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UNITED STATES DEPARTMENT OF AGRICULTURE

Bureau of Agricultural Economics



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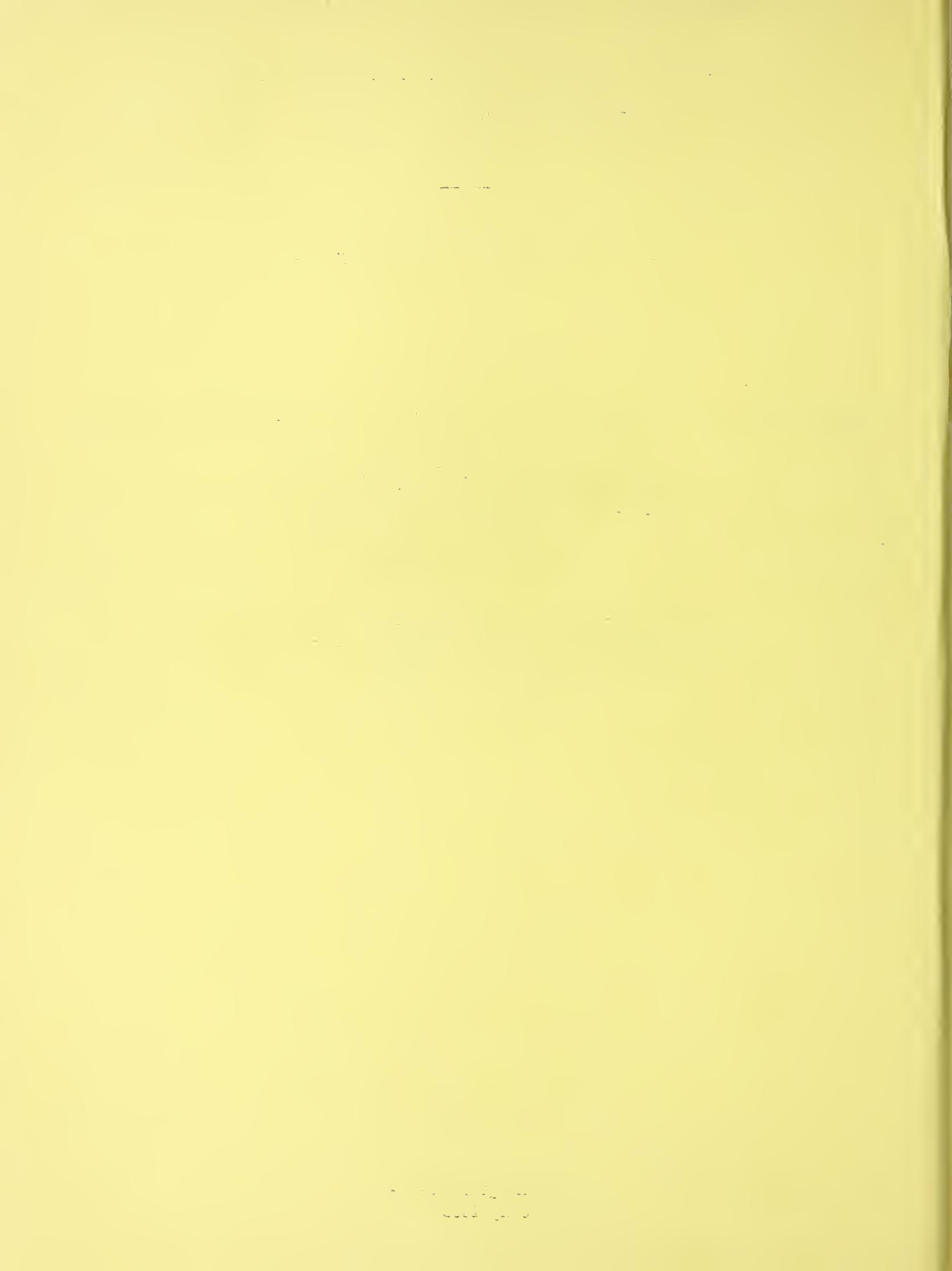
Agricultural Economics Bibliography No. 79

PRICE FIXING BY GOVERNMENT IN THE UNITED STATES, 1926-1939

A Selected List of References on
Direct Price Fixing of Agricultural Products
by the Federal and State Governments

Compiled by Louise O. Bercaw
Under the Direction of Mary G. Lacy, Librarian
Bureau of Agricultural Economics

Washington, D. C.
July 1939



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FOREWORD

This bibliography supplements the United States section of Agricultural Economics Bibliography No. 18, Price Fixing by Governments 424 B.C.-1926 A.D. It differs from the earlier bibliography in that it is limited to references on the subject of direct price fixing of agricultural products by the Federal and State governments and is not concerned, except incidentally, with the subjects of indirect price fixing and price stabilization and control.

Although there were numerous proposals for price fixing during the period 1926 through the first part of 1939, practically the only direct price fixing of agricultural products by government, has been that carried out under the Agricultural Adjustment Act, the Agricultural Marketing Agreement Act of 1937, the State milk control acts and the State agricultural adjustment acts. Milk is the outstanding commodity for which prices have been fixed under all of these acts. For this reason a large part of the bibliography is devoted to references on price fixing of milk. This section of the bibliography, however, is in no sense a complete bibliography on the subject of milk control or its regulation as a public utility. The State statutes for 1937 and 1938 were examined for milk control legislation, but no attempt was made to examine those for earlier years, references to which may be found in the Analysis of State Milk Control Laws, by Dorothy Culver (see item 170).

Marketing agreements, licenses and orders, issued by the Agricultural Adjustment Administration for milk and for other commodities, have been included, but tentative and proposed agreements, as well as most of the amendments to agreements, have been omitted.

State statutes have not been examined for price fixing legislation except for that relating to milk for the years 1937 and 1938, but references found through the State Law Index under the subject "Prices and charges" have been examined and, where pertinent, have been incorporated in the bibliography.

The bibliography also contains some references to price fixing proposals. Those listed do not constitute a complete list of such proposals, especially since no attempt was made to examine the Congressional Record or the journals of the State legislative assemblies for proposed legislation, or to list newspaper items dealing with current legislative proposals which have not as yet become laws. References to some of the proposed federal legislation may be found in the Congressional hearings included.

Because so many of the proposals during this period have suggested that the producer be guaranteed a fair price based on the cost of production of his product, a few references on the subject of cost as a basis for price fixing have been included.

References to the international wheat agreement of 1933 with its provision for a controlled international wheat price are not included in the bibliography but attention is called to a brief article containing the text of the Final Act of the Conference of Wheat Exporting and Importing Countries in the *Journal of the Ministry of Agriculture of Great Britain*, v. 40, no. 8, November 1933, pp. 716-720, and to an analysis of the difficulties inherent in the application of a controlled international wheat price by Alonzo E. Taylor in *Wheat Studies of the Food Research Institute*, v. 11, no. 10, June 1935, pp. 359-404.

In addition to the general and commodity sections, the bibliography contains a short section on war time price fixing. This section includes a few references on the fixing of prices during the war which were omitted from *Agricultural Economics Bibliography No. 18*, and some recent material on the prevention of profiteering and the fixing of prices in time of war. The bibliography also includes a few other references to material on price fixing published prior to 1926 and omitted from *Agricultural Economics Bibliography No. 18*.

An author and subject index is appended.

Call numbers following the citations are those of the U. S. Department of Agriculture Library, unless otherwise noted. "Libr. Cong." preceding a call number indicates that the publication is in the Library of Congress.

Mary G. Lacy, Librarian
Bureau of Agricultural Economics,
U. S. Department of Agriculture

July 1939.

SOURCES CONSULTED

Card catalogues of the following libraries:

U. S. Department of Agriculture

U. S. Department of Agriculture, Bureau of Agricultural Economics

Miscellaneous Sources:

Agricultural Economics Literature, v. 1, no. 1, January 1927 to v. 13, no. 3, March 1939. Published by U. S. Department of Agriculture, Bureau of Agricultural Economics, Washington, D. C.

Agricultural Index, 1925 to January 1939. Published by the H. W. Wilson Company, New York, N. Y.

Annual Magazine Subject Index, 1926 to 1937. Published by the F. W. Faxon Company, Boston, Mass.

Culver, Mrs. Dorothy (Campbell), comp. Milk - a public utility; a reading list. 12pp., processed. Berkeley, University of California, Bureau of Public Administration, January 1, 1934.

Cummings, Orpha. Milk marketing; a selected list of references. 39pp., typewritten. [Berkeley, Giannini Foundation of Agricultural Economics] Dec. 20, 1934.

Experiment Station Record, v. 54, January 1937 to v. 80, no. 2, February 1939. Published by the U. S. Department of Agriculture, Office of Experiment Stations, Washington, D. C.

Index to Legal Periodicals, January 1926 to v. 32, no. 4, March 1939. Published by the H. W. Wilson Company, New York, N. Y.

Industrial Arts Index, 1926 to v. 27, no. 4, March 1939. Published by the H. W. Wilson Company, New York, N. Y.

Public Affairs Information Service. Bulletin, 1926 to 1938. Published by the Public Affairs Information Service, New York, N. Y.

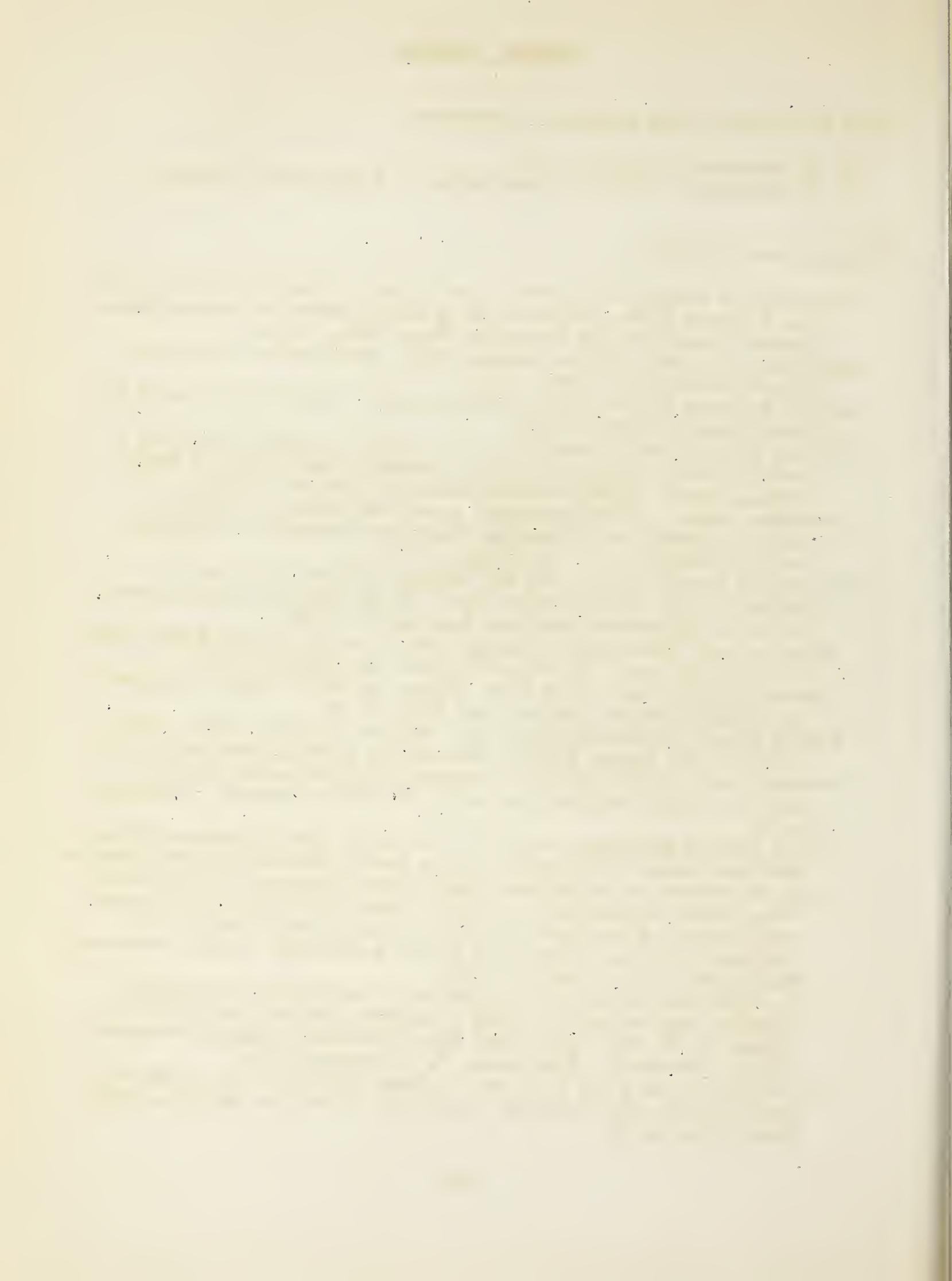
Readers' Guide to Periodical Literature, 1925 to v. 38, no. 18, Apr. 10, 1939. Published by the H. W. Wilson Company, New York, N. Y.

Social Science Abstracts, v. 1, 1929 to v. 4, 1932. [Menasha, Wis.] Published under the auspices of the Social Science Research Council.

U. S. Department of agriculture, Agricultural adjustment administration, Field investigation section. Marketing agreements, orders and licenses of the Agricultural adjustment administration in operation and those terminated by the Secretary. 11pp., processed. Washington, D. C., Nov. 24, 1938.

U. S. Department of agriculture, Bureau of agricultural economics, Library. Agricultural relief; a selected and annotated bibliography. U. S. Dept. Agr., Bur. Agr. Econ. Agr. Econ. Bibliog. 50, 382pp., processed. Washington, D. C., August 1933.

United States Law Week, v. 1, no. 1, Sept. 5, 1933 to v. 6, no. 37, May 16, 1939. Published by the Bureau of National Affairs, Inc., Washington, D. C.



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GENERAL

1. Abbott, Lawrence F. Fixing prices. Com. and Finance 19(30): 1418-1419. July 23, 1930. 286.8 C737
The writer presents arguments against price fixing in the United States, citing failures of attempts of the Emperor Diocletian and the Emperor Julian, and quoting from Frank Frost Abbott's *The Common People of Ancient Rome*.
2. Abel, A. S. Price control by government. Wash. Univ. Law Quart. 23: 459-505. June 1938. Libr. Cen. (Law Div.)
Not examined.
3. American economic association, Committee on price fixing. Resolutions presented to the Executive committee; Amer. Econ. Rev. Sup. 9(1): 351-352. March 1919. 280.8 Am32
Ten resolutions relating to government price fixing passed by the Committee on Price Fixing and reported to the Executive Committee for their acceptance and inclusion in the records.
The Association voted to adopt resolutions relating to the collecting, storing and studying of the reports and files of the Food Administration, and other boards and organizations concerned with price fixing.
4. American liberty league. Price control: an analysis of experimentation under the N.R.A., and recommendations for future legislation. Amer. Liberty League. Doc. 24, 15pp. Washington, D. C. April 1935. Pam. Coll.
"Whether prices are definitely fixed or indirectly influenced, their control has been proved by the experience of the National Recovery Administration to be both futile and injurious." In addition to price fixing under the N.R.A. this pamphlet cites the coal industry as an example of the failure of price fixing and also cites price fixing failures in the past and some modern foreign control of prices.

5. Backman, Jules. Adventures in price fixing. 57pp. New York, Farrar & Rinehart [1936.] (The Farrar & Rinehart Pamphlets no. 8) 284.3 B12

The material in this pamphlet was first published in a series of articles with the same title in *Commerce and Finance* from February to July 1935. The pamphlet discusses nine of the leading experiments in price control, several of which are direct price-fixing schemes.

Chapter V is concerned with price fixing of nitrates in Chile from 1919 to 1927. "The results of this experiment furnish an answer to those who hold that by supplementing the fixed price with a control over production, a successful price-fixing scheme will be ensured. So long as demand is not controlled (or regimented), price fixing cannot be successful for any long period of time. If the price is fixed higher or lower than competitive conditions warrant, maladjustments will be created; while if the price is fixed at the level warranted by competitive conditions, price fixing is unnecessary."

Fixing wheat prices in France is discussed in Chapter VII. The scheme was abandoned in December 1934. "The combination of increased production, declining consumption, and widespread evasion made the failure of the experiment inevitable."

Chapter X deals with price fixing for hogs in the Netherlands. "The hog control is still in operation. Thus far it has had the effect of raising the domestic price for pork, of curtailing the domestic consumption, curtailing domestic production and increasing the proportion of the slaughter which is destined for export."

In the concluding chapter the author states that for one reason or another all of the schemes discussed failed of their objectives and that artificial price control is "unsound economically and is a hindrance to social progress."

6. Backman, Jules. Cost of production as a basis for price fixing. *Jour. Accountancy* 66(3): 143-153. September 1938. 325.8 J82

The writer analyzes the theoretical and practical considerations underlying this concept from the viewpoints of the economist and the accountant, with the major emphasis devoted to the former.

The article is concluded as follows: "Despite the theoretical and practical objections to cost of production as a basis for price-fixing, the realistic view is that it will continue to be adopted. When such systems are set up, let us not delude ourselves into believing that an adequate basis for value and price determination is being used. Let us rather recognize the problems involved and proceed cautiously in order to limit the adverse consequences of uneconomic price fixing."

7. Backman, Jules. Direct price fixing. *South. Econ. Jour.* 3(2): 189-207. October 1936. 280.8 So84

An analysis of the methods and consequences of direct price fixing, particularly government price fixing. Five different methods

are analyzed - minimum price, maximum price, a fixed range of prices, a specific price, and fixed price relationship.

This article has been reprinted in the author's book Government Price-fixing.

8. Backman, Jules. Enforcement of government price fixing. Harvard Business Rev. 16(2, pt. 1): 154-167. Winter 1938. 280.8 H262
An examination of the question of the problem of enforcement of government price fixing and price control schemes. Subtopics: Methods of evasion; conditions of successful enforcement; machinery of enforcement; quotas and licenses; penalties; examples of enforcement; results and conclusions. The concluding paragraph follows: "Whether the experiment will be successfully enforced depends upon the level at which the price is being fixed or the extent to which production is limited. If the price is fixed at a level where it becomes very profitable for evasion to be practiced or where the needs of the people cannot be filled and hunger and dissatisfaction develop, the control will necessarily be a failure. If the reverse conditions exist, however, the enforcement may be successful. Without successful enforcement, it is evident that no price-fixing experiment can be successful. On the other hand, as has been pointed out above, the success of the enforcement does not in itself ensure the success of the price-fixing scheme."
9. Backman, Jules, and Wright, Ivan. Futility of price fixing. Barron's 14(30): 9. July 23, 1934. 284.8 B27
10. Backman, Jules. Government control of prices. In Mackenzie, Findlay, ed. Planned society, yesterday, today, tomorrow, ch. XI, pp. 405-440. New York, Prentice-Hall, inc. 1937. 280 M192
Subtopics: History of price fixing; Adventures in price fixing [gives examples of government control of prices in various countries, rather than direct fixing of prices]; Methods of price fixing [direct, maximum, minimum, specific, indirect price fixing; fixed range of prices; fixed price relationship; planting restrictions and acreage control; export control; etc.]; Enforcement; Critical analysis of price fixing.
The writer's conclusion is that the difficulties involved in government price fixing are out of proportion to any possible benefits.
11. Backman, Jules. Government price-fixing. 304pp. New York, Chicago, Pitman publishing corporation [1938]. 284.3 B12G
Selected bibliography, pp. 279-291.
Chapter titles: I. The problem and its setting; II. Price-fixing during the World War; III. Price-fixing under the N.R.A.; IV. The Agricultural Adjustment Administration in the United States: 1933-1936; V. Valorizations; VI. International agreements; VII. Direct price-fixing; VIII. Cost of production as a basis for price-fixing; IX. Indirect price-fixing - production controls; X. Indirect price-

fixing - marketing controls; XI. The problems of enforcement; XII. Critical analysis of price-fixing.

A list of price-fixing experiments referred to in this study is given on pp. 293-298.

Among the writer's conclusions are the following: The result of government price fixing has usually been failure. Price fixing in the past has been partial, and for that reason has failed. A complete system of price fixing might work but also might cost more than it was worth. A price-fixing program should not be adopted until all the relevant factors have been considered by the economist rather than the politician.

12. Backman, Jules. Government price fixing. Com. and Finance 27(9): 284, 293-295, 296. August 1938. 286.8 C737

"Virtually every commodity has been subject at one time or another to government price fixing..."

"Various plans have been tried, some successful but the great majority entirely unsuccessful." The death penalty has been provided twice in the world's history of non-compliance with price-fixing laws, but even these laws had to be abandoned.

13. Backman, Jules, and Wright, Ivan. Price fixing and inflation. Bankers Mag. 129(6): 551-552, 554. December 1934. Libr. Cong. (HG1501.B3)

The writers point out that "the policy of general price fixing and the policy of inflation to raise the general level of prices are contradictory," and that "the fixing of prices of a few of the products of the major industries would bankrupt these industries if and when inflation does succeed, provided that prices of other products were left unfixed and permitted to be adjusted freely to meet the conditions of rising costs."

The subject is discussed under the following subtopics: possibility of ultimate inflation, some effects of price fixing, control of credit and interest rates, and difficulty of fixing prices at the right figure.

