITUTIONALITY:

In *Ashwander v. Tennessee Valley Authority*, 297 U. S. 288, it was held that the Tennessee Valley Authority had constitutional power to contract for the acquisition of transmission lines for the disposition of electric energy generated at Wilson Dam, this dam having been constructed between 1917 and 1926, under authority of the National Defense Act. The court declared that this dam was, and was "intended to be, adapted to the purposes of national defense," and that it could not properly be concluded "that the construction of the dam was not an appropriate means to accomplish a legitimate end" in the improvement of navigation facilities. The dam having been properly constructed, the energy developed there could properly be disposed of, there being "nothing in the Constitution" requiring that surplus energy be permitted to go to waste; the Government could not be restricted to a particular method of disposal, but is entitled to construct transmission

## I-2—Continued.

lines as “a facility for conveying to market that particular sort of property.” The court carefully limited its decision to the facts before it, stating that the Government was not using the water power at Wilson Dam “to establish any industry or business,” or “to manufacture commodities of any sort for the public,” but was merely “disposing of the energy itself which simply is the mechanical energy, incidental to falling water at the dam, converted into the electric energy which is susceptible of transmission.”

Justice McReynolds, dissenting, maintained that the contract in question “went far beyond the mere acquisition of transmission lines for proper use in disposing of power legitimately developed,” and “cannot be regarded as a mere isolated effort to dispose of property”; the “primary purpose” of the Authority “was to put the Federal Government into the business of distributing and selling electric power throughout certain large districts, to expel the power companies which had long served them, and to control the market therein”; the “real purpose” was not “to facilitate disposal” of surplus energy, but rather “the thing to be facilitated was carrying on business by use of the purchased property.” [Rehearing denied, 297 U. S. 728.]

In *Tennessee Electric Power Co. v. Tennessee Valley Authority*, 306 U. S. 118, the court held that the sale of electricity by the Authority, in competition with private power companies, was not a violation of the Ninth or the Tenth Amendment, and denied the standing of the private companies to maintain suit to enjoin such sale. Justices Butler and McReynolds, dissenting, maintained that a Federal “yardstick” for electric rates is “unreasonable and confiscatory,” and that hence the private companies should be entitled to sue to enjoin the setting up of such a “yardstick.”

In *Welch v. Tennessee Valley Authority*, 108 Fed. (2d) 95, it was held that the method provided for the exercise of eminent domain in behalf of the Authority was “in no way contrary to the Fifth Amendment.” [Certiorari denied, 309 U. S. 688.]

3. Act of March 10, 1934 (48 Stat. 400 c. 54; U. S. Code 16: 694-694b).

President authorized to establish fish and game sanctuaries and refuges in national forests, with approval of the State legislatures.

4. Act of March 10, 1934 (48 Stat. 401-402; U. S. Code 16: 661-666).

Secretaries of Agriculture and Commerce authorized to cooperate with Federal, State, and other agencies in developing a nationwide program of wildlife conservation and rehabilitation; Office of Indian Affairs to cooperate with Bureaus of Fisheries and Biological Survey in preparing plans for protection of wildlife resources.

[Amended by Reorganization Plans II and III, under G (No. 6), above.]

## I—Continued.

5. Act of March 16, 1934 (48 Stat. 451-453; U. S. Code 16: 718-718h).

Additional provisions for protection of migratory birds, including issue of hunting stamps, proceeds to be available for acquisition and maintenance of bird sanctuaries.

[Miscellaneous amendments and supplemental provisions were enacted by the act of June 15, 1935 (49 Stat. 378-384; U. S. Code Supp. 16: 715d-1, etc.).]

6. Act of August 21, 1935 (49 Stat. 666-668; U. S. Code Supp. 16: 461-467).

Secretary of the Interior, thru National Park Service, to conduct investigations, etc., as to sites, etc., illustrating American history; to acquire such sites, etc., for the United States; to cooperate with States, etc., for preservation of such sites, etc.; to provide and maintain appropriate tablets and markers; and to develop an educational program for the dissemination of facts relating to such sites, etc.; advisory board on national parks, historic sites, buildings, and monuments established.

## DECISION AS TO CONSTITUTIONALITY:

In *Barnidge v. United States*, 101 Fed. (2d) 295, it was held that this act did not unlawfully delegate legislative power to the Secretary, and that the Secretary had power to acquire property under this act by eminent domain proceedings in accordance with the act of August 1, 1888.

7. Act of August 29, 1935 (49 Stat. 963-965; U. S. Code Supp. 16: 567a-567c).

Cooperation with States in stimulating proper management of forest land authorized.

8. WHALING TREATY ACT of May 1, 1936 (49 Stat. 1246-49; U. S. Code Supp. 16: 901-915).

Enforcement of Whaling Convention of 1931; license required for taking and processing of right whales; killing of gray whales, or of any whale without utilizing the carcass, prohibited.

9. Act of June 28, 1937 (50 Stat. 319-322; U. S. Code Supp. 16: 584-584q).

Civilian Conservation Corps formally established by statute, to continue in existence until July 1, 1940; number of enrollees limited to 300,000, including 30,000 veterans; also 10,000 Indian enrollees and 5,000 from Territories and insular possessions.

[Amended by acts of May 12, 1938 (52 Stat. 349, c. 200), June 25, 1938 (52 Stat. 1198, c. 701), August 7, 1939 (53 Stat.

## 1-9—Continued.

1253, c. 553, which extends the corps to July 1, 1943), June 13, 1940 (54 Stat. 383, c. 348; Pub. No. 616), and October 21, 1940 (54 Stat. 1206, c. 906; Pub. No. 875). See also §38 of the joint resolution of June 26, 1940 (54 Stat. 625; Pub. Res. 88).]

## DECISION AS TO CONSTITUTIONALITY:

The validity of this act was upheld in *United States v. Query*, 21 Fed. Supp. 784.

10. NORTHERN PACIFIC HALIBUT ACT of June 28, 1937 (50 Stat. 325-328; U. S. Code Supp. 16: 772-772i).

Execution of Convention between United States and Canada for Preservation of Halibut Fishery of Northern Pacific Ocean and Bering Sea.

11. Joint Resolution of July 1, 1937 (50 Stat. 470).

Appropriations of \$350,000,000 for Civilian Conservation Corps and \$99,880,000 for railroad retirement account, etc.

[Amended by act of August 25, 1937 (50 Stat. 757).]

12. Act of August 20, 1937 (50 Stat. 731-736; U. S. Code Supp. 16: 832-832l).

Completion and operation of Bonneville hydroelectric project, Oregon-Washington.

[Amended by act of March 6, 1940 (54 Stat. 47, c. 47; Pub. No. 429).]

13. Act of August 28, 1937 (50 Stat. 869-870; U. S. Code Supp. 16: 590r-590x).

Secretary of Agriculture to cooperate with governmental and other agencies in development of facilities for water storage and utilization in arid and semiarid areas.

[Amended by act of October 14, 1940 (54 Stat. 1119-25; Pub. No. 848).]

14. Act of September 2, 1937 (50 Stat. 917-919; U. S. Code Supp. 16: 669-669j).

Federal aid to States in wild-life restoration projects, financed by receipts from firearms tax, and limited to \$150,000 a year to any one State.

15. Act of May 18, 1938 (52 Stat. 403-407; U. S. Code Supp. 16: 833-833k).

Provisions for construction and operation of Fort Peck hydroelectric project, Mont.

## I—Continued.

[For additional conservation legislation, see under A (Nos. 5, 10, 15), above, also the acts of June 30, 1938 (52 Stat. 1252-55; U. S. Code Supp. 34: 524), August 4, 1939 (53 Stat. 1187-98; U. S. Code Supp. 43: 485-485k, etc.), August 11, 1939 (53 Stat. 1418-19; U. S. Code Supp. 16: 590y-590bb; amended by act of October 14, 1940, 54 Stat. 1119-25; Pub., No. 848), and January 26, 1940 (54 Stat. 17, c. 14; Pub., No. 407).]

## J. CRIMES, ETC.

1. ANTI-CRIME ACTS of May 18, 1934 (48 Stat. 780-783, c. 299-304; U. S. Code 12: 588a-588d; 18:253, 254, 408a-408e).

Penalties imposed for (c. 299) killing or assaulting Federal officers, (c. 300) interstate transmission of threats for extortion of money, (c. 301) transportation of kidnaped persons, (c. 302) fleeing across State lines to escape prosecution, (c. 303) incitement of mutiny in Federal prisons, and (c. 304) bank robbery involving Federally chartered banks or member banks of Federal reserve system.

## AMENDING ACTS:

Act of August 23, 1935 (49 Stat. 720, §333). Extension of c. 304 to apply to banks insured by Federal Deposit Insurance Corporation.

Act of January 24, 1936 (49 Stat. 1099, c. 29; U. S. Code Supp. 18: 408c-1). Penalty prescribed for handling kidnap ransom money.

Act of February 8, 1936 (49 Stat. 1105, c. 40). Extension of c. 299 to cover killing, etc., of certain personnel of Departments of Agriculture and Interior. [See also acts of June 26, 1936 (49 Stat. 1940, §3), and June 13, 1940 (54 Stat. 391, c. 359; Pub., No. 627).]

Act of August 24, 1937 (50 Stat. 749, c. 747). Extension of c. 304 to cover burglary and larceny from banks.

Act of May 15, 1939 (53 Stat. 744 §2). Amendment of c. 300, reducing penalties in certain cases, and regulating venue of prosecutions under the act.

Act of June 29, 1940 (54 Stat. 695, c. 455; Pub., No. 685). Amendment of c. 304, adding penalty for receiving property taken from banks.

## DECISIONS AS TO CONSTITUTIONALITY:

The constitutionality of c. 299 was upheld in *Barrett v. United States*, 82 Fed. (2d) 528, the court stating there was

J-1—Continued.

"no merit" in the contention "that it was beyond the power of Congress to enact" this law "because the punishment of such crime is exclusively within the jurisdiction of the state wherein it was committed."

The constitutionality of c. 301 was upheld in *Seadlund v. United States*, 97 Fed. (2d) 742, the court citing as authority the Supreme Court's decisions in *Brooks v. United States*, 267 U. S. 432, *Caminetti v. United States*, 242 U. S. 470, and other cases.

The validity of this chapter was again upheld in *Bates v. Johnson*, 111 Fed. (2d) 966; *Waley v. Johnston*, 112 Fed. (2d) 749; and *United States v. Dressler*, 112 Fed. (2d) 972.

In *Barrow v. Owen*, 89 Fed. (2d) 476, it was held that the constitutionality of c. 302 could not properly be questioned in a habeas corpus proceeding "in advance of trial on the merits," since the act "appears to be a reasonable exercise of federal authority in aid of the enforcement of state laws."

2. Act of June 23, 1934 (48 Stat. 1211 c. 736; U. S. Code 18: 744i-744n).

President authorized to create a Federal Prison Industries corporation with five directors, representing industry, labor, agriculture, retailers and consumers, and the Attorney General, to regulate and diversify industrial operation in Federal penal and correctional institutions.

3. Act of June 22, 1936 (49 Stat. 1820, c. 705; U. S. Code Supp. 14: 45-48).

Coast Guard officers authorized to make searches, seizures and arrests on the high seas as agents of any executive department charged with administration of Federal laws.

4. FEDERAL JUVENILE DELINQUENCY ACT of June 16, 1938 (52 Stat. 764-766; U. S. Code Supp. 18: 921-929).

Regulations for care and treatment of juveniles charged with offenses, other than capital, against laws of the United States.

5. Act of August 4, 1939 (53 Stat. 1198, c. 419; U. S. Code Supp. 18: 581a, 581b).

Removal of statute of limitations in case of capital offenses.

6. Act of August 9, 1939 (53 Stat. 1291-93; U. S. Code Supp. 49: 781-788).

Forfeiture of vessels, etc., used in violation of certain laws.

## K. EDUCATION

1. Act of May 21, 1934 (48 Stat. 792, c. 324; U. S. Code 20: 15d).

Subsidizing of vocational education in the States and Territories by \$3,000,000 for each of the next 3 fiscal years authorized.

2. Act of June 8, 1936 (49 Stat. 1488-90; U. S. Code Supp. 20: 15h-15p).

Additional appropriations authorized for allotment among States in furtherance of vocational education: \$12,000,000 for teachers of agricultural, home economics and industrial subjects; \$1,200,000 for distributive occupational subjects (to be matched by the States progressively, reaching 100 percent in 1947); and \$1,000,000 for teacher training.

[For additional legislation relating to education, see under A (No. 7), F (No. 12), and I (No. 6), above, and under M (No. 1), below.]

## L. FOREIGN AFFAIRS AND THE TARIFF

1. JOHNSON ACT of April 13, 1934 (48 Stat. 574, c. 112; U. S. Code 31: 804a).

Financial transactions with any foreign government in default on its obligations to the United States prohibited.

2. Joint Resolution of May 28, 1934 (48 Stat. 811, c. 365).

President authorized to place an embargo on arms or munitions of war to countries engaged in armed conflict in the Chaco, if he finds that such prohibition may contribute to the reestablishment of peace between those countries.

### DECISION AS TO CONSTITUTIONALITY:

In *United States v. Curtiss-Wright Corporation*, 299 U. S. 304, the court held that "there is sufficient warrant for the broad discretion vested in the President to determine whether the enforcement of the statute will have a beneficial effect upon the reestablishment of peace in the affected countries; whether he shall make proclamation to bring the resolution into operation; whether and when the resolution shall cease to operate and to make proclamation accordingly; and to prescribe limitations and exceptions, to which the enforcement of the resolution shall be subject." The Court stressed the distinction between foreign and domestic affairs. Justice McReynolds dissented, without writing an opinion.

L—Continued.

3. RECIPROCAL TRADE AGREEMENT ACT of June 12, 1934 (48 Stat. 943-945; U. S. Code 19: 1351-54).

President authorized, for 3 years, to enter into trade agreements with foreign governments and to modify existing tariff duties or other import restrictions that are burdening the foreign trade of the United States, and to suspend the application of such reduced rates as to imports from countries discriminating against American products. Indebtedness of any foreign country is not to be affected by the act.

[The powers of the President under this act were extended to June 12, 1940, by joint resolution of March 1, 1937 (50 Stat. 24, c. 22); and for 3 years longer, by joint resolution of April 12, 1940 (54 Stat. 107, c. 96; Pub. Res. 61). See also act of July 1, 1940 (54 Stat. 708, c. 499; Pub. No. 698).]

DECISIONS AS TO CONSTITUTIONALITY:

In *Von Damm v. United States*, 90 Fed. (2d) 263, the court stated: "We have assumed that the Reciprocal Tariff Act is a valid enactment, and that it authorized the Cuban agreement here involved, as those issues have not been raised by the parties hereto."

In *Wislar v. United States*, 97 Fed. (2d) 152, where the appellant attempted to take advantage of a reduction made by a trade agreement with Sweden, but which the President declared should not affect the tariff on goods imported from Germany, the court held that the power of the President to suspend the application of reductions could not be separated from his power to authorize the reduction, since "the proviso if dissevered from the rest of the act would be practically meaningless"; consequently the appellant could not take advantage of the reduction and at the same time have the power of suspension held invalid. [Certiorari denied, 305 U. S. 629.]

4. Act of June 18, 1934 (48 Stat. 998-1003; U. S. Code 19: 81a-81u).

Provisions for the establishment of foreign-trade zones at ports of entry. Foreign and domestic merchandise may, without being subject to the customs laws, be brought into a zone and stored, repacked, etc., and exported.

5. Joint Resolution of June 19, 1934 (48 Stat. 1182, c. 676; U. S. Code 22: 271).

President authorized to accept United States membership in International Labor Organization.

6. ANTI-SMUGGLING ACT of August 5, 1935 (49 Stat. 517-529; U. S. Code Supp. 19: 1701-11, etc.).

Miscellaneous amendments to the customs laws, including provision for the establishment of customs-enforcement areas.

## L-6—Continued.

[Amended by acts of June 16, 1938 (52 Stat. 758, c. 476), June 25, 1938 (52 Stat., 1077, § 2) and April 25, 1940 (54 Stat. 167, § 21; Pub. No. 484).]

7. Joint Resolution of August 31, 1935 (49 Stat. 1081-85; U. S. Code Supp. I, 22: 245a-245i).

Neutrality provisions, including embargo on exportation of munitions to belligerents, until February 29, 1936; licensing of persons manufacturing, exporting, or importing munitions, under National Munitions Control Board and Secretary of State; restrictions on belligerent vessels, etc., in United States waters; and warning to citizens that they travel on belligerent vessels at their own risk.

## AMENDING ACTS:

Joint resolution of February 29, 1936 (49 Stat. 1152-53; U. S. Code Supp. II, 22: 245a-2, 245i). Embargo provisions extended to May 1, 1937, with the following amendments: (a) President to issue a proclamation whenever he finds "that there exists a state of war" rather than "upon the outbreak or during the progress of war"; (b) extension of embargo to subsequent belligerents made mandatory. Purchase, sale, or exchange in the United States of obligations of a belligerent government, or the extension of credit thereto, prohibited, with certain exceptions. Resolution not to apply to an American republic engaged in war against a non-American State, unless the former is cooperating with a non-American State in such war.

Joint resolution of May 1, 1937 (50 Stat. 121-128; U. S. Code Supp. III or IV, 22: 245a-245i). Permanent restrictions upon export of arms to belligerents (including parties to civil war), effective upon proclamation by the President. President authorized to restrict export of materials other than munitions, until May 1, 1939. Financial transactions with belligerents prohibited. American republics engaged in war with non-American States excepted from provisions of the resolution.

[The original resolution, together with the two amending resolutions, was repealed by joint resolution of November 4, 1939 (54 Stat. 12, § 19); for new provisions, see No. 13, below.]

8. Joint Resolution of January 8, 1937 (50 Stat. 3).

Exportation of munitions to Spain prohibited "during the existence of the state of civil strife now existing."

[Repealed by joint resolution of November 4, 1939, 54 Stat. 12 § 19.]

## L—Continued.

9. Act of June 8, 1938 (52 Stat. 631-633; U. S. Code Supp. 22: 233a-233g).

Persons employed by foreign agencies, etc., to disseminate propaganda in the United States must register with the Secretary of State.

[Amended by act of August 7, 1939 (53 Stat. 1244-46), which extended the act to persons employed by domestic organizations subsidized by foreign agencies, etc., and exempted persons engaged in religious, scientific, etc., pursuits, and foreign government officials other than publicity agents, etc.]

10. Act of June 25, 1938 (52 Stat. 1077-94; U. S. Code Supp. 19: 1304, etc.).

Various amendments to administrative provisions, etc., of the Tariff Act of 1930.

11. Joint Resolution of August 4, 1939 (53 Stat. 1199, c. 421).

Investigation of American claims against Union of Soviet Socialist Republics, by a Commissioner appointed by the President; decisions to be reported to Secretary of State.

12. Act of August 9, 1939 (53 Stat. 1290, c. 616; U. S. Code Supp. 22: 249, 249a).

President authorized to appoint an advisory committee, etc., for cooperation with American republics in carrying out reciprocal undertakings, etc.

13. NEUTRALITY ACT [joint resolution] of November 4, 1939 (54 Stat. 4-12; Public Res. No. 54; U. S. Code Supp. 22: 245j to 245j-19).