14. Barnes, Julius Howland. Government price-fixing, ancient and modern. An address...before the Los Angeles Chamber of commerce...February 4, 1924. 27pp. [n.p.] 1924. Pam. Coll.

Presents some instances "both ancient and recent, of the futility of edict-placing of price relation in a commodity index," and gives arguments against a plan at that time in Congress in which "a present-day price on a given commodity is to be fixed in its relation to a pre-war average price, in the same ratio as the general index of average commodity prices, and made effective thus by Government buying and selling."

15. Bauer, Frank J. A proposal for the Interstate marketing commission. 6pp., processed. [Los Angeles, Calif. October 1932] Pam. Coll.

Proposes the setting up of an interstate marketing commission "to help agriculture set, regulate and stabilize its production

and prices... Wheat, cotton, oil, cattle, wool, and all such could be sold and bought at pre-determined prices, which prices would be published as are railroad rates."

16. Beman, Lamar Taney, comp. Farm relief. 226pp. New York, The H. W. Wilson company, 1927. (The Reference Shelf, vol. IV, no. 8) 280.81 B42

A debate handbook which contains briefs, bibliographies, and general, affirmative and negative discussion reprinted from various sources. Two of particular interest are: Fix crop prices, by Edwin T. Meredith, pp. 97-113 [an address before the Chamber of Commerce of New York, Nov. 18, 1926]; and Price fixing dangerous, by President Coolidge, pp. 153-164 [address before the annual convention of the American Farm Bureau Federation, Dec. 7, 1925.]

17. Bennett, Merrill K. Farm cost studies in the United States, their development, applications, and limitations. Leland Stanford Junior Univ., Food Research Inst., Misc. Pub. 4, 289pp., illus. Stanford University, Calif., 1928. 389.9 F73

"Bibliographical note" at end of chapters.

Price Fixing and Farm Costs, ch. XI, pp. 206-231. The author states the purpose of this chapter as follows: "We shall be concerned in the present chapter to summarize briefly the course of price fixing of agricultural products in the United States, to point out the fallacies in what may be called the popular theory of price fixing, and to indicate what practical difficulties arise in an effort to calculate a fair price on the basis of farm cost statistics."

18. Black, Forrest Revere. May price fixing and proration devices be utilized by the Secretary of Agriculture appurtenant to the exercise of the license power under the Agricultural Adjustment Act? Georgetown Law Jour. 23(2): 196-217. January 1935. Libr. Cong. (Law Div.)

The writer notes that there are two sentences in Section 8(3) of the Agricultural Adjustment Act, referring to the issuing of licenses. He then states that his "analysis will proceed along the following lines: (1) If Sentence One constituted the entire Section, should an affirmative or negative answer be given to the main query above? (2) Does Sentence Two have a restrictive effect on the Secretary's powers?"

19. Black, John Donald. Agricultural reform in the United States. Ed. 1, 511pp. New York and London, McGraw-Hill book company, inc., 1929. 281 B56

Part III of this book is concerned with price raising by government action. It discusses various price raising plans - tariff revision, the equalization-fee, export debenture, domestic allotment, export monopoly, and other plans. The question of whether or not the equalization-fee plan is a price-fixing plan is discussed

on pp. 236-238. "The equalization plan is price fixing in exactly the same way that the tariff is price fixing."

The price insurance feature of the last two versions of the McNary-Haugen plan, and as advanced by C. F. Bledsoe, and as incorporated in the Ketcham bill, is discussed on pp. 362-366.

20. Black, John Donald. Prices of farm products. In Social science research council, Advisory committee on social and economic research in agriculture. Preliminary report of a survey of economic research in agriculture in the United States during the year July 1926-June 30, 1927, pp. 33-59, processed. [n.p., n.d.] 281 Sol2
Price-fixing - "Necessary price," "fair price," pp. 58-59.

21. Bonn, Moritz Julius. Price regulation. Encyclopaedia of the Social Sciences, v. 12, pp. 355-362. New York, The Macmillan company, 1934. 280 En1
A review of direct and indirect price regulation by governments in foreign countries and the United States. War time control, monetary price regulation, fixed monopoly prices, railroad rate fixing and the attempts of the Federal Farm Board and the Agricultural Adjustment Administration are mentioned for the United States. The article is followed by a short list of references.

22. Brinton, J. W. Wheat and politics. 270pp., illus. Minneapolis, Minn., Rand Tower [1931] 281.359 B77
An agricultural remedy (The Brinton plan), pp. 257-270. This plan, includes (pp. 262-263) a provision for the creation of a Surplus Control Agency which shall have the power to stabilize domestic prices on agricultural food products in the same way that the Interstate Commerce Commission fixes transportation rates and as State commissions fix public utility rates. Wheat is used as an example to show how the plan will work.

23. Bull, Richard C. The constitutional significance of early Pennsylvania price-fixing legislation. Temple Law Quart. 11(3):314-329. April 1937. Libr. Cong. (Law Div.)
"It is not the purpose of this article to examine the scope of legislation regulating business in early Pennsylvania. Rather, its aim is to look beyond the statute books in an effort to discover why those measures were enacted, why they were repealed, and to evaluate their significance in the problem of constitutional law presented by similar modern legislation." - p. 315.
The following is the last paragraph in the writer's conclusion: "It is only recently that, a century and a half having dimmed the recollections of the previous fiasco, the idea of regulating prices by law has again gained support as an economic panacea, and the existence of earlier price fixing legislation has incorrectly been advanced by those who have failed to look beyond the laws themselves as an argument to support the contention that such regulation is not unconstitutional."

24. Bunce, Arthur C. Economic nationalism and the farmer. 232pp. Ames, Iowa, Collegiate press, inc., 1938. 281.12 B88
Literature cited, pp. 219-223.
Price Parity for Agricultural Products, ch. II, pp. 20-40. This chapter contains a section (pp. 37-40) entitled "Price Fixing of Agricultural Products Leads to Similar Control of Industrial Prices and Economic Isolation."
The growth of the concept of social control through price fixing is discussed on pp. 186-187. Price fixing and foreign trade are discussed on pp. 187-189, and the economic and social implications of price fixing on pp. 191-195.

25. Bunn, Charles. Public price fixing and due process. Amer. Acad. Polit. and Social Sci. Ann. 195: 46-52, sup. January 1938. 280.9 Am34

26. Chicago Board of trade and other bodies opposed to Corn Belt Committee's price fixing proposal for agricultural products. Com. & Financ. Chron. 122(3175): 2440-2441. May 1, 1926. 286.8 C73
Long extract from a statement submitted to the Senate and House agricultural committees by exchanges at Chicago, Minneapolis, Kansas City, Duluth, Omaha, St. Louis, Milwaukee and Toledo, protesting against price fixing features of the bill establishing a maximum price for basic agricultural commodities. The plan was proposed by the Corn Belt Committee of Twenty-Two.

27. Clair, Francis J. The highway to national prosperity. Mortgage Bankers Assoc. Amer. Proc. 18, October 1931, sec. 6, pp. 3-19. 284.9 M84
Fixed prices for agricultural products are advocated on pp. 17, 19.

28. Converse, Paul D. Do we want price fixing? Jour. Business of the Univ. Chicago 18(1): 2-6. October 1937. 280.8 J825
Examines the pros and cons of price fixing - the Robinson-Patman Law, price fixing by private business and by governments, can the anti-trust laws be enforced, difficulties in maintaining fixed prices, and how government price control would work.

29. Cox, A. B. Cost of production; its relation to price. Tex. Agr. Expt. Sta. Circ. 26, 11pp. College Station. 1920.
Expense or cost of production as the basis of price fixing, pp. 5-6.

30. Dale, H. C. Controlled prices and democracy. Nation's Business 25(2): 15-17, 85, 86, 87, 90. February 1937. 286.8 N212
The writer discusses the four ways of setting prices, by government, by producers, by consumers, and by competition, and explains why only the American system - price setting by competition - can work in a democracy.

31. DeLong, Earl, Spencer, William H., and Krueger, Maynard. A radio discussion of price fixing. Univ. Chicago Round Table, no. 46, 12pp. Chicago, Jan. 29, 1939. Pam. Coll.

"A radio discussion broadcast from Chicago over the red network of the National Broadcasting Company, Sunday, January 29, 1939, at 11:30 A.M., Central standard time, in co-operation with the University Broadcasting Council."

32. Democratic national committee. New deal farm primer. Questions regarding operations of the Agricultural adjustment administration and all aspects of the agricultural program answered. Complete handbook of information for farmers and the general public. 48pp. [n.p.] 1938.

Price fixing as an alternative to the Agricultural Adjustment program is discussed, unfavorably, on pp. 12-13.

33. Dies, Edward Jerome. The tragedy of price pegging. Coop. Manager and Farmer 20(12): 12-14. August 1931. 280.28 C78

Critical of the government's attempt to stabilize prices by means of the Agricultural Marketing Act and the Federal Farm Board. Preceding this criticism reference is made to earlier attempts at price fixing and price control stating that in each instance "the lesson was clear-cut and indisputable: Prices cannot be fixed by law; supply and demand must rule."

34. [Digest of opinion in the case of Chas. Uhden, Inc., et al. v. Greenough, as prosecuting attorney, etc., Wash. Sup. Ct. No. 25398. April 11, 1935.] U. S. Law Week 2(37): 871. May 14, 1935. 274.008 Un32

The following extracts are quoted from the digest:

"The Agricultural Adjustment Act of the State of Washington is unconstitutional in that it constitutes a delegation of legislative power to the Secretary of Agriculture of the United States and to the Governor and the Director of Agriculture of the State without a primary, definite standard of action to govern the exercise of the powers granted them by the statute..."

"The Act, in so far as it authorizes price fixing and production control is a valid exercise of the police power and is not unconstitutional on the ground that it impairs the obligation of contracts or on the ground that it takes property without due process of law.

"Nor are the price-fixing and production-control provisions in violation of a provision of the State Constitution prohibiting monopolies, combinations and contracts having for their purpose the fixing of prices or the limiting of production. The Constitution is not applicable to action by the State but has reference solely to private monopolies against the public welfare."

35. Drummond, W. I. Control of crops or prices? Rev. of Reviews 95(3): 34-35. March 1937. 110 Am32

"A far better way [than the AAA scheme of production control] would be to allocate to each bona fide farmer his ratable part of a product required for domestic consumption, and see that he got a reasonable price for his allotment. Any excess production should

be at the grower's risk as to price. In the event of large surplus the price might go so low as to call for a considerable guaranty fund, but consumers would gain far more through reduced living costs than they would pay into that fund. Consumers could afford to pay for having prices lowered. Under the AAA they paid for having them raised."

36. Duane, Morris. Government regulation of prices in competitive business. Temple Law Quart. 10(3): 262-271. May 1936. 284.3 D85

Bibliographical footnotes.

The writer calls attention to the fact that prior to 1933 "government regulation of prices in businesses other than public utilities was practically unknown in the United States." Maximum prices for food products and war supplies were set during the World War and rents were fixed in the District of Columbia. These, with a few exceptions, are said to be "the extent to which governmental price fixing had developed in this country."

The present article is concerned with "state enactments, principally enactments which have been given the approval of the Supreme Court of the United States." The N.R.A. and the A.A.A. are not discussed since they have been declared unconstitutional. Cases discussed are cases brought in connection with the milk control act of New York and are the *Nebbia* case, the *Hegeman Farms* case, the *Seelig* case, the *Borden* case, and the *Mayflower Farms* case. The present status of the law is discussed and the writer's conclusions are given on pp. 269-271.

The writer's concluding paragraph follows: "In view of these considerations it is predictable that governmental price fixing in competitive business in the United States will sooner or later fail of its objectives and be discontinued. Meanwhile, however, regulation of industry is steadily increasing, creating a growing need for legal and economic scholarship and particularly for trained administrative ability in this field."

37. Dummeier, E. F. Some experiences with marketing agreements in Washington. West. Farm Econ. Assoc. Proc. (1935)8: 52-57, processed. 280.83 W52

Relates the state's experiences with marketing agreements under the Agricultural Adjustment Act and under the Washington Agricultural Adjustment Act. Price fixing is discussed.

38. Dykstra, Gerald O., and Dykstra, L. G. Selected cases on government and business. Constitutional law background; anti-trust laws and decisions, recent laws and decisions. 686pp. Chicago, Callaghan and company, 1937. (National Case Book Series) Libr. Cong. (Law Div.)

Munn et al. v. people of the State of Illinois. 94 U. S. 113, 24 L. Ed. 77(1877), pp. 39-44. This case involved the constitutionality of an Illinois act of Apr. 25, 1871 which fixed the maximum charges for the storage of grain in the warehouses.

New York Milk Control Act (includes Supreme Court decisions in the *Nebbia*, *Hegeman Farms*, and *Seelig* cases), pp. 640-657.

39. Edie, L. D. Price fixing: the third effort. Amer. Bankers Assoc. Jour. 26(4): 20-21, 61. October 1933. 284.8 An3

The three efforts in price fixing are stated to be price fixing in war, in depression, and in recovery.

"The war-time principal was to hold prices down to a point where the bulk of firms in an industry could earn a fair profit... The depression-time principal was quite different. Surpluses existed. Speculators were selling short. The strategy was to restrict production, buy up surpluses for holding, prosecute bear speculation... Three main principals today may be identified: (a) Farm parity, (b) Fair practices (c) Purchasing power." Following this statement the present attempt at price fixing is discussed.

40. Feldman, George J. Legal aspects of federal and state price control. Boston Univ. Law Rev. 16(3): 570-594. June 1936. Libr. Cong. (Law Div.)

In three parts: Part I, Outright price fixing by competitors; Part II, Government regulation of prices (see pages 591-593 for discussion of the Nebbia case); Part III, Minimum price provisions under NRA codes and price cutting.

41. The Fortune quarterly survey: XI. Fortune 17(1): 83-84, 86, 88, 91-92. January 1938. 110 F772

This, the eleventh installment of the Fortune Quarterly Survey of Public Opinion, contains on p. 84 a summary of the replies to the question: Do you believe it is wise for the government to guarantee to farmers a minimum price for certain crops, or do you think that farmers should take whatever prices they can get for what they produce? "The government should guarantee farmers minimum prices; but a lot of farmers think it won't work."

42. Foster, W. T., and Catchings, Waddill. The buyer sets your prices. The government can control the average price level of commodities but not individual product prices. Printers Ink Monthly 27(3): 19-20, 50-51. September 1933. 238.8 P933

Reprinted from The Merchandise Manager.

43. Gee, Wilson. The social economics of agriculture. 696pp., illus. New York, The Macmillan company, 1932. 281.2 G27So

Suggested parallel readings at end of chapters.

Chapter XIII, Prices and Price Determination, contains a section, pp. 263-266, on price fixing and the cost of farm products. As a peace-time measure, it is stated that the fixing of prices is generally considered as precarious, since it is likely that production will be stimulated by the higher prices and that if prices are guaranteed for one product "they must soon extend to all, and the financial jeopardy becomes enough to bankrupt any government."

44. Gillespie, J. D. Guarantee the prices on staple products of the soil. Cotton and Cotton Oil News 35(52): 9, 13. Dec. 29, 1934. 304.8 C822
The author proposes a plan to guarantee the price of wheat, cotton, and corn, and figures the loss to the Government of such a plan of about \$500,000,000.

45. Gilmore, Eugene A. Governmental regulation of prices. Green Bag 18(11): 627-632. November 1905. Libr. Cong. (Law Div.)
The writer reviews early English and American statutes fixing the prices of labor and commodities and regulating the hours of labor in order "to show how far the state has gone in its attempts to fix by law the prices in purely private businesses."

46. Goerdeler, Carl F. Do government price controls work? Foreign Affairs 16(3): 494-502. April 1938. 280.8 F76
The writer's purpose is to examine the experience of Germany and "to draw conclusions from it regarding the validity of government price control in general." His knowledge gained as Reich Commissioner for Price Control forms the basis of his analysis. His concluding paragraph follows:
"We thus come to the conclusion that fixed maximum and minimum prices are ineffective and eventually lead to a planned economy. While there is no progress, no achievement, without competition, such competition must nevertheless be fair. If, however, competition has already been eliminated, either naturally or artificially, the control of prices is indispensable in order to prevent abuses. But these control measures must be elastic, and they should be administered by only a few highly experienced men rather than by a large bureaucracy. It is the chief duty of every government to establish equal justice, to cultivate good international relations, to insist upon fair play in competition, and to curtail public expenditures and taxes. If carried through, such a policy will stimulate the people to produce a supply sufficient to cover any demand. In the field of international trade, currency stability and a highly developed morale form the basis for fair competition and coöperation. This basis is all the more important since international trade unfettered by any export or import controls is in my opinion an indispensable prerequisite to the world's material progress as well as the best guarantee of peace."

47. Graham, Benjamin. Storage and stability; a modern ever-normal granary... with a foreword by Dr. Alvin Johnson. Ed. 1, 298pp. New York and London, McGraw-Hill book company, inc., 1937. 281.12 G762
Bibliography, pp. 237-269.
Reviewed by O. C. Stine in Agricultural Economics Literature 12(3): 202. March 1938, from which the following is quoted: "The central theme in this book appears to be the use of actual stocks of commodities as a base for a managed commodity dollar." The plan which the author advocates is termed a "reservoir plan". In Chapter XVI

it is compared with the Agricultural Adjustment Act of 1937. The Reservoir Plan is said to fix the 1921-1930 price level for a certain group of farm products, while the Agricultural Adjustment Act attempts to stabilize individual prices.

48. Grant, George R. Legal aspects of governmental regulation of prices in industry. *Public Utilities Fortnightly* 18(8): 512-529. Oct. 8, 1936. Libr. Cong. (Law Div.)
A list of the cases cited is given on pp. 528-529.
The decisions in the state milk control cases (particularly the *Nebbia* case), the packers and stockyards rate cases, the grain storage rate cases, and other pertinent cases are reviewed in this article.

49. Gras, N. S. B. The historical background of modern price regulation. In McNair, Malcolm P., and Lewis, Howard T., ed. *Business and modern society*, pp. 43-59. Cambridge, Harvard University Press. 1938. 280 M23

50. Gulick, Charles A., Jr. Some economic aspects of the N.I.R.A. *Columbia Law Rev.* 33(6): 1103-1146. November 1933. 274.008 C72
Six aspects of the Act have been selected for study. The implications of the pronouncements of the Agricultural Adjustment Act and the National Industrial Recovery Act "affecting production control and limitation, and the corollary problem of price-fixing, are discussed in the last section of this paper."

51. Haney, Lewis H. The dangers of price fixing. *Amer. Marketing Jour.* 1(1): 34-40. January 1934. Libr. Cong. (HF5415.A2A6)
Excerpts in *Advertising and Selling* 22(1): 24, 57, 58. Nov. 9, 1933.
This article is concerned with the dangers of government price fixing in general, and is based on the writer's actual experience. Mr. Haney points out that "price fixing is dangerous because of (1) the nature of prices, and (2) the functions of prices." He also makes the point that "cost is not an adequate basis for price fixing." In conclusion he lists the conclusions which he came to in his study of "Price fixing in the United States during the War" (*Polit. Sci. Quart.* v. 34, 1919, pp. 104-126, 262-289, 434-453.)

52. Hays, Elmer D. Legal aspects of marketing agreements and orders under the Agricultural adjustment act. *Amer. Inst. Coop. American Co-operation* (1935)11: 53-58. Washington, D. C., 1935. 280.29 Am3A

53. Heflebower, R. B. Some aspects of recent price control experience. *Pacific Coast Econ. Assoc. Papers and Proceedings* (1935) 14: 27-32. 1936. 280.9 P11
Discusses objectives of price control, measures of "fair prices" and problems of their application (consequences of parity prices,

cost-protection prices, dispersion of per firm costs, the cost concept in price fixing), and significance of grades, types, or location of a commodity.

The writer concludes as follows:

"As part of my conclusion, I wish to reemphasize two problems which arise in connection with price fixing and which are worthy of further examination. The first is economic--the claim that the price system is an ineffective governor of production in industries which employ much fixed capital. The second is technical--if we are to have price fixing by producer agreements, what is the effect of the dispersion in per firm costs on the continuance of such agreements?

"The other parts of this paper may be summarized by indicating that price fixing is often undertaken with a belief in the statement which was written in support of much of our recent monetary maneuvers, 'The truth is always simple. Ignorance is mystical.' But the actual fixing of the prices of individual commodities has proved to be as non-simple as have monetary questions. When faced by the complex problems of applying a given program, the student learns, but the advocate falls back on shibboleths."

54. Hibbard, B. H. The farmers' influence over prices. *Jour. Farm Econ.* 5(1): 1-15. January 1923. 280.8 J822

On pp. 8-10 the author discusses the question of appealing to the State as one method of influencing prices. Plain fixing of prices, government operation of packing plants, mills, etc., and the buying up by the Government of surplus crops at a set price are discussed.

55. Hobson, Asher. Can prices be controlled? *Amer. Inst. Agr.*, Lesson 0. Chicago, 1923. 280.3 Am34A
Not examined.

56. Hoover, Glenn E. Governmental control of agricultural prices. *Pacific Coast Econ. Assoc. Papers and Proceedings* (1935)14: 69-78. 1936. 280.9 P11

This paper is discussed, critically, by Norman J. Silberling on pp. 73-74. A summary of Mr. Hoover's plan as given in the first paragraph of Mr. Silberling's article follows:

"The stabilizing of agricultural prices proposed by Professor Hoover contemplates combining the idea of 'normal granaries' with price stabilization of certain crops. These crops would be limited to such commodities as can be conveniently stored. He proposes to have the government set a price at which it will purchase such commodities, and this price will be set approximately a year prior to the harvest season. If the price proves to be higher than the subsequent market price the government will build up its inventory holdings, and vice versa. The plan is advanced as offering the advantage to the growers that they will know a considerable time ahead of the harvest season what price they can expect, while the

consumers will not be forced to pay bounties to non-producers, and apparently it is also expected that consumers will pay a more stable price for such products, which in turn will reduce speculation and the need for hedging operations by processors."

57. Hopkins, John A., and Taylor, Paul A. Cost of production in agriculture. Iowa Agr. Expt. Sta. Research Bull. 184, pp. 387-432. Ames, 1935.

"The purpose of this bulletin is to explain the significance and implications of cost of production as it affects agriculture and to review the history of cost studies." - p. 389.

For a discussion of the use of cost as a basis of price guarantees see pp. 408-409. "Cost of production" figures are discredited as a basis for price fixing and for tariff determination. They have been used in various public hearings but figures which are more easily understandable and not open to challenge would ordinarily be preferable as well as more pertinent." - p. 388.

The relationship of cost to price, pp. 416-424. Extracts from the first part of this section are reprinted in Hoard's Dairyman 81(22): 585. Nov. 25, 1936, and are entitled Price Control to Guarantee a Fair Return.

58. Intercollegiate debates (vol. XIII). The yearbook of college debating... edited by Egbert Ray Nichols. 466pp. New York, Noble and Noble [1932.] Libr. Cong. (H35.I6)

Fixing prices of staple agricultural products, pp. 245-288. Debate between Kansas State College and Iowa State College on fixing and maintaining minimum prices on staple agricultural products through the export debenture plan.

59. Irwin, Robert W. Price fixing; refuge of lunacy. Forbes 36(2): 10-11, 22. July 15, 1935. Libr. Cong. (HF5001.F6)

Presents arguments against government price fixing for industry.

60. Jennings, Farnsworth L., and Sullivan, Robert C. Legal planning for agriculture. Yale Law Jour. 42(6): 878-918. April 1933. 274.008 Y1
The direct regulation of prices and production, pp. 897-902.

61. Johnson, William. What aid for agriculture? Price fixing or enactment of co-operative marketing. Barron's 5(35): 5. Aug. 31, 1925. 284.8 B27

Presents the cooperative marketing plan of the National Agricultural Conference as contrasted to price fixing.

62. Kerr, Robert M. Price fixing and marketing regulations. Oreg. Law Rev. 15(1): 46-51. December 1935. Libr. Cong. (Law Div.)

"An address delivered before the Oregon Bar Association, Salem, Oregon, September 28, 1935."

63. Lacy, Mary G. The futility of government price-fixing. Nation's Business 18(10): 94, 96, 98. September 1930.
Reprinted in Who is Who in Grain and Feed, v. 19, no. 22, Sept. 20, 1930, pp. 26-28.

Instances are given from the history of ancient China, Greece, and Rome, from Great Britain, the City of Antwerp, India, France, and the United States which show the failure of attempts at price-fixing in those countries. In conclusion the writer states "There are many other instances of governmental price-fixing. At least 60 foreign countries have resorted to it in one form or another but careful scrutiny fails to reveal a single outstanding success. These various attempts to limit prices directly seem to show that attempts to ease the burdens of the people in a time of high prices by artificially setting a limit to them do not relieve the people but only exchange one set of ills for another."

64. McAllister, Breck P. Price control by law in the United States: a survey. Law and Contemporary Problems 4(3): 273-300. June 1937. 274.008 L41
Bibliographical footnotes.
This article is in seven parts: I. The Revolutionary years; II. Control of transportation; III. The anti-trust movement; IV. Extension and restriction of direct price control: 1907-1929; V. Price control during the depression (state milk control, price fixing and control in the N.R.A. codes, the Bituminous Coal Conservation Act of 1935); VI. Price discrimination: the Robinson-Patman Act; VII. The "fair trade" movement.

65. Meredith, E. T. Meredith's plea to fix crop prices. Text of ex-secretary's speech outlining plan for federal guarantee to farmers. Calls move "square deal". Stresses idea that farming method is unsound because growers are in dark as to proceeds of labor. N. Y. Times, Nov. 21, 1926. Pam. Coll.
Advocates a "Federal commission to fix prices in advance of the planting season for wheat, cotton, corn, wool and sugar, and also for butter, as major farm products. This move would be the most practicable stabilizer of the agricultural industry." Price is stated "to be the real thing that governs production, and that if prices were fixed in advance of planting by a commission...it would go a long way toward stopping overproduction as well as under-production."

66. Merrill, Maurice H. The new judicial approach to due process and price fixing. Ky. Law Jour. 18(1): 3-17. November 1929. Libr. Cong. (Law Div.)

67. The Minnesota farm program. Farmers Union Herald (n.s.) 12(10): 1. October 1938.
The farm program adopted by the Minnesota Farm Conference called late in 1937 by Governor Benson which has been endorsed by the Governor

and adopted by the Farmer-Labor Association of Minnesota. Titles of the eight points of the program are as follows: 1. Basic minimum prices fixed at parity, or more than cost of production; 2. surplus pool; 3. soil conservation; 4. crop insurance; 5. refinancing of debts and farm tenancy; 6. aid to catastrophe victims; 7. co-operative movement support; 8. co-operation between farmers, industrial workers, and other allied groups.

68. Moorhouse, Llewellyn Alexander. The management of the farm. 526pp. New York, London D.-Appleton and company, 1925. 281 M78
References at end of chapters.
Production Costs and Price Fixing, ch. XXV, pp. 485-499.

69. Moser, Leo C. Warmed-over economics; nailing the fallacy in farm relief programs. Independent 114(3892): 17-19. Jan. 3, 1925. Libr. Cong. (AP2.I53)
Gives instances to show that government storage, price fixing, and other measures have been proven impractical as relief measures for the farmer. Relief should come through cooperative organizations if and when they "abandon their present method of fighting the methods of all other groups and waiting and wishing, collectively, for something to happen."

70. Munger, R. H. Address, "First aid relief", given...before a meeting of the Onawa community club, April 28, 1931. 12pp. [n.p., Onawa community club] 1931. 280.359 M92
The first aid suggested is governmental price fixing of a minimum price for wheat, corn, and cotton sold on margin for future delivery.

71. National agricultural conference, January 23-27, 1922. Report. 67th Cong., 2d Sess., House Doc. 195, 210pp. Washington, Govt. print. off., 1922. 5 N212
Report of Committee No. 7, Marketing of Farm Products, pp. 170-176. Contains a brief statement on price fixing in the marketing system, p. 171. The following is quoted from the statement: "With respect to the question of governmental price guarantees, we feel that there should be a comprehensive study of this subject; therefore we urge that the Congress cause a careful investigation of this whole problem to be made by some proper authority which will report its findings as early as practicable."

72. National league for economic stabilization. The Clair plan to restore farm and national prosperity. 23pp. Chicago, Ill. [1932] 280.3 N214
Signed C.B.R. [i.e. Charles B. Ray].
This is a plan for "Federal market control through annual national domestic prorate and minimum price stabilization of the basic, indispensable, nonperishable food and clothing crops of the United States." It carries a provision for the establishment of minimum prices to the producer for cotton, wool, flax, wheat, corn, rye, oats, rice, barley, buckwheat, and hay.

73. Nourse, Edwin G. Marketing agreements under the AAA. 446pp. Washington, D. C., The Brookings institution, 1935. (The Institute of Economics of the Brookings Institution. Publication No. 63) 280.3 N85M

Consult the index under the subjects Prices, fixing of, and Prices, resale, for discussion of the fixing of prices of tobacco, peanuts, rice, Northwestern fresh deciduous tree fruit, cling peaches for canning, olives for canning, vegetable canning crops, dried fruits, walnuts, pecans, and milk, under the marketing agreements.

On pp. 284-286 of the section on Delegation of Legislative Power court decisions, relative to price fixing provisions of milk licenses, in the Royal Farms Dairy, Inc., and in the Seven Oaks Dairy Company cases are discussed.

Chapter XIV, pp. 315-349, is concerned with Price Objectives and Strategy. The two-price system is discussed on pp. 337-341. Fixed prices and open prices are discussed on pp. 341-345.

74. Nourse, Edwin G., Davis, Joseph S., and Black, John D. Three years of the Agricultural adjustment administration. 600pp. Washington, D. C., The Brookings institution, 1937. (The Institute of Economics of the Brookings Institution. Publication No. 3) 281.12 N85

See pp. 45n, 81, 104, 111, 114, 309 for references to price fixing in the marketing agreements and the NRA codes.

On p. 154 there is a statement regarding the demand of the Corn Belt governors on October 31, 1933 that the Administration peg prices at parity levels.

75. Oregon. Laws, statutes, etc. Chapter 65. [H.B. 60] An act declaring the policy of the legislature; providing for investigation by the state director of agriculture of matters pertaining to the production, processing, distribution and sale, within this state, of certain agricultural commodities and products thereof; providing for establishment and enforcement by the director of marketing standards ... specifying and limiting regulations which may be included in such standards...and declaring an emergency. In Oreg. Laws, statutes, etc. Oregon laws enacted...special session...1935, pp. 123-136. Salem, State printing department [1936?] 374.71 L52G

"Agricultural commodity" means any dairy product (exclusive of milk or cream produced for human consumption in fresh fluid form and covered by chapter 72, Oregon Laws, 1933, second special session, and amendments thereto...), deciduous fruit, berries, melons, tomatoes, and any vegetable, and any product or by-product thereof, intended for human food, and any regional or market classification of any such commodity or product." - p. 125.

Paragraph (b) of section 5, p. 128, reads in part as follows: "Any price regulation by the director hereunder may include or consist of the establishment of minimum and/or maximum prices; and establishment of minimum and/or maximum margins, markups or spreads; and the establishment of minimum and/or maximum discounts and terms

and conditions of sale and purchase..."

Filed in the office of the Secretary of State, Nov. 15, 1935.

The Library of the Bureau of Agricultural Economics has also a copy of this Oregon Agricultural Marketing Act in separate form.

76. Oregon. Laws, statutes, etc. Chapter 250 [S. B. 97] An act to amend sections 1, 3, 4, 5, 8, 9, 10 and 11. Chapter 37, Oregon Laws, 1933, second special session, providing for the creation, approval, administration and enforcement of Agricultural marketing agreements, and the issuance of licenses pursuant thereto...continuing said chapter 37, as amended in effect to June 15, 1937; providing a saving clause; and declaring an emergency. In Oreg. Laws, statutes, etc. Oregon Laws...1935, pp. 379-385. Salem, State printing department [1935], 274.71 L52G

"Sec. 3... (b) Any marketing agreement under this act may include such provisions regulating trade and marketing practices and prices in the industry covered, and may contain or provide for such limitation or regulation of production and/or marketing and such other provisions as may reasonably be calculated to aid in the accomplishment of the purposes of that marketing agreement and the purposes and policies of this act..." - p. 380.

This act was declared unconstitutional by the State Supreme Court in the case of Van Winkle v. Fred Meyer, Inc. See digest of decision in the United States Law Week, v. 3, no. 7, Oct. 15, 1935, p. 83, from which the following extracts have been quoted:

"The Oregon statute which provides for marketing agreements among producers, manufacturers, distributors and others engaged in the handling or processing within the State of any agricultural product produced or marketed therein is an unconstitutional delegation of legislative power..."

"The Act, in so far as it provides for price fixing and production control, violates the due process clause of the Fourteenth Amendment..."

"The marketing agreement regulating the sale of ice cream and fixing 40 cents per quart as the minimum price at which ice cream may be sold at retail in the State, being without constitutional statutory authority, is void."

77. Patch, Buel W. Experiments in price control. Editorial Research Repts. 1(22): 431-450. June 8, 1937. 280 Ed42

Experiment in direct control of prices, pp. 438-448. Reviews price-fixing activities of the Federal government during the World War, post-war attempts to control prices, price fixing under the N.R.A. and the A.A.A., particularly in the marketing agreements, and Bernard M. Baruch's plan for general price freezing upon entrance of the United States into a war.

78. Patterson, E. M. Price control and economic planning. People's Money 1(4): 135-137, 148-150. September 1935.

The writer discusses what is involved in controlling individual

prices, such as rubber, wheat, coffee and public utilities, on pp. 136-137, 148. The difficulties and limitations of control are brought out. The statement is made that "a mere edict or law specifying a price is inadequate" and that the supply must be controlled or demand adjusted to supply if success is to be attained.

79. President Roosevelt rejects price-fixing program for farm commodities - Plan presented by five mid-western Governors regarded as costly and impractical - "Regimentation" considered a barrier and legality of proposals is doubted. - Governors express disappointment at "100% failure" of conference in Washington. *Com. & Financ. Chron.* 137(3568): 3435-3437. Nov. 11, 1933. 286.8 C73

Contains the White House statement of Nov. 5, a summary of the proposed farmers' code submitted by the governors, and the initial plan described in a Washington dispatch of Nov. 2 to the New York Times which contained demands for a fixed price for 13 basic commodities.

80. "Price fixing" in a new farm program? *Nebr. Farmer* 80(20): 7. Sept. 24, 1938. 6 N27

In this article the Washington, D. C., correspondent of the Nebraska Farmer describes two plans which are being studied in Congress as possible substitutes for the present farm program. Both of them are domestic allotment plans. One "involves nothing more than the payment of a subsidy to each grower to assure him a parity price of his crop consumed at home." The other is a "price-fixing plan, with prices fixed on the basis of 'cost of production' for the domestic part of the crop." Reasons why officials think this scheme would not work are given.

81. Price-fixing in other days. *Independent* 99(3690): 277-278. Aug. 30, 1919. AP2.153

Unsigned item commenting on various price-fixing attempts of the past - the Edict of Diocletian, price fixing in Colonial and Revolutionary days in the United States, and price fixing in France, Germany and England - all of which failed.

82. Rohlfing, Charles C., Carter, Edward W., West, Bradford W., and Hervey, John G. *Business and government.* Ed. 3, 780pp. Chicago, The Foundation press, inc., 1938. 280.12 R63

References at end of chapters.

Government Control of Prices, ch. XX, pp. 511-537. Subtopics: Examples of price control; control of price levels; definitions; direct and indirect price control; power of Congress over prices; wage and hour laws affect prices; state fair trade laws affect prices; are state fair trade laws constitutional?; Federal fair trade law; evasion of price regulation; effects of government price control; prices advancing beyond control?; price control through money and bank credit; stabilization of price levels; political manipulation of prices; flexibility of price mechanism; flexibility of industrial prices denied; "economic right price"; future of price control.

83. Rottschaefer, Henry. The field of governmental price control. Yale Law Jour. 35(4): 438-460. February 1926. Libr. Cong. (Law Div.)

84. Sarle, Charles F. A paper on "Statistical problems of the meat packing industry under an Agricultural adjustment administration trade agreement," delivered...before the American statistical association, at Philadelphia on Thursday, December 28, 1933, 2:30 p.m. 10pp., processed. [Washington, D. C., U. S. Dept. of agriculture, Agricultural adjustment administration] Dec. 28, 1933. 1.94 H67St

85. Shipstead, H. Price-fixing for the farmer. Nation 123: 101-102. Aug. 4, 1926. Libr. Cong.
A plea for the repeal of price-fixing legislation for the benefit of industry, transportation and banking, or for the passage of such legislation for the benefit of agriculture.

86. Simpson, Kemper. Price-fixing and the theory of profit. Quart. Jour. Econ. 34(1): 138-160. November 1919. 280.8 Q2
"Summary: I. Variety of purposes of the price-fixing agencies, 138. - Methods of price fixing, 140. - II. Cost method of price fixing, 142. - Accountant's cost of production, 144. - Use of the accountant's cost in price fixing, 145. - Profit as the margin above cost, 150. - III. Development of the theory of profit, 151. - Explanation of and justification for profit, 155. - Relation of the theory of profit to price fixing, 159. - IV. Conclusions, 160." - p. 138.

87. Smith, James Gerald. Economic planning and the tariff; an essay on social philosophy. 331pp. Princeton, Princeton university press, 1934. 285 Sm63
Bibliographical footnotes.
Chapter II, Some Forgotten Lessons of History, tells briefly of governmental attempts in the past to fix prices, directly or indirectly. Among the schemes described are those of Confucius, Diocletian, revolutionary France, America during the Revolution, the United States during the World War, etc.
Chapter X is concerned with The Effects of Price Fixing, discussed under the following subtopics: Economic planning determined by competitive prices; relativity of the system of prices in competitive economy; interference with competitive plan by price fixing; endless chain of harmful effects of price fixing; no sure criterion for arbitrary price fixing; general conclusions on price fixing.

88. South Dakota. Dept. of agriculture. How can farming be made to pay? A discussion of production costs and prices and their relation to farm profits. Explaining the work of the South Dakota Dept. of agriculture in determining costs of producing and marketing South Dakota farm products. S. Dak. Dept. Agr. Circ. 3, 16pp., processed. [Pierre?] September 1922. 2 So84C

Government price fixing and its possibilities, pp. 2-4. "Most farmers who have carefully considered the problem prefer not to see a policy of price fixing established in peace time, feeling that outnumbered as they are in Congress such a policy if it becomes established is almost sure to be used as a club to hold prices down rather than as a means of building them up. Such a plan, however, secures considerable support during a period of extremely low prices but would be very unpopular in a time when prices were rising... Yet, if such an act were passed in a time of low prices, the consuming public would have ample justification for insisting that a maximum be fixed in times of rising prices."

89. Spillman, W. J. Balancing the farm output; a statement of the present deplorable conditions of farming, its causes, and suggested remedies. 126pp. New York, Orange Judd publishing co.; London, Kegan Paul, French, Trubner & co., ltd., 1927. 281 Sp42B

A paragraph on price fixing as a proposed remedy for the farm problem is given on p. 71 of the chapter on Proposed Remedies.

90. Starr, G. W. Prosperity through price-fixing and production control. Canner 30(23): 9-10, 38, 40. May 18, 1935. 286.83 C16

"From an address before the Indiana Canners' Association spring meeting at Indianapolis, May 2."

The writer points out the fallacies of the belief in prosperity through price fixing and production control. "The maximum good to a maximum number of our people can come only through an economy of plenty, not of scarcity."

91. Stokdyk, E. A., and West, Charles H. The Farm board. 197pp. New York, The Macmillan company, 1930. 281 St6

The purpose of this book, written primarily for the layman, "is to set forth some of the problems facing agriculture, the scope of the Agricultural Marketing Act, and the possibilities and limitations of the Federal Farm Board in dealing with agricultural problems." - Preface.

The price insurance feature of the Agricultural Marketing Act is discussed in chapter VI, pp. 99-106. Section 11 of the Act provides "for the insurance of the cooperative association against loss through price decline in the agricultural commodity handled by the association and produced by the members." This plan was advanced by O. F. Bledsoe; accepted by McNary-Haugen supporters; and also included in the Ketcham Bill, introduced in April 1928.

92. Tapp, J. W., and Braun, E. W. Marketing agreements under the Agricultural adjustment administration. Jour. Farm Econ. 16(1): 99-109. January 1934. 280.8 J822

This is a sketch of "the nature, the objective, and the problems of marketing agreements under the Agricultural Adjustment Administration."

"Benefits through marketing agreements accrue through the influence that their execution exerts upon market price or through fixed or minimum prices stipulated."

Discussion by M. P. Rasmussen, pp. 109-114. The writer's discussion is primarily a summary of the reactions of a number of growers, cooperative managers, private shippers, and members of the produce trade to the marketing agreements. Three paragraphs are devoted to their reactions to the price-fixing or minimum selling price feature of the marketing agreements. "Price-fixing is severely criticized by many; defended by very few, and then only on the basis of an emergency situation."

93. Taylor, Henry C. Outlines of agricultural economics. 610pp. New York, The Macmillan company, 1925. 281 T210
Bibliography, pp. 587-595.
Price-fixing and the Cost of Farm Products, ch. XXXII, pp. 487-501.

94. Thomsen, Frederick Lundy. Agricultural prices. Ed. 1, 471pp., illus. New York and London, McGraw-Hill book company, inc., 1936. 284.3 T38
References at end of chapters.
Pages 157-159 of Chapter VIII, Agricultural Price Raising Measures, are concerned with price fixing. Two basic forms of price fixing are discussed. In one a fair price is determined by the government, based on cost of production usually, and it is illegal for a dealer to buy at a price under the fixed price. In the other the government or some other agency attempts to fix the price by buying or making loans on the commodity at a certain price.