Repeal of neutrality laws of 1935, etc. (Nos. 7 and 8, above), and substitution of new provisions. Instead of the former ban on shipment or sale of munitions to belligerents, sale of munitions and other supplies is permitted if title is transferred in this country; American vessels must not carry passengers or supplies to ports of belligerents. Foreign vessels flying the American flag are to be excluded from ports of the United States for 3 months.

[Amended by joint resolution of June 26, 1940 (54 Stat. 611 c. 431; Pub. Res. 87), in respect to American Red Cross vessels, etc.; and act of August 27, 1940 (54 Stat. 866 c. 695; Pub. No. 776), which authorizes assistance in evacuation of refugee children from war zones.]

14. Joint Resolution of June 15, 1940 (54 Stat. 398, c. 371; Pub. Res. 84).

Postponement of payment of debt of Finland authorized.

L—Continued.

15. NATIONALITY ACT of October 14, 1940 (54 Stat. 1137-74; Pub. No. 853).

Codification of the nationality laws, with numerous specific repeals of prior laws.

[For additional legislation relating to foreign affairs, see under A (No. 19) and H (No. 2), above, and under R (No. 1) and S (Nos. 14, 24), below; also the acts of June 10, 1933 (48 Stat. 122 c. 57; U. S. Code 22: 135), March 28, 1940 (54 Stat. 79 c. 72; Pub. No. 443) and June 5, 1940 (54 Stat. 231 c. 232; Pub. No. 543); see also the annual appropriation acts for the State Department.

## M. INDIANS

1. Act of April 16, 1934 (48 Stat. 596, c. 147; U. S. Code 25: 452-456).

Secretary of the Interior authorized to contract with States and Territories, for education, relief, etc., of Indians.

[Amended and superseded by act of June 4, 1936 (49 Stat. 1458, c. 490; U. S. Code Supp. 25: 452-455), which authorizes contracts with political subdivisions of States and Territories, and with private institutions, etc., as well as with States and Territories.]

2. HOWARD-WHEELER ACT of June 18, 1934 (48 Stat. 984-988; U. S. Code 25: 461-479).

Further allotments of land to Indians prohibited, and existing trust periods extended indefinitely. Restoration of undisposed-of lands in reservations to the several tribes authorized, also acquisition of additional lands, to be held in trust for the Indians. Issue of charters of incorporation to Indian tribes on request.

### AMENDING ACTS:

Act of June 15, 1935 (49 Stat. 378, c. 260; U. S. Code Supp. 25: 478a, 478b). Regulations governing elections as to adoption of constitutions, etc., by Indian tribes.

Act of May 1, 1936 (49 Stat. 1250, c. 254; U. S. Code Supp. 48: 358a, 362). Act to apply to Alaska.

Act of June 26, 1936 (49 Stat. 1967-68; U. S. Code Supp. 25: 501-509). Indians of Oklahoma (except Osage County) authorized to participate in charter privileges, etc., under the act.

M-2—Continued.

Act of August 28, 1937 (50 Stat. 862-863; U. S. Code Supp. 25: 463). Special provisions as to Papago Reservation, Ariz.

3. Act of August 27, 1935 (49 Stat. 891-893; U. S. Code Supp. 25: 305-305e).

Establishment of Indian Arts and Crafts Board, to promote development of Indian arts and crafts.

[For other legislation relating to Indians, see under I (No. 9), above, and under V (Nos. 2, 4) and W (Nos. 4, 11), below.]

## N. INSULAR POSSESSIONS

1. PHILIPPINE INDEPENDENCE ACT of March 24, 1934 (48 Stat. 456-465; U. S. Code 48: 1231-47).

Provisions for complete independence of the Philippine Islands, and the adoption of a Philippine constitution and government. Pending complete independence (which is not to take effect until 10 years after the inauguration of the new government), import duties are imposed on sugars, coconut oil, and hard fibers, in excess of specified amounts, at the same rates as upon like articles imported from foreign countries. The act provides for graduated export taxes on articles exported to the United States from the Philippine Islands, ranging from 5% (during the sixth year after the inauguration of the new government) to 25% (after the ninth year) of the rates required by the United States on like articles imported from foreign countries.

[Amended by act of August 7, 1939 (53 Stat. 1226-34), relating chiefly to trade relations (including export quotas) between the Philippines and the United States.]

2. Act of June 22, 1936 (49 Stat. 1807-17; U. S. Code Supp. 48: 1405-1406m).

Establishment of civil government for Virgin Islands of the United States, based on the municipalities of St. Croix and St. Thomas and St. John, with a legislative assembly consisting of the two municipal councils in joint session.

[Amended by acts of August 5, 1939 (53 Stat. 1203, c. 430) and August 7, 1939 (53 Stat. 1242, c. 515).]

## O. INTERNAL REVENUE

[NOTE.—Internal revenue provisions enacted prior to 1939, unless already superseded, were incorporated in and superseded by the Internal Revenue Code (No. 10, below).]

## 1. Act of June 16, 1933 (48 Stat. 206-210).

Extension and increase of certain taxes under Revenue Act of 1932, some of these to terminate upon repeal of the Eighteenth Amendment. Excise tax of one-tenth of 1% on value of capital stock of corporations, and excess-profits tax of 5% on corporate profits over 12½%.

[Temporary taxes extended by Nos. 5, 7, and 12, below.]

## DECISIONS AS TO CONSTITUTIONALITY:

The validity of the capital-stock tax was upheld in *Allied Agents v. United States*, 26 Fed. Supp. 98, on the ground that it was "an adjunct of the excess-profits tax," that it was not "purely arbitrary and discriminatory to a degree that renders it invalid," that it did not delegate legislative power to the taxpayers by permitting them to declare the amount of their own capital stock, and that there was no such relation between the taxes and the expenditure of the proceeds as to imply that the taxes were intended for regulatory purposes. [Certiorari denied, 308 U. S. 561.]

In *Rochester Gas & Electric Corporation v. McGowan*, 115 Fed. (2d) 953, the capital-stock tax was held not to be in violation of the Fifth Amendment, nor to be an unlawful delegation of legislative power.

## 2. Act of June 16, 1933 (48 Stat. 254-256).

Extension and modification of certain taxes under Revenue Act of 1932. President authorized to modify postage rates until June 30, 1934.

[Largely extended by Nos. 5, 7, and 12, below.]

## 3. REVENUE ACT of May 10, 1934 (48 Stat. 680-772; U. S. Code 26: 1-331, etc.).

Normal income tax fixed at 4%; maximum surtax, at 59% (over \$1,000,000); maximum estate tax, 60% (over \$10,000,000); maximum gift tax, 45% (over \$10,000,000). Surtaxes of 30% and 40% imposed on personal holding companies. Processing taxes imposed on certain oils, also producers' and refining taxes on crude petroleum, capital-stock tax of \$1 per \$1,000, and corporation excess-profits tax of 5% on excess over 12½%.

## AMENDING ACTS:

Act of April 19, 1935 (49 Stat. 158, c. 74). Elimination of provision authorizing publication of income-tax returns.

## O-3—Continued.

Act of August 27, 1935 (49 Stat. 908). Exemption from income tax of compensation of employees of foreign governments in certain cases; deduction of dividends on preferred stock of certain banks, etc.

Act of August 30, 1935 (49 Stat. 1014-28). Increase in various taxes, including income surtaxes up to 75% (over \$5,000,000); corporation income taxes, from 12½% to 15%; capital-stock tax, \$1.40 on \$1,000; excess-profits tax, 6% or 12%; estate taxes up to 70% (over \$50,000,000); gift taxes up to 52½% (over \$50,000,000); reduction of crude petroleum tax to ⅓ of 1 cent a barrel.

Act of April 10, 1936 (49 Stat. 1199, c. 189). Penalties prescribed for failure to file copies of income tax returns.

[Certain administrative, etc., provisions are also amended by the Revenue Acts of 1936 and 1938 (Nos. 6, 9, below).]

## DECISIONS AS TO CONSTITUTIONALITY:

In *Cincinnati Soap Co. v. United States*, 301 U. S. 308, the processing tax on coconut oil (which in the case of Philippine production was to be paid into the Philippine treasury) was held constitutional on the ground that it was "a true tax" not involving the due process clause of the Fifth Amendment; the earmarking of the proceeds for the support of the Philippine government was held to be proper, on the ground that this support was an obligation of the United States within the meaning of "debts" in Art. I, § 8, of the Constitution, and that placing the funds at the disposal of the Philippine government was not an unconstitutional delegation of legislative power.

The tax on personal holding companies was held constitutional in *Foley Securities Corporation v. Commissioner of Internal Revenue*, 106 Fed. (2d) 731; the court stated that it does not violate the Sixteenth Amendment because it "is based only on income," and that it does not violate the Fifth Amendment because that amendment "has no equal protection clause."

In *Commissioner of Internal Revenue v. Hammel*, 108 Fed. (2d) 753, the court declared (although it is not clear that the validity of any particular portion of the act was directly challenged): "It is unquestionably within the competence of the Congress when imposing a tax to modify or abrogate for the purpose of the act any rule of law or equity which otherwise would be applicable to the subject matter."

In *J. E. Riley Investment Co. v. Commissioner of Internal Revenue*, 110 Fed. (2d) 655, in connection with § 23 (m) of this act relating to income tax deductions for depletion of mines, etc., the court stated: "Congress may condition deductions from gross income in any manner it sees fit."

In *Kraft v. Commissioner of Internal Revenue*, 111 Fed. (2d) 370, the retroactive effect of § 166 to certain trusts was held "to have been constitutional."

## O-3—Continued.

In *Chicago Telephone Supply Co. v. United States*, 23 Fed. Supp. 471 [certiorari denied, 305 U. S. 628], the capital-stock and excess-profits tax provisions were held not to involve an unconstitutional delegation of legislative power, nor to be "so arbitrary as to deprive the plaintiff of its property without due process of law." [See also *Allied Agents v. United States*, 26 Fed. Supp. 98; 308 U. S. 561.]

In *Noteman v. Welch*, 26 Fed. Supp. 437, it was held that an exemption of banks and trust companies from the personal-holding-company tax was not so "arbitrary, capricious, and unreasonably discriminatory" as to violate the Fifth Amendment.

In *Rosoff Tunnel Corporation v. Higgins*, 28 Fed. Supp. 880, a provision of §105 of the amending act of August 30, 1935, restricting the filing of amended capital-stock tax returns, was held not to be "in contravention of the Fifth Amendment of the United States Constitution because it deprives the taxpayer of its property without due process of law through a tax assessment based on an arbitrary declaration of value."

In *Universal Exploration Co. v. Davis*, 34 Fed. Supp. 96, the capital-stock and excess-profits tax provisions of the amending act of August 30, 1935, were held constitutional.

#### 4. NATIONAL FIREARMS ACT of June 26, 1934 (48 Stat. 1236-40; U. S. Code 26: 1132-1132q).

Annual registration of firearms by importers, manufacturers, and dealers required; special taxes ranging from \$200 to \$500 a year imposed; transfers of firearms from one person to another prohibited except under certain conditions.

#### AMENDING ACTS:

Act of April 10, 1936 (49 Stat. 1192, c. 169). Exemption from the act of .22 rifles 16 inches or more in length.

Act of June 16, 1938 (52 Stat. 756, c. 471). Reduction of taxes on manufacturers, etc., of double-barreled guns.

#### DECISION AS TO CONSTITUTIONALITY:

In *Sonzinsky v. United States*, 300 U. S. 506, the court upheld the validity of the special tax on dealers, stating: "In the exercise of its constitutional power to lay taxes, Congress may select the subjects of taxation, choosing some and omitting others \* \* \*. Inquiry into the hidden motives which may move Congress to exercise a power constitutionally conferred upon it is beyond the competency of courts \* \* \*. We are not free to speculate as to the motives which moved Congress to impose it, or as to the extent to which it may operate to restrict the activities taxed. As it is not attended by an offensive regulation, and since it operates as a tax, it is within the national taxing power."

O—Continued.

5. Joint Resolution of June 28, 1935 (49 Stat. 431, c. 333).

Extension of certain taxes and increase in postage rates, under Revenue Act of 1932, etc., for 2 years.

[Superseded by No. 7, below.]

6. REVENUE ACT of June 22, 1936 (49 Stat. 1648-1756).

Numerous changes made in income tax laws, etc.; in particular:

- (a) tax on corporate incomes graduated, from 8 to 15 percent (amounts over \$40,000);
- (b) surtax imposed on undistributed profits of corporations, from 7 to 27 percent (amount over 60 percent of net income);
- (c) surtax on personal holding companies graduated up to 48 percent (amounts over \$1,000,000) in addition to ordinary income tax;
- (d) "unjust enrichment" tax of 80 percent imposed on net income from refunds on excise taxes (chiefly processing taxes) shifted to others;
- (e) provision for refund of processing taxes, etc., with jurisdiction in Court of Claims and district courts but not in the Customs Court.

AMENDING ACTS:

Joint resolution of March 13, 1937 (50 Stat. 29, c. 40). Commissioner authorized to extend time for filing returns for "unjust enrichment" tax.

Act of August 26, 1937 (50 Stat. 813-831). Increase in surtax on personal holding companies, to 75 percent (amount over \$2,000); various amendments to income tax laws.

Act of June 29, 1939 (53 Stat. 884, § 405; U. S. Code Supp. 7: 645). Time for filing claims for refund of processing taxes, etc., extended to January 1, 1940.

Act of August 10, 1939 (53 Stat. 1402, § 911; U. S. Code Supp. 7: 642). Time for filing claims on account of floor stocks on hand January 6, 1936, extended to January 1, 1940.

[See also Revenue Act of 1938 (No. 9, below), and Trade Agreement of November 17, 1938 (53 Stat. 2356).]

DECISIONS AS TO CONSTITUTIONALITY:

In *Helvering v. Northwest Steel Mills*, 311 U. S. 46, the surtax on undistributed profits was held not violative of the due process clause of the Fifth Amendment, nor of the Tenth or Sixteenth Amendment.

In *Steinhagen Rice Milling Co. v. Scofield*, 87 Fed. (2d) 804, the "windfall tax" on refunds of processing taxes was held constitutional; the court stated: "The courts cannot consider the purpose of Congress in imposing a tax. That the tax is novel and may be retroactive does not necessarily make it illegal." [Certiorari denied, 300 U. S. 663.]

## O-6—Continued.

The validity of this provision was again upheld in *White Packing Co. v. Robertson*, 89 Fed. (2d) 775, and in *Louisville Provision Co. v. Glenn*, 18 Fed. Supp. 423 [appeal dismissed, 90 Fed. (2d) 1012].

In *Lamborn & Co. v. United States*, 104 Fed. (2d) 75, the provision divesting the Customs Court of jurisdiction of claims for refunds was held constitutional.

In *Southwestern Serum Co. v. Commissioner of Internal Revenue*, 108 Fed. (2d) 843, it was held not to be a violation of due process to require proof of actual financial injury as a prerequisite to the refunding of processing taxes. [See also *Grain Belt Supply Co. v. Commissioner of Internal Revenue*, 109 Fed. (2d) 490; *Fuhrman & Forster Co. v. Commissioner of Internal Revenue*, 114 Fed. (2d) 863.]

In *Seligman's, Inc., v. United States*, 30 Fed. Supp. 895, it was held that the refund of the processing taxes was a "gratuity", so that the restriction of a claimant to an administrative hearing was not "the taking of property without due process".

7. Joint Resolution of June 29, 1937 (50 Stat. 358, c. 402).

Extension of certain taxes and increase in postage rates, under Revenue Act of 1932, etc., for 2 years.

[Largely superseded by Nos. 10 and 12, below.]

8. MARIHUANA TAX ACT of August 2, 1937 (50 Stat. 551-556).

Registration of all persons handling marihuana required; provisions for an occupational excise tax, and a transfer tax of \$1 an ounce (\$100 if transferee is not registered).

9. REVENUE ACT of May 28, 1938 (52 Stat. 447-584).

Revision of income tax, surtax on personal-holding companies, estate and gift taxes, capital-stock and excess-profits taxes, and certain excise taxes; modification of various administrative provisions; undistributed-profits tax discontinued, and income tax on corporations revised both as to rate and method of computation; various excise taxes repealed.

10. INTERNAL REVENUE CODE of February 10, 1939 (53 Stat., part I; U. S. Code Supp., title 26).

Codification of internal revenue laws in force January 2, 1939, with repeal of provisions incorporated, insofar as they relate exclusively to internal revenue.

AMENDING ACTS:

[For acts of April 12 and June 29, 1939, and June 25 and October 8, 1940, see Nos. 11, 12, 13, and 14, below; for act of August 10, 1939, see under X (No. 1), below.]

O-10—Continued.

Act of April 29, 1939 (53 Stat. 625 § 1). Certain regulations not to apply to importation of distilled spirits, etc., for New York World's Fair, 1939, or Golden Gate International Exposition of 1939.

Act of July 6, 1939 (53 Stat. 999, c. 260; U. S. Code Supp. 31: 316c). Tax on silver transfers (see R, 5, below) not to apply to silver delivered to a United States mint for coinage.

Act of July 28, 1939 (53 Stat. 1140 § 735; U. S. Code Supp. 11: 1235). Certain provisions not to apply to issue, etc., of securities in connection with railroad adjustments under c. XV of the Bankruptcy Act.

Act of August 4, 1939 (53 Stat. 1202, c. 427). Commissioner authorized to make leakage, etc., allowances in case of brandy- or fruit-spirit packages filled from storage tanks before June 26, 1936.

Act of August 7, 1939 (53 Stat. 1232 § 6; U. S. Code Supp. 48: 1248). Proceeds of certain excise taxes, etc., to be paid into Philippine treasury.

Act of August 7, 1939 (53 Stat. 1260, c. 561; U. S. Code Supp. 26: 2857). Amendment of provision governing books of rectifiers and wholesale liquor dealers.

Act of August 11, 1939 (53 Stat. 1420 § 2). Social Security taxes not to apply to employment in salvaging timber after hurricane, prior to January 1, 1940.

Joint resolution of June 11, 1940 (54 Stat. 264; Pub. Res. 81). Amendment of definition of employee in connection with taxes on carriers and their employees.

Act of June 24, 1940 (54 Stat. 512, c. 416; Pub. No. 654). Amendment of provisions relating to the redemption of unused revenue stamps.

Act of June 24, 1940 (54 Stat. 513-515; Pub. No. 655). Increase in taxes on wines; amendment of provision for withdrawal of spirits for fortification.

Act of July 2, 1940 (54 Stat. 715, c. 510; Pub. No. 705). Exemption of petroleum stills from registration requirement under § 2810.

Act of August 13, 1940 (54 Stat. 785-787; Pub. No. 764). Restriction of carriers' tax provisions in case of employment by carriers of persons engaged in coal mining, etc.

Act of October 8, 1940 (54 Stat. 1022, c. 764; Pub. No. 807). Amendment of § 3493, providing for refunds of tax on sugar, etc., in case of exportation; claims to be filed within two years.

Act of October 10, 1940 (54 Stat. 1101 § 27; Pub. No. 833). Amendment of § 1532, relating to taxes on compensation of employees of railway-labor organizations.

Act of October 15, 1940 (54 Stat. 1178 c. 887 § 2; Pub. No. 860). Amendment of § 3508, by extending sugar tax to June 30, 1942.