95. Thomsen, Frederick Lundy. Price-fixing plans. 6pp., processed. [Washington, D. C., U. S. Dept. of agriculture, Bureau of agricultural economics] 1938. 1.9 Ec752Pri
"Summary of an address...before the annual outlook conference of representatives of the state agricultural colleges and the Bureau of Agricultural Economics, Washington, D. C., October 25, 1938."
Discusses price-fixing schemes, particularly those "represented by plans for fixing the price of only that portion of the total supply of exported commodities which moves into domestic consumption." Schemes such as these "could not be expected to increase greatly incomes of farmers as a whole, or in any sense to 'solve the farm problem.' The principal appeal of such a type of plan if applied to a base rather than current production, would be in its application as between individual producers."
"Possible legal or administrative procedures by which the separation of the domestic and foreign markets and establishment of the two-price system could be effected" are discussed in the latter part of the article.

96. Tolley, Howard R. Marketing agreements and licenses: their role in agricultural recovery. Address...before the American farm bureau federation, at Nashville, Tenn...December 11, 1934. 18pp., processed.

Washington, D. C., U. S. Dept. of agriculture, Agricultural adjustment administration, Dec. 11, 1934. 1.94 Ad472T

The following is quoted from pp. 8-9:

"Many but not all of the agreements and licenses have provisions for prices to be paid to producers. These prices are determined after a study of supply and demand conditions surrounding the particular commodity in question and are subject to change from time to time as supply or demand conditions change. For some commodities prices for different qualities and grades are specified; in others only prices for standard grades or qualities are provided... The milk licenses have specified prices to be paid producers. These are protected to some extent by the fact that it is not feasible, from the standpoint of sanitation and transportation costs, to bring milk from outside the regular producing area, and in some cases by the fact that new producers must go through a probationary period before receiving the full privileges of the market. But experience has shown that the prices named must be kept in line with the realities of supply and demand, if they are to be generally observed... It has been found also that prices of commodities which can be imported can not be set higher than the figure at which imports will come in. One of the sources of trouble in connection with the rice agreements was the fact that the prices which were established attracted imports.

"Besides naming prices to producers, some of the early agreements established resale price... It is obvious that agreements or licenses in which both prices to producers and resale prices are established automatically fix the margins of processors and distributors. Since the objective of the Agricultural Adjustment Act is to increase the incomes of farmers and not to fix the margins taken by distributors, the present policy of the Administration is not to include resale prices in marketing agreements or licenses, unless there are exceptional conditions which make their inclusion necessary to effectuate the purposes of the Act."

97. U. S. Congress, House, Committee on agriculture. Agricultural relief. Hearings... Sixty-ninth Congress, second session on H. R. 15655 [11387, 14247, 13475, 15963, 7392] January 7[-10] 1927. Serial U. 4 pts. (163pp). Washington, D. C., U. S. Govt. print. off. 1927. 280.3 Un33A

Part 1 has title: Agricultural Export Corporation Bill.

On pp. 29-39 Mr. Aswell gives a statement of a few of the more important agricultural conditions and activities as he found them in Europe. It contains information on the Norwegian state grain monopoly and its price-fixing powers.

The text of the Lankford bill, H.R. 13475, a Bill to create a Federal cotton corporation, provide a reasonable minimum price for cotton, and Mr. Lankford's statement on the bill are given on pp. 65-77.

The statement of Mr. Crisp on his bill, H.R. 15963, is given on pp. 107-121.

The statement of five farm organizations (American Farm Bureau Federation, American Cotton Growers Exchange, Farmers' Educational & Cooperative Union of America, Corn Belt Federation of Farm Organizations, and Committee of Twenty-two) contrasting the Haugen, Crisp and Aswell bills is given on pp. 158-160. The price-fixing provisions of the Crisp bill are condemned.

98. U. S. Congress, House, Committee on agriculture. Agricultural relief. Hearings...Seventieth Congress, first session. January 17, 18, and 19 [February 24] 1928. Serial E. 10pts. (734pp.) Washington, D. C., U. S. Govt. print. off., 1928. 281 Un3Ag
See pp. 73-99, 108-137, for statement of O. F. Bledsoe, Jr., President of the Staple Cotton Growers Cooperative Association, on his plan for insurance against price decline.
See pp. 249-252 for brief of Edward H. Booth in which he describes his plan for the creation of an agricultural body for the District of Columbia. The plan includes a provision for the purchase of products by the board at a fixed price.

99. U. S. Congress, House, Committee on agriculture. Agricultural relief. Hearing...seventy-first Congress, first session. Serial A. March 27, 1929-April 4 and 5, 1929. 9 pts. (873pp.) Washington, D. C., U. S. Govt. print. off., 1929. 281 Un3Agr
O. F. Bledsoe, Jr., described his plan which includes a provision for insurance against price decline on pp. 758-772.

100. U. S. Congress, House, Committee on agriculture. Farm marketing program. Hearing...Seventy-second Congress, first session...Serial E. 4 pts. Washington, D. C., U. S. Govt. print. off., 1932. 280.3 Un33F
Contains some discussion of cost of production price or guaranteed minimum price. See testimony of Senator Brookhart (bill S. 123), pt. 1, pp. 37-62, Chester Gray, pt. 2, pp. 160-183, and Representative James V. McClintic, pt. 4, pp. 43-49.

101. U. S. Congress, House, Committee on agriculture. Swank agricultural bill. Hearing...Seventy-second Congress, first session, on H. R. 7797, by Mr. Swank. February 4 and 5, 1932. Serial C. 83pp. Washington, D. C., U. S. Govt. print. off., 1932. 280.3 Un33Sw
H.R. 7797 was a bill "To abolish the Federal Farm Board, to secure to the farmer a price for agricultural products at least equal to the cost of production thereof, and for other purposes."

102. U. S. Congress, Senate, Committee on agriculture and forestry. Agricultural emergency act to increase farm purchasing power. Hearings...Seventy-third Congress, first session, on H. R. 3835, An act to relieve the existing national economic emergency by increasing agricultural purchasing power. March 17, 24, 25, 27, and 28 1933. 351pp. Washington, D. C., U. S. Govt. print. off., 1933. 281.12 Un3Ag
Statement of Francis J. Clair, president of the National League

for Economic Stabilization, pp. 200-247. Statement includes briefs, arguments, etc., on the Clair plan which includes a provision for the fixing of minimum prices.

See also testimony of Senator Brookhart, John A. Simpson, Secretary Wallace, and others.

103. U. S. Congress, Senate, Committee on agriculture and forestry. Agricultural equality act of 1937. Hearings before a subcommittee... Seventy-fifth Congress, first session, on S. 2732; a bill to regulate interstate and foreign commerce in agricultural products yielding exportable surpluses; to prevent unfair competition by forbidding the purchase of such products from producers for less than cost of production; to fix the value of money therein; to provide for the orderly marketing of such products; to set up emergency reserves from, and to make loans on, certain export percentages; to authorize debentures for processed and manufactured agricultural products for export; to provide for the general welfare...August 11, 13, and 19, 1937. 67pp. Washington, D. C., U. S. Govt. print. off., 1937. 281.12 Un3Aa

Contains testimony of E. L. Oliver, executive vice president Labor's Non-Partisan League; Smith W. Brookhart; Senator William Gibbs McAdoo; A. G. Black, Chief, Bureau of Agricultural Economics; supplemental statement of Mr. Brookhart; and statement of Hon. E. C. Eicher.

104. U. S. Congress, Senate, Committee on agriculture and forestry. Agriculture relief. Hearing...Sixty-ninth Congress, second session, on S. 4808, A bill to establish a federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities, and S. 5088, A bill to establish a federal farm board in the Department of agriculture to aid the industry of agriculture to organize effectively for the orderly marketing and for the control and disposition of the surplus of agricultural commodities. January 18, 19, and 20, 1927. 70pp. Washington, D. C., U. S. Govt. print. off., 1927. 280.3 Un37A

Statement of O. F. Bledsoe, Jr., on his plan for insurance against price decline, pp. 1-16.

The statement of Chester C. Davis includes, on pp. 49-51, a statement filed by four farm organizations (American Farm Bureau Federation, American Cotton Growers' Exchange, The Corn Belt Federation of Farm Organizations, and the Executive Committee of Twenty-two, North Central States Agricultural Conference) on the two bills. The following is quoted from this statement:

"The McNary (S. 4808) and Curtis (S. 5088) bills are alike in form only. Both in principle and in power to accomplish what each professes to seek they are fundamentally different.

"The farm and cooperative marketing organizations...do not favor the enactment of the Curtis bill, because...The price formula in the Curtis bill makes it definitely a price-fixing measure; the McNary bill is not..."

"The Curtis bill introduces as a price-measuring stick the 'cost of production to efficient producers,' and uses it in three important places which require the board to determine just what that price is in the case of all commodities from cranberries to cotton. This is definitely a price-fixing provision, and not a good one at that, since the producer, with lowest unit costs would probably be considered the 'efficient producer,' and his price would starve out the great bulk of fellow producers. This does not even hint at the difficulties that lie in this price-fixing formula. The McNary bill is free from this feature."

105. U. S. Congress, Senate, Committee on agriculture and forestry. Farm relief Hearings...Seventy-second Congress, first session, on S. 123, S. 653, S. 1197, S. 1698, S. 3133, S. 3680, S. 4323, and S. 4427, bills relative to farm relief. April 26, 27, 28, and 29, 1932. 219pp. Washington, D. C., U. S. Govt. print. off., 1932. 281 Un31Fa

Three of these bills - S. 123 introduced by Senator Brookhart and S. 3133 and S. 4427 introduced by Senator Thomas provide for the securing to the farmer a price at least equal to the cost of production thereof.

106. U. S. Congress, Senate, Committee on agriculture and forestry. Farm relief legislation. Hearings...Seventy-first Congress, first session, relative to establishing a Federal farm board to aid in the orderly marketing, and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce. March 25 to April 6, 1929. 840pp. Washington, D. C., U. S. Govt. print. off., 1929. 281 Un31Far

Contains discussion of cost of production price and insurance against price decline. See testimony of Senator Brookhart and Dr. Harvey Wiley, O. F. Bledsoe, Jr., etc.

107. U. S. Congress, Senate, Committee on agriculture and forestry. General farm legislation. Hearings before a subcommittee...Seventy-fifth Congress, second session, pursuant to S. Res. 158, a resolution to provide for an investigation of agricultural commodity prices, of an ever-normal granary for major agricultural commodities, and of the conservation of national soil resources. 20 pts. (4633pp.) Washington, D. C., U. S. Govt. print. off., 1937. 281.12 Un3G

Parts 1-9 are on cotton, tobacco and rice.

Parts 10-18 are on corn and wheat. These parts contain considerable discussion of cost of production and price fixing. Among them are the following:

Statement of Peter Zimmerman, representing Oregon State Grange and Oregon Farmers Union, pp. 1806-1827; Judge Robert M. Terrell, pp. 2009-2019; H. D. Ralph of the Farmers' Union of Montana, pp. 2065-2072; J. O. Ostness of the Farmers' Union, Montana, pp. 2078-2086 (among other things he advocated the "establishing by law a minimum price for domestic consumption"); A. M. Dunton, pp. 2355-2358;

statement of Gilbert A. Brattland, advocating a domestic consumption plan, wherein the price of wheat is set, pp. 2372-2374; statement of M. W. Thatcher, representative of the Minnesota Agricultural Conference, pp. 2440-2464 [this includes a prepared statement which includes a recommendation for "fixing a basic price on major agricultural commodities needed for the home market and at fair exchange values with such protective devices as may be necessary to protect the American farmer in the domestic market"]; statement of A. A. Tunc, pp. 2472-2478; statement of A. I. Anderson, pp. 2680-2682; statement of Ed. R. Aschenbrenner, pp. 2772-2776; statement of Arthur H. Hasche, pp. 2828-2831 entitled Price Fixing for Farm Products and Control of Surplus; statement of W. R. Ronald, pp. 2850-2873; statement of A. J. Johnson, Iowa Farmers' Union, pp. 3822-3828; statement of Fred B. Humphrey, pp. 3347-3351, entitled What's Wrong with Farming?; etc.; etc.

108. U. S. Congress, Senate, Committee on agriculture and forestry. Purchase and sale of farm products. Hearings before a subcommittee...Seventy-fifth Congress, first session, on S. 848, a bill to provide for the purchase and sale of farm products. March 2, 3, 10, and April 6, 1937. 141pp. Washington, D. C., U. S. Govt. print. off., 1937. 280.3 Un37Pur

This bill, as stated by Senator Frazier on p. 3, provides "for setting up a corporation with authority to buy and sell farm commodities; in other words, to control the price of farm commodities from the producer to the consumer." Price fixing is discussed by some of those testifying before the Committee.

109. U. S. Congress, Senate, Committee on agriculture and forestry. Substitute legislation for the invalidated Agricultural adjustment act. Hearing...Seventy-fourth Congress, second session, relative to views of certain farm organizations on substitute legislation for the invalidated Agricultural adjustment act. January 14, 1936. 82pp. Washington, D. C., U. S. Govt. print. off., 1936. 281.12 Un3S

See particularly statements of E. H. Everson, president of Farmers Educational and Cooperative Union of America, and Mr. Brookhart, who advocated a cost of production price.

110. U. S. Congress, Senate, Committee on agriculture and forestry. To abolish the Federal farm board and secure to the farmer cost of production. Hearings...Seventy-second Congress, first session, on S. 3133... February 4 and 5, 1932. 77pp. Washington, D. C., U. S. Govt. print. off., 1932. 280.3 Un37To

Under Section 8(a) of the bill "The Secretary of Agriculture is authorized and directed to ascertain and make public the part of the domestic production of each of the agricultural products specified in section 1 [wheat, cotton, wool, beef, pork, dairy and poultry products, and any other major agricultural product] which is needed for domestic consumption. Such amount shall be known as the 'salable part' of the domestic production of such commodity, and it shall be

unlawful for any person to sell or purchase any of such amount at a price less than the cost of production as determined and proclaimed by the Secretary of Agriculture. No part of the surplus over such salable part shall be sold; except that if at any time the world price for any such commodity is equal to or greater than the cost of production it shall be lawful to dispose of any part of the surplus at the world price."

The following testified at the hearings on the bill: C. W. Anthony; Emil Becker, a director of the Farmers' Union; Frederic Brenckman, National Grange; Joseph Cope, Farmers Protective Association of Pennsylvania; J. G. Erp; E. H. Everson, Farmers' Union of South Dakota; Chester H. Gray, American Farm Bureau Federation; T. E. Howard, Farmers Educational and Cooperative Union of America; Robin Hood, National Cooperative Council; C. H. Hyde, Farmers' Union; Paul Moore; Samuel L. Shaeffer; John A. Simpson, National Farmers Union; C. C. Talbott, Farmers' Union of North Dakota.

III. U. S. Congress, Senate, Committee on agriculture and forestry. To regulate commerce in agricultural products. Hearings...Seventy-sixth Congress, first session on S. 570, a Bill to regulate interstate and foreign commerce in agricultural products; to prevent unfair competition; to provide for the orderly marketing of such products; to promote the general welfare by assuring an abundant and permanent supply of such products by securing to the producers a minimum price of not less than cost of production, and for other purposes. February 1 to 17, 1939. 423pp. Washington, D. C., U. S. Govt. print. off., 1939. 281.12 Un3To

Contains statements of L. J. Bernard and Benjamin C. Marsh, People's Lobby; Sterling G. Bixler, Farmers' Union; George Brettschneider; Senator Smith W. Brookhart; Lionel M. Cox, Michigan Farmers' Educational & Cooperative Union; J. Albert Davey, United Farmers; Haven Davis; Edward E. Kennedy and Louis B. Ward, National Agricultural Conference; Russell T. Kiko, Farmers' Guild; Harry Kleinert, Square Deal Milk Association, Inc.; Representative William Lemke; Representative Sam C. Massingale; Milton E. McCleary, Pennsylvania Farmers' Guild; Walter Meyne, Iowa Farmers' Union; Ralph W. Moore; Representative W. F. Norrell; John R. O'Neal; Robert Spencer, Indiana Farmers' Guild; Secretary H. A. Wallace; Paul Weis, Wisconsin Dairymen's News; Bert Williamson; Fred Winteroth, United Farmers of Illinois; Fred Wolf, Union Milk Producers' Association; Claud L. Wood.

On pages 31-49 is given a paper, "Cost of production - S. 570 and identical house bills", by Edward E. Kennedy and Louis B. Ward. This paper reviews the activities of the Corn Belt Committee of the 1920's and its cost of production committee to obtain cost of production for farmers, reviews some of the other bills before Congress during the last ten years which embodied the principle of cost of production for farmers, and describes and defends the present bill, S. 570, and its companion house bills.

112. U. S. Dept. of agriculture. Report of the Secretary of agriculture 1933. 107pp. Washington, D. C., U. S. Govt. print. off., 1933. 1 Ag84
Also published in U. S. Department of Agriculture Yearbook of Agriculture 1934: 1-99, without the financial statement.

Price regulation, p. 17. States that certain of the adjustment programs contained provisions for regulating prices along with efforts to control production. "In the absence of production control, prices high enough to maintain output on the high-cost farms stimulate output excessively on the medium- and low-cost farms. Meantime, such prices tend to restrict consumption. This is why price fixing alone always fails."

See pp. 42 and 45 for references to marketing agreements for dairy products and tobacco.

The cling-peach agreement, "the first marketing agreement to be formally approved" is described on p. 50. "From the growers' standpoint, the most important feature of the agreement was that it guaranteed them a price of \$20 a ton for their harvested fruit and an equivalent amount for that which was not harvested. Another feature was the setting of minimum and maximum prices, varying according to grade and classification, at which the canners might sell their peach pack..."

113. U. S. Dept. of agriculture. Report of the Secretary of agriculture, 1934. 119pp. Washington, D. C., U. S. Govt. print. off., 1934. 1 Ag84
Also published in U. S. Department of Agriculture Yearbook of Agriculture 1935: 1-119.

Marketing agreements, pp. 28-31. The following is quoted from p. 30: "Some agreements and licenses control prices paid to producers. To be effective in most cases such action must be coupled with some control over supplies marketed or over marketing and distributing practices. Wherever possible, the administration has avoided direct price fixing in connection with marketing agreements and licenses. Many of the early agreements, including those relating to peaches, olives, and milk, provided for fixed prices to producers and fixed resale prices. This involved the fixing of processing or distribution margins. Price fixing of this character necessitates either a satisfactory compromise as to the size of the margin or regulation of the spread in price between producer and consumer. Such regulation would require administrative procedure similar to that which the Interstate Commerce Commission has been developing for a generation. As a matter of fact, it is doubtful whether processing and distributing margins can be dealt with satisfactorily through marketing agreements. In most cases the A.A.A. will sponsor the direct control only of prices paid to producers, and not then unless price control goes along with some measure of supply control or regulation of market prices."

114. U. S. Dept. of agriculture. Report of the Secretary of agriculture, 1936. 115pp. Washington, D. C., U. S. Govt. print. off., 1936. 1 Ag84
Also published in U. S. Department of Agriculture Yearbook of Agriculture 1937: 1-116.

Marketing agreements, pp. 60-62.

115. U. S. Dept. of agriculture. Report of the Secretary of agriculture, 1938. 160pp. Washington, D. C., U. S. Govt. print. off., 1938. 1 Ag84

Old and new proposals for farm relief, pp. 16-25. Two theories of price stabilization and the cost of production criterion for price fixing or tariff making are discussed on pp. 19-20. The fallacy of cost of production as a criterion and the danger in price fixing without control of supply are pointed out.

Marketing agreements and surplus removal, pp. 41-47. The Marketing Agreement Act of 1937 is discussed on pp. 43-45. This act "continued the means for controlling market supplies of fruits and vegetables and of fixing minimum producer prices for milk. Experiences in early agreement and license programs demonstrated the impracticability of fixing prices for fruits and vegetables, but the act authorized price posting as a means to make price information more readily available and to encourage a greater degree of price stability... Regulations under the...Act are in litigation. In October 1937 the Government obtained temporary injunctions that required dealers to comply with a Boston milk order and to pay money due under it since last August into an equalization pool. If the Government wins the case, the money will be prorated among milk producers. Essentially, the issue is whether or not Congress has the power to fix prices that dealers must pay to farmers for milk and to require the payment of these prices in a fair manner."

116. U. S. Dept. of agriculture, Agricultural adjustment administration. Agricultural adjustment; a report of administration of the Agricultural adjustment act May 1933 to February 1934. 393pp., illus. Washington, D. C., U. S. Govt. print. off., 1934. (G-8) 1.4 Ad4Ge

For minimum prices and resale prices under the marketing agreements see subjects, "Minimum prices" and "Resale prices" in the index.

See pp. 120-123, 143-147, for recommendations of the National Corn-Hog Committee of Twenty-Five for a Corn-hog control plan (embodying a scheme for insuring parity prices to producers), for the rejection of the price fixation feature of the plan, and for discussion of the marketing agreement proposed by the meat processors.

Chapter 9, pp. 181-188, Special Crops, contains information on the price features of the marketing agreements for these crops. See particularly canning cling peaches (minimum prices to producers), Northwest tree fruits (minimum prices), English walnuts (maximum and minimum packer sales prices), canned ripe olives (minimum prices to producers and minimum resale prices), peanuts (minimum prices to growers).