[See also act of June 20, 1939, 53 Stat. 848 § 22; U. S. Code Supp. 45: 366a; also act of October 10, 1940, under T-7, below.]

## O-10—Continued.

## DECISION AS TO CONSTITUTIONALITY:

In *United States v. Signore*, 115 Fed. (2d) 669, Sec. 2811 (requiring returns of materials used in the manufacture of distilled spirits) was held not to be "vague, indefinite and uncertain and, therefore, void."

11. Act of April 12, 1939 (53 Stat. 574-577; U. S. Code Supp. 5: 84a; 26: 22).

Compensation of State officers and employees made subject to Federal income tax; State taxation of compensation of Federal officers and employees authorized; Federal income tax imposed on compensation of Federal judges.

[Amended by act of June 25, 1940 (54 Stat. 527, c. 419; Pub. No. 656 § 401).]

12. REVENUE ACT of June 29, 1939 (53 Stat. 862-885; U. S. Code Supp. 7:645; 26: various).

Temporary taxes extended to June 30, 1941; various amendments to income tax law, etc., including change in basis of computing tax on corporations.

[Amended by act of August 10, 1939 (53 Stat. 1402 § 910, and by Nos. 13 and 14. below.)]

13. REVENUE ACT of June 25, 1940 (54 Stat. 516-527; Pub., No. 656).

Increases in income surtax rates and income tax on corporations. Personal exemptions reduced from \$1,000 or \$2,500 to \$800 or \$2,000. Special defense taxes for five years, consisting of 10% increase in income, estate, gift, and various excise and stamp taxes (more than 10% increase in a few cases).

[Amended by No. 14, below.]

14. "SECOND REVENUE ACT" of October 8, 1940 (54 Stat. 974-1018; Pub., No. 801).

Amendment of corporation income tax; establishment of excess-profits tax up to 50%; provision for 60 months' amortization, period for emergency facilities; suspension of certain profit-limiting provisions; miscellaneous amendments of Internal Revenue Code (No. 10, above); provisions for life insurance of persons in military or naval service, and for credit of military service under Railroad Retirement Act.

[For additional internal revenue provisions, see under A (Nos. 1, 3, 4, 9, 16), B (generally), F (Nos. 4, 8, 10), and H (Nos. 11, 13), above, and R (No. 5) and S (Nos. 1, 18), below.]

## P. JUDICIARY

1. Act of June 16, 1933 (48 Stat. 307 § 13).

Retired pay of judges reduced 15 percent until June 30, 1934.

## DECISION AS TO CONSTITUTIONALITY:

This provision was held invalid in *Booth v. United States*, 291 U. S. 339, on the ground that "a judge does not relinquish his office" by retiring.

2. Act of June 14, 1934 (48 Stat. 955, c. 512; U. S. Code 28: 400).

United States courts authorized to issue declaratory judgments.

[The acts of August 24, 1935 (49 Stat. 770 § 30, U. S. Code Supp. 7: 623) and August 30, 1935 (49 Stat. 1027 § 405), exclude Federal tax questions from the scope of this act.]

## DECISION AS TO CONSTITUTIONALITY:

In *Aetna Life Insurance Co. v. Haworth*, 300 U. S. 227, the court held that in this act "the Congress is acting within its delegated power over the jurisdiction of the federal courts which the Congress is authorized to establish \* \* \*. Exercising this control of practice and procedure the Congress is not confined to traditional forms or traditional remedies." [Rehearing denied, 300 U. S. 687.]

3. Act of June 19, 1934 (48 Stat. 1064 c. 651; U. S. Code 28:723b, 723c).

Supreme Court authorized to prescribe general rules of civil procedure, etc., for the district courts of the United States.

4. Act of June 20, 1936 (49 Stat. 1561-64; U. S. Code Supp. 28: 695-695h).

Writings or records made as memoranda of acts, transactions, etc., to be admissible in evidence in proof of such acts, transactions, etc., if made in the regular course of business or within a reasonable time thereafter. All other circumstances of the making of the record (including lack of personal knowledge by the maker) may be shown to affect its weight but not its admissibility. Term "business" to include calling of every kind.

[Amended by act of June 25, 1938 (52 Stat. 1163, c. 682; U. S. Code Supp. 28: 695e-1), which provides for authentication of Vatican City documents by United States consular officers resident in Rome.]

## DECISIONS AS TO CONSTITUTIONALITY:

In *Greenbaum v. United States*, 98 Fed. (2d) 574, the court stated: "With the wisdom or authority of the act of the legisla-

## P-4—Continued.

tive body we are not here concerned; in the present circumstances we have not the right to inquire into the constitutionality of the enactment, nor is it the part of judicial discretion to argue advisability.”

In *Landay v. United States*, 108 Fed. (2d) 698, it was held that the act was not unconstitutional as retrospective or *ex post facto* legislation. [Certiorari denied, 309 U. S. 681.]

## 5. Act of March 1, 1937 (50 Stat. 24, c. 21; U. S. Code Supp. 28: 375a).

Provision for retirement of Supreme Court Justices, subject to recall for judicial service, at age of 70 after 10 years' service.

[Amended by act of February 11, 1938 (52 Stat. 28, c. 25), to authorize judicial service of retired Justices in the District of Columbia.]

## DECISION AS TO CONSTITUTIONALITY:

The validity of the provision of this act authorizing assignment of retired Justices to judicial service was upheld in *United States v. Moore*, 101 Fed. (2d) 56. [Certiorari denied, 306 U. S. 664.]

## 6. Act of August 24, 1937 (50 Stat. 751-753; U. S. Code Supp. 28: 349a, etc.).

Provisions for intervention by the United States, direct appeals to the Supreme Court, and regulation of issuance of injunctions, in certain cases involving constitutionality of acts of Congress.

## 7. Act of May 24, 1938 (52 Stat. 438, c. 266; U. S. Code Supp. 18: 729-732).

Authorization of suit in Court of Claims for relief (up to \$5,000) of persons erroneously convicted in Federal courts.

## 8. Act of August 7, 1939 (53 Stat. 1223-26; U. S. Code Supp. 28: 444-450).

Establishment of administrative office of the United States courts, etc.

## 9. Act of June 29, 1940 (54 Stat. 688 c. 445; Pub. No. 675).

Supreme Court authorized to prescribe rules of criminal procedure, etc., for the district courts of the United States, etc.

[For additional judiciary legislation, see under O (No. 11), above, and S (No. 23), below; also the acts of May 14, 1934 (48 Stat. 775, c. 283; U. S. Code 28:41), and August 5, 1939 (53 Stat. 1204-1205; U. S. Code Supp. 28: 375b-375e); see also the annual appropriation acts for the Department of Justice and the judiciary.]

## Q. LABOR

1. NATIONAL EMPLOYMENT SYSTEM ACT of June 6, 1933 (48 Stat. 113-117; U. S. Code 29: 49-49l).

United States Employment Service created in Department of Labor, to develop a national system of employment offices, to maintain a veterans' service to be devoted to securing employment for veterans, to maintain a public employment service for the District of Columbia, and to assist in establishing and maintaining systems of public employment offices in the States and their political subdivisions having a veterans' employment service; 75 percent of the appropriations for this work to be apportioned among the States, but no payment to be made to any State until an equal sum is made available by the State.

## AMENDING ACTS:

Act of May 10, 1935 (49 Stat. 217, c. 102). Not less than \$10,000 to be apportioned to each State. [Superseded by following act.]

Act of June 29, 1938 (52 Stat. 1244, c. 816; U. S. Code Supp. 29:49d). Annual appropriations to designate amount to be apportioned among the States, with minimum of \$10,000 each. [The act of June 29, 1939 (53 Stat. 925) appropriated \$3,480,000 for payments to States, apportioned for 1940 on the basis of a total apportionment of \$3,000,000].

Act of August 11, 1939 (53 Stat. 1409, c. 693; U. S. Code Supp. 29, 49c-1). Local office records, etc., transferred to the States.

[See also G (No. 6, Plan I), above.]

2. Act of June 13, 1934 (48 Stat. 948, c. 482; U. S. Code 40: 276b, 276c).

Penalty prescribed for coercing employees on public works to give up part of the compensation to which they are entitled under their employment contract; regulations for enforcement to be prescribed jointly by Secretaries of Treasury and Interior.

[Extended to Federally-supported low-rent-housing and slum-clearance projects, by act of September 1, 1937 (50 Stat. 897 (5); U. S. Code Supp. 42:1416). See also G (No. 6, Plan IV, h), above.]

3. Joint Resolution of June 19, 1934 (48 Stat. 1183, c. 677; U. S. Code 15: 702a-702f).

President authorized (until June 16, 1935) to establish boards to investigate practices, etc., of employers and employees in controversies arising under §7a of National Industrial Recovery Act (H, 3, above) or which burden the free flow of interstate commerce, etc.

[See also No. 4, below.]

Q—Continued.

4. NATIONAL LABOR RELATIONS ACT of July 5, 1935 (49 Stat. 449-457; U. S. Code Supp. 29: 151-166).

Provisions for the prevention of unfair labor practices affecting interstate or foreign commerce, and guaranteeing the right of collective bargaining; rights of employees to organize, etc., specifically set forth; National Labor Relations Board established to administer the act.

[The act of December 6, 1937 (51 Stat. 5, c. 3; U. S. Code Supp. 29: 158a) provided that the furnishing of Federal credit union facilities on the premises by an employer is not to be deemed an interference with the right of collective bargaining.]

#### DECISIONS AS TO CONSTITUTIONALITY:

In *National Labor Relations Board v. Jones & Laughlin*, 301 U. S. 1, the court, in upholding the validity of this act as applied to labor disputes in plants whose products were to be shipped in interstate commerce, stated: "The congressional authority to protect interstate commerce from burdens and obstructions is not limited to transactions which can be deemed to be an essential part of a 'flow' of interstate or foreign commerce. Burdens and obstructions may be due to injurious action springing from other sources. The fundamental principle is that the power to regulate commerce is the power to enact 'All appropriate legislation' for 'its protection and advancement' \* \* \* Although activities may be intrastate in character when separately considered, if they have such a close and substantial relation to interstate commerce that their control is essential or appropriate to protect that commerce from burdens and obstructions, Congress cannot be denied the power to exercise that control." As to the delegation of power, the court stated: "The Act establishes standards to which the Board must conform."

The constitutionality of the act was also upheld in *National Labor Relations Board v. Fruehauf Trailer Co.*, 301 U. S. 49, and *National Labor Relations Board v. Friedman-Harry Marks Clothing Co.*, 301 U. S. 58. In all three cases Justices McReynolds, Van Devanter, Sutherland, and Butler dissented, on the ground that the act "puts into the hands of a Board power of control over purely local industry beyond anything heretofore deemed permissible," and that the orders complained of in these cases related to "production operations" that "did not directly affect interstate commerce"; the dissenting opinion stated: "Any effect on interstate commerce by the discharge of employees shown here, would be indirect and remote in the highest degree \* \* \*. A more remote and indirect interference with interstate commerce or a more definite invasion of the powers reserved to the states is difficult, if not impossible to imagine."

In *Associated Press v. National Labor Relations Board*, 301 U. S. 103, the validity of the act was upheld as applied to the

## Q-4—Continued.

Associated Press, which the court declared to be "engaged in interstate commerce," being "an instrumentality set up by constituent members who are engaged in a commercial business for profit" which "acts as an exchange or clearing house of news as between the respective members, and as a supplier to members, of news gathered through its own domestic and foreign activities. These operations involve the constant use of channels of interstate and foreign communication. They amount to commercial intercourse" which is "interstate commerce regulable by Congress under the Constitution." The court also held that discharge of an employee on account of "his Guild activity and his agitation for collective bargaining" had no relation to the freedom of the press; "the publisher of a newspaper has no special immunity from the application of general laws." Justices Sutherland, Van Devanter, McReynolds, and Butler, dissenting, maintained that "the constitutional immunity of the press does not permit any legislative restriction of the authority of a publisher, acting upon his own judgment, to discharge anyone engaged in the editorial service."

The validity of the act was also upheld in *Washington, V. & M. Coach Co. v. National Labor Relations Board*, 301 U. S. 142; *Myers v. Bethlehem Corporation*, 303 U. S. 41; *National Labor Relations Board v. Mackay Co.*, 304 U. S. 333; *In Re National Labor Relations Board*, 304 U. S. 486; *Consolidated Edison Co. v. National Labor Relations Board*, 305 U. S. 197; *National Labor Relations Board v. Fainblatt*, 306 U. S. 601; and *American Federation of Labor v. National Labor Relations Board*, 308 U. S. 401.

5. Act of June 24, 1936 (49 Stat. 1899, c. 746; U. S. Code Supp. 18: 407a).

Transportation of any person in interstate or foreign commerce with intent to employ such person to interfere with peaceful picketing declared a felony.

[Amended by act of June 29, 1938 (52 Stat. 1242, c. 813), to apply only to interference "by force or threats" with picketing "by employees."]

6. Act of June 25, 1936 (49 Stat. 1938, c. 822; U. S. Code Supp. 40: 290).

Grant to the States of authority to enforce their workmen's compensation laws upon all lands and premises belonging to the United States.

7. WALSH-HEALEY ACT of June 30, 1936 (49 Stat. 2036-40; U. S. Code Supp. 41: 35-45).

Contractors required, in contracts with the United States or the District of Columbia for the manufacture or furnishing of equip-

## Q-7—Continued.

ment in any amount exceeding \$10,000, to agree to certain provisions respecting maximum hours (40-hour week), minimum wages (those locally prevailing), child labor (age of 18 for girls, 16 for boys), etc.

[By the act of June 28, 1940 (54 Stat. 681 § 13; Pub., No. 671), the President is authorized to suspend these requirements.]

## DECISIONS AS TO CONSTITUTIONALITY:

In *Perkins v. Lukens Steel Co.*, 310 U. S. 113, the court declared that Congress had passed the act "in exercise of its authority to determine conditions under which purchases of Government supplies shall be made," and that the act "does not represent an exercise by Congress of regulatory power over private business or employment," consequently the courts could not entertain a suit to control the determination of prevailing wages under the act.

## 8. Joint Resolution of August 12, 1937 (50 Stat. 633-637).

Consent of Congress given to compact between Maine, New Hampshire, Connecticut, Massachusetts, Rhode Island, New York, and Pennsylvania (ratified by Massachusetts, New Hampshire, and Rhode Island) as to minimum wages and other labor conditions.

## 9. FAIR LABOR STANDARDS ACT of June 25, 1938 (52 Stat. 1060-69; U. S. Code Supp. 29: 201-219).

Establishment of minimum wages and maximum hours in industries engaged in interstate commerce, with certain exceptions; interstate shipment of goods produced in factories, etc., employing children under 16 restricted.

## AMENDING ACTS:

Act of August 9, 1939 (53 Stat. 1266 c. 605; U. S. Code Supp. 29:213). Small telephone exchanges exempted from wage-and-hour provisions.

Joint resolution of June 26, 1940 (54 Stat. 615-616; Pub. Res. 88). Special regulations for Puerto Rico and the Virgin Islands.

## DECISIONS AS TO CONSTITUTIONALITY:

In *United States v. Darby*, 312 U. S. 100, the act was held valid under the Commerce Clause; the court declared: "While manufacture is not of itself interstate commerce the shipment of manufactured goods interstate is such commerce and the prohibition of such shipment by Congress is indubitably a regulation of the commerce. \* \* \* Congress, following its own conception of public policy concerning the restrictions which may appropriately be imposed on interstate commerce, is free

## C-9—Continued.

to exclude from the commerce articles whose use in the states for which they are destined it may conceive to be injurious to the public health, morals or welfare, even though the state has not sought to regulate their use \* \* \*. The motive and purpose of a regulation of interstate commerce are matters for the legislative judgment upon the exercise of which the Constitution places no restriction and over which the courts are given no control. \* \* \* The prohibition of the shipment interstate of goods produced under the forbidden substandard labor conditions is within the constitutional authority of Congress. \* \* \* The power of Congress over interstate commerce \* \* \* extends to those activities intrastate which so affect interstate commerce or the exercise of the power of Congress over it as to make regulation of them appropriate means to the attainment of a legitimate end, the exercise of the granted power of Congress to regulate interstate commerce. \* \* \* It is no longer open to question that the fixing of a minimum wage is within the legislative power and that the bare fact of its exercise is not a denial of due process under the Fifth more than under the Fourteenth Amendment. Nor is it longer open to question that it is within the legislative power to fix maximum hours. \* \* \* The Act is sufficiently definite to meet constitutional demands."

In *Opp Cotton Mills v. Administrator of Wage and Hour Division*, 111 Fed. (2d) 23, it was held that the act "prescribes definite standards for the guidance of administrative action," and does not "confer unrestricted arbitrary power on an executive officer."

[Affirmed by the Supreme Court, 312 U. S. 126.]

In *Fleming v. Montgomery Ward & Co.*, 114 Fed. (2d) 384, the court stated: "When Congress, acting in the public interest, has the power to regulate and supervise the conduct of any particular business under the commerce clause, an administrative agency may be authorized to inspect books and records and to require disclosure of information regardless of whether the business is a public utility and regardless of whether there is any pre-existing probable cause for believing that there has been a violation of the law. Neither of the foregoing elements enters into the question of the reasonableness of the investigation."

In *United States v. Walters Lumber Co.*, 32 Fed. Supp. 65, the act was held not to violate the due-process clause.

In *Morgan v. Atlantic Coast Line R. R. Co.*, 32 Fed. Supp. 617, the minimum-wage provisions were held to be "not arbitrary or capricious or an unreasonable interference with liberty of contract in violation of the due-process clause of the Fifth Amendment."

[For additional labor legislation, see under A (Nos. 1 [act of May 9, 1934] and 10), D (No. 9, act of June 3, 1939), E (Nos. 2, 6), F (Nos. 1, 3-5, 7-10, 13), G (Nos. 1, 2, 4), H (Nos. 3, 5, 9, 11, 13),

## Q—Continued.

I (Nos. 1, 2, 9, 11), and L (No. 5), above; S (Nos. 17-20, 22), T (Nos. 6, 7), U (No. 1), V (Nos. 1, 3, 7), W (generally), and X (No. 1), below; also the acts of April 13, 1934 (48 Stat. 582, c. 118; U. S. Code Supp. 29: 9-9b; amended by acts of April 11, 1935, 49 Stat. 154, c. 59; June 15, 1937, 50 Stat. 259, c. 349; and April 15, 1939, 53 Stat. 581, c. 71), May 26, 1934 (48 Stat. 806-807; U. S. Code 33: 907, 908, 914, 922), August 16, 1937 (50 Stat. 664, c. 663; U. S. Code Supp. 29: 50-50b), August 30, 1937 (50 Stat. 883, c. 889), June 25, 1938 (52 Stat. 1164-69; U. S. Code Supp. 33: 902, 907-909, 914, 917, 919, 922, 930, 933, 938), and October 10, 1940 (54 Stat. 1092, c. 838; Pub. No. 831); see also the annual appropriation acts for the Department of Labor.

## R. MONEY AND FINANCE

1. INFLATION ACT of May 12, 1933 (48 Stat. 51-54; U. S. Code 12: 462b; 31: 462, 821-823).

President authorized to direct Secretary of the Treasury to enter into agreements with Federal reserve banks for the purchase of United States obligations up to \$3,000,000,000, or to issue United States notes up to the same amount, to meet maturing United States obligations; Secretary to retire 4 percent of such notes annually; such notes and all other coins and currencies of the United States to be legal tender for all debts; President authorized to fix weight of gold and silver dollars at a definite fixed ratio (but the weight of the gold dollar must not be reduced more than 50 percent), and to provide for unlimited coinage at the ratio fixed; all forms of money to be maintained at parity with the gold dollar; President authorized for 6 months to accept silver up to \$200,000,000 in payment of debts of foreign governments, such silver to be coined or held in the Treasury to maintain parity of silver certificates; Federal Reserve Board authorized, in emergencies caused by credit expansion, to increase or decrease reserve balances required of member banks as reserves to be maintained against demand or time deposits.

## AMENDING ACTS:

Joint resolution of June 5, 1933 (48 Stat. 113 § 2; U. S. Code 31: 462, 821). Legal tender of gold coins to be based on actual weight, if below limit of tolerance.

Act of January 30, 1934 (48 Stat. 342 § 12; U. S. Code 31: 821). Weight of gold dollar not to be fixed at more than 60 percent of former weight. Power of the President to fix weight of the dollar, etc., limited to January 30, 1936, subject

## R-1—Continued

to further extension for 1 year by the President; President authorized to issue silver certificates, with legal tender, etc., privileges, also to reduce the weight of the silver dollar and subsidiary coins.

Act of August 23, 1935 (49 Stat. 706 § 207; U. S. Code Supp. 12: 462b). Amendment of provision for changing requirements as to bank reserves.

Act of January 23, 1937 (50 Stat. 4, c. 5 § 2). Power of the President to fix weight of the dollar, etc., continued to June 30, 1939, unless he declares the emergency ended sooner.

Act of July 6, 1939 (53 Stat. 998 § 3; U. S. Code Supp. 31: 821). Power of the President to fix weight of the dollar, etc., continued to June 30, 1941, unless he declares the emergency ended sooner.

## DECISION AS TO CONSTITUTIONALITY:

In *Bakewell v. United States*, 28 Fed. Supp. 504, the provision authorizing the President to fix the weight of the gold dollar was held valid. [Affirmed on appeal, 110 Fed. (2d) 564; certiorari denied, 310 U. S. 638.]

## 2. GOLD CLAUSE REPEAL RESOLUTION of June 5, 1933 (48 Stat. 112-113; U. S. Code 31: 463).

Provisions in obligations, giving the obligee a right to require payment in gold or a particular kind of coin or currency, declared against public policy and repealed; all obligations to be discharged upon payment in any coin or currency which at the time of payment is legal tender for public and private debts.

[A joint resolution of August 27, 1935 (49 Stat. 938-939; U. S. Code Supp 31: 773a-773d) granted to holders of "gold clause" obligations of the United States the right to immediate payment of these obligations in full with interest to date of payment (if not later than maturity or redemption date), but withdrew any right of suit against the United States on such securities, etc. See also under No. 1, above.]

## DECISIONS AS TO CONSTITUTIONALITY:

In *Norman v. B. & O. R. R. Co.*, 294 U. S. 240, this resolution, as applied to a private contract entered into prior to the enactment of the resolution, was challenged as a violation of the Fifth and Tenth Amendments, but was upheld by the Supreme Court, on the ground that the contracts in question "were not contracts for payment in gold coin as a commodity, or in bullion, but were contracts for the payment of money," and that the power of Congress to regulate money cannot be restricted by any provision in a private contract; "there is no constitutional ground for denying to the Congress the power expressly to prohibit and invalidate contracts although previously made, and valid when made, when they interfere with

## R-2—Continued.

the carrying out of the policy it is free to adopt"; the courts stressed the fact that the preamble to the resolution stated that gold clauses in private contracts were "inconsistent with the declared policy of the Congress to maintain at all times the equal power of every dollar, coined or issued by the United States, in the markets and in the payment of debts."

In *Perry v. United States*, 294 U. S. 330, the resolution was held invalid as applied to United States bonds pledging payment "in United States gold coin of the present standard of value." The court declared: "When the United States, with constitutional authority, makes contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such instruments. \* \* \* The fact that the United States may not be sued without its consent is a matter of procedure which does not affect the legal and binding character of its contracts." The court, however, held that the plaintiff was not entitled to recover the difference between the value of the dollar before and after the devaluation, because (under D, 1, above), if he were to be paid in gold coin he could immediately be required to pay it into the Treasury in exchange for other money of the same nominal value. Justice Stone concurred in the decision, but maintained that the reasoning of the court in the *Norman* case should apply to the *Perry* case as well.

Justices McReynolds, Van Devanter, Sutherland, and Butler dissented from the decisions in both the *Norman* and *Perry* cases, on the ground that enforcement of the resolution would "bring about confiscation of property rights and repudiation of national obligations," and that, by the resolution, "under the guise of pursuing a monetary policy, Congress really has inaugurated a plan primarily designed to destroy private obligations, repudiate national debts, and drive into the Treasury all gold within the country, in exchange for inconvertible promises to pay, of much less value"; the dissenting opinion also maintained that the gold clauses "in no substantial way interfered with the power of coining money or regulating its value or providing a uniform currency," and that "Valid contracts to repay money borrowed cannot be destroyed by exercising power under the coinage provision."

In *Holyoke Water Power Co. v. American Writing Paper Co.*, 300 U. S. 324, the court again upheld the validity of the resolution as applied to private contracts, Justices Van Devanter, McReynolds, Sutherland, and Butler dissenting.

The validity of the resolution as to private contracts was again upheld in *Guaranty Trust Co. v. Henwood*, 307 U. S. 247. Justice Stone dissented, but not on the question of constitutionality.

[See also *Nortz v. United States*, under D (No. 1), above, and *Emery Bird Thayer Dry Goods Co. v. Williams*, 107 Fed. (2d) 965, 309 U. S. 655.]

R—Continued.

3. GOLD RESERVE ACT of January 30, 1934 (48 Stat. 337-344; U. S. Code 12: 213, 411-415, 417, 467; 31: 315b, 408a, 408b, 440-446, 733, 734, 752, 753, 754a, 754b, 757a, 771, 822a, 822b, 824).

All property rights in gold to be transferred from Federal Reserve banks, etc., to the United States; Secretary of the Treasury to prescribe conditions governing holding, etc., of gold; no gold to be coined, and no redemptions of currency to be made in gold, except in gold bullion under regulations prescribed by the Secretary. \$2,000,000,000 stabilization fund appropriated for dealing by the Secretary in gold, foreign exchange, etc., to stabilize the exchange value of the dollar (stabilization powers limited to two years subject to extension by the President for another year); limit on issue of United States notes increased from \$7,500,000,000 to \$10,000,000,000; various amendments to Federal Reserve Act, etc.

#### AMENDING ACTS:

Act of January 23, 1937 (50 Stat. 4, c. 5). Stabilization powers extended to June 30, 1939.

Act of July 6, 1939 (53 Stat. 998, c. 260; U. S. Code Supp. 31: 822a). Stabilization powers extended to June 30, 1941.

[Federal Reserve Act, etc., amendments further amended by acts of March 6, 1934 (48 Stat. 398, c. 47), February 4, 1935 (49 Stat. 20 § 4), March 1, 1937 (50 Stat. 23 c. 20), May 26, 1938 (52 Stat. 447 c. 285), and June 30, 1939 (53 Stat. 991, c. 256).]

#### DECISION AS TO CONSTITUTIONALITY:

In *Uebersee Finanz-Korporation, etc. v. Rosen*, 83 Fed. (2d) 225, the provision authorizing the Secretary of the Treasury to regulate holdings of gold was held valid; the fact that it prevented continued holding of gold acquired before its enactment did not make it an *ex post facto* law, nor did it involve "an invalid delegation of legislative powers to the Secretary of the Treasury," since it "set up sufficient standards" for his exercise of discretion. [Certiorari denied, 298 U. S. 679.]

4. Act of March 15, 1934 (48 Stat. 428; U. S. Code 31: 767b).

Permanent annual appropriation for cumulative sinking fund to retire public debt, equal to 2½ percent of aggregate expenditures for public works under Emergency Relief and Construction Act of 1932 (47 Stat. 716-722).

5. SILVER PURCHASE ACT of June 19, 1934 (48 Stat. 1178-81; U. S. Code 26: 904a; 31: 311a, 316a, 316b, 405a, 448-448e, 734a, 734b).

Secretary of the Treasury directed to purchase silver whenever the proportion of silver is less than one-fourth the monetary value of the stocks of gold and silver of the United States; and to issue legal-tender silver certificates redeemable on demand at the

## R-5--Continued.

Treasury in standard silver dollars; Secretary authorized, with the President's approval, to sell silver, when market price exceeds monetary value, or proportion of one-fourth is exceeded, also to regulate transactions in silver, when necessary to effectuate the policy of the act. President authorized, whenever he finds it necessary, to require delivery to the United States mints of any or all silver by whomever owned or possessed. Tax of 50 percent imposed on profits from transfer of silver bullion.

[Tax provision superseded by Internal Revenue Code (O, 10, above).]

## DECISION AS TO CONSTITUTIONALITY:

In *United States v. Hudson*, 299 U. S. 498, the tax provision was held to be "consistent with the due-process-of-law clause of the Constitution."

## 6. PERMANENT APPROPRIATION REPEAL ACT of June 26, 1934 (48 Stat. 1224-36; U. S. Code 31: 725-725z).

Numerous permanent indefinite appropriations, formerly established by law, repealed; annual appropriations authorized for the same purposes in most cases.

[Amended by acts of June 25, 1936 (49 Stat. 1928, c. 814), August 9, 1937 (50 Stat. 573), May 13, 1938 (52 Stat. 353, c. 215, § 3), and June 25, 1938 (52 Stat. 1086 § 18).]

## 7. Act of February 4, 1935 (49 Stat. 20-22; U. S. Code Supp. 31: 752, etc.).

Limit on public debt under Second Liberty Bond Act, etc., increased to \$45,000,000,000 (\$25,000,000,000 bonds, \$20,000,000,000 certificates of indebtedness and treasury bills); various administrative amendments, etc.

## AMENDING ACTS:

Act of August 14, 1935 (49 Stat. 622, § 201, b). Issue of special obligations exclusively to Old-Age Reserve Account under Social Security Act. [Amended to apply to Federal Old-Age and Survivors Insurance Trust Fund, by act of August 10, 1939 (53 Stat. 1362; U. S. Code Supp. 42: 401).]

Act of August 23, 1935 (49 Stat. 699 (o, 2); U. S. Code Supp. 12: 264). Use of securities to purchase obligations of Federal Deposit Insurance Corporation authorized.

Act of August 31, 1935 (49 Stat. 1078; U. S. Code Supp. 16: 831n-1). Use of securities to purchase bonds of Tennessee Valley Authority authorized. [Superseded by similar provision in act of July 26, 1939 (53 Stat. 1083-85; U. S. Code Supp. 16: 831n-3).]

Act of January 27, 1936 (49 Stat. 1101, § 4; U. S. Code Supp. 38: 686c). Issue of adjusted-compensation bonds "under the

## R-7—Continued.

authority and subject to the provisions of the Second Liberty Bond Act, as amended.”

Act of June 24, 1937 (50 Stat. 317 (§ 15, b); U. S. Code Supp. 45: 228o). Issue of special obligations exclusively to Railroad Retirement Account.

Act of May 26, 1938 (52 Stat. 447, c. 285; U. S. Code Supp. 31: 752, 757b). Limit on bonds increased to \$30,000,000,000.

Act of July 20, 1939 (53 Stat. 1071, c. 336). Repeal of limit on bonds [but \$45,000,000,000 total not affected].

Act of June 25, 1940 (54 Stat. 526 § 302; Pub., No. 656). Authorization of \$4,000,000,000 additional national defense obligations.

## 8. Act of July 6, 1939 (53 Stat. 998, § 4; U. S. Code Supp. 31: 316c).

Mints to receive silver for coinage, retaining 45 percent as seigniorage and coining the other 55 percent into standard silver dollars and giving them (or their equivalent) to the owner or depositor.

[For additional legislation relating to money and finance, see under D (especially No. 1), L (No. 1), and O (generally), above.]

## S. NATIONAL DEFENSE

## 1. VINSON NAVAL ACT of March 27, 1934 (48 Stat. 503-505; U. S. Code 34: 494-497).

Composition of the Navy established, with respect to the categories limited by the treaties of 1922 and 1930, at the limit prescribed by those treaties; aircraft “in numbers commensurate with a treaty navy” authorized, not less than 10% to be constructed in plants owned and operated by the Government; contractors to pay into the Treasury net profits in excess of 10% of total contract price.

[Amended by acts of June 25, 1936 (49 Stat. 1926, c. 812), April 3, 1939 (53 Stat. 560 § 14), June 28, 1940 (No. 17, below) and October 8, 1940 (O, 14, above). See also No. 7, below, and act of July 30, 1937 (50 Stat. 544-545, amended by act of April 26, 1939, 53 Stat. 618-619; U. S. Code Supp. 34:498c-1, 498d-1).]

S—Continued.

2. Act of August 12, 1935 (49 Stat. 610-611; U. S. Code Supp. 10: 1343a-1343d).

Secretary of War directed to establish permanent Air Corps stations and depots at strategic points in the United States and its possessions.

3. Act of February 15, 1936 (49 Stat. 1140, c. 74; U. S. Code Supp. 50: 86-88).

Exportation of tin-plate scrap prohibited, except on license issued by the President.

4. Act of June 24, 1936 (49 Stat. 1907, c. 755).

Increase of Army Air Corps equipment, so as to provide for complete organization of General Headquarters Air Force and overseas defenses with a 25 percent reserve, but limiting acquisition of serviceable planes hereunder to 2,320.

[Repealed by No. 9, below.]

5. Act of September 1, 1937 (50 Stat. 885-887; U. S. Code Supp. 50: 161, 163-166).

Amendment of provisions governing conservation of helium gas, including provisions as to requisitioning for national defense and restrictions on exportation.

6. Act of January 12, 1938 (52 Stat. 3; U. S. Code Supp. 50: 45-45d).

Restriction on making of photographs, etc., of military and naval defenses.

7. Act of May 17, 1938 (52 Stat. 401-403; U. S. Code Supp. 34: 498-498k).

Authorization of further increase of the Navy: capital ships, 105,000 tons; aircraft carriers, 40,000; cruisers, 68,754; destroyers, 38,000; submarines, 13,658.

#### AMENDING ACTS:

Act of June 14, 1940 (54 Stat. 394-396; Pub., No. 629). Additional tonnage of 167,000 authorized, as follows: aircraft carriers, 79,500; cruisers, 66,500; submarines, 21,000; also 75,000 tons of auxiliary vessels. Life of vessels fixed as follows: battleships, 26 years; aircraft carriers and cruisers, 20 years; other combatant surface craft, 16 years; submarines, 13 years. President authorized to establish a Naval Consulting Board.

Act of July 19, 1940 (54 Stat. 779-780; Pub., No. 757). Additional tonnage of 1,325,000 authorized, as follows: capital ships, 385,000; aircraft carriers, 200,000; cruisers, 420,000; destroyers, 250,000; submarines, 70,000. President authorized

## S-7—Continued.

to acquire or construct patrol, etc., craft up to \$50,000,000, and 100,000 tons of auxiliary vessels. Naval vessels not to be disposed of except as provided by law. President authorized to provide and maintain 15,000 naval airplanes.

8. Act of June 16, 1938 (52 Stat. 707, c. 458; U. S. Code Supp. 50: 91-94).

Secretary of War authorized to place educational orders, up to \$2,000,000 a year for 5 years, to familiarize commercial concerns with production of munitions.

[Amended by act of April 3, 1939 (53 Stat. 560 §13), by authorizing appropriation of \$34,500,000 for fiscal years 1939, 1940, and 1941, and \$2,000,000 a year for 4 years thereafter; funds made available for incidental expenses.]

9. Act of April 3, 1939 (53 Stat. 555-560; U. S. Code Supp. 10: 292b, etc.).

Increase of Army Air Corps facilities, etc.; total number of serviceable planes, 6,000; enlisted men, 45,000; other amendments to national defense laws.

[Amended by acts of July 25, 1939 (53 Stat. 1079, c. 349) and May 15, 1940 (54 Stat. 217, c. 203; Pub. No. 517).]

10. Act of June 7, 1939 (53 Stat. 811-812; U. S. Code Supp. 50: 98-98f).

Provisions for acquisition of stocks of strategic and critical materials.

11. Act of August 11, 1939 (53 Stat. 1407, c. 690; U. S. Code Supp. 15: 713a-7).

Commodity Credit Corporation authorized to exchange surplus agricultural commodities for reserve stocks of strategic and critical materials produced abroad.

12. Act of August 11, 1939 (53 Stat. 1409-10; U. S. Code Supp. 48: 1307).

Enlargement of facilities for defense, etc., of the Panama Canal authorized.

13. Joint Resolution of June 15, 1940 (54 Stat. 396-397; Pub. Res. 83).

Secretaries of War and Navy authorized to assist American republics to increase their military and naval establishments; construction of vessels, sale of munitions, etc.

S—Continued.

14. Act of June 15, 1940 (54 Stat. 400-401; Pub. No. 635).

President authorized to acquire or construct 10,000 naval airplanes and 48 lighter-than-air craft; Secretary of the Navy authorized to establish aviation facilities at certain places.

[See also second amending act under No. 7, above.]

15. Act of June 20, 1940 (54 Stat. 492-494; Pub. No. 644).

Reorganization of the Navy Department, by consolidating Bureaus of Construction and Repair and Engineering into a Bureau of Ships; additional duties to be conferred on the Chief of Naval Operations; provision made for an Under Secretary in time of emergency.

16. ALIEN REGISTRATION ACT of June 28, 1940 (54 Stat. 670-676; Pub. No. 670).

Penalty prescribed for subversive activities, such as advising disloyalty, etc., in the military or naval forces, advocating the overthrow of the government, etc. Provisions for deportation of aliens engaging in certain subversive activities, etc. All aliens required to be registered and fingerprinted.

17. Act of June 28, 1940 (54 Stat. 676-683; Pub. No. 671).

Advancement of 30% of contract price authorized in case of national defense contracts of the Navy and Coast Guard. President authorized to require priority of Army and Navy contracts over private contracts. Amendment of provisions [see No. 1, above] for payment of excess profits into the Treasury [suspended by O-14, above]. Forty-hour week, with time and a half for overtime, established for Navy Department and Coast Guard work. President authorized to suspend certain laws during the present emergency. Secretary of the Navy authorized to take over manufacturing plants in certain cases [largely repealed by No. 20, below]. Aliens not to have access to plans, etc., in connection with national defense contracts. Sale, etc., of war materials by the United States restricted. Special provisions made for housing the national defense workers.

18. Act of July 2, 1940 (54 Stat. 712-714; Pub. No. 703).

Secretary of War authorized to provide for national defense construction, etc., contracts with or without advertising, and to advance up to 30% of the contract price. Restrictions on number of flying cadets, assignments of officers and men, number of airplanes, etc., suspended. Forty-hour week, with time and a half for overtime, established for War Department laborers and mechanics. President authorized to use up to \$66,000,000 for emergency expenses, and to curtail exportation of munitions, etc.