117. U. S. Dept. of agriculture, Agricultural adjustment administration. Agricultural adjustment in 1934; a report of administration of the Agricultural adjustment act February 15, 1934 to December 31, 1934. 456pp., illus. Washington, D. C., U. S. Govt. print. off., 1935. (G-32) 1.4 Ad4Ge

See particularly chapters on dairy products, rice, peanuts, and general crops. In the chapter on general crops see particularly pp. 207-208, sections entitled, "Minimum prices and the problems they raise, Minimum prices in only six agreements, and Control of supply should accompany minimum prices." A statement regarding the inclusion of resale prices in agreements and licenses only in exceptional cases is given on p. 228.

118. U. S. Dept. of agriculture, Agricultural adjustment administration. Agricultural adjustment 1933 to 1935; a report of administration of the Agricultural adjustment act May 12, 1933, to December 31, 1935. 322pp., illus. Washington, D. C., U. S. Govt. print. off., 1936. (G-55) 1.4 Ad4Ge
See particularly chapters on peanuts and dairy products.

119. U. S. Dept. of agriculture, Agricultural adjustment administration. Agricultural adjustment 1937-38; a report of the activities carried on by the Agricultural adjustment administration under the provisions of the Agricultural adjustment act of 1938, the Soil conservation and domestic allotment act, the Marketing agreement act of 1937, the Sugar act of 1937, and related legislation, from January 1, 1937, through June 30, 1938. 385pp. Washington, D. C., January 1939. (G-86) 1.4 Ad4Ge
The program for the dairy industry, pp. 74-79. This should be consulted for information on price fixing in the marketing agreements and licenses for fluid milk and evaporated milk, 1933-date. The marketing program for the dairy industry is also reported on pp. 200-208.
Programs for general crops, pp. 186-200. Minimum prices and price posting, including results under these measures are discussed on pp. 196-200. "Minimum prices were established in marketing agreements and licenses relating to California ripe olives, California cling peaches, and Northwest fresh deciduous tree fruits during the 1933-34 season, and in marketing agreements and licenses relating to shippers of package bees and queens, California date shippers, California ripe olives, California raisins, and Northwest deciduous tree fruits during the 1934-35 season. The establishment of minimum price provisions in marketing agreements and licenses or orders subsequent to August 1935 was prohibited by the amendment to the Agricultural Adjustment Act."
See pp. 88-89 for the fixed-price purchase method used by the Federal Surplus Commodities Corporation and the commodities for which the fixed-price purchase method was used.

120. U. S. Dept. of agriculture, Agricultural adjustment administration. Agricultural conservation 1936; a report of the activities of the Agricultural adjustment administration under the provisions of the Agricultural adjustment act, the Soil conservation and domestic allotment act, and related legislation, from January 1, 1936, through December 31, 1936. 200pp. Washington, D. C., U. S. Govt. print. off., 1937. (G-71) 1.4 Ad4Ge

Marketing programs for dairy products, pp. 69-73.

"Programs for removing surpluses by finding and developing new foreign and domestic outlets and uses were operated for the most part through agreements between industry groups and the Secretary of Agriculture, under which agreements the industry groups were authorized to acquire specified quantities of surplus commodities at stipulated prices, and to divert these supplies to new outlets or uses. The difference between the cost of the commodity to the industry group, plus incidental handling costs, and the selling price for diversion uses, was paid by the Secretary of Agriculture." - p. 78.

121. U. S. Dept. of agriculture, Agricultural adjustment administration. Packers agreement is subject of hearing. 3pp., processed. [Washington, D. C.] Sept. 8, 1933. 1.94 H67Pa

A press release telling of the public hearing held on the proposed marketing agreement on practices and conditions in the meat packing industry. "Amendments were offered by Earl C. Smith of Chicago, Ill., for the National Corn and Hog Committee of Twenty-Five. The Committee asked that appropriate committees representing producers of cattle, sheep and hogs act in conjunction with the Institute or with a processors committee provided for under the proposed agreement, in adopting minimum prices for livestock under the terms of the proposed agreement; and that failing such joint action, the Secretary be empowered to determine and announce such minimum prices." - pp. 1-2.

122. U. S. Dept. of agriculture, Agricultural adjustment administration. Statement of general policies and model drafts for marketing agreements and codes of fair competition. 15pp. Washington, D. C., 1933. (Form M-14) 1.4 Ad47M

Article III, Minimum prices to producers, p. 6; Article IV, Maximum prices to consumers, p. 6.

123. U. S. Dept. of agriculture, Agricultural adjustment administration, Litigation section. Opinions rendered by courts in cases involving (A) the Agricultural adjustment act and (B) the National recovery act which were initiated at the request of the Agricultural adjustment administration covering the period from August 29, 1933 to October 22, 1934. 170pp., processed. [Washington, D. C., 1934] 1.94 Ad460r

Among the opinions of interest are the following: Economy Dairy Co., Inc. [Opinion of Justice O'Donoghue, Aug. 29, 1933]; Calistan Packers, Inc. [opinion of Judge St. Sure, Oct. 2, 1933, in a case involving the cling peach industry of California]; Lloyd V. Shissler and People's Dairy Company [memorandum opinion, Apr. 14, 1934]; Royal Farms Dairy, Inc. [opinion of District Judge Chestnut, June 19, 1934]; Edgewater Dairy Company, et al. [memorandum of District Judge Barnes, June 26, 1934]; Melwood Farms [injunction granted, no

opinion rendered; Dixie Rice Mill, Inc. [opinion of District Judge Dawkins, July 30, 1934]; Ralph I. Hill, et al [Memorandum of decision of District Judge Cosgrave, Sept. 7, 1934]; Charles J. Kurtz, et al [injunction granted dairy, Sept. 7, 1934]; Greenwood Dairy Farms, Inc. [opinion of District Judge Baltzell, Sept. 27, 1934]; W. L. Douglas, et al [opinion of District Judge Vaught, Oct. 17, 1934, in a case involving an Oklahoma milk license].

124. Voigt, John F. Price fixing by law. Tex. Bar Jour. 1(6): 146-147, 167-168. June 1938. Libr. Cong. (Law Div.)

An account of some attempts at price fixing and price control in different countries from 1122 B.C. to modern times. Quotes from articles by Herbert Corey and Miss Mary G. Lacy in Nation's Business. Reprinted from the Illinois Bar Journal, April 1938.

125. Wallace, Henry A. Address...[on corn-hog program] at the Coliseum, Des Moines, Iowa, November 11, 1933, at 8 P.M. 21pp., processed. [Washington, D. C., U. S. Dept. of agriculture] 1933. 1.9 Ag8636

Discusses the demand of the Corn Belt governors for immediate price fixing, pp. 3-9.

126. [Wallace, Henry A.] [Clair plan] Wallaces' Farmer and Iowa Homestead 58(1): 5. Jan. 7, 1933. 6 W15

The Clair plan is explained briefly in the column "Odds and Ends". "This is a scheme for fixing minimum prices and establishing compulsory market control, thru the local postmaster. In many ways, it is like the allotment plan, but instead of offering voluntary control of acreage, it brings about compulsory control of marketing." The writer is convinced "that there must be some method of definite acreage control" in any such plan.

127. Wallace, Henry A. The community of interest between labor, capital and agriculture. Address...before community forum, Pittsburgh, Pennsylvania, at 8:00 P.M.E.S.T., January 3, 1938. 16pp., processed. [Washington, D. C., U. S. Dept. of agriculture] 1938. 1.9 Ag8636

See pp. 11-12 for remarks on price fixing. Points out that if the government fixed the price of a product it would be necessary not only to license every farmer selling that product, but also every man who purchases it.

128. Wallace, Henry A. The farmers' problem - everybody's problem...before the Civic forum, Town Hall club, New York City, November 24, 1933 at 8:30 P.M. 22pp., processed. [Washington, D. C., U. S. Dept. of agriculture] 1933. 1.9 Ag8636

Includes a discussion of the third center in the farm fight - "the dramatic attempt of the Holiday people to get cost of production either by Government compulsion or by the use of violence to prevent farm products moving on the highways and the railroads", and of the effect of cost of production calculated in the same way that freight rates are fixed.

129. Wallace, Henry A. New frontiers. 314pp. New York, Reynal & Hitchcock [1934.] 280.12 W152
See pp. 32-33, 45, 56-58, and 101-107 for references to price fixing. The demand of the Corn Belt governors in 1933 for government price fixing of farm products and the demand of Southern Senators and Congressmen in the same year for government price fixing of cotton are discussed on pp. 56-58. Chapter X, pp. 101-107, is concerned with Cost of Production in Agriculture and Industry.

130. Wallace, Henry A. Supply and demand, political pressure and the long look ahead...Address before the Grain dealers assn., Chicago, Illinois, 10:30 A.M., September 20, 1933. 14pp., processed. [Washington, D. C., U. S. Dept. of agriculture] 1933. 1.9 Ag8636
Price fixing is discussed.
"It appears that though price-pegging may have its uses, resort to price-fixing without control of supply is fraught with danger." - p. 13.

131. Washington. Laws, statutes, etc. Washington agricultural adjustment act (Chapter 78, Laws 1935). 11pp. Olympia, Washington Dept. of agriculture, 1935. 281.091 W272
Paragraph e of Section 2 of the Act reads as follows: "No marketing agreement or rule or regulation shall fix prices at which agricultural products shall be sold to the consumer until there has been held in the territory to be affected by such price fixing, public hearings to which the general public is invited; and the producers, distributors and consumers shall have equal representation upon all advisory committees formed under any such marketing agreement which consider, recommend or advise the director upon the question of retail price fixing."
This Act and the Act of 1933 were declared unconstitutional by the Supreme Court of the State of Washington, July 27, 1935. U. S. Law Week 2(50, sec. 1): 1104. Aug. 13, 1935.

132. Wheeler, Burton K. Competition or price fixing: two economic theories. First system declared to insure orderly progress and the other to lead to regimentation and, finally, a fascist state. U. S. News 4(25): 7, 15, June 22, 1936. 280.8 Un33A

133. Wheeler, Marion E., and Herb, Mamie I. Agricultural relief measures relating to the raising of farm prices - 75th Congress, January 5, 1937, to June 16, 1938. U. S. Dept. Agr., Bur. Agr. Econ., Agr. Econ. Bibliog. 76, 109pp., processed. Washington, D. C., February 1939. 1.9 Ec73A
For cost of production bills see pp. 1-11; for price-fixing bills see pp. 30-31. See also the index under subjects Cost of production; Price fixing.
The Library of the Bureau of Agricultural Economics has also issued similar compilations for the 70th (1927-1929), 71st (1929-1931), and 72d (1931-1933) Congresses.

Debate on these bills, if any, may be found in the Congressional Record for the years covered. Congressional hearings held on bills described are listed in this bibliography under the name of the Congressional committees holding them.

134. Wilson, Emmet H. Property affected with a public interest. South. Calif. Law Rev. 9(1): 1-13. November 1935. Libr. Cong. (Law Div.)

"This article does not discuss the regulation of railroads and other public utilities, or the manner or the extent of regulating service or prices, but is confined to a discussion of the decisions of the United States Supreme Court determining what businesses are, or are not, so affected with the public interest as to permit of legislative regulation." - footnote, p. 1.

Among the agricultural "public utility" cases reviewed are the fixing of grain storage rates in the Munn v. Illinois case, and in similar cases in New York and North Dakota; regulation of stock-yard rates; and the Nebbia milk case (pp. 10-13).

BUTTER

135. Engbretson, A. E. Marketing butter under state agreements. Hoard's Dairyman 80(4): 92. Feb. 25, 1935. 44.8 H65

In this address, delivered at the annual meeting of the National Cooperative Producers' Federation, the author reviews provisions of state butter agreements in Washington, Oregon, and Utah. The Washington agreement includes a provision for "a fixed price for fat on a zone basis in relation to the Seattle wholesale butter market." The Oregon agreement includes a provision for "fixed minimum prices at which print butter can be sold in relation to the wholesale butter market of Portland and minimum prices for fat in relation to the wholesale butter market at Portland," and a provision "for maximum differences in price between grades in the retail package."

The Utah agreement includes a provision for "a fixed price, both in creamery and cream stations, for butterfat in relation to the Salt Lake City wholesale butter market."

The Washington and Utah agreements also include provisions for fixed spreads.

136. Oregon. Dept. of agriculture. Provisions of the Oregon butter code as approved and promulgated under the Oregon Agricultural adjustment act (Chap. 37, Oregon laws, 1933, second special session). By Max Gehlhar, Director of agriculture of the State of Oregon. Effective April 16, 1934. Marketing agreement for butter manufactured, processed or distributed within the State of Oregon (including provisions of the order of the State director of agriculture approving said agreement). 17pp., processed. [Corvallis, 1934.] 280.344 Or3

Item 1 of Schedule A, pp. 8-9, reads as follows:

"The price paid to producers for butterfat to be used in the manufacture of butter shall be fixed by free and open competition among manufacturers, but for butterfat delivered within the City of Portland shall not be less than the applicable price specified in the following schedule, and for butterfat delivered outside the City of Portland shall be not less than said schedule price less two cents to cover the cost of procurement... The aforesaid minimum prices apply to Grade A butterfat only; the minimum price for Grade B butterfat shall be one cent under the minimum price for Grade A butterfat; Grade C butterfat shall be purchased at its market value."

137. Washington (State) State college, Institute of dairying. Proceedings of the eighth annual Institute of dairying. 150pp., processed. Pullman, 1935. 44.9 W27

A discussion of the Washington state butter marketing agreement, by R. S. Miller, pp. 87-89. (Also published in Amer. Creamery and Poultry Produce Rev. 80(6): 180-181. June 12, 1935) "Our agreement fixes no prices but merely makes necessary the maintenance of minimum margins over the exchange price which are established in the regular manner of trade. We thus escape the dangers of fixed prices, occasioned by the fluctuations of supply and demand. Compliance with the marketing agreement this first year has been quite satisfactory." - p. 88.

The producer and the Washington A.A.A., by Dale Lamphier, pp. 118-120. Summarizes the benefits of the act.

Controlling prices of dairy products, by E. F. Dunmeier, pp. 148-150. "The purpose of this discussion is to evaluate to some degree the effectiveness of this control of dairy prices in Washington, and to raise some questions in regard to price-control policy."

COFFEE

138. Puerto Rico. Laws, statutes, etc. Ley [No. 255] para fijar el precio mínimo y máximo a que deberá venderse el café en Puerto Rico; para exigir ciertos deberes a los agricultores, compradores y traficantes de café en la isla; para establecer cuotas de consumo por cada finca cafetera en Puerto Rico; para conceder ciertas facultades al Comisionado de agricultura y comercio para cumplir los propósitos de esta ley; para imponer penalidades por infracciones, y para otros fines. Revista de Agricultura de Puerto Rico 30(3): 514-516. July-September 1938. 8 R325

The text of the law (approved May 15, 1938) fixing the minimum and maximum price for coffee in Puerto Rico; exacting certain duties of agriculturists, buyers and dealers of coffee on the Island; establishing consumption quotas for each coffee plantation in Puerto Rico; granting certain rights to the Commissioner of Agriculture and Commerce to comply with the provisions of this law; imposing penalties for infractions, and other purposes.

Also in Puerto Rico. Laws, statutes, etc. Acts and resolutions of the second regular session of the fourteenth legislature of Puerto Rico, pp. 480-483. San Juan, Bureau of supplies, printing, and transportation, 1938.

139. Puerto Rico. Laws, statutes, etc. López Dominques fija en 20 centavos el precio del café; la cuota de consumo de cada finca será el 65% de su producción. (Asociación de Agricultores de Puerto Rico) El Agricultor Puertorriqueño (14th year) 18(10): 10-11. October 1938. 8 Ag833

Gives the text of the proclamation entitled "Proclama sobre fijación del precio del café crudo y asignación de cuotas de consumo," which rules on the price of raw coffee, fixing it at 20 centavos a pound, and fixing the consumption quota at 65% of production. This is in accordance with the Law (255) of May 15, 1938.

140. Puerto Rico. Laws, statutes, etc. Reglamento; dictado por el Comisionado de agricultura y comercio a virtud de las disposiciones de la ley núm. 255, aprobada en 15 de mayo de 1938. (Asociación de Agricultores de Puerto Rico) El Agricultor Puertorriqueño (14th year) 18(10): 4-7, 9-10. October 1938. 8 Ag833

A ruling by the Comisionado de Agricultura y Comercio in regard to the provisions of Law 255, approved May 15, 1938, which fixed the maximum and minimum price of coffee in Puerto Rico. Rule I defines the terms used in the Ruling; II gives the provisions for determining consumption quotas; III, the duties coffee producers must fulfill in Puerto Rico; IV, duties of dealers or buyers of coffee in Puerto Rico; V, the fixing of the price at which raw coffee is to be sold in Puerto Rico; and VI, final provisions.

COTTON

141. Brown, Harry L. Address...before the National retail dry goods association, Hotel Pennsylvania, New York City, at 8 P.M. January 17, 1939. 12pp., processed. [Washington, D. C.] U. S. Dept. of agriculture. 1939. 1.9 Ag8640

Price fixing as an alternative to the present cotton program, as embodied in bills in the present Congress, is discussed briefly on pp. 9-10. These bills "would fix the price of farm products consumed in this country at the cost of production."

142. The Hefferman cotton plan. Cotton Econ. 1(1): 5, 10. Jan. 5, 1933. Folio 286.82 C824

The plan, suggested by T. M. Hefferman, states that it would enable the United States Government to guarantee "a price of raw cotton for a ten years period not below 12 cents a pound...under two fundamental prerequisites. (1) Government purchase of 8,000,000 additional bales of cotton from existing stocks, and (2) Cotton acreage control by imposing a tax of \$50.00 on every bale of lint cotton produced in excess of six bales to 25 acres of cultivated ground."

143. Louisiana farmers association. Brief in behalf of the Louisiana farmers' association of Shreveport, Louisiana. In the matter of price fixing on cotton. 13pp. [n.p., n.d.] 72 L93.

Presents information on the cost of producing cotton. The brief closes with the statement that the Association is on record as opposing the fixing of the price of cotton and that they believe that if the price is left to supply and demand the price will go above 40 cents a pound. However, if the President considers the stabilization of price to be essential, they are willing to abide by the decision, "with the full confidence that he will fix a fair and just profit above cost of production - which...[they] believe should be and will be forty cents per pound - Middling Basis."

144. The McAdoo plan for wheat and cotton. Southwest. Miller 11(5): 21, 22. Mar. 29, 1932. 298.8 S082

"Without allowing for uncertainties in the foreign demand for American wheat or the wide fluctuations in foreign prices, together with the problem of carry-overs W. G. McAdoo...proposed the fixing of minimums on domestic prices of wheat and cotton in an address before the Salesmanship Club of Houston, Texas, March 19.

"The principal points in Mr. McAdoo's address, entitled 'How to Save Our Wheat and Cotton Farmers and Revive General Prosperity,'" are given. - Note at head of article.

145. [Moore, Robert and company] Plan to enforce marketing of '38 crop is advanced. Farmers would sell cotton but be guaranteed loan price. Cotton Trade Jour. 18(39): 5. Sept. 10, 1938; Cotton Digest 10(49): 8-9. Sept. 10, 1938. 72.8 C8214; 286.82 C822

A letter to the Cotton Trade Journal in which the Ever-normal Granary Plan is criticized as unworkable and a plan presented "under which this year's crop of 12 million bales would be allowed to flow into trade channels instead of into the loan and at the same time guarantee to farmers the same advantages they would gain by placing their cotton in the loan."

146. Richards, Henry I. Cotton and the AAA. 389pp. Washington, D. C., The Brookings Institution, 1936. (The Institute of Economics of the Brookings Institution. Publication No. 66) 281.372 R39

For price pegging activities of the Federal Farm Board see pp. 16-18.

On p. 220 of the chapter on Government Cotton and Cotton Loans there is a paragraph on price-fixing features of the cotton loan policy of the Agricultural Adjustment Administration. According to this statement the cotton loan policy, officially declared a non-price-fixing scheme, tended to establish minimum and maximum prices in 1933/34 and 1934/35.

MILK - EVAPORATED - FEDERAL

147. [Evaporated milk association] Effects of evaporated milk agreement on patrons', consumers' prices. Natl. Butter & Cheese Jour. 25(9): 20, 22. May 10, 1934. 286.85 B98Bu

Results are summarized as follows: "While the evaporated milk marketing agreement has been effective but six months, its influence dates back some 11 months. Throughout this whole period, it is evident that it has definitely tended to effectuate the policy of congress set forth in the Agricultural Adjustment Act." 1. Better prices have been paid the farmer because of it. 2. Manufacturers have been able to pay prices to farmers even better than required under the...agreement for the reason that the industry is stabilized by the minimum price schedule in the agreement. 3. The margin between cost of raw milk and selling price of a case of evaporated milk under the marketing agreement is considerably less than it was during pre-war. 4. The evaporated milk industry returns to the dairy farmer exactly the same part of the sales dollar which it returned in the pre-war period, namely, 42 cents. 5. Under the marketing agreement the index of prices paid farmers for milk compared with pre-war is higher than the all-agricultural products average. The evaporated milk selling price index is 30 per cent lower than the average wholesale selling price index for all commodities. 6. Consumers' prices have not been increased as a result of operation under the agreement."

148. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement and license for evaporated milk industry. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 60. License Ser. - License no. 100, 50pp., processed. Washington, D. C., 1935, 1.94 Ad4Li

Approved May 31, 1935. Effective June 1, 1935.