## S-18—Continued.

[The \$66,000,000 here authorized was appropriated by act of June 13, 1940, 54 Stat. 377; Pub. No. 611.]

[Amended by § 103 of act of September 9, 1940 (54 Stat. 875; Pub. No. 781).]

19. Joint Resolution of August 27, 1940 (54 Stat. 858-860; Pub. Res. 96).

President authorized to order into active military service (for a 12-month period) members and units of the National Guard, Army reserves, etc.; 1918 moratorium act extended to persons called under this resolution.

[Amended by Nos. 20 and 23, below.]

20. SELECTIVE TRAINING AND SERVICE ACT of September 16, 1940 (54 Stat. 885-897; Pub. No. 783).

Provision for 12 months' military service and training for up to 900,000 men between ages of 21 and 36, with provision for deferring of service on account of their dependents or the essential character of their work, also for recognition of conscientious objections to military service. Various amendments are made to Nos. 17 and 19 above, with new provisions for placing of obligatory orders with factories, etc., and for taking over those failing to fill such orders. Pay of enlisted men of Army and Marine Corps increased; 1918 moratorium act extended to persons inducted under this act [but see No. 23, below].

21. Act of October 10, 1940 (54 Stat. 1090 c. 836; Pub. No. 829).

President authorized to requisition articles needed for military or naval equipment, etc.

22. Act of October 14, 1940 (54 Stat. 1125-28; Pub. No. 849).

Provisions to expedite housing in connection with national defense, during the current emergency, under the Federal Works Administrator.

23. SOLDIERS' AND SAILORS' CIVIL RELIEF ACT of October 17, 1940 (54 Stat. 1178-91; Pub. No. 861).

Provisions closely paralleling those of the moratorium act of 1918, for stay of proceedings against persons in military service, especially in relation to rent, instalment contracts, mortgages, insurance, taxes, and public-land entries. Discontinuance of provisions of Nos. 19 and 20, above, which made the 1918 act applicable to persons serving under those acts.

S—Continued.

24. Act of October 17, 1940 (54 Stat. 1201-04; Pub. No. 870).

Registration of the following organizations with the Attorney-General required:

(1) those subject to foreign control which engage in "political activity";

(2) those engaging in "political activity" and conducting military drills, etc.;

(3) those subject to foreign control which conduct military drills, etc.;

(4) those seeking to overthrow or control a government by force or threats of force.

"Political activity" is defined as attempts to overthrow or control the United States, a State or a political subdivision of either by force.

25. Act of November 30, 1940 (54 Stat. 1220 c. 926; Pub. No. 886).

Penalties prescribed for obstruction or attempted obstruction of production of national-defense materials.

26. Act of December 16, 1940 (54 Stat. 1224 c. 931; Pub. No. 891)\*

Provision for an Under Secretary of War. Secretary given direct control of procurement of supplies, etc.

[For additional national-defense legislation, see under I (No. 2), L, and O (No. 14) above, and V (No. 9), below; also the following (as well as the annual appropriation acts for the Army and Navy):

Army: Acts of July 31, 1935 (49 Stat. 505-507; U. S. Code Supp. 10:292d, 552a, etc.), August 30, 1935 (49 Stat. 1028 c. 830; U. S. Code Supp. 10:369a, 487a; superseded by No. 10, above), June 16, 1936 (49 Stat. 1524-25; U. S. Code Supp. 10:291c, etc.), April 13, 1938 (52 Stat. 216 c. 146), April 25, 1938 (52 Stat. 221 c. 171; U. S. Code Supp. 10:343), June 30, 1938 (52 Stat. 1255; U. S. Code Supp. 50:95), July 13, 1939 (53 Stat. 1000 c. 265; U. S. Code Supp. 10:313), July 14, 1939 (53 Stat. 1002 c. 269; U. S. Code Supp. 10:23), July 15, 1939 (53 Stat. 1042 c. 283; U. S. Code Supp. 50:96), May 14, 1940 (54 Stat. 213 c. 194; Pub. No. 513), June 13, 1940 (54 Stat. 379-382; Pub. No. 612) and October 4, 1940 (54 Stat. 963 c. 742; Pub. No. 795).

Army and Navy aircraft: Act of March 5, 1940 (54 Stat. 45 c. 44; Pub. No. 426).

Coast Guard: Acts of April 16, 1937 (50 Stat. 66-68; U. S. Code Supp. 14:15b-15j; amended by act of July 15, 1939, 53 Stat. 1044 c. 288), May 24, 1939 (53 Stat. 755 c. 146; U. S. Code Supp. 14:185-185e; and 53 Stat. 756-757; U. S. Code Supp. 14:10, 11a, 12) and June 23, 1939 (53 Stat. 854-855; U. S. Code Supp. 14:251-258; amended by act of June 6, 1940, 54 Stat. 246-248; Pub. No. 564).

## S-26—Continued.

National Guard, etc.: Acts of June 15, 1933 (48 Stat. 153-162; U. S. Code 10:2, 38, etc.; 32:3-4b, 18-20, etc.) and October 21, 1940 (54 Stat. 1206 c. 904; Pub. No. 874).

Navy and/or Marine Corps: Acts of May 29, 1934 (48 Stat. 811-813; U. S. Code 34:625a, etc.; and 48 Stat. 814; U. S. Code 34:12, 286g-286i, 313a, 348u), April 15, 1935 (49 Stat. 156-157; U. S. Code Supp. 34:842-846, 848), July 22, 1935 (49 Stat. 487-490; U. S. Code Supp. 34:2-4, etc.), August 5, 1935 (49 Stat. 530-533; U. S. Code Supp. 34:348c, 349-349k), June 23, 1938 (52 Stat. 944-953; U. S. Code Supp. 34:2, etc.; amended by acts of October 8, 1940, 54 Stat. 1023; Pub. No. 808, and October 14, 1940, 54 Stat. 1174 c. 877; Pub. No. 854), June 25, 1938 (52 Stat. 1175-86; U. S. Code Supp. 34:852-856; amended by act of April 25, 1940, 54 Stat. 162 c. 153, Pub. No. 482), June 13, 1939 (53 Stat. 819-821; U. S. Code Supp. 34:842, 844, 849-849i, 850, 853c), June 25, 1940 (54 Stat. 527-531; Pub. No. 657), August 27, 1940 (54 Stat. 864-866; Pub. No. 775), September 11, 1940 (54 Stat. 884 c. 718; Pub. No. 782) and September 18, 1940 (54 Stat. 956 c. 723; Pub. No. 786).

Special National Defense Appropriation acts: June 11, 1940 (54 Stat. 292-297; Pub. No. 588, Title II), including naval emergency fund of \$34,000,000; June 26, 1940 (54 Stat. 599-610; Pub. No. 667), including increase of 95,000 in authorized number of Army enlisted men; September 9, 1940 (54 Stat. 872-884; Pub. No. 781), including provision for 8-hour day for laborers and mechanics on public contracts, with time-and-a-half for overtime work; September 24, 1940 (54 Stat. 958 c. 726; Pub. Res. 99); October 8, 1940 (54 Stat. 965-973; Pub. No. 800); October 14, 1940 (54 Stat. 1115 c. 857; Pub. Res. 106).]

## T. NAVIGABLE WATERS AND SHIPPING

1. COASTWISE LOAD LINE ACT of August 27, 1935 (49 Stat. 888-891; U. S. Code Supp. 46: 88-88i).

Load lines established for merchant vessels of 150 tons or over, for coastwise voyages at sea; lines, markings, etc., to be prescribed by Secretary of Commerce.

[Amended by act of June 20, 1936 (49 Stat. 1543, c. 626).]

2. CARRIAGE OF GOODS BY SEA ACT of April 16, 1936 (49 Stat. 1207-13; U. S. Code Supp. 46: 1301-16; 49: 25).

## T-2—Continued.

Regulation of rights and obligations of carriers of goods by sea, in relation to owners of goods shipped, etc.

[Amended by act of September 18, 1940 (54 Stat. 919 §14 (a)); Pub. No. 785.]

3. Act of May 27, 1936 (49 Stat. 1380-86; U. S. Code Supp. 46: 464, etc.).

Name of Bureau of Navigation and Steamboat Inspection changed to "Bureau of Marine Inspection and Navigation;" increase of salaries of supervising inspectors; provision for a force of traveling inspectors. Marine casualties involving loss of life to be investigated by a board comprising one member each from Department of Justice, Marine Inspection Bureau, and Coast Guard; lesser casualties, by board of Bureau members. Evidences of criminal liability discovered must be referred to the Attorney General; licenses may be revoked by Director of the Bureau for incompetence, etc. Contract specifications for passenger vessels of 100 tons or over must be approved by the Bureau.

[Amended by acts of July 29, 1937 (50 Stat. 544, c. 536) and May 11, 1938 (52 Stat. 345, c. 194).]

4. FLOOD CONTROL ACT of June 22, 1936 (49 Stat. 1570-97; U. S. Code Supp. 33: 701a-701f).

Adoption and authorization of prosecution of numerous enumerated river and harbor improvement projects for flood-control and erosion-prevention purposes, with provision for future hydroelectric power development. In general, the States or local agencies are to provide necessary land, pay any damages, and maintain the completed works. Appropriation of \$310,000,000 authorized for construction, and \$10,000,000 for examinations and surveys (not more than \$50,000,000 to be expended in 1937).

## AMENDING ACTS:

Act of April 27, 1937 (50 Stat. 95, c. 134). Modification of Ohio River Basin project (for protection of Pittsburgh).

Act of May 15, 1937 (50 Stat. 167, c. 194). Modification of Los Angeles and San Gabriel Rivers project.

Act of May 25, 1937 (50 Stat. 204, c. 256). Modification of Connecticut River Valley reservoir system.

Act of July 19, 1937 (50 Stat. 518; U. S. Code Supp. 33: 701h). Acceptance of local contributions authorized; excess over cost to be returned.

Act of August 28, 1937 (50 Stat. 876-881; U. S. Code Supp. 33: 701c, 701g). Various modifications of projects; use of \$300,000 a year for removal of debris, etc., authorized; investigations of additional projects authorized.

Act of June 28, 1938 (52 Stat. 1215-26; U. S. Code Supp. 33: 701b, 701b-1, 701b-2, 701c-1, 701f-1, 701i, 701j, 706).

## T-4—Continued.

Various modifications and provisions for additional projects and investigations.

Act of August 11, 1939 (53 Stat. 1414-17; U. S. Code Supp. 33: 558b-1, 701b-3, 701b-4, 701c-1, 707). Various amendments to amending acts of August 28, 1937, and June 28, 1938; additional investigations authorized.

Act of October 15, 1940 (54 Stat. 1177, c. 886; Pub. No. 859). Modification of Connecticut River Basin project.

5. Act of June 25, 1936 (49 Stat. 1922-24; U. S. Code Supp. 46: 738-738d).

President authorized to conclude (without further ratification by the Senate) agreements with maritime nations for maintenance of a North Atlantic ice patrol and for the destruction of derelicts.

6. Act of June 25, 1936 (49 Stat. 1930-36; U. S. Code Supp. 46: 672, etc.).

Efficiency tests required before issue of certificates of service as able seamen; provision for continuous discharge books of seamen; inspection of crew quarters; citizenship requirement for officers and 75 percent of crews of vessels of the United States.

## AMENDING ACTS:

Act of March 24, 1937 (50 Stat. 49-51; U. S. Code Supp. 46: 643). Certificates of identification authorized in lieu of continuous discharge books, at option of the seaman. [Amended by act of October 17, 1940 (54 Stat. 1200, c. 896; Pub., No. 869).]

Act of May 22, 1937 (50 Stat. 199, c. 237; U. S. Code Supp. 46: 672). Graduates of school ships may be rated as able seamen upon graduation.

Act of May 9, 1938 (52 Stat. 343, c. 189; U. S. Code Supp. 46: 391b). Inspectors and assistant inspectors may issue certificates and continuous discharge books.

Act of June 16, 1938 (52 Stat. 753-754; U. S. Code Supp. 46: 643a, 660b, 672b, 672c). Certificates of service, etc., not required on unrigged vessels, except seagoing barges; special rules as to tugs and towboats.

Act of June 23, 1938 (52 Stat. 944, c. 597; U. S. Code Supp. 46: 673). Hours of labor limited to 8 a day on Great Lakes, etc.

7. Act of June 29, 1936 (49 Stat. 1985-2017; U. S. Code Supp. 46: c. 27).

Establishment of United States Maritime Commission, to exercise functions formerly vested in United States Shipping Board Merchant Fleet Corporation, etc., and to develop an American-owned and operated merchant marine as a naval auxiliary, etc.

## T-7—Continued.

Provisions for construction- and operation-differential subsidies, reformation of existing ocean mail contracts, employment of American seamen, etc.

## AMENDING ACTS:

Act of April 1, 1937 (50 Stat. 57, c. 64; U. S. Code Supp. 46: 1194). Preference to be given to present operators in charter or sale of vessels acquired by the Commission; completion of voyages commenced before expiration date of agreements allowed.

Act of August 26, 1937 (50 Stat. 839; U. S. Code Supp. 46: 1112, 1116). Commission authorized to lease property, etc., and use proceeds, etc., as a part of its revolving construction fund.

Act of May 18, 1938 (52 Stat. 408, c. 253; U. S. Code Supp. 46: 1113). Payments by (Emergency) Merchant Fleet Corporation on account of 1918-19 leave confirmed.

Act of June 1, 1938 (52 Stat. 606, c. 311; U. S. Code Supp. 46: 1142). Adjustment of claims arising out of ocean-mail contracts under 1928 act.

Act of June 23, 1938 (52 Stat. 953-973; U. S. Code Supp. 46: 1112, etc.). Various amendments affecting computation of subsidies, etc.; Maritime Labor Board established to mediate in case of labor disputes between maritime employers and their employees; Federal ship mortgage insurance fund created for insurance of preferred mortgages under Ship Mortgage Act, 1920 (41 Stat. 1000-1006).

Act of June 6, 1939 (53 Stat. 810, c. 186; U. S. Code Supp. 46: 1159). Amendment of certain provisions relating to construction-differential subsidies.

Act of August 4, 1939 (53 Stat. 1182-87; U. S. Code Supp. 46: 822, etc.). Various amendments affecting United States Maritime Service, acquisition of obsolete vessels, etc.

Act of August 7, 1939 (53 Stat. 1254-56; U. S. Code Supp. 46: 1202, 1212, 1242). Amendment of provisions relating to requisitioning of vessels in time of national emergency, etc.

Joint resolution of May 14, 1940 (54 Stat. 216, c. 201; Pub. Res. 74). Suspension during present European war of restriction on use of laid-up fleet of the Maritime Commission.

Act of June 29, 1940 (54 Stat. 689-691; Pub. No. 677). Addition of new sections authorizing the Maritime Commission to insure American vessels, etc., against war risks. [An appropriation of \$40,000,000 for this purpose was made by joint resolution of July 18, 1940 (54 Stat. 766, c. 639; Pub. Res. 94).]

Act of October 8, 1940 (54 Stat. 1003 § 402; Pub. No. 801). Suspension of profit-limiting provisions of § 505 (b).

Act of October 10, 1940 (54 Stat. 1106-8; Pub. No. 840). Authorization of a construction reserve fund for construction of new vessels, with special provisions as to operation of income and excess-profits taxes in such cases.

## T-7—Continued.

[See also joint resolutions of June 11, 1940 (54 Stat. 306, c. 327; Pub. Res. 82), and June 29, 1940 (54 Stat. 684-686; Pub. Res. 89), and act of October 10, 1940 (54 Stat. 1092, c. 838; Pub. No. 831).]

8. Act of July 17, 1939 (53 Stat. 1049-51; U. S. Code Supp. 46: 224a).  
Provisions to carry into effect the Officers' Competency Certificates Convention, 1936.

9. Act of April 25, 1940 (54 Stat. 163-167; Pub. No. 484).  
Rules prescribed for motor boats, governing lights, equipment, and necessity for licensed operators; penalty prescribed for reckless or negligent operation of motor boats or other vessels.

10. Act of June 21, 1940 (54 Stat. 497-503; Pub. No. 647).  
Provisions for alteration of bridges over navigable waters, with apportionment of cost between the United States and the owners.

## U. POSTAL SERVICE

1. AIR-MAIL ACT of June 12, 1934 (48 Stat. 933-939; U. S. Code 39: 463, 469-469s).

Revision of air-mail legislation. Six-cent air postage rate established. Postmaster General authorized to award contracts and make regulations relating to transportation of air mail, and to establish air-mail routes under direction of the Secretary of Commerce; contracts to require working conditions of pilots, etc., to conform to decisions of National Labor Board; right of collective bargaining not restricted; Interstate Commerce Commission to fix rates of compensation for transportation of air mail.

### AMENDING ACTS:

Joint resolution of June 26, 1934 (48 Stat. 1243, c. 762; U. S. Code 39: 469a, 469m). Postmaster General's designations to be reviewed by air-mail commission; contractors limited to one primary route and two additional routes.

Act of February 21, 1935 (49 Stat. 30, c. 16). Effective date of certain restrictions postponed to April 1, 1936.

Act of August 14, 1935 (49 Stat. 614-619). Modification of regulations governing contracts for air-mail transportation; working conditions of employees of contractors to conform to decisions of National Labor Board.

## U-1—Continued.

Act of August 20, 1937 (50 Stat. 725, c. 718; U. S. Code Supp. 39: 488). Air-mail postage to, from or within Alaska may be increased up to 15 cents a half-ounce.

Act of January 14, 1938 (52 Stat. 6, c. 9). Total route mileage limited to 35,000; total airplane-miles, to 52,000,000.

Act of April 15, 1938 (52 Stat. 218-220; U. S. Code Supp. 39: 470-472). Provisions for development of experimental air-mail services, including autogiro shuttle service; increase of total route mileage to 40,000, and total airplane-miles to 60,000,000. [Repealed in part by act of July 2, 1940 (54 Stat. 736 § 2; Pub. No. 721).]

Act of June 23, 1938 (52 Stat. 1029 § 1107, k). Repeal of most of the original act.

[See also the act of March 27, 1934 (48 Stat. 508), which authorized the temporary use of Army personnel and equipment for air-mail transportation.]

2. Act of June 25, 1938 (52 Stat. 1076, c. 678; U. S. Code Supp. 39: 31a, 31b, 39a).

Postmasters of first, second, and third classes to be appointed in classified service, without term, by the President, with consent of the Senate.

[Amended by act of December 6, 1940 (54 Stat. 1221, c. 927; Pub. No. 887), to provide for appointments of acting postmasters to replace postmasters called into military service, etc.]

[For other postal legislation, see under D (No. 9, first amending act), H (No. 1), O (Nos. 2, 5, 7) and T (No. 7), above.]

## V. PUBLIC WORKS, ETC.

1. Act of June 16, 1933 (48 Stat. 200-206, 211; U. S. Code 40: 401-414).

President authorized to create a Federal Emergency Administration of Public Works; Administrator to prepare, under direction of the President, a program of public works, including construction and improvement of public highways, parkways, and public buildings, development of natural resources and water power, construction of river and harbor improvements, etc.; President authorized to construct or aid the construction of the works recommended, with power to acquire property by eminent domain; contracts to prohibit use of convict labor, and provide for 30-hour week,

## V-1—Continued.

reasonable wages, preferences to veterans, etc. \$25,000,000 made available to aid purchase of subsistence homesteads. Secretary of the Treasury authorized to borrow funds to meet expenditures authorized by the act\*; an appropriation of \$3,300,000,000 was also authorized for the same purpose.

[This appropriation was made June 16, 1933, 48 Stat. 275. See also G (No. 6, Plan I, c), above.]

## DECISIONS AS TO CONSTITUTIONALITY:

In *United States v. Certain Lands in City of Louisville*, 78 Fed. (2d) 684, it was held that the authorization of eminent domain proceedings was invalid to the extent that it was sought to acquire land for "the relief of unemployment as an end in itself or the construction of sanitary houses to sell or lease to low-salaried workers or residents of slum districts," since eminent domain is justified only for a "public use"; the court stated: "The taking of one citizen's property for the purpose of improving it and selling or leasing it to another, or for the purpose of reducing unemployment, is not, in our opinion, within the scope of the powers of the federal government." Circuit Judge Allen, dissenting, maintained: "Low-cost housing and slum-clearance subserve a public purpose, and when national in scope, they fall within the constitutional powers of the National Government"; in the exercise of the power to provide for the general welfare, "the National Government may undertake those projects which benefit the health, the morals, and the general welfare of the people. One such project is the elimination on a comprehensive scale of the slum." [Appeal on writ of certiorari dismissed on motion, 297 U. S. 726.]

In *Kansas Gas and Electric Co. v. City of Independence*, 79 Fed. (2d) 32, it was held to be permissible for the President to make a loan to a municipal corporation to enable it to establish an electric-power plant; the court stated that the courts "may not interfere" with the determination of Congress as to "what will provide for the general welfare \* \* \* unless it clearly and indubitably appears that the purpose \* \* \* is not within the limitations fixed by the Constitution"; the court held that there was no unconstitutional delegation of legislative power, since the act "lays down a legislative standard and declares a legislative policy with requisite definiteness." [Rehearing denied, 79 Fed. (2d) 638.]

In *Greenwood County v. Duke Power Co.*, 81 Fed. (2d) 986, it was held that a loan and grant to a county for an electric-power plant was permissible, on the ground that "the expenditure of public funds for the relief of Nation-wide unemployment is within the power of Congress, as being an expenditure in furtherance of the general welfare of the United States." [Reversed by the Supreme Court on procedural grounds, without any discussion of the constitutional question, 299 U. S. 259.]

\*The act also included the provisions listed under H (No. 3), above.

## V-1—Continued.

When the case came again before the lower court, the constitutionality of the act was again upheld (*Duke Power Co. v. Greenwood Coun y*, 91 Fed. (2d) 665); this decision was affirmed by the Supreme Court (302 U. S. 485).]

In *Oklahoma City v. Sanders*, 94 Fed. (2d) 323, the court upheld the right of the United States to provide for the construction of low-cost housing projects, without regard to municipal building ordinances, stating: "Though the United States lacks the police power reserved to the states by the Tenth Amendment, yet, when it exerts a power conferred upon it by the Federal Constitution, it is no valid objection that such exercise may be attended by the same incidents which attend the exercise by a state of its police power, or that it may tend to accomplish a similar purpose. \* \* \* The cession of exclusive jurisdiction over premises acquired by the United States government, included the power of regulation and control in such matters as ordinarily fall within the police power of the state."

In *United States v. Dieckmann*, 101 Fed. (2d) 421, it was held that the act does not "unduly" delegate "legislative powers to the Executive."

The validity of the act was also upheld in *United States v. 546.03 Acres, more or less, of Land*, 22 Fed. Supp. 775; *Allied Agents v. United States*, 26 Fed. Supp. 98, 308 U. S. 561; *United States v. Eighty Acres of Land*, 26 Fed. Supp. 315; and *In re United States*, 28 Fed. Supp. 758.

## 2. Act of June 18, 1934 (48 Stat. 993-996).

Appropriations authorized as follows:

\$200,000,000 for emergency construction of public highways, etc., to be apportioned under section 204 of the National Industrial Recovery Act (No. 1, above). [\$100,000,000 of this was appropriated June 19, 1934 (48 Stat. 1057).]

\$24,000,000 to be expended for highways, roads, trails, etc., in national parks and monuments, national forests, Indian reservations, etc.

\$250,000,000 for carrying out the provisions of the Federal Aid Road Act of July 11, 1916.

\$20,000,000 for carrying out the provisions of section 23 of the Federal Highway Act of November 9, 1921.

\$5,000,000 for carrying out the provisions of section 3 of the Federal Highway Act.

\$15,000,000 for construction, etc., of roads and trails in areas administered by the National Park Service.

\$8,000,000 for construction and improvement of Indian reservation roads under the provisions of the act of May 26, 1928.

## 3. Act of August 24, 1935 (49 Stat. 793-794; U. S. Code Supp. 40: 270a-270d).

Public-building contractors required to give bond for protection of persons supplying labor and material.

## V-3—Continued.

[Scope of act extended to work under United States Housing Act of September 1, 1937, by section 16 of that act (No. 7, below; 50 Stat. 896; U. S. Code Supp. 42: 1416); apparently restricted by acts of April 25, 1939 (53 Stat. 592 § 4), August 7, 1939 (53 Stat. 1240 § 1 (c)), June 11, 1940 (54 Stat. 294; Pub. No. 588), June 14, 1940 (54 Stat. 395 § 10; Pub. No. 629), June 15, 1940 (S-14, above), June 26, 1940 (54 Stat. 609; Pub. No. 667), June 28, 1940 (S-17, above), September 9, 1940 (54 Stat. 873, 881; Pub. No. 781) and October 8, 1940 (54 Stat. 968, 973; Pub. No. 800).]

4. Act of June 16, 1936 (49 Stat. 1519-22; U. S. Code Supp. 23: 2a, etc.).

Additional annual authorizations for roads, fiscal years 1938 and 1939, as follows: \$125,000,000 for interstate highways; \$14,000,000 for forest roads; \$2,500,000 for roads through public lands, etc.; \$7,500,000 for roads in national parks, and \$10,000,000 for approach roads; \$4,000,000 for roads in Indian reservations; \$25,000,000 for feeder roads; and \$50,000,000 for elimination of grade crossings.

States authorized to tax sales of gasoline, etc., on Government reservations.

[Amended by act of October 9, 1940 (54 Stat. 1060 § 7; Pub. No. 819).]

5. Act of June 29, 1936 (49 Stat. 2025-26; U. S. Code Supp. 40: 421-425).

Waiver of any exclusive Federal jurisdiction over Public Works Administration slum-clearance and low-cost housing projects; payment to the States of agreed sums in lieu of taxes thereon; rentals to be fixed at an amount at least sufficient to amortize within 60 years 55 percent of initial cost of the projects, and to pay administration costs. Dwelling accommodations to be available only to low-income families.

[Amended by act of September 1, 1937 (50 Stat. 899 § 27; U. S. Code Supp. 42: 1427).]

6. Act of June 29, 1936 (49 Stat. 2035, c. 868; U. S. Code Supp. 40: 431-434).

Waiver of any exclusive Federal jurisdiction over premises of resettlement or rural-rehabilitation projects; payment to the States of agreed sums in lieu of taxes thereon.

[Amended by act of September 1, 1937 (50 Stat. 899 § 27; U. S. Code Supp. 42: 1427); see also act of July 22, 1937 (50 Stat. 530 § 43; U. S. Code Supp. 7: 1017).]

## V—Continued.

7. UNITED STATES HOUSING ACT of September 1, 1937 (50 Stat. 888-899; U. S. Code Supp. 42, c. 8).

United States Housing Authority created, with capital of \$1,000,000, in Interior Department (now under Federal Works Administration; see 53 Stat. 1427 § 304), to administer low-rent housing and slum-clearance projects; loans, contributions, and grants to public agencies for such projects authorized (contributions limited to \$7,500,000 a year, grants to \$10,000,000 a year for 3 years); obligations up to \$500,000,000 may be issued by the Authority.

[Amended by act of June 21, 1938 (52 Stat. 820, Title VI) which increased the limit of contributions to \$28,000,000 a year; of obligations, to \$800,000,000. See also S (Nos. 17, 19), above.]

8. Act of June 8, 1938 (52 Stat. 633-636; U. S. Code Supp. 23: various).

Authorization of additional appropriations for road construction, etc., in 1940 and 1941, including \$50,000,000 for elimination of railroad-grade crossings, and \$8,000,000 for emergency-relief fund for repair of flood damage, etc.

[Amended by No. 9, below.]

9. FEDERAL HIGHWAY ACT of September 5, 1940 (54 Stat. 867-872; Pub. No. 780).

Authorization of additional appropriations for road construction, etc., in 1942 and 1943, including \$40,000,000 for elimination of railroad grade crossings; priority to be given to projects important to national defense.

[For additional legislation relating to public works, see under H (No. 3), I (No. 1), Q (No. 2) and T (No. 4), above, and W (especially Nos. 1, 2, 4-6, 8-11), below.]

## W. RELIEF

1. FEDERAL EMERGENCY RELIEF ACT of May 12, 1933 (48 Stat. 55-58; U. S. Code 15: 721-728).

Grant of \$500,000,000 authorized, from funds of the Reconstruction Finance Corporation, in addition to funds authorized under the Emergency Relief and Construction Act of 1932 (47 Stat. 709), for more effective cooperation with the States and Territories and the District of Columbia in furnishing relief to their needy and distressed people; Federal Emergency Relief Administration created, to carry out the provisions of the act.

[The act of June 22, 1936 (49 Stat. 1611) directed the liquidation of the F. E. R. A. by June 30, 1937.]

W—Continued.

2. Act of February 15, 1934 (48 Stat. 351-352; U. S. Code 5:796; 15:727a; 41:6).

Appropriation of \$950,000,000 additional for carrying out the Federal Emergency Relief Act of 1933, and for continuing the civil works program under the Federal Civil Works Administration; grants to be made by the Federal Emergency Relief Administrator, for relief within a State, directly to such public agency as he may designate; Employees' Compensation Act to apply, with certain limitations, to civil works employees.

[Amended by joint resolution of April 8, 1935 (No. 5, below).]

3. Act of April 13, 1934 (48 Stat. 589 c. 121; U. S. Code 15:605k).

Reconstruction Finance Corporation authorized to make loans up to \$5,000,000 to nonprofit agencies for relief of damages caused by flood, etc., in 1933 and 1934.

#### AMENDING ACTS:

Act of July 26, 1935 (49 Stat. 505, c. 421). Extension to 1935 and 1936 also.

Act of April 17, 1936 (49 Stat. 1232, c. 234). Limit increased to \$50,000,000; loans to States, etc., and private individuals authorized.

[See also joint resolution of March 23, 1933 (48 Stat. 20, c. 5; U. S. Code 15: 605b) and No. 7, below.]

4. EMERGENCY APPROPRIATION ACT of June 19, 1934 (48 Stat. 1055-62), being Title II of the Deficiency Appropriation Act.

The following appropriations are included:

\$899,675,000 for carrying out Unemployment Relief Act of March 31, 1933, Federal Emergency Relief Act, Tennessee Valley Authority Act, and National Industrial Recovery Act, and for an addition to the Executive Office Building.

\$525,000,000 for relief in stricken agricultural areas.

\$1,500,000 for enforcing provisions of section 9 (c) of National Industrial Recovery Act and the Code of Fair Competition for the Petroleum Industry. (See H, 3, above.)

\$10,000,000 for carrying out provisions of section 23 of Federal Highway Act.

\$2,500,000 for carrying out provisions of section 3 of Federal Highway Act.

\$5,000,000 for roads and trails in areas administered by National Park Service.

\$2,000,000 for Indian roads.

\$7,950,000 for payments to Federal land banks on account of reductions in interest rate on mortgages.

\$75,000,000 for subscriptions to paid-in surplus of Federal land banks.

## W-4—Continued.

\$4,500,000 for expenses under Emergency Banking Act of 1933 (D, 1) and Gold Reserve and Silver Purchase Acts of 1934 (R, 3 and 5), above.

\$10,000,000 (additional) for expenses of assessing and collecting the internal-revenue taxes.

\$65,000,000 for public buildings outside District of Columbia.

5. Joint Resolution of April 8, 1935 (49 Stat. 115-119).

Appropriation of \$4,000,000,000, plus \$880,000,000 of certain unexpended balances, for relief and work relief and useful projects for the relief of unemployment; President authorized to prescribe regulations as to labor conditions, including wages and hours; loans authorized for purchase of farms, etc.

[Amended by act of February 11, 1936 (49 Stat. 1134 § 7) and joint resolution of same date (49 Stat. 1135, c. 51).]

6. DEFICIENCY APPROPRIATION ACT of June 22, 1936 (49 Stat. 1608).

Appropriation of \$1,425,000,000 and unexpended balances for relief and work relief, as follows: Roads, \$413,250,000; public buildings, \$156,750,000; parks, etc., \$156,750,000; public utilities, \$171,000,000; flood control, etc., \$128,250,000; "white collar relief," \$85,500,000; women's projects, \$85,500,000; miscellaneous, \$71,250,000; National Youth Administration, \$71,250,000; rural rehabilitation, \$85,500,000.

[Additional appropriations of \$789,000,000 for relief and work relief, and \$95,000,000 for emergency conservation work were made by the deficiency appropriation act of February 9, 1937 (50 Stat. 10). The President was authorized to allocate relief, etc., appropriations to the Public Health Service for health and sanitation work in flood-stricken areas, by joint resolution of February 24, 1937 (50 Stat. 21, c. 17).]

7. Act of February 11, 1937 (50 Stat. 19, c. 10; U. S. Code Supp. 15: 605k-1).

Disaster Loan Corporation with nonassessable capital stock of \$20,000,000 created, for relief from disasters occurring in 1937.

AMENDING ACTS:

Joint resolution of May 28, 1937 (50 Stat. 211, c. 275). Extension to apply to disasters occurring in 1936 also.

Act of March 3, 1938 (52 Stat. 84, c. 40). Extension to apply to disasters occurring in 1938 also.

Act of March 4, 1939 (53 Stat. 510, c. 4). Extension to apply to disasters occurring in 1939 and 1940 also; capital stock increased to \$40,000,000.

W—Continued.

8. EMERGENCY RELIEF APPROPRIATION ACT [joint resolution] of June 29, 1937 (50 Stat. 352-358).

\$1,500,000,000 appropriated for relief and work relief, with preference to veterans, etc.; Federal Emergency Administration of Public Works continued in existence until July 1, 1939, and funds for same increased by \$150,000,000.

[Amended by No. 9, below.]

9. WORK RELIEF AND PUBLIC WORKS APPROPRIATION ACT [joint resolution] of June 21, 1938 (52 Stat. 809-820).

Appropriation of \$1,425,000,000 for Works Progress Administration, \$75,000,000 for National Youth Administration, \$175,000,000 for loans, relief, etc., administered by Secretary of Agriculture, and various other appropriations and authorizations, for work relief, public works projects, loans, etc., under P. W. A. and other Government agencies, provisions for preference to veterans, etc.

[Amended by joint resolutions of February 4, 1939 (53 Stat. 507-509) and June 30, 1939 (53 Stat. 938 § 33) and acts of June 30, 1939 (53 Stat. 985) and June 27, 1940 (54 Stat. 633; Pub. No. 668). See also G (No. 6, Plan I), above.]

10. Joint Resolution of February 4, 1939 (53 Stat. 507-509).

Appropriation of \$725,000,000 for relief and work relief.

[Amount increased to \$825,000,000 by joint resolution of April 13, 1939 (53 Stat. 578, c. 62).]

11. EMERGENCY RELIEF APPROPRIATION ACT [joint resolution] of June 30, 1939 (53 Stat. 927-939).

Appropriation of \$1,477,000,000 for Work Projects Administration; \$100,000,000 for National Youth Administration; \$143,000,000 for rural rehabilitation and relief; \$7,000,000 for Puerto Rico Reconstruction Administration; \$1,350,000 for Indian relief, etc.; appropriations for various administrative expenses, etc.; W. P. A. workers to be removed from the rolls after 18 months' employment; various restrictions on political activities.

[Amended by act of April 6, 1940 (54 Stat. 84; Pub., No. 447).]

12. EMERGENCY RELIEF APPROPRIATION ACT [joint resolution] of June 26, 1940 (54 Stat. 611-628; Pub. Res. 88).

Appropriation of \$975,650,000 for Work Projects Administration; \$59,000,000 for rural rehabilitation and relief; \$4,000,000 for Puerto Rico Reconstruction Administration; appropriations for various administrative expenses, etc.; removal of W. P. A. workers after 18 months' employment; no employment to be given to aliens, Communists or members of Nazi Bund Organizations; various restrictions on political activities.

W—Continued.

[For additional relief legislation, see under A (Nos. 2, 6, 14, 15), D (No. 3), E (Nos. 3, 4), I (No. 1), M (No. 1), and V (Nos. 1, 2, 5, 7, 8), above, and Y (especially No. 4), below; also the act of August 11, 1939 (53 Stat. 1411, c. 696; U. S. Code Supp. 15: 713c-2, 713c-3).]

## X. SOCIAL SECURITY AND PUBLIC HEALTH

1. SOCIAL SECURITY ACT of August 14, 1935 (49 Stat. 620-648; U. S. Code Supp. 42, c. 7).

Title I provides for assistance to the States for payment of old-age pensions up to \$30 a month.

Title II provided for Federal old-age pensions, beginning in 1942, up to an ultimate maximum of \$85 a month. [This title is amended and superseded by the act of August 10, 1939, below.]

Title III provides for assistance to the States for payment of unemployment compensation in States which make adequate payments into the unemployment trust fund provided for in Title IX.

Title IV provides for assistance to the States for care of dependent children.

Title V provides for Federal promotion of health of mothers and children, medical, etc., care for crippled children, and child-welfare services; also for cooperation with the States and Hawaii in extending vocational rehabilitation programs.

Title VI provides for assistance to the States for maintaining public-health services.

Title VII establishes the Social Security Board.

Title VIII prescribed taxes on employers and employees, up to a maximum of 3 percent. [This title is superseded by the Internal Revenue Code (O, 10, above).]

Title IX prescribed taxes on employers of 8 or more persons, with an exemption of 90 percent for contributions made to a State unemployment trust fund and by the State deposited in the Treasury of the United States. [This title is largely superseded by the Internal Revenue Code (O, 10, above).]

Title X provides for assistance to the States for aid to the blind.

### AMENDING ACTS:

Acts of August 29, 1935 (49 Stat. 974, c. 812, 976 § 11) and June 24, 1937 (50 Stat. 317 § 17; U. S. Code Supp. 45: 228q). "Employment," in connection with Title II, etc., not to include railway employment. [Superseded by act of August 10, 1939, below.]

## X-1—Continued.

Act of May 28, 1938 (52 Stat. 576 § 810). Credit to be allowed against 1936 taxes under Title IX for amounts paid into State unemployment funds.

Act of June 25, 1938 (52 Stat. 1104-1105, 1110, 1112; U. S. Code Supp. 42: 503, 1104, 1107). Special provisions in relation to railroad unemployment insurance.

Act of April 19, 1939 (53 Stat. 581, c. 73; U. S. Code Supp. 42: 501). Amount authorized to aid administration of State unemployment compensation laws increased to \$80,000,000 a year.