Article VI in both license and marketing agreement provides for minimum prices to be paid for milk delivered to evaporated milk plant.

149. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for evaporated milk; together with the following appendix: Amendment to evaporated milk agreement approved by the Secretary of agriculture. Approved and executed...September 8, 1933, Effective date, September 9, 1933 (11:50 p.m., eastern standard time) Series 1. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement No. 7, 16pp. Washington, D. C., 1933. (Form M-4) 1.4 Ad47M

Schedule A tells how minimum prices to be paid for milk sold to plants manufacturing evaporated milk shall be calculated.

Schedule B gives maximum and minimum selling prices to wholesale distributors and commissaries.

Terminated, May 31, 1935. Amendments terminated earlier.

MILK - FLUID - FEDERAL AND STATE

150. Abele, C. A. Price stabilization in a milk marketing control program. Milk Dealer 24(11): 36, 37. August 1935. 44.8 M595
Address before the 1935 convention of the Alabama Dairy Products Association, Birmingham.
Discusses price fixing.
Other portions of this address were published in the Milk Dealer for June, September, October, 1935 with the titles, Milk Marketing Control; Functions of a Milk Marketing Control Program; and Composition of a Milk Marketing Control Board.

151. American legislators' association. Milk control legislation. 7pp., processed. Chicago, Ill., Mar. 20, 1935. 280.344 Am3
An analysis of the 15 state milk control laws in effect at that time.
See pp. 4-5 for a summary of the provisions of the various state laws which provide for control over prices and, in most cases, price fixing.

152. American municipal association. Milk control. Governmental regulation of the dairy industry in the United States. Pub. Admin. Serv. No. 57, 49pp. Chicago, Ill., 1937. 280.9 P96
Activities of the states, pp. 4-10. Price control features of the milk control boards, pp. 7-8.
Recent court decisions on milk control (1934-37), by James A. Tobey [Reprinted from Pub. Health Repts. 52: 1038-1044. 1937], pp. 46-49. Contains four paragraphs on price fixing, p. 48.

153. Baron, Rubin. Constitutionality of regulation of milk prices. St. John's Law Rev. 8(1): 82-88. December 1933. Libr. Cong. (Law Div.)

154. Bartlett, R. W. Considerations in governmental price control of dairy products. Ill. Univ., Col. Agr., Dept. Agr. Ext. Ill. Farm Econ. no. 45, pp. 22-27. February 1939. 275.28 I15
Examines the effect of price fixing upon consumption of market milk, milk production, and the use of substitute products.

155. Black, John Donald. The dairy industry and the AAA. 520pp. Washington, D. C., The Brookings Institution, 1935. (The Institute of Economics of the Brookings Institution. Publication No. 64) 281.344 B56
The Applications of Control (alternatives in milk price control, the legal basis of price fixing, public price determination, resale prices, control of distribution of returns to producers, etc.), ch. X, pp. 269-310.
The State Milk Control Boards, ch. XI, pp. 311-349. Analysis of certain of the state milk control acts and of the experiences of the boards administering them. The main features of four other state milk control acts are described in Appendix F, pp. 502-503. Most of these acts contained price fixing features.

Excerpts from 1935 amendments to the Agricultural Adjustment Act are given in Appendix G. Amendments relating to milk and its products are given on pp. 505-508.

See also the index under the subject Prices of dairy products, subheads, "fixed", "fixing", and "resale prices".

156. Black, John Donald. Objective and methods of the Agricultural adjustment administration and the state control boards, from an economist's point of view. pp. 57-87. [n.p. 1934]. Reprint Coll.

"Reprinted from the proceedings of the 27th annual convention of the International Association of Milk Dealers."

157. Black, John Donald. Some economic premises of milk regulation. 12pp., processed. [New Brunswick, N. J., 1937]. Pam. Coll.

"Paper read before the Institute of Rural Economics, Extension Service, New Jersey State College of Agriculture and Agricultural Experiment Stations, Rutgers University, New Brunswick, N. J., February 15, 1937."

158. Bronson, W. H. Problems of milk marketing regulation. With discussion by J. Ll. Davies, C. G. McBride, and Ruth Cohen. Internat'l. Conf. Agr. Econ. Proc. (1936) 4: 297-321. London, Oxford University press, Humphrey Milford. 1937. 281.9 In82

Attention is called to the operation of the Metropolitan Boston market for three years under a Federal Milk Marketing Order under the Agricultural Adjustment Administration which fixed the prices distributors should pay for milk, until the suspension of the Order by a Federal district judge.

"In the secondary markets State Milk Control Boards operate. Most of these Boards establish both the producer price to be paid for milk and also the prices below which milk shall not be sold to the consumer. Owing to the inter-state nature of most of these secondary markets the enforcement of producer prices has not been satisfactory. The fixing of prices to consumers has been satisfactory as far as retail and store milk is concerned, but has not operated satisfactorily in the wholesale trade."

Light is thrown on the method of milk marketing regulation in Great Britain by J. Ll. Davies. The Milk Marketing Board, set up by the producers, under the authority of the Agricultural Marketing Act, 1931, controls all sales of milk in England and Wales. Results are discussed. Reference is made to the separate boards in Scotland and Northern Ireland.

Brief reference is made to government milk control in Ohio, by C. G. McBride. There price stabilization is said to have been attained, and a plan to introduce a more rigid type of control defeated.

159. Bryan, G. W., and Gayle, R. H. Power of the state to regulate and fix prices. Univ. S. C., Selden Soc. Year Book 2: 29-36. January 1938. Libr. Cong. (Law. Div.)

Not examined.

160. Butz, Verlo. Figures spike arguments against milk control. *Prairie Farmer* 111(8): 12. Apr. 22, 1939. 6 P883B
Answers the question as to whether or not a state milk control law in Illinois will increase the price of milk to the consumer by showing that milk control has not raised the price of milk to consumers in Indiana and Wisconsin.

161. Cadwallader, Richard C. Government and its relationship to price standards in the milk industry. *Minn. Law Rev.* 22(6): 789-835. May 1938. Libr. Cong. (Law Div.)
The purpose of this article is to examine and evaluate the "legal and economic problems in the light of the history of the milk industry, and to consider critically some tentative hypotheses." - p. 790.
Contents: I. Integration and governmental regulation (early aspects, United States Food Administration, post-war period, Agricultural Adjustment Administration, State control, present conditions); II. The anti-trust laws in action; III. Proposals; IV. Self-determination; V. Conclusions.

162. Call, Thela F. Legislative control of the milk industry. *George Washington Law Rev.* 3: 494-506. 1934-1935. 274.008 G29
Includes many footnote citations to the laws and cases referred to.

163. Canned milk use increases under price fixing law. Producers, consumers show growing concern. *Chicago Tribune*, Mar. 2, 1939. (Reproduced in Photostat Press Serv. no. 202, Mar. 6, 1939)
"A study of government control operations shows that raising farm prices through price fixing has a tendency to increase production. The increase is being reflected in the record production figures in this country last year. Increasing prices to consumers through price fixing is discouraging the consumption of fluid milk, and encouraging consumers to use more and more evaporated milk and other lower priced milk products."

164. Cassels, John M. The fluid-milk program of the Agricultural adjustment administration. *Jour. Polit. Econ.* 43(4): 482-505. August 1935. 280.8 J82
The fluid milk marketing program is stated to be based on the same principle of discriminative marketing as are the programs for wheat, cotton, and other export commodities. It differs from the others in four important respects, one of which is the following: "It is put into effect not through the imposition of a processing tax but through direct price-fixing provisions contained in marketing agreements and federal licenses." The effects of the price-raising methods used in this program are analyzed in the present paper. The determination of prices is dealt with on pp. 483-497.

165. Clark, Neil M. Farming as a public utility. Some drawbacks for New Deal agriculturists to think about. *Pub. Utilities Fortnightly* 13(9): 499-510. Apr. 26, 1934. Libr. Cong. (Law Div.)

Examines the probable results of a policy of treating farming as a public utility, particularly in the milk industry.

166. Coatsworth, J. W. Milk marketing as a public utility. Coop. Marketing Jour. 7(2): 44-46. March-April 1933. 280.28 C7824
Calls attention to the fixing of the purchase and resale price of milk in Winnipeg and the attempts of Wisconsin, Los Angeles, and Minnesota at price control; and discusses the difficulties involved in price control and the probable effect of public utility control on cooperatives.

167. Connecticut. Milk administration. Brief summary of information concerning State milk control agencies, October 31, 1936. 8pp., processed. [Hartford] 1936. Pam. Coll.
Most of the State control acts described provide for the setting of prices by the boards.

168. Corbett, R. B. Milk control experience - results and problems of federal and state regulation. Jour. Farm Econ. 17(1): 109-121. February 1935. 280.8 J822
The writer deals with milk control experience from the legal, administrative, and economic points of view. Under "legal experience" he discusses court cases, some of which relate to price fixing.
Discussion by H. B. Steele and H. P. Young, pp. 121-132. Price fixing by the control boards is discussed by both men.
The outlook for future developments in milk control is discussed by E. W. Gaumnitz (pp. 133-139), Wesley H. Bronson (pp. 140-143), M. C. Bond (pp. 144-148), and H. C. Grant (pp. 149-152), in four separate articles in this same issue of the Journal.

169. Council of state governments. Milk control hearing called jointly by the New York, New Jersey, and Pennsylvania commissions and committees on interstate cooperation, New York city...February 1, 1936. 17pp., processed. [Chicago?] 1936. 280.344 C83
John A. Byrnes, chairman.
Testimony for and against price fixing was presented.

170. Culver, Mrs. Dorothy (Campbell). An analysis of state milk control laws. Calif. Univ., Bur. Pub. Admin. 1937 Legislative Problems No. 1, 25pp., processed. [Berkeley] Jan. 4, 1937. 280 C1222
"Milk production and marketing have become a subject of legislation due to the economic conditions of the country in general and of the farmer in particular. Between 1933-1936, 21 states enacted emergency measures which authorized the establishment of control boards for the milk industry. The purpose of most of these laws has been to insure a stable supply of milk at prices fair to consumer and producer." - Introductory paragraphs.
The provisions of the acts relating to prices are analyzed on pp. 12-15. "All the state boards are empowered to control prices:

minimum prices paid to producers and wholesale or retail prices charged consumers. In some cases the boards are required to fix certain prices; in others, the boards may fix prices if it is deemed necessary (Table III).". - p. 12. States listed in the table are Alabama, California, Connecticut, Florida, Indiana, Maryland, Massachusetts, Montana, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, and Wisconsin.

171. Davis, I. G. An economic appraisal of public milk control. *New England Inst. Coop. Proc.* (1933)7: 30-36, processed. 280.29 N44
Various aspects of price fixing are discussed on pp. 31-33. The writer concludes this section as follows: "To summarize my remarks on this point we may say that milk control boards face the problem of maintaining fair price schedules and holding cut-throat competition in restraint with a minimum of rigid price-fixing, with a maximum of cooperation from producers' cooperative organizations and trade associations of producers in the industry."

172. Duane, Morris. The new deal in court [with a digest of decisions]. 93pp. Philadelphia, Pa., G. T. Bisel company, 1935. Libr. Cong. (HCl06.3.D75)
Milk marketing agreements under the Agricultural Adjustment Act: their contents and constitutionality [reprinted from the December, 1933, issue of the University of Pennsylvania Law Review] pp. 51-78. Addenda no. 1, pp. 79-81.
Nebbia v. people: a milestone [reprinted from the April, 1934, issue of the University of Pennsylvania Law Review] pp. 82-89.
Addenda No. II, pp. 90-93. Comment on Supreme Court decisions in the Hegeenan Farms and the Bordens Farm Products Co. cases.

173. Duryee, William B. Government in the milk business. *Milk Dealer* 24(1): 38-39; (2): 41-43; (3): 37-38. October-December 1934. 44.8 M595
A series of three articles on "the problem of government in the milk business, what it has done in the past and why, what it is now, and what it might possibly be in the future."
The price fixing activities of the state milk control boards and the Agricultural Adjustment Administration and the decision in the *Nebbia* case are discussed on pp. 41-42 of the November issue.

174. Duryee, William B., McCrea, Vera, Eastlack, J. O., and Rolfe, Homer S. Milk a public utility? *Amer. Produce Rev.* 86(4): 110-115, 124. May 25, 1938. 286.85 N482
A symposium of articles originally broadcast over Station WBIL, and Station WMCA. All articles are unfavorable to the question of making milk a public utility. Mr. Duryee raises and answers three questions in his article: "1. What is meant by a public-utility

status? 2. Whose influence would be most important in fixing prices under public-utility control? 3. Who will benefit most by public utility control - producers, consumers, distributors?" Miss McCrea makes the point that price fixing of milk by the New York State Milk Control Board was found to be "completely unworkable because of the fact that milk comes into the New York market from seven states, and the market itself covers three states." Complications "made enforcement impossible and finally necessitated the repeal of the law."

175. Fleischer, Mark I. Against milk control. Inability to control makes the law a fallacy. Amer. Creamery and Poultry Produce Rev. 82(20): 658. Sept. 16, 1936. 286.85 N482

176. Frank, Jerome N., Bachrach, Arthur C., and Abt, John J. Survey of AAA litigation during year 1934. U. S. Law Week 2(15): 305-306, 324. Dec. 11, 1934. 274.008 Un32
The writers "state results of the litigation, discuss its relation to government's program, and summarize the decision in each case." Eleven milk license cases are included in this survey.

177. Gaumnitz, E. W. One year of the AAA. The dairy side of the picture. In Institute of rural economics, Rutgers university. Viewpoints on economic and social issues and their relation to rural life. Lectures and discussions, pp. 57-59. New Brunswick, N. J., 1935. 280.9 In79
Reviews, briefly, marketing agreements and licenses for dairy products under the Agricultural Adjustment Act.

178. Gaumnitz, E. W., and Reed, O. M. Some problems involved in establishing milk prices. 227pp., illus. Washington, D. C., U. S. Dept. of agriculture, Agricultural adjustment administration, Division of marketing and marketing agreements, Dairy section, 1937. 1.4 Ad47D
Some Problems of Public Policy in Regard to the Milk Trade, ch. 7, pp. 158-191. See particularly pp. 177-178, Possible accomplishments of present regulatory measures in improving conditions in the milk trade.

179. Gray, Horace M. Should the distribution of milk be a public utility? In Illinois. Agricultural experiment station, Dept. of agricultural economics. Dairy marketing problems discussed at Farm and home week, University of Illinois, January 16, 1935, pp. 13-18, processed. Urbana, 1935. 280.344 I16
The writer discusses the following questions: "1. Can the distribution of milk legally be declared a public utility and treated as such? 2. Is there sufficient economic and social justification for treating it as a public utility? 3. If it were so treated, what would be the economic consequences? 4. Is it publicly desirable that this business be classed as a public utility?"

The author is very dubious of the proposal to declare milk a public utility, although he believes "that such a course can be justified theoretically on legal, economic and social grounds." Because public utility regulation in railroads and state regulation of other public utilities has not been satisfactory and because the Supreme Court, "by its narrow, legalistic interpretation of the Fourteenth Amendment has placed insurmountable obstacles in the path of state regulation of public utilities" the writer thinks "there is little reason to believe that regulation of milk distribution as a public utility would be any more effective than similar efforts in other businesses."

180. Hall, Reuben. Public regulation of the milk industry. Amer. Inst. Coop. Amer. Coop. (1933)9: 324-334. Washington, D. C., 1934. 280.29 Am3A

Public utility and price fixing regulation, pp. 326-334. In conclusion, the writer states that he is satisfied that legislation declaring milk a public utility, "whether state or federal, unless it proves a medium and a rule whereby each qualified producer in any given milk shed shall be assured of his equitable share of the fluid milk market and be required to bear his equitable proportion of the excess above the fluid milk requirements of that market, will fail to accomplish its purpose."

181. Hays, Elmer D. The legal status of milk control by the Agricultural adjustment administration. 7pp., processed. [Washington, D. C., U. S. Dept. of agriculture, Agricultural adjustment administration, 1935] 1.94 D14Le

Talk given at the Northeastern Dairy Conference meeting, Boston, Mass., June 25, 1935.

182. Hood, Robin. Has the milk plan turned sour. Coop. Marketing Jour. 8(1): 9-12. January-February 1934. 280.28 C7824

Discusses the differences of the Agricultural Adjustment Administration and the dairy cooperatives over the dairy policies of the former. Secretary Wallace's statement stating that he would enforce producers' prices but not resale milk prices caused much criticism among cooperatives.

183. Horack, Frank E., Jr., and Cohen, Julius. After the Nebbia case: the administration of price regulation. Univ. Cincinnati Law Rev. 8(3): 219-249. May 1934. Libr. Cong. (Law Div.)

Discusses early regulation of the milk industry, recent developments - price regulation, and administrative determination of fair price (1. production cost, 2. transportation, 3. health regulations, 4. competition and bargaining power). Conclusions are given on pp. 245-249.

183a. International conference of agricultural economists, Special group meeting on milk marketing regulation. Report. Internat'l. Conf. Agr. Econ. Proc. (1934)3: 465-475. London, Oxford university press, H. Milford, 1935. 281.9 In82

M. C. Bond reported on the federal milk marketing agreements and the state milk control boards on pp. 465-468.

184. Jenks, T. E. Price regulation under state law. Amer. Bar Assoc. Jour. 20(3): 173-176. March 1934. Reprint. Coll. Reviews price regulation of milk under State laws of Connecticut, New Jersey, Vermont, Wisconsin, Ohio, and Florida, and Canada, and discusses their constitutional difficulties.

185. Kirby, Amos. State milk control boards. Farm Jour. 58(10): 5, 13. October 1934. 6 F2212 The pros and cons of state regulation of the dairy industry are considered. "The most outstanding accomplishment of the milk control board legislation has been the placing of a bottom under the industry." The various milk control board acts were due to expire during 1935 and 1936. "Price fixing, however, is already cut. The future of the dairy industry is again going to be returned to the producer and the distributor subject to the supervision of state and federal regulation."

186. Lauterbach, A. H. Marketing agreements for dairy products. Jour. Farm Econ. 17(2): 357-367. May 1935. 280.8 J822 Discussion by W. A. Wentworth, pp. 362-367. Mr. Wentworth points out the interdependence of fluid milk prices and prices of the finished product and argues for the inclusion in the new agreement of minimum prices on finished goods as well as minimum prices to producers.

187. Lipinger, Fred Fonse. Dairy products under the Agricultural adjustment act. Brookings Inst. Pamph. Ser. No. 13, 99pp. Washington, D. C., 1934. 280.9 B79 "This is the second pamphlet in a series issued by the Institute of Economics as a preliminary product of its 'Concurrent Study of the Operation of the Agricultural Adjustment Act.'" It is limited to "a narrative and descriptive statement of events." - Director's preface. See particularly the following chapters: IV. Fluid Milk Agreements in 1933; V. Licenses and Enforcement; VI. National Agreements; IX. Recent Changes in Policy.

188. McMillen, Wheeler. Milk...a public utility. Country Home 58(2): 10-11, 33, 34, 35, 39. February 1934. 6 F22 The author considers the question of milk as a public utility and points out that the farmers, the distributors, the manufacturers, and the consumers would be affected if public utility regulation were adopted. "An experiment with this new idea, public utility control of milk, has been going on since September, 1932, in Winnipeg, the capital of Manitoba." Following this statement a description of the Winnipeg experiment is given. "The impression that the inquiring visitor brings away is that no single interest involved is entirely pleased with the experiment,

nor yet entirely opposed to it. Not even the distributors find the plan wholly evil...The farmers,...are better pleased than the distributors. They are breaking even where before they were losing heavily."

189. Malott, Deane W. Problems in agricultural marketing. Ed. 1, 410pp. New York and London, McGraw-Hill book company, inc., 1938. 280.3 M29
Selected references, pp. 403-404.
Readings at end of chapters.
The milk industry and Federal control. Fluid milk marketing agreements, licenses, and orders, pp. 385-391.

190. Manley, Henry S. Constitutionality of regulating milk as a public utility. Cornell Law Quart. 18(3): 410-419. April 1933. Pam. Coll. (Milk)
This paper takes up "the question whether the due process clauses of the State and Federal constitutions will permit milk to be made a public utility."
In his concluding paragraphs the writer calls attention to three attempts along the line of making milk a public utility: an ordinance passed by the city of Portland, Oreg., "requiring milk dealers to file their prices with the city auditor, and to file all changes in price seventeen days before they should be effective"; the establishing of milk prices in the Winnipeg, Canada, area by an order of the Manitoba Public Utilities Board on Sept. 2, 1932; the fixing of milk prices in Milwaukee, Wis., by an order of the commissioners of agriculture and markets of Wisconsin, dated Dec. 27, 1932.

191. Middle states conference on milk control, Trenton, N. J., 1935. Proceedings...December 9 and 10, 1935, Trenton, N. J. 193pp., processed. [Trenton? N. J., 1935?] 280.3449 M58
Partial contents: Legal status of state milk control, by Henry S. Manley, pp. 4-11 [legal status of New York Milk Control Law]; How far can milk control be decentralized? by J. S. Agnew, pp. 17-21 [discusses Virginia situation particularly]; The situation in Ohio milk control, by C. G. McBride, pp. 24-31; Some facts concerning milk control in Canada, by M. H. Hudon, pp. 93-101; A program for joint action by control agencies and cooperative associations, by A. H. Lauterbach, pp. 142-147; Is price fixing an essential factor in future milk control? by L. B. Burk, pp. 163-170.