Act of August 10, 1939 (53 Stat. 1360-1402; U. S. Code Supp. 42: various). Numerous amendments to the original act and to the Internal Revenue Code provisions incorporating portions thereof; system of Federal old-age benefits [title II] completely revised, with provision for insurance benefits to wives and children of beneficiaries; increases in various authorizations of appropriations; postponement of increases in employment taxes; various administrative changes, etc.

[See also G (No. 6, Plan I), above, and acts of August 24, 1937 (50 Stat. 754 c. 755), August 11, 1939 (53 Stat. 1420 §2) and August 13, 1940 (54 Stat. 786-787; Pub., No. 764).]

## DECISIONS AS TO CONSTITUTIONALITY:

In *Steward Machine Co. v. Davis*, 301 U. S. 548, the court upheld the validity of title IX, in connection with title III, on the ground that the tax imposed was an excise tax, and conformed to the rule of geographical uniformity, that it was not invalidated by the exemptions, and that it did not involve "the coercion of the States in contravention of the Tenth Amendment or of restrictions implicit in our federal form of government," nor did it "call for a surrender by the states of powers essential to their quasi-sovereign existence."

Justice McReynolds, dissenting, maintained that title IX, in connection with title III, "unduly interferes with the orderly government of the State by her own people and otherwise offends the Federal Constitution." Justices Sutherland and Van Devanter, also dissenting, accepted the basic provisions of the act, but objected to the provision that the State *must* deposit its money with a Federal official and subject its operations to Federal supervision in which "the federal agencies are authorized to supervise and hamper the administrative powers of the state to a degree which not only does not comport with the dignity of a quasi-sovereign state—a matter with which we are not judicially concerned—but which denies to it that supremacy and freedom from external interference in respect of its affairs which the Constitution contemplates—a matter of very definite judicial concern." Justice Butler agreed with the objections expressed in both these dissenting opinions, but stressed the bearing of the Tenth Amendment, stating: "The provisions in question, if not amounting to coercion in a legal

## X-1—Continued.

sense, are manifestly designed and intended directly to affect state action \* \* \*. The terms of the measure make it clear that the tax and credit device was intended to enable federal officers virtually to control the exertion of powers of the States in a field in which they alone have jurisdiction and from which the United States is by the Constitution excluded."

In *Helvering v. Davis*, 301 U. S. 619, the court upheld the validity of titles II and VIII, on the ground that "Congress may spend money in aid of the 'general welfare.' \* \* \* Whether wisdom or unwisdom resides in the scheme of benefits set forth in title II, it is not for us to say. The answer to such inquiries must come from Congress, not the courts. \* \* \* When money is spent to promote the general welfare, the concept of welfare or the opposite is shaped by Congress, not the States. So the concept be not arbitrary, the locality must yield." Justices McReynolds and Butler, dissenting, maintained that "the provisions of the act here challenged are repugnant to the Tenth Amendment."

2. Act of August 5, 1937 (50 Stat. 559-562; U. S. Code Supp. 42: 137-137g).

National Cancer Institute established; \$750,000 authorized for building and \$700,000 a year for research, etc.

3. Act of May 24, 1938 (52 Stat. 439; U. S. Code Supp. 42:25a-25e).

Additional duties imposed on Public Health Service in connection with investigation and control of venereal diseases.

[See also under W (especially No. 6), above.]

## Y. VETERANS

1. ECONOMY ACT of March 20, 1933 (48 Stat. 8-12; U. S. Code 38: 701-721).

President authorized to regulate rates of pensions of veterans, to prescribe degrees of disability to be recognized, and to approve claims for benefits filed with the Veterans' Administration; existing laws providing pension and term-insurance benefits for veterans of Spanish War, World War, etc., repealed. Decisions of Administrator of Veterans' Affairs under this act to be final and not subject to court review. Pensions, etc., for wars prior to Spanish War reduced 10% during fiscal year 1934. World War to be deemed to have ended November 11, 1918.

## Y-1—Continued.

## AMENDING ACTS:

Act of June 16, 1933 (48 Stat. 301, 302, 309-310; U. S. Code 38: 445a, 445b, 706, 722). Extension of certain benefits to persons discharged for disabilities incurred in line of duty. Attorney General authorized to compromise certain suits on insurance contracts. President authorized to establish boards of review to determine whether certain disabilities were service-connected; compensation in case of service-connected disabilities to be at least 75% of former rate; death compensation not to be reduced; pensions of needy Spanish War veterans over 55 to be not less than \$15 in case of 50 percent disability. [Amended by acts of March 28, 1934, and August 23, 1935, below, and by act of February 24, 1938 (52 Stat. 81, c. 34).]

Act of March 28, 1934 (48 Stat. 521 (c), 524-527; U. S. Code 38: 366, 367, 471a, 473a, 501a, 511a, 700, 706, 709, 719, 722, 723). Temporary reductions in pre-Spanish-War pensions continued during fiscal year 1935 (superseded by act of February 13, 1935, below). Restoration of full hospitalization and compensation paid on March 19, 1933, to World War veterans with service-connected disabilities (amended by act of August 13, 1935, below), also 75% compensation in case service-connection is reestablished after that date; restoration of at least 75% of Spanish War pensions paid on that date. [Amended by act of August 23, 1935, below, and act of August 16, 1937 (50 Stat. 660-662).]

Act of February 13, 1935 (49 Stat. 24 § 2). Temporary reduction in pre-Spanish-War pensions to terminate March 31, 1935.

Act of August 12, 1935 (49 Stat. 609 § 2; U. S. Code Supp. 38: 556a). Penalty prescribed for misappropriation of funds by guardians, etc., of veterans. [See also act of October 8, 1940 (54 Stat. 1014 § 616; Pub., No. 801).]

Act of August 13, 1935 (49 Stat. 614, c. 521; U. S. Code Supp. 38: 368, 369). Spanish War, etc., pensions to be governed by laws in force on March 19, 1933.

Act of August 23, 1935 (49 Stat. 729, c. 621; U. S. Code Supp. 38: 706). Extension of domiciliary care and hospitalization to persons receiving pensions for service-connected disabilities; extension to January 2, 1940, of time for making certain applications, etc., under Adjusted Compensation Act.

Act of August 26, 1935 (49 Stat. 869, c. 698; U. S. Code Supp. 38: 704a, 724). World War service to include service in Russia thru April 1, 1920.

Act of June 24, 1936 (49 Stat. 1910, c. 758; U. S. Code Supp. 38: 703a). Veterans to receive 75 percent of service-connected disability pension or compensation received by them on March 19, 1933.

Act of July 19, 1939 (53 Stat. 1067, c. 329; U. S. Code Supp. 38:703b, 703c). Restoration of certain benefits to disabled World War veterans receiving compensation on March 19, 1933.

## Y-1—Continued.

[See also No. 2, below, and act of May 3, 1939 (53 Stat. 652 c. 109; U. S. Code Supp. 38:706a).]

## DECISIONS AS TO CONSTITUTIONALITY:

In *Lynch v. United States*, 292 U. S. 571, it was held that term-insurance contracts under the War Risk Insurance Act were "legal obligations of the same dignity as other contracts of the United States and possess the same legal incidents," hence could not, under the Fifth Amendment, be "taken without making just compensation"; on the other hand, "Pensions, compensation allowances and privileges are gratuities. They involve no agreement of parties; and the grant of them creates no vested right. The benefits conferred by gratuities may be redistributed or withdrawn at any time in discretion of Congress."

In *Barnett v. Hines*, 105 Fed. (2d) 96, it was held that, since retirement pay is a "gratuity," it was constitutional for Congress to deprive the courts of jurisdiction to review orders of the Administrator of Veterans' Affairs reducing such pay. [Certiorari denied, 308 U. S. 573.]

## 2. Act of June 28, 1934 (48 Stat. 1281-82; U. S. Code 38: 503-507).

Payment of compensation to widows and children of persons who died while receiving monetary benefits for 30 percent or more disabilities incurred in or aggravated by service in the World War; this provision not to apply to persons not exempt from payment of Federal income tax.

## AMENDING ACTS:

Act of August 16, 1937 (50 Stat. 660-662; U. S. Code Supp. 38: 424a, 472d, etc.). Provisions extended to cases of death of veterans receiving benefits for 20 percent or more disabilities; rates increased; various administrative provisions, etc.

Act of May 13, 1938 (52 Stat. 352, c. 214; U. S. Code Supp. 38: 505a, 506, 509a). Provisions extended to cases where disability was 10 percent or more; administrative provisions, etc.

Act of July 19, 1939 (53 Stat. 1068-70; U. S. Code Supp. 38: 472b, 503, 504, 506, 512b-1, 706b). Liberalizing amendments affecting rates, degree of disability (10 percent), etc., in certain cases.

Act of October 17, 1940 (54 Stat. 1193, c. 893; Pub., No. 866). Restriction on recovery of payments made under the act in certain cases.

[See also No. 4, below.]

## 3. Act of January 27, 1936 (49 Stat. 1099-1102; U. S. Code Supp. 38: 686-688b).

Provisions for immediate payment of adjusted service certificates.

## Y-3—Continued.

[Amended by acts of June 3, 1936 (49 Stat. 1396, c. 482), June 26, 1936 (49 Stat. 1982, c. 848), and August 14, 1937 (50 Stat. 641, c. 628).]

4. Act of June 29, 1936 (49 Stat. 2031-35; U. S. Code Supp. 38: 101-104, etc.).

Liberalization of pension laws by granting benefits to dependents of veterans dying of non-service-connected disability who at time of death were entitled to receive compensation for 30% disability whether presumptively or directly service-connected; miscellaneous administrative provisions, relating to claims, etc.; stipulations for the relief of World War veterans who suffered injury in Florida hurricane at Windy Island and Matecumbe Keys.

[Amended by acts of August 16, 1937 (50 Stat. 660), May 13, 1938 (52 Stat. 352, c. 214), and October 17, 1940 (54 Stat. 1193 c. 893 § 2 (a); Pub., No. 866.) See also act of October 8, 1940 (54 Stat. 1014 § 616; Pub., No. 801).]

5. Act of August 25, 1937 (50 Stat. 786; U. S. Code Supp. 38: 381-1).

Increase of pensions of veterans of Indian wars (new rates are from \$25 to \$72 a month).

6. Act of May 24, 1938 (52 Stat. 440, c. 268; U. S. Code Supp. 38: 370-370d).

Grant of Spanish War, etc., disability pensions, at \$60 a month (\$100 in case of blindness, etc.).

[Amended by act of June 11, 1940 (54 Stat. 301, c. 319; Pub. No. 594).]

7. Act of August 4, 1939 (53 Stat. 1180-81).

Increase of pension rates in case of certain disabilities.

8. Act of May 2, 1940 (54 Stat. 176-177, c. 182; Pub., No. 505).

Volunteers serving in Philippine Insurrection after April 11, 1899 entitled to travel pay and subsistence as though discharged April 11, 1899 and appointed or reenlisted April 12, 1899.

[For additional legislation relating to veterans, see under I (No. 9), Q (No. 1), V (No. 1), and W (Nos. 8, 9), above; also the acts of August 27, 1935 (49 Stat. 909, c. 770; U. S. Code Supp. 43: 256b), March 3, 1936 (49 Stat. 1159, c. 122; U. S. Code Supp. 10: 654b), June 1, 1937 (50 Stat. 241, c. 285; U. S. Code Supp. 38: 512), June 23, 1937 (50 Stat. 305, c. 376), June 22, 1938 (52 Stat. 940, c. 576; U. S. Code Supp. 34: 161a, 696), June 25, 1938 (52 Stat. 1189-93; U. S. Code Supp. 38: 16-16j), June 6, 1940 (54 Stat. 237, c. 246; Pub., No. 553), and October 17, 1940 (54 Stat. 1193-97; Pub., No. 866); see also the annual appropriations for the Veterans' Administration.]

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January 24, Pub. No. 424, c. 29 (49 Stat. 1099)-----	J-1
January 27, Pub. No. 425, c. 32 (49 Stat. 1099-1102)-----	R-7, *Y-3
February 8, Pub. No. 431, c. 40 (49 Stat. 1105)-----	J-1
February 10, Pub. No. 433, c. 42 (49 Stat. 1106)-----	A-1, A-3, A-4, A-9
February 11, Pub. No. 440, c. 49 (49 Stat. 1134 § 7)-----	W-5
February 11, Pub. No. 442, c. 51 (49 Stat. 1135)-----	A-1, W-5
February 15, Pub. No. 448, c. 74 (49 Stat. 1140)-----	*S-3
February 29, Pub. No. 461, c. 104 (49 Stat. 1148-52)-----	A-1, *A-10
February 29, Pub. Res. 73, c. 105 (49 Stat. 1152)-----	B-5
February 29, Pub. Res. 74, c. 106 (49 Stat. 1152-53)-----	L-7
March 2, Pub. No. 463, c. 112 (49 Stat. 1155)-----	A-1, A-3, A-4, A-9
March 3, Pub. No. 467, c. 122 (49 Stat. 1159)-----	<sup>1</sup> Y
March 14, Pub. Nos. 471, 472; c. 140, 141 (49 Stat. 1161, 1162)-----	*G-4
March 20, Pub. No. 482, c. 160 (49 Stat. 1185)-----	D-1
April 3, Pub. No. 486, c. 165 (49 Stat. 1187-88)-----	D-9
April 10, Pub. No. 487, c. 166 (49 Stat. 1189-91)-----	*F-9
April 10, Pub. No. 489, c. 168 (49 Stat. 1191)-----	H-7
April 10, Pub. No. 490, c. 169 (49 Stat. 1192)-----	O-4
April 10, Pub. No. 507, c. 186 (49 Stat. 1198)-----	E-1
April 10, Pub. No. 510, c. 189 (49 Stat. 1199)-----	O-3
April 11, Pub. No. 515, c. 210 (49 Stat. 1203-1204)-----	E-1
April 16, Pub. No. 521, c. 229 (49 Stat. 1207-13)-----	*T-2
April 17, Pub. No. 525, c. 234 (49 Stat. 1232-34)-----	D-9, W-3
April 21, Pub. Res. 83, c. 244 (49 Stat. 1237)-----	D-4
April 25, Pub. No. 534, c. 249 (49 Stat. 1239-42)-----	*A-11
May 1, Pub. No. 535, c. 251 (49 Stat. 1246-49)-----	*I-8
May 1, Pub. No. 538, c. 254 (49 Stat. 1250)-----	M-2
May 20, Pub. No. 605, c. 432 (49 Stat. 1363-67)-----	*A-12
May 27, Pub. No. 621, c. 462 (49 Stat. 1375-80)-----	H-4
May 27, Pub. No. 622, c. 463 (49 Stat. 1380-86)-----	*T-3
June 3, Pub. No. 634, c. 482 (49 Stat. 1396)-----	Y-3
June 4, Pub. No. 638, c. 490 (49 Stat. 1458-59)-----	M-1
June 4, Pub. No. 644, c. 496 (49 Stat. 1461)-----	D-5
June 4, Pub. No. 649, c. 501 (49 Stat. 1464)-----	A-1
June 5, Pub. No. 652, c. 511 (49 Stat. 1475)-----	F-2
June 5, Pub. No. 653, c. 512 (49 Stat. 1475)-----	E-2
June 8, Pub. No. 673, c. 541 (49 Stat. 1488-90)-----	*K-2
June 15, Pub. No. 675, c. 545 (49 Stat. 1491-1501)-----	*A-13
June 16, Pub. No. 686, c. 582 (49 Stat. 1519-22)-----	*V-4
June 16, Pub. No. 691, c. 587 (49 Stat. 1524-25)-----	<sup>1</sup> S
June 19, Pub. No. 692, c. 592 (49 Stat. 1526-28)-----	*H-12
June 19, Pub. Res. 109, c. 612 (49 Stat. 1539)-----	A-1
June 20, Pub. No. 720, c. 626 (49 Stat. 1543)-----	T-1
June 20, Pub. No. 724, c. 630 (49 Stat. 1545-53)-----	*C-3
June 20, Pub. No. 734, c. 640 (49 Stat. 1561-64)-----	*P-4
June 22, Pub. No. 738, c. 688 (49 Stat. 1570-97)-----	*T-4
June 22, Pub. No. 739, c. 689 (49 Stat. 1608, 1611)-----	W-1, *W-6
June 22, Pub. No. 740, c. 690 (49 Stat. 1648-1756)-----	A-1, *O-6
June 22, Pub. No. 749, c. 699 (49 Stat. 1807-17)-----	*N-2
June 22, Pub. No. 752, c. 702 (49 Stat. 1818-19)-----	D-2, D-7

<sup>1</sup> See note at end of title.