192. Mortenson, W. P. Distribution of milk under public utility regulation. Amer. Econ. Rev. 26(1): 23-40. March 1936. 280.8 Am32
"Why more than half the consumers' milk dollar should go for the services of processing and distribution is a query which has prompted much discussion, not only among milk producers and consumers, but among those engaged in marketing research as well. If the profits and salaries of milk dealers were reduced to a minimum through public control, the savings would be insufficient to enhance the farm price of milk, or to lower the price to the consumer by an amount sufficient to satisfy either group."

"Of the many perplexing problems which have faced the Agricultural Adjustment Administration, that of the fluid milk industry has been, and still is, among the most baffling. Past experiences in public control of milk, both economic and legal, suggest that, while absolute control will not be welcomed by producers, the untrammeled freedom of action of the past must be curbed to serve the best interests of society. Control likely will become one of degree, added restrictions being incorporated, as they seem to become essential in particular markets or market areas." - p. 23.

Several studies of distributors' margins are quoted from in this paper.

Legal and economic features of public control, pp. 35-40.
Nebbia case, pp. 35-37.

193. Palmer, Jesse T. Pegged prices hurt domestic delivery of milk. Milk Plant Monthly 24(12): 47. December 1935. 44.8 C864

"Artificially high retail prices of whole milk in addition to causing increased consumption of canned milk and tending to reduce sales of whole milk, also encourage new distributing agencies to enter a market." Chicago is said to be one of the best examples of the above statement during the period October 1933 to June 1935. Connecticut is also "another example of where new distributing agencies have entered the markets as a result of retail prices of milk maintained at artificially high levels."

194. Pearson, F. A. Principles involved in fixing the price of milk. Jour. Farm Econ. 1(3): 89-96. October 1919. 280.8 J822

"Paper read before the American Farm Management Association at Baltimore, Maryland, January, 1919."

195. Phillips, Charles Franklin. Marketing. 781pp. Boston, New York [etc.] Houghton Mifflin company [1938] 280.3 P542

Bibliography, pp. 731-763.

Chapter XXIV, Government Control of Marketing, contains a brief section, pp. 708-711, on marketing agreements in the dairy industry.

196. Polkoff, Harry. Powers and limitations of public milk control authorities. Amer. Inst. Coop. Amer. Coop. (1938)14: 286-294. Washington, D. C., 1938. 280.29 Am3A

Subtopics: Factual basis of powers defined; definite field exists for co-ops and control; economic emergencies create no new power; arbitration usually an empty power; all farmers benefit by the accounting function; questions raised on constitutional limitations; effect of prescribing minimum prices; reasonable return raises another question; reasonable return must bulk all uses; milk control may effect efficiencies; control may be invoked to force economies; powers and limitations correlative.

197. Reid, Margaret G. Consumers and the market. 584pp. New York, F. S. Crofts & co., 1938. 280.3 R27
Selected bibliography and suggestive questions and problems, pp. 554-569.
The regulation of milk prices, particularly by state milk control boards, is discussed on pp. 492-495.

198. Some constitutional problems arising out of federal and state control of milk. Columbia Law Rev. 34: 1336-1347. November 1934. Libr. Cong. (Law Div.)
Not examined.

199. Spencer, Leland. The changing picture of fluid milk marketing. Cornell Univ., N. Y. State Col. Agr., Dept. Agr. Econ. and Farm Mangt. A. E. 143, 8pp., 7pp. of tables, processed. Ithaca. 1936
"LS-36:386."
Federal and state regulation, including price fixing, is discussed on pp. 6-7. Difficulties experienced in public control of milk prices, which has not been entirely satisfactory, are pointed out. In spite of demands for discontinuance of the experiments it is not thought that "new forms of control will be abandoned altogether." "It will not be surprising...if the emergency milk control legislation should be revamped in such a way that a commission or board is authorized to act as a fact-finding agency, also as referee or umpire in price negotiations between organized producers and dealers."

200. Spencer, Leland. Future of milk control. Amer. Creamery and Poultry Produce Rev. 79(21): 768-770, 772-773. Mar. 27, 1935. 286.85 N482
"Address at Farm and Home Week, New York State College of Agriculture, New York, February 12, 1935."
Reviews the operation of Federal and state milk control programs "as a basis for suggesting certain changes which might be beneficial."

201. Spencer, Leland. Price fixing and production control. Amer. Agr. 134 (13): 429. June 19, 1937. 6 Am3
The point which the writer makes is "that arbitrary lifting of returns for milk through price fixing by public authority or otherwise, is impossible without complete and effective control of production; and even if such control were desired, it is only to be found 'at the end of a long hard row.'"

202. Spencer, Leland. The role of public authorities in regulating milk prices. Amer. Agr. 134(14): 455. July 3, 1937. 6 Am3
"The demand for arbitrary price fixing by government boards or officials has been fading out."

203. Spencer, Leland. State and federal control of the fluid milk industry. New Eng. Inst. Coop. Proc. (1933)7: 23-29, processed. 1933.
280.29 N44

Discusses the New York situation which led up to the recommendation for a milk control board whose powers should include price fixing; gives briefly the provisions of milk control legislation in New York, New Jersey, Connecticut, Ohio, and Manitoba, and the provisions of the Agricultural Adjustment Act; and discusses problems confronting regulatory bodies. One of the problems is stated to be the effect of price fixing on demand, supply, and the distributors' profits.

204. Steele, H. B. Effect of state milk control on dairy cooperatives. Amer. Inst. Coop. Amer. Coop. (1937)13: 430-436. Washington, D. C., 1937. 280.29 Am3A

Discusses the effects of state milk control upon dairy cooperatives in Ohio, New York, and Pennsylvania. The effect of price regulation in Pennsylvania is particularly discussed.

205. Taylor, George R., Burtis, Edgar L., and Waugh, Frederick V. Barriers to internal trade in farm products. A special report to the Secretary of agriculture. 104pp. Washington, D. C., U. S. Dept. of agriculture, Bureau of agricultural economics, March 1939. 1 Ec7Ba
The threat of the state milk control boards to interstate commerce, particularly through their price control activities, is discussed on pp. 14-16.

206. Till, Irene. Milk - the politics of an industry. In Hamilton, Walton, and others. Price and price policies, pp. 431-524. New York and London, McGraw-Hill book company, inc., 1938. 284.3 H182

See section entitled "Reenter the state", pp. 497-510. This section is concerned with milk control under the Agricultural Adjustment Act and the milk control boards of the states, particularly the suits brought in connection with the price fixing powers of the boards.

207. Tobey, James Abner. Federal and state control of milk prices. 42pp. Chicago, Ill., International association of milk dealers, 1937. 284.344 T55

"In this book an endeavor has been made to present a factual and impartial review of the constitutional status of laws fixing prices and regulating the production and distribution of milk, as shown by the numerous court decisions that had been reported in the federal and state courts at the beginning of 1937.

"No attempt has been made...to discuss the philosophy of this subject, which has been a matter of considerable controversy." - Preface.

The three chapters of this book review Federal control of milk and milk prices under the Agricultural Adjustment Act, the New York State Milk Control Act and the *Nebbia* case and other U. S. Supreme Court and State court decisions, and milk control laws in other States.

A table of cases in both Federal and State courts is given on pp. 29-41.

208. Treitelman, S. A. Is the milk business affected with a public interest? Law Jour. of the Student Bar Assoc., Ohio State Univ. 1: 29-33. January 1935. Libr. Cong. (Law Div.) Not examined.

209. U. S. Dept. of agriculture, Agricultural adjustment administration. Agricultural marketing programs. Provisions of the Agricultural marketing agreement act of 1937. 10pp. Washington, D. C., 1937. (Marketing Information Ser. MI-1) 1.4 Ad47Mi
For price fixing provisions in the Act which apply only to milk see pp. 6-8.

210. U. S. Dept. of agriculture, Agricultural adjustment administration. Commodity information series, Milk leaflet no. 1-5. [Washington, D. C.] January 1935. 1.4 D14M1
A series of leaflets telling how the milk licenses operate in Atlanta (Leaflet no. 1), Dubuque (No. 2), Detroit (No. 3), Grand Rapids (No. 4), and Arizona (No. 5).
Each license "sets minimum prices to be paid to producers by distributors", but "does not set up resale prices to be charged consumers of milk."

211. U. S. Dept. of agriculture, Agricultural adjustment administration. Economic brief with respect to the proposed milk marketing agreement and proposed order [for certain marketing areas] Processed. Washington, D. C. 1936-1938. (Paper no. 1-18, Series on Marketing Agreements and Orders) 1.94 D14Pap
Each one of these briefs deals with a different market. One of the methods by which it was proposed to accomplish the purpose of each agreement and order was by the fixing of minimum prices to producers. In each of the briefs the proposed minimum prices are stated and conclusions relative to the proposed prices are usually given.
Contents:
Paper No. 1: Greater Boston marketing area. By P. L. Miller and O. M. Reed. 1935.
Paper No. 2: Fall River, Massachusetts area. By O. L. Miller, O. M. Reed, and E. E. Warner. Feb. 14, 1936.
Paper No. 3: San Diego, California. By O. H. Hoffman, Jr. Feb. 26, 1936.
Paper No. 4: not issued.
Paper No. 5: not issued.
Paper No. 6: Kansas City, Missouri. By P. L. Miller and H. L. Forest. Apr. 2, 1936.
Paper No. 7: Topeka, Kans. By P. L. Miller and Henry I. Richards. Apr. 11, 1936.
Paper No. 8: Dubuque, Iowa. By P. L. Miller and Henry I. Richards. June 1936.
Paper No. 9: District of Columbia. By P. L. Miller, W. P. Sadler, and H. L. Forest. June 30, 1936.

Paper No. 10: Fort Wayne, Indiana. By P. L. Miller, Wayne F. Caskey, and Andy W. Colebank. July 22, 1936.

Paper No. 11: Philadelphia, Pennsylvania. By P. L. Miller and E. E. Warner. Oct. 23, 1936.

Paper No. 12: Greater Boston, Massachusetts. By O. M. Reed, H. L. Forest, J. R. Hanson, and P. L. Miller. June 24, 1937.

Paper No. 13: Louisville, Ky. By H. L. Forest, J. R. Hanson, and W. P. Sadler. June 1937.

Paper No. 14: La Porte County, Indiana. By H. L. Forest, J. R. Hanson, and W. P. Sadler. June 1937.

Paper No. 15: Fall River, Massachusetts. By A. W. Colebank and P. L. Miller. June 1937.

Paper No. 16: Cincinnati, Ohio. By J. R. Hanson and P. L. Miller. October 1937.

Paper No. 17: St. Louis, Missouri. By P. L. Miller, H. I. Richards, and W. G. Sullivan. November 1937.

Paper No. 18: Philadelphia milk market. March 1938.

212. U. S. Laws, statutes, etc. [Public - no. 320 - 74th Congress] [H.R. 8492] An act to amend the Agricultural adjustment act, and for other purposes. 48pp. [Washington, D. C., U. S. Govt. print. off., 1935]

This act was approved Aug. 24, 1935 and may be cited as the "Potato Act of 1935."

See pp. 4-12 for Section 8c. which is the new section added to the Agricultural Adjustment Act after striking out section 8(3). See paragraph 5 for provisions for fixing the minimum price of milk to producers.

213. U. S. Laws, statutes, etc. [Public - no. 137 - 75th Congress] [Chapter 296 - 1st session] [H.R. 5722] An act to reenact and amend provisions of the Agricultural adjustment act, as amended, relating to marketing agreements and orders. 4pp. [Washington, D. C., U. S. Govt. print. off., 1937]

This act was approved June 3, 1937 and may be cited as the "Agricultural Marketing Agreement Act of 1937."

See paragraph on p. 2 for an amendment to Section 8c relating to fixing the minimum prices to be paid producers or associations of producers for milk.

214. U. S. National emergency council, Consumers division. State milk control boards. 6pp., processed. [Washington, D. C., Dec. 1, 1934] 173.2 N212St

An informational bulletin issued for the county consumers councils which gives answers to questions on the milk control boards. The question - what control are milk control boards given over prices? - is answered on pp. 3-4.

215. W., J. P. Constitutional law - scope of the licensing power of the Secretary of agriculture under the A.A.A. Georgetown Law Jour. 23(2): 322-326. January 1935. Libr. Cong. (Law Div.)
Comment on the Royal Farms Dairy case (Maryland), the Neuendorf case (Iowa), the Greenwood Dairy Farms case (Indiana), and other milk license cases.

216. Wallace, Henry A. The dairy dilemma. Address...at Farm and home week, Wisconsin College of agriculture, Madison, Wisconsin, January 31, 1934, at 11 a.m., C.S.T. 24pp., precessed. [Washington, U. S. Dept. of agriculture] 1934. 1.9 Ag8636
Also issued in February 1934 by the Agricultural Adjustment Administration as "G-7." (1.4 Ad4Ge)
Discusses the dairy problem, including the new policy governing the milk marketing agreements "in which we declare it our first and principal concern to fix prices for milk producers at the highest level that is enforceable and economically sound, leaving the price to the consumer subject to competition."

217. Weinstein, Samuel B. Summary of present legal opinions of milk control legislation. Milk Dealer 26(12): 43, 92-97. September 1937. 44.8 M595
"Paper presented at the third annual convention of the National Association of Milk Control Boards in Portland, Ore., August 5, 6 and 7."
Includes summaries of price-fixing decisions beginning with the decision in the Nebbia case.

218. Wilcox, F. R. The Federal marketing agreement program. Amer. Inst. Coop. Amer. Coop. (1938)14: 184-194. Washington, D. C., 1938. 280.29 Am3A
For discussion of the milk marketing agreements see pp. 189-193.

MILK - FLUID - ALABAMA

219. U. S. Dept. of agriculture, Agricultural adjustment administration. Alabama state milk control act. U. S. Dept. Agr., Agr. Adjustment Admin., Dairy Sect. Paper No. 2, Series on State milk control acts, 9pp., processed. Washington, D. C., Jan. 6, 1937. 1.94 D14Ps
"One of a series of papers designed to make available in a condensed and convenient form, information concerning State milk control acts, the type of regulations issued thereunder, and, in general, the legal developments in connection with their administration and enforcement."
The Milk Control Act described is No. 163, General Laws of 1935, approved July 9, 1935. "The emergency period, during which the act shall apply, ends June 30, 1939."
Provisions in regard to price regulation, pp. 4-5. The Milk Control Board may fix minimum prices to be paid producers and minimum or maximum wholesale or retail prices.

MILK - FLUID - ARIZONA

220. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Phoenix, Arizona, sales area, with exhibits. Exhibit A, Schedule of unfair trade practices and minimum resale prices. U. S. Dept. Agr., Agr. Adjustment Admin., License Ser. - License No. 91, 18pp., processed. Washington, D. C., 1934. (Docket No. 205) 1.94 Ad4Li
Issued, Nov. 3, 1934; Effective date Nov. 10, 1934.
Article V, Prices to distributors and conditions of sale, pp. 7-8.
Amended License for Milk, Phoenix, Arizona, Sales Area, issued Aug. 15, 1935.
Terminated Sept. 30, 1936.

221. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Tucson, Arizona, sales area. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License No. 99, 16pp., processed. Washington, D. C., 1935. 1.94 Ad4Li
Issued Apr. 3, 1935. Effective date Apr. 16, 1935. Terminated Oct. 1, 1936.
Article V, Prices to distributors and conditions of sales, pp. 7-8.

MILK - FLUID - CALIFORNIA

222. California. Dept. of agriculture. General order no. 27, 28, 38, 44-45, 47. 6 nos. Sacramento, 1937-1938. 281.010 C122
These orders were issued by the Director of Agriculture of the state, "pursuant to the provisions of Chapter 10, Division IV, of the Agricultural Code as amended by the Fifty-second session of the California legislature."
Contents:
No. 27: Amended stabilization and marketing plan for fluid milk, San Francisco marketing area. 12pp. 1937. Prices to be paid by distributors for fluid milk, f.o.b. distributors' plants, pp. 7-8.
No. 28: Amended stabilization and marketing plan for fluid milk, Alameda County marketing area. 13pp. 1937. Prices to be paid by distributors for fluid milk, f.o.b. distributors' plants, pp. 7-8.
No. 38: Findings and order for the establishment of minimum wholesale and minimum retail prices for fluid milk for the Alameda County marketing area. 8pp. 1938.
No. 44: Amendment to the amended stabilization and marketing plan for fluid milk, San Francisco marketing area. 5pp. 1938.
No. 45: Amendment to the amended stabilization and marketing plan for fluid milk, Alameda County marketing area. 5pp. 1938.
No. 47: Amended stabilization and marketing plan for fluid milk, Sacramento marketing area. 13pp. 1938. Prices to be paid by distributors for fluid milk, f.o.b. distributors' plants, pp. 7-8.

223. [California. Dept. of agriculture, Division of markets.] Milk marketing under California law. (Extracts from an official statement prepared by the Division of markets, State Department of agriculture) Pacific Rural Press 135(11): 308. Mar. 12, 1938. 6 Pl12
Minimum wholesale and minimum retail price programs for milk in Oakland and Los Angeles went into effect on Feb. 1, 1938. A cost survey in each market was made before the prices were fixed. A table is given showing comparative costs and prices in ten different markets, including Los Angeles.

224. California. Laws, statutes, etc. Extracts from the Agricultural code of California pertaining to general provisions and stabilization and marketing of fluid milk and fluid cream. (Revised to August 27, 1937.) 21pp. Sacramento, Dept. of agriculture, Division of markets, 1938. 280.344 C123
Article 2, Stabilization and marketing plans, pp. 9-12. Includes provisions for the payment of minimum prices to producers for milk and cream.
Article 2a, pp. 12-16, provides for minimum wholesale and retail prices.

225. California. Laws, statutes, etc. Summary of bills pertaining to agriculture as introduced to January 23, 1937 in the 52nd session, California Legislature. Compiled by Agricultural council of California. 100pp. Sacramento, Calif., 1937. 30.5 Ag8
See pp. 62-63 for several milk control bills which include the fixing of prices.

226. Claudio, H. G. The economic angle of dairy control legislation and the plan for stabilization and marketing of fluid milk. West. States Grower 19(9): 3-5. November 1935. 280.8 W52
Includes the text of the Stabilization and Marketing Plan for Fluid Milk, San Francisco, Calif., marketing area, set up under the Young Act of June 1, 1935. Under this plan minimum prices to be paid producers are established in Article III of the plan.

227. [Digest of opinion in case of Berdie et al. v. Kurtz et al; C.C.A. 9, No. 7657, Mar. 4, 1935. (Wilbur, C. J.), milk license for Los Angeles sales area.] U. S. Law Week 2(29): 666. Mar. 19, 1935. 274.008 Un32
"The milk license issued by the Secretary of Agriculture for the Los Angeles Sales Area under Section 8(3) of the Agricultural Adjustment Act is void in so far as applicable to milk and cream produced in California and sold to consumers therein, since the milk and cream are not handled 'in the current of interstate or foreign commerce' within the meaning of the statute."

228. [Digest of opinion in case of Calif. Sup. Ct. (Seawell, J.); in re Willing, Jan. 18, 1939.] U. S. Law Week 6(23, sec. 1): 760-761. Feb. 7, 1939. 274.008 Un32

Holds that Section 737.5 of the California Agricultural Code which provides for stabilization and marketing of fluid milk and fluid cream is constitutional.

229. Macklin, Theodore. Developments under Cal. fluid milk and cream stabilization act. Pacific Rural Press 132(19): 525. Nov. 7, 1936. 6 Pl12

Six stabilization and marketing plans have become effective in California under the Young bill (Chapter 241, Statutes of 1935). One of the features in each plan is a provision for the payment of a minimum price to producers by distributors. There is evidence that the purposes of the law have been accomplished in the marketing areas where it has been utilized.

230. Macklin, Theodore, Kuhrt, W. J., and Vehlow, E. L. Regulating the marketing of farm products by state authority. Calif. Dept. Agr. Bull. 25(3): 295-340. July, August, September 1936. 2 Cl2M

Developments under three laws in the California State Statutes of 1935 - Stabilization and Marketing of Fluid Milk and Fluid Cream, California Agricultural Adjustment Act of 1935, and the California Marketing Agreement Act of 1935 - are presented.

The stabilization and marketing plan for fluid milk, San Francisco, marketing area, is given on pp. 301-305. Article III, p. 303, provides for the price to be paid producers for class I milk.

231. Pickett, John E. And milk still boils--. Pacific Rural Press 127(21): 483. May 26, 1934. 6 Pl12

Very critical of the Agricultural Adjustment Administration milk plans for California, especially their "inconsistent stand" in regard to fixed re-sale prices.

232. Pickett, John E. Newest dairy control bill. Pacific Rural Press 129: 237. Mar. 2, 1935. 6 Pl12

Outlines a proposed control bill for California. "The Board may fix prices and resale prices, and store differentials based on differences of cost as found by the Board, but is directed to regulate milk prices to butterfat prices." The writer, in conclusion, states his objections to the bill.