**Seventy-fourth Congress—Continued.****Second session (1936)—Continued.**

June 22, Pub. No. 755, c. 705 (49 Stat. 1820-21)-----	*J-3
June 22, Pub. No. 756, c. 706 (49 Stat. 1821)-----	C-1
June 24, Pub. No. 776, c. 746 (49 Stat. 1899)-----	*Q-5
June 24, Pub. No. 785, c. 755 (49 Stat. 1907)-----	*S-4
June 24, Pub. No. 788, c. 758 (49 Stat. 1910)-----	Y-1
June 24, Pub. No. 792, c. 762 (49 Stat. 1912)-----	D-2
June 24, Pub. Res. 131, c. 767 (49 Stat. 1915)-----	A-10
June 25, Pub. No. 799, c. 807 (49 Stat. 1922-24)-----	*T-5
June 25, Pub. No. 804, c. 812 (49 Stat. 1926)-----	S-1
June 25, Pub. No. 806, c. 814 (49 Stat. 1928)-----	R-6
June 25, Pub. No. 807, c. 815 (49 Stat. 1928-30)-----	B-2, *B-6
June 25, Pub. No. 808, c. 816 (49 Stat. 1930-36)-----	*T-6
June 25, Pub. No. 814, c. 822 (49 Stat. 1938)-----	*Q-6
June 26, Pub. No. 815, c. 830 (49 Stat. 1939-66)-----	B-2, *B-7, J-1
June 26, Pub. No. 816, c. 831 (49 Stat. 1967-68)-----	M-2
June 26, Pub. No. 833, c. 848 (49 Stat. 1982)-----	Y-3
June 29, Pub. No. 835, c. 858 (49 Stat. 1985-2017)-----	*T-7
June 29, Pub. No. 837, c. 860 (49 Stat. 2025-26)-----	*V-5
June 29, Pub. No. 844, c. 867 (49 Stat. 2031-35)-----	*Y-4
June 29, Pub. No. 845, c. 868 (49 Stat. 2035-36)-----	*V-6
June 30, Pub. No. 846, c. 881 (49 Stat. 2036-40)-----	*Q-7

**Seventy-fifth Congress:****First session (1937):**

January 8, Pub. Res. 1, c. 1 (50 Stat. 3)-----	*L-8
January 23, Pub. No. 1, c. 5 (50 Stat. 4)-----	R-1, R-3
January 26, Pub. No. 2, c. 6 (50 Stat. 5)-----	H-7
January 29, Pub. No. 3, c. 7 (50 Stat. 5-7)-----	*A-14
February 3, Pub. Res. 4, c. 8 (50 Stat. 7-8)-----	*G-5
February 9, Pub. No. 4, c. 9 (50 Stat. 10, 11)-----	A-14, W-6
February 11, Pub. No. 5, c. 10 (50 Stat. 19)-----	*W-7
February 19, Pub. Res. 6, c. 12 (50 Stat. 20)-----	D-9
February 24, Pub. Res. 7, c. 17 (50 Stat. 21)-----	W-6
February 27, Pub. Res. 9, c. 19 (50 Stat. 23)-----	F-8
March 1, Pub. No. 9, c. 20 (50 Stat. 23)-----	R-3
March 1, Pub. No. 10, c. 21 (50 Stat. 24)-----	*P-5
March 1, Pub. Res. 10, c. 22 (50 Stat. 24)-----	L-3
March 13, Pub. Res. 12, c. 40 (50 Stat. 29)-----	O-6
March 24, Pub. No. 25, c. 49 (50 Stat. 49-51)-----	T-6
March 29, Pub. No. 26, c. 58 (50 Stat. 56)-----	F-2
April 1, Pub. No. 27, c. 64 (50 Stat. 57)-----	T-7
April 16, Pub. No. 38, c. 107 (50 Stat. 66-68)-----	<sup>1</sup> S
April 22, Pub. No. 44, c. 121 (50 Stat. 70-71)-----	D-9
April 26, Pub. No. 48, c. 127 (50 Stat. 72-94)-----	H-11, *H-13
April 27, Pub. No. 51, c. 134 (50 Stat. 95)-----	T-4
May 1, Pub. Res. 27, c. 146 (50 Stat. 121-128)-----	L-7
May 15, Pub. No. 86, c. 194 (50 Stat. 167)-----	T-4
May 20, Pub. No. 97, c. 229 (50 Stat. 189-198)-----	F-2
May 22, Pub. No. 100, c. 237 (50 Stat. 199)-----	T-6
May 25, Pub. No. 111, c. 256 (50 Stat. 204)-----	T-4
May 28, Pub. Res. 34, c. 275 (50 Stat. 211)-----	W-7
June 1, Pub. No. 127, c. 285 (50 Stat. 241-242)-----	<sup>1</sup> Y
June 3, Pub. No. 137, c. 296 (50 Stat. 246-249)-----	A-1
June 14, Pub. No. 145, c. 335 (50 Stat. 257)-----	H-8
June 15, Pub. No. 149, c. 349 (50 Stat. 259)-----	<sup>1</sup> Q
June 19, Pub. No. 158, c. 369 (50 Stat. 304-305)-----	C-2
June 23, Pub. No. 159, c. 376 (50 Stat. 305)-----	<sup>1</sup> Y
June 24, Pub. No. 162, c. 382 (50 Stat. 307-319)-----	F-7, R-7, X-1
June 28, Pub. No. 163, c. 383 (50 Stat. 319-322)-----	*I-9
June 28, Pub. No. 165, c. 385 (50 Stat. 323)-----	A-1
June 28, Pub. No. 169, c. 392 (50 Stat. 325-328)-----	*I-10
June 28, Pub. No. 170, c. 395 (50 Stat. 329)-----	A-10
June 29, Pub. Res. 47, c. 401 (50 Stat. 352-358)-----	*W-8
June 29, Pub. Res. 48, c. 402 (50 Stat. 358)-----	*O-7

<sup>1</sup> See note at end of title.

## Seventy-fifth Congress—Continued.

## First session (1937)—Continued.

June 29, Pub. No. 174, c. 405 (50 Stat. 435-440)-----	F-8, *F-10
July 1, Pub. Res. 50, c. 425 (50 Stat. 470)-----	*I-11
July 9, Pub. No. 197, c. 471 (50 Stat. 487)-----	D-8
July 9, Pub. No. 198, c. 472 (50 Stat. 487-488)-----	B-7
July 13, Pub. No. 206, c. 494 (50 Stat. 512-514)-----	G-2
July 19, Pub. No. 208, c. 511 (50 Stat. 518)-----	T-4
July 22, Pub. No. 209, c. 516 (50 Stat. 521)-----	D-2
July 22, Pub. No. 210, c. 517 (50 Stat. 522-533)-----	*A-15, E-4, V-6
July 29, Pub. No. 225, c. 536 (50 Stat. 544)-----	T-3
July 30, Pub. No. 226, c. 537 (50 Stat. 544-545)-----	S-1
August 2, Pub. No. 238, c. 553 (50 Stat. 551-556)-----	*O-8
August 5, Pub. No. 244, c. 565 (50 Stat. 559-562)-----	*X-2
August 5, Pub. No. 246, c. 567 (50 Stat. 563)-----	A-1
August 9, Pub. No. 249, c. 570 (50 Stat. 573)-----	R-6
August 10, Pub. Res. 57, c. 572 (50 Stat. 617-619)-----	H-10
August 12, Pub. No. 258, c. 589 (50 Stat. 622)-----	E-2
August 12, Pub. Res. 58, c. 609 (50 Stat. 633-637)-----	*Q-8
August 14, Pub. No. 288, c. 628 (50 Stat. 641)-----	Y-3
August 16, Pub. No. 302, c. 657 (50 Stat. 653-659)-----	*E-5
August 16, Pub. No. 304, c. 659 (50 Stat. 660-662)-----	Y-1, Y-2, Y-4
August 16, Pub. No. 308, c. 663 (50 Stat. 664-665)-----	<sup>1</sup> Q
August 17, Pub. No. 314, c. 690 (50 Stat. 693, Title VIII)-----	*H-14
August 19, Pub. No. 323, c. 704 (50 Stat. 703, 704, 707-710, 717)---	D-2, D-5, D-6, G-4
August 20, Pub. No. 327, c. 718 (50 Stat. 725)-----	U-1
August 20, Pub. No. 329, c. 720 (50 Stat. 731-736)-----	*I-12
August 20, Pub. No. 330, c. 721 (50 Stat. 737)-----	B-7
August 24, Pub. No. 349, c. 747 (50 Stat. 749)-----	J-1
August 24, Pub. No. 352, c. 754 (50 Stat. 751-753)-----	*P-6
August 24, Pub. No. 353, c. 755 (50 Stat. 754)-----	X-1
August 25, Pub. No. 354, c. 757 (50 Stat. 757)-----	I-11
August 25, Pub. No. 355, c. 759 (50 Stat. 786)-----	*Y-5
August 26, Pub. No. 377, c. 815 (50 Stat. 813-831)-----	O-6
August 26, Pub. No. 381, c. 821 (50 Stat. 838)-----	A-1
August 26, Pub. No. 382, c. 822 (50 Stat. 839)-----	T-7
August 28, Pub. No. 395, c. 866 (50 Stat. 862-863)-----	M-2
August 28, Pub. No. 399, c. 870 (50 Stat. 869-870)-----	*I-13
August 28, Pub. No. 406, c. 877 (50 Stat. 876-881)-----	T-4
August 28, Pub. No. 407, c. 878 (50 Stat. 881)-----	A-7
August 30, Pub. No. 409, c. 889 (50 Stat. 883)-----	<sup>1</sup> Q
September 1, Pub. No. 411, c. 895 (50 Stat. 885-887)-----	*S-5
September 1, Pub. No. 412, c. 896 (50 Stat. 888-899)-----	Q-2, V-3, V-5, V-6, *V-7
September 1, Pub. No. 414, c. 898 (50 Stat. 903-916)-----	A-1, *A-16
September 2, Pub. No. 415, c. 899 (50 Stat. 917-919)-----	*I-14

## Second session (1937):

December 6, Pub. No. 416, c. 3 (51 Stat. 4-5)-----	D-8, Q-4
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## Third session (1938):

January 12, Pub. No. 418, c. 2 (52 Stat. 3)-----	*S-6
January 14, Pub. No. 420, c. 9 (52 Stat. 6)-----	U-1
February 3, Pub. No. 424, c. 13 (52 Stat. 8-26)-----	D-9, H-7
February 4, Pub. Res. 78, c. 14 (52 Stat. 27)-----	A-14
February 11, Pub. No. 427, c. 25 (52 Stat. 28)-----	P-5
February 16, Pub. No. 430, c. 30 (52 Stat. 31-77)-----	A-10, *A-17
February 24, Pub. No. 434, c. 34 (52 Stat. 81)-----	Y-1
March 3, Pub. No. 438, c. 40 (52 Stat. 84)-----	W-7
March 4, Pub. No. 439, c. 41 (52 Stat. 84-85)-----	E-2, E-4
March 8, Pub. No. 442, c. 44 (52 Stat. 107-108)-----	H-7
March 21, Pub. No. 447, c. 49 (52 Stat. 111-117)-----	*H-15
March 26, Pub. No. 452, c. 54 (52 Stat. 120)-----	A-17
April 4, Pub. Res. 83, c. 61 (52 Stat. 154-156)-----	I-2
April 7, Pub. No. 470, c. 107 (52 Stat. 202-205)-----	A-17
April 7, Pub. No. 471, c. 108 (52 Stat. 205)-----	A-13

<sup>1</sup>See note at end of title.

## Seventy-fifth Congress—Continued.

## Third session (1938)—Continued.

April 13, Pub. No. 479, c. 140 (52 Stat. 212-213)	D-7, H-7
April 13, Pub. No. 482, c. 143 (52 Stat. 215)	A-1
April 13, Pub. No. 485, c. 146 (52 Stat. 216-217)	<sup>1</sup> S
April 15, Pub. No. 486, c. 157 (52 Stat. 218-220)	U-1
April 25, Pub. No. 491, c. 171 (52 Stat. 221-222)	<sup>1</sup> S
May 9, Pub. No. 499, c. 189 (52 Stat. 343)	T-6
May 11, Pub. No. 503, c. 194 (52 Stat. 345-346)	T-3
May 12, Pub. No. 508, c. 200 (52 Stat. 349)	I-9
May 13, Pub. No. 514, c. 214 (52 Stat. 352-353)	Y-2, Y-4
May 13, Pub. No. 515, c. 215 (52 Stat. 353 § 3)	R-6
May 17, Pub. No. 528, c. 243 (52 Stat. 401-403)	*S-7
May 18, Pub. No. 529, c. 250 (52 Stat. 403-407)	*I-15
May 18, Pub. No. 531, c. 253 (52 Stat. 408)	T-7
May 23, Pub. No. 534, c. 259 (52 Stat. 421)	C-1, C-2
May 24, Pub. No. 539, c. 266 (52 Stat. 438)	*P-7
May 24, Pub. No. 540, c. 267 (52 Stat. 439)	*X-3
May 24, Pub. No. 541, c. 268 (52 Stat. 440)	*Y-6
May 25, Pub. No. 544, c. 276 (52 Stat. 442)	D-4
May 26, Pub. No. 550, c. 283 (52 Stat. 446)	H-12
May 26, Pub. No. 552, c. 285 (52 Stat. 447)	R-3, R-7
May 28, Pub. No. 554, c. 289 (52 Stat. 447-584)	B-2, *O-9, X-1
May 31, Pub. No. 557, c. 292 (52 Stat. 586)	A-17
May 31, Pub. No. 561, c. 296 (52 Stat. 588)	F-2
June 1, Pub. No. 573, c. 311 (52 Stat. 606-607)	T-7
June 8, Pub. No. 583, c. 327 (52 Stat. 631-633)	*L-9
June 8, Pub. No. 584, c. 328 (52 Stat. 633-636)	*V-8
June 15, Pub. Nos. 620, 635, c. 393, 439 (52 Stat. 689, 700-702)	B-7
June 16, Pub. Res. 113, c. 456 (52 Stat. 705-706)	*H-16
June 16, Pub. No. 639, c. 458 (52 Stat. 707-708)	*S-8
June 16, Pub. No. 643, c. 462 (52 Stat. 709)	D-2
June 16, Pub. No. 644, c. 464 (52 Stat. 746)	A-17
June 16, Pub. No. 647, c. 467 (52 Stat. 753-754)	T-6
June 16, Pub. No. 651, c. 471 (52 Stat. 756)	O-4
June 16, Pub. No. 656, c. 476 (52 Stat. 758-760)	L-6
June 16, Pub. No. 657, c. 477 (52 Stat. 760-761)	C-3
June 16, Pub. No. 660, c. 480 (52 Stat. 762)	A-17
June 16, Pub. No. 666, c. 486 (52 Stat. 764-766)	*J-4
June 16, Pub. Res. 116, c. 489 (52 Stat. 767)	D-4
June 20, Pub. Res. 118, c. 518 (52 Stat. 775)	A-17
June 21, Pub. Res. 122, c. 554 (52 Stat. 809-820)	A-12, A-17, V-7, W-8, *W-9
June 21, Pub. No. 688, c. 556 (52 Stat. 821-833)	*F-11
June 22, Pub. No. 691, c. 563 (52 Stat. 835)	A-17
June 22, Pub. No. 696, c. 575 (52 Stat. 840-940)	E-5, *E-6, H-1
June 22, Pub. No. 697, c. 576 (52 Stat. 940)	<sup>1</sup> Y
June 23, Pub. No. 702, c. 597 (52 Stat. 944)	T-6
June 23, Pub. No. 703, c. 598 (52 Stat. 944-953)	<sup>1</sup> S
June 23, Pub. No. 705, c. 600 (52 Stat. 953-973)	T-7
June 23, Pub. No. 706, c. 601 (52 Stat. 973-1030)	F-5, *F-12, H-15, U-1
June 25, Pub. No. 717, c. 675 (52 Stat. 1040-59)	*H-17
June 25, Pub. No. 718, c. 676 (52 Stat. 1060-69)	*Q-9
June 25, Pub. No. 719, c. 677 (52 Stat. 1070-76)	H-4
June 25, Pub. No. 720, c. 678 (52 Stat. 1076-77)	*U-2
June 25, Pub. No. 721, c. 679 (52 Stat. 1077-94)	B-7, L-6, *L-10, R-6
June 25, Pub. No. 722, c. 680 (52 Stat. 1094-1113)	*F-13, X-1
June 25, Pub. No. 724, c. 682 (52 Stat. 1163)	P-4
June 25, Pub. No. 727, c. 685 (52 Stat. 1164-69)	<sup>1</sup> Q
June 25, Pub. No. 732, c. 690 (52 Stat. 1175-86)	<sup>1</sup> S
June 25, Pub. No. 734, c. 692 (52 Stat. 1189-93)	<sup>1</sup> Y
June 25, Pub. No. 740, c. 698 (52 Stat. 1197)	G-2
June 25, Pub. No. 743, c. 701 (52 Stat. 1198)	I-9
June 28, Pub. No. 761, c. 795 (52 Stat. 1215-26)	T-4

<sup>1</sup>See note at end of title.

**Seventy-fifth Congress—Continued.**

## Third session (1938)—Continued.

June 29, Pub. No. 777, c. 811 (52 Stat. 1236-41)-----	F-5, H-1
June 29, Pub. No. 779, c. 813 (52 Stat. 1242)-----	Q-5
June 29, Pub. No. 782, c. 816 (52 Stat. 1244)-----	Q-1
June 30, Pub. No. 785, c. 850 (52 Stat. 1250-52)-----	*H-18
June 30, Pub. No. 786, c. 851 (52 Stat. 1252-55)-----	<sup>1</sup> I
June 30, Pub. No. 787, c. 852 (52 Stat. 1255)-----	<sup>1</sup> S

**Seventy-sixth Congress:**

## First session (1939):

February 4, Pub. Res. 1, c. 1 (53 Stat. 507-509)-----	W-9, *W-10
February 10, Pub. No. 1, c. 2 (53 Stat. 1-504)-----	*O-10
March 4, Pub. No. 2, c. 4 (53 Stat. 510)-----	H-7, W-7
March 4, Pub. No. 3, c. 5 (53 Stat. 510-511)-----	H-7
March 13, Pub. No. 6, c. 9 (53 Stat. 512)-----	A-17
March 25, Pub. No. 9, c. 15 (53 Stat. 550)-----	A-10
April 3, Pub. No. 18, c. 35 (53 Stat. 555-560)-----	S-1, S-8, *S-9
April 3, Pub. No. 19, c. 36 (53 Stat. 561-565)-----	*G-6
April 10, Pub. No. 30, c. 48 (53 Stat. 573)-----	A-10, A-17
April 12, Pub. No. 32, c. 59 (53 Stat. 574-577)-----	*O-11
April 13, Pub. Res. 10, c. 62 (53 Stat. 578)-----	W-10
April 15, Pub. No. 35, c. 71 (53 Stat. 581)-----	<sup>1</sup> Q
April 19, Pub. No. 36, c. 73 (53 Stat. 581)-----	X-1
April 24, Pub. No. 41, c. 85 (53 Stat. 589)-----	<sup>1</sup> A
April 25, Pub. No. 43, c. 87 (53 Stat. 592 § 4)-----	V-3
April 26, Pub. No. 45, c. 89 (53 Stat. 618-619)-----	S-1
April 26, Pub. Res. 12, c. 104 (53 Stat. 624)-----	H-16
April 29, Pub. No. 60, c. 106 (53 Stat. 625 § 1)-----	O-10
May 3, Pub. No. 62, c. 109 (53 Stat. 652)-----	Y-1
May 15, Pub. No. 76, c. 133 (53 Stat. 744 § 2)-----	J-1
May 24, Pub. Nos. 87, 89, c. 146, 148 (53 Stat. 755-757)-----	<sup>1</sup> S
May 26, Pub. No. 91, c. 150 (53 Stat. 782)-----	A-1
May 31, Pub. No. 98, c. 157 (53 Stat. 793)-----	A-1
June 3, Pub. No. 111, c. 175 (53 Stat. 804-808)-----	D-9
June 6, Pub. No. 116, c. 186 (53 Stat. 810)-----	T-7
June 7, Pub. No. 117, c. 190 (53 Stat. 811-812)-----	*S-10
June 7, Pub. Res. 20, c. 193 (53 Stat. 813)-----	G-6
June 13, Pub. No. 129, c. 205 (53 Stat. 819-821)-----	<sup>1</sup> S
June 20, Pub. No. 141, c. 227 (53 Stat. 845-848)-----	F-13, O-10
June 22, Pub. No. 149, c. 238 (53 Stat. 853)-----	A-17
June 23, Pub. No. 151, c. 242 (53 Stat. 853-854)-----	H-17
June 23, Pub. No. 152, c. 243 (53 Stat. 854-855)-----	<sup>1</sup> S
June 27, Pub. No. 153, c. 244 (53 Stat. 855-856)-----	F-12
June 29, Pub. No. 155, c. 247 (53 Stat. 862-885)-----	O-6, *O-12
June 29, Pub. No. 157, c. 249 (53 Stat. 925)-----	Q-1
June 29, Pub. No. 158, c. 250 (53 Stat. 927)-----	H-8
June 30, Pub. Res. 24, c. 252 (53 Stat. 927-939)-----	W-9, *W-11
June 30, Pub. No. 160, c. 254 (53 Stat. 985)-----	W-9
June 30, Pub. No. 162, c. 256 (53 Stat. 991)-----	R-3
July 6, Pub. No. 165, c. 260 (53 Stat. 998-999)-----	O-10, R-1, R-3, *R-8
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<sup>1</sup> Title in general, including acts referred to at end of title.

<sup>2</sup> Amending or supplemental act listed in connection with act here cited.

<sup>3</sup> Note at end of title.

<sup>4</sup> Title in general.

<sup>5</sup> Opinion of court as to act here cited.