233. Tinley, James Maddison. California milk control legislation. Jour. Marketing 3(2): 175-177. October 1938. 280.38 J82

A discussion of two California milk control acts - "the Young Act dealing with minimum prices to be paid to producers for market milk and the Desmond Act dealing with minimum wholesale and retail prices," and their present legal status. Judge Ballard on Aug. 19, 1938 "upheld the constitutionality of the Desmond Act but declared parts of the Young Act unconstitutional." It is understood that the decision will be appealed. The future of milk control legislation is stated to be problematical.

234. Tinley, James Maddison. Economic considerations in fixing resale prices of milk. Calif. Agr. Expt. Sta., Giannini Found. Agr. Econ. Mimeograph. Rept. 57, 9pp. Berkeley. April 1937.
"A paper presented as testimony at a hearing of the Assembly Committee on Livestock and Dairies held at Sacramento on March 24, 1937 to consider Assembly Bill 2422 (a bill to provide for enforcement of minimum wholesale and retail prices of market milk and market cream)."

235. Tinley, James Maddison. Economic considerations in milk-stabilization plans. Calif. Agr. Expt. Sta., Giannini Found. Agr. Econ. Mimeograph. Rept. 62, 6pp. Berkeley. December 1937.
Also published in Calif. Dept. Agr. Monthly Bull. 27(1): 112-119. January, February, March 1938.
This paper, presented at the Seventieth Fruit Growers and Farmers Convention, San Jose, California, December 8, 1937, is in three main sections; Introduction, California milk-control legislation, and dangers of price fixing in the market milk industry.

236. Tinley, James Maddison. Economic considerations involved in public control over milk marketing. 6pp., processed. Berkeley, California Agricultural experiment station [1937?]. Pam. Coll.
Page 6 of this paper discusses California Assembly Act 2422 which "empowers the Director of the State Department of Agriculture to establish and enforce in milk-marketing areas minimum wholesale and retail prices."

237. Tinley, James Maddison. Lessons from public control in milk marketing. Jour. Farm Econ. 20(4): 807-822. November 1938. 280.8 J822
"Paper no. 75, The Giannini Foundation of Agricultural Economics. This paper was read at the annual meeting of the Western Farm Economics Association, Bozeman, Montana, July 6, 7, and 8, 1938."
The greater part of this paper is devoted to the determination and enforcement of resale prices, which is "a problem involving many complex, legal, economic, social, and administrative considerations." The operation of the California milk control legislation is used as an illustration.

238. Tinley, James Maddison. Public regulation of milk marketing in California. 213pp. Berkeley, University of California press. 1938. 280.344 T49
"The purpose of this book is first of all to set forth, as simply as possible, the economic background of the present milk-control legislation in the State of California (Chapters I to IV). This is followed by a discussion (Chapters V and VI) of the salient features of the Young and Desmond acts, which are incorporated into Chapter 10, Division IV, of the Agricultural Code of California. Chapters VII to IX present in some detail an analysis of the procedures and methods adopted to determine the basis for resale prices of fluid milk. Chapter X presents a summary and outlook." - Preface, p. ix.

Extracts from the Agricultural Code of California pertaining to general provisions and stabilization and marketing of fluid milk and fluid cream (Revised to August 27, 1937), Appendix 3, pp. 167-189. (Minimum prices to producers, p. 178. Article 2a. Minimum wholesale and retail prices, pp. 179-184.).

Proposed order for the establishment of minimum wholesale and minimum retail prices for fluid milk, Appendix 5, pp. 202-206.

Findings, order and regulation for the establishment of minimum wholesale and minimum retail prices for fluid milk, Appendix 6, pp. 207-213.

239. U. S. Circuit court of appeals. (Ninth circuit) In the United States Circuit court of appeals for the ninth circuit. H. C. Darger, W. Carroll Hunter, Albert D. Hadley, and Willis I. Morrison, appellants, v. Ralph O. Hill, trading and doing business as Golden guernsey dairy; H. S. O'Brien, trading and doing business as Valley view dairy; Joseph Robert Bahan, trading and doing business as Royal farms dairy company, and R. J. Willis, appellees. No. 7656, March 12, 1935. Appeal from the District court of the United States in and for the Southern district of California, central division. Before: Wilbur and Garrecht, circuit judges, and Cavanah, district judge. 3pp., processed. [n.p.] 1935. 1.94 D14Dar

Opinion and dissenting opinion.

Mimeographed by the Agricultural Adjustment Administration.

240. U. S. Circuit court of appeals. (Ninth circuit) In the United States Court of appeals for the ninth circuit. Harry W. Berdie, et al., appellants, vs. Charles J. Kurtz, et al., appellees. No. 7657, Mar. 4, 1935. Appeal from the District court of the United States, southern district of California, central division. Before Wilbur and Garrecht, circuit judges, and Cavanah, district judge. 14pp., processed. [n.p.] Mar. 4, 1935. 1.94 D14Be

Mimeographed by the Agricultural Adjustment Administration.

Contains the opinion of Judge Wilbur and the dissenting opinion of Judge Garrecht.

"This is an appeal from interlocutory orders entered on September 20, October 1, and October 3, 1934, by the District Court for the Southern District of California. The order...temporarily enjoined appellants (defendants below) from enforcing or attempting to enforce as against the appellants the Agricultural Adjustment Act... and two milk licenses issued by the Secretary of Agriculture, pursuant to section 8(3) of that Act and making any of the demands and committing any of the acts with relation to the appellees complained of in the original and supplemental bill of complaint. The orders of October 1 and October 3, 1934, denied appellants' motions to dismiss appellees' original and supplemental bill of complaint and to vacate the temporary injunction entered September 20 as aforesaid."

241. U. S. Dept. of agriculture, Agricultural adjustment administration. California state milk control act. U. S. Dept. Agr., Agr. Adjustment Admin., Dairy Sec. Paper no. 4, Series on State milk control acts, 8pp., processed. Washington, D. C., Jan. 6, 1936. 1.94 D14Ps

Similar in scope to the other papers in the series.

Analysis of the Stabilization and Marketing Act for fluid milk and cream, effective June 1, 1935.

Provisions in regard to price regulation, pp. 4-5. "Local boards may fix prices to be paid by distributors for fluid milk and fluid cream, upon approval by the Director...The act does not authorize the fixing of resale prices for fluid milk. Specific authority in the case of fluid cream is given to establish 'minimum wholesale prices.'"

242. U. S. Dept. of agriculture, Agricultural adjustment administration.

License for milk, Alameda County, California, sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases, Exhibit C, Schedule of unfair trade practices and minimum resale prices. U. S. Dept. Agr., Agr. Adjustment Admin., License Ser. - License No. 63, 20pp., processed. Washington, D. C., 1934. (Docket No. 9) 1.94 Ad4Li

Issued June 30, 1934. Effective July 1, 1934.

Section A, Cost of milk to distributors, pp. 6-12.

Amended License issued Jan. 19, 1935. Effective Jan. 20, 1935.

Terminated Nov. 30, 1935.

243. U. S. Dept. of agriculture, Agricultural adjustment administration.

License for milk, Los Angeles, California, sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases, Exhibit C, Schedule of unfair trade practices and minimum resale prices. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License No. 57, 22pp., processed. Washington, D. C., 1934. (Docket no. 161) 1.94 Ad4Li

Issued, May 31, 1934. Effective June 1, 1934.

Supersedes License no. 17, issued Nov. 20, 1933.

Cost of milk to distributors, pp. 7-13.

Amended License, issued Dec. 15, 1934 (effective Dec. 16, 1934); Feb. 27, 1935 (effective Feb. 28, 1935).

Terminated July 1, 1935.

244. U. S. Dept. of agriculture, Agricultural adjustment administration.

License for milk, San Diego, California, sales area, with exhibits: Exhibit A, Allotment and regulation of bases, Exhibit B, Schedule of minimum resale prices. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License No. 98, 20pp., processed. Washington, D. C., 1935. (Docket no. L-46) 1.94 Ad4Li

Issued Jan. 30, 1935. Effective Feb. 1, 1935.

Prices to distributors and conditions of sales, pp. 6-7.

Amended License, issued June 18, 1935 (effective June 19, 1935), does not contain the schedule of minimum resale prices.

245. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, San Francisco, California, with Exhibit A, allotment and regulation of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License No. 89, 16pp., processed. Washington, D. C., 1934. (Docket no. 10) 1.4 Ad4Li
Issued Sept. 29, 1934. Effective Oct. 2, 1934.
Prices to distributors and conditions of sales, pp. 5-6.
Terminated Nov. 30, 1935.

246. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement and license for milk - Alameda County (Calif.) milk shed. Marketing agreement approved and executed by the Secretary of agriculture November 6, 1933. Effective...November 7, 1933. License issued by the Secretary of agriculture, November 10, 1933. Effective...November 14, 1933. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 22. License Ser. - License no. 16, 28pp. Washington, D. C., 1933. (Form M-27) 1.4 Ad47M
License terminated July 1, 1934. Marketing Agreement terminated Feb. 1, 1934.
Rules for milk production, prices, and amounts, are given in Exhibit A. Wholesale and retail price schedules for contracting distributors' sales are given in Exhibit C.

247. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement and license for milk - Los Angeles milk shed. Agreement approved and executed by the Secretary of agriculture November 16, 1933. Effective...November 17, 1933. License issued by the Secretary of agriculture November 16, 1933. Effective...November 20, 1933. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 23. License Ser. - License no. 17, 83pp. Washington, D. C., 1933. (Form M-28) 1.4 Ad47M
Prices to be paid producers are provided for in Exhibit A, pp. 12-16, 52-55. Selling prices are provided for in Exhibit B, pp. 17-35, 56-74.
License terminated June 1, 1934. Marketing Agreement terminated Feb. 1, 1934.
Superseded by License No. 57, issued May 31, 1934.

248. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement and license for milk - San Diego milk shed. Marketing agreement approved and executed by the Secretary of agriculture December 14, 1933. Effective...December 15, 1933. License issued...December 14, 1933. Effective...December 18, 1933. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 31. License Ser. - License no. 24, 29pp. Washington, D. C., 1933. (Form M-41) 1.4 Ad47M
Exhibit A, Rules for milk production - prices [to producers] and amounts, pp. 9-10, 21-23.
Exhibit C, Price schedules for contracting distributors' sales, pp. 14, 27.

License terminated Feb. 1, 1935. Marketing Agreement terminated Feb. 1, 1934.

249. Woodward, B. T. Many changes made by new dairy laws in California. Stabilization, marketing and price control plans established under administration of director of agriculture. Milk Plant Monthly 27(1): 72-76. January 1938. 44.8 C864
Gives the provisions of the new dairy laws.

MILK - FLUID - COLORADO

250. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Denver, Colorado, sales area, with exhibits, Exhibit A, Marketing plan. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 85, 16pp., processed. Washington, D. C., 1934. (Docket no. 164) 1.94 Ad4Li
Issued Aug. 16, 1934. Effective Sept. 1, 1934.
Cost of milk to distributors, pp. 6-11.
Amended License issued Apr. 2, 1935 (effective Apr. 3, 1935).

MILK - FLUID - CONNECTICUT

251. Connecticut. Board of milk control. Board of milk control of the state of Connecticut. Chapter 107a, Cum. sup. G. S., Rules and regulations. Revised to May 15, 1934. 24pp. Hartford, 1934. 280.344 C76
"Sec. 521b. Minimum Prices. Said board shall also have the power to fix and establish, from time to time, a minimum price for the different markets of the state for each class of milk: (a) to be paid to the producers; (b) to be paid, at wholesale or retail, by consumers, such minimum, wholesale and retail prices to cover sales by dealers and licensees, other than stores, to consumers; (c) to be paid to dealers and licensees by stores and other wholesale purchasers, except sales to other dealers or licensees who are shippers or distributors; (d) to be paid to stores by consumers. Effective June 23, 1933." - p. 9.

The Library of the U. S. Department of Agriculture has also a copy of Supplement to Book of Rules and Regulations, Revision of February 10, 1935, which contains the price schedule and supplementary rulings on prices to producers and on charity milk.

252. Connecticut. Board of milk control. Report to Governor Cross, August 17, 1934. 6pp., processed. [Hartford] 1934. Libr. Cong. (HD 9282.U5085)
Report of progress of the work of the Board of Milk Control.
"The Board had no power to fix prices for the first month of its existence. Thereafter when a reasonable schedule of prices was fixed, the markets began to settle into more normal conditions."

253. Connecticut. Laws, statutes, etc. Chapter 107a of the Cumulative supplement to the General statutes, revision of 1930 (January sessions 1931, 1933, 1935) as amended by Chapter 107a of the 1937 supplement to the General statutes (January session 1937, special session 1936). 19pp. [Hartford, Milk administration, Information section. 1938?] Pam. Coll.

Attached to this are two processed pages giving an index of rules and regulations in effect, Sept. 1, 1938, and Rules and Regulations number 104, 105, and 106.

See pp. 9-10 for provisions relating to the fixing of minimum prices to be paid producers, to be paid by consumers, etc.

254. Connecticut. Milk administration. Report...December 31, 1936. 40pp., illus. [Hartford, 1937?] (Public Document no. 86) 280.3449 C76

The following is quoted from p. 6: "The present administration came into office on July 1, 1935, and found the industry endeavoring to adjust its operations to conditions brought about by the recent removal of fixed resale prices by the Milk Control Board."

On p. 8 are given the names of certain persons who have been tried and convicted of failure to maintain minimum price to producers.

Appendix I, pp. 14-15, is Rules and Regulations. Fixed prices to producers are given.

Appendix 5 is Report of the Milk Marketing Committee, Charles A. Beard, Chairman, made on Sept. 28, 1936. A paragraph on p. 30 states that the Committee has found impractical the proposal that "a uniform price be fixed for all milk of given quality that is marketed by producers."

The following recommendation is made on p. 38:

"All milk within the Producer's Base shall be paid for at a price fixed by the Administrator, from time to time, taking into account the general level of commodity prices, competitive prices, the cost of production, and consumer buying power, for 3.7 milk, with a butterfat differential based on the value of butterfat at wholesale price as cream."

255. Connecticut. Milk administration. Rules and regulations revised to July 1, 1936 and effective to July 1, 1937 unless previously amended or revoked. Issued under authority of Chapter 107a of the Cumulative supplement to the General statutes. 7pp. Hartford [1937.] Pam. Coll.

Rule no. 10, p. 3, relates to minimum prices to be paid to producers for Grade A milk.

256. Connecticut. Milk administration, Milk marketing program committee. Report...to S. McLean Buckingham, Milk administrator. 16pp. [Hartford] Sept. 28, 1936. Pam. Coll.

Charles A. Beard was chairman of the committee.

Item 4 of part 2 of the Recommendations made by the committee, p. 14 is as follows: "All milk within the Producer's Base shall be paid for at a price fixed by the Administrator, from time to time,

taking into account the general level of commodity prices, competitive prices, the cost of production, and consumer buying power, for 3.7 milk, with a butterfat differential based on the value of butterfat at wholesale price as cream. Milk not bought on a weight and butterfat test basis shall be assumed to be 4.0 per cent for price calculation purposes."

257. Fienemann, Henry W. State milk control in Connecticut. Amer. Inst. Coop. Amer. Coop. (1935)11: 560-567. Washington, D. C., 1935. 280.29 Am3A

Reviews the situation and problems in the milk industry in Connecticut prior to the enactment of the milk control act and reviews the operations of the Board of Milk Control which was discontinued in 1935 and a milk administrator set up in its place. The Board's policy of fixed resale prices, which was discontinued on April 1, 1935, is particularly discussed.

258. Pickett, John E. Connecticut Yankee in milk board's court. Pacific Rural Press 128(16): 304. Oct. 20, 1934. 6 P112

Tells of the dissatisfaction of Connecticut farmers with state milk control.

259. U. S. Dept. of agriculture, Agricultural adjustment administration. Connecticut state milk control act. U. S. Dept. Agr., Agr. Adjustment Admin., Dairy Sec., Paper no. 3, Series on State Milk Control Acts, 9pp., processed. Washington, D. C., Jan. 7, 1937. 1.94 D14Ps
Similar in scope to the other papers in the series.

Description of the State Milk Control Act, its administration and legal status. "The original act, the effective dates of which are May 24 and June 23, 1923 [i.e. 1933], is found in chapter 107a, Cumulative Supplement to the General Statutes, section 516b to and including section 530b. The mandatory acts are found in chapters 227 and 319 of the same supplement."

Provisions in regard to price regulation, pp. 3-4. Minimum prices to producers and minimum resale prices may be fixed by the administrator of the Board.

MILK - FLUID - DISTRICT OF COLUMBIA

260. Derrick, B. B. Advantages and disadvantages of public milk control. Amer. Inst. Coop. Amer. Coop. (1938)14: 282-285. 1938. 280.29 Am3A
Experiences of the District of Columbia and Virginia.

261. [Digest summary of opinion in the case of] U. S. Ct. Appis., D. C. (Miller, J.) Wallace, etc. v. Ganley et al.; Same v. Leigh Nos. 6929, 6930. Feb. 7, 1938. U. S. Law Week 5(24, 2d ed.): 706. Feb. 15, 1938. 274.008 Un32

"Dairy farmers selling milk to distributors in the District of Columbia are not entitled to maintain suit to enjoin enforcement of

Milk Marketing Order for District of Columbia, promulgated by Secretary of Agriculture under Agricultural Adjustment Act as amended in 1935, because enforcement of order would not violate any legal right of the producers."

262. Digest-summary of opinion in the case of U.S.D.C., District of Columbia (Luhring, J.) Ganley et al. v. Wallace; Leigh v. Wallace, Nos. 62521 and 62536, Oct. 29, 1936.; U. S. Law Week 4(10): 203-204. Nov. 3, 1936. 274.008 Un32

"Order of Secretary of Agriculture regulating handling of milk in District of Columbia area, and Agricultural Adjustment Act as statutory authority therefor, are unconstitutional because in furtherance of purpose of Congress to regulate production of agricultural commodities, a power beyond scope of federal power."

263. U. S. Dept. of agriculture, Agricultural adjustment administration. Order regulating the handling of milk in the District of Columbia marketing area. U. S. Dept. Agr., Agr. Adjustment Admin. Order Series - Order no. 11, 11pp. Washington, D. C., Sept. 17, 1936. (O-11) 1.4 Ad470

Effective Sept. 21, 1936.

Minimum prices to producers and to associations of producers are provided for in Article IV, p. 5.

Amendment No. 1 (O-11-Amendment 1), issued Nov. 17, 1936 and effective Dec. 1, 1936, among other things, changes the fixed prices as set in Article IV of Order No. 11.

Suspended Feb. 8, 1937.

MILK - FLUID - FLORIDA

264. Florida. Laws, statutes, etc. Chapter 18022 - (No. 316). Senate bill no. 510. An act to regulate and control the distribution of fluid milk and cream and for this purpose to create a Florida milk board, defining its jurisdiction, powers and duties during the existing emergency and to declare an emergency exists. To provide for the legal succession by this board herein created of the Milk control board established by Chapter 17103 of Laws of Florida of 1935. In Fla. Laws, statutes, etc. General acts and resolutions...1937, v. 1, pp. 626-646. Tallahassee 1937. 274.17 L52

Approved June 9, 1937.

Section 13, Order fixing price of milk, pp. 641-643. "(b) The Board after making such investigation [as specified in 'a'] shall fix by official order the minimum wholesale and retail prices and may fix by official order the maximum wholesale and retail prices to be charged for milk handled within the State for fluid consumption, and wheresoever produced, including the following classes:
1. By milk dealers to consumers. 2. By milk dealers to stores either for consumption on the premises or resale to consumers. 3. By stores to consumers for consumption on the premises where sold.
4. By stores to consumers."

MILK - FLUID - GEORGIA

265. Georgia. Laws, statutes, etc. Milk control board. No. 374. An act to declare an emergency concerning the production, distribution, and sale of milk; to define milk; to regulate the distribution and sale thereof; to create and establish a Milk Control Board...to authorize such Board to fix prices of milk...and for other purposes. In Ga. Laws, statutes, etc. Acts and resolutions...1937, pp. 247-264. Atlanta, Stein printing company, 1937. 274.19 G28A
Approved Mar. 30, 1937.

Orders fixing price of milk, Section 19, pp. 260-262. Minimum and maximum prices may be fixed, also prices received by producers.

266. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Atlanta, Georgia, sales area, with Exhibit A, Allotment and regulation of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 93, 19pp., processed. Washington, D. C., 1934. (Docket no. L-17) 1.94 Ad4Li

Issued, Nov. 15, 1934. Effective Dec. 1, 1934.

Prices to distributors and conditions of sales, pp. 6-7.

Amended License issued Aug. 12, 1935 (effective Aug. 13, 1935).

Terminated July 1, 1936.

267. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Savannah, Georgia, sales area, with exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases, Exhibit C, Schedule of unfair trade practices and minimum resale prices. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 84, 18pp., processed. Washington, D. C., 1934. (Docket no. 196) 1.94 Ad4Li

Issued Aug. 11, 1934. Effective Aug. 16, 1934.

Cost of milk to distributors, pp. 7-12.

Amended Licenses, issued Oct. 13, 1934 (effective Oct. 15, 1934); Feb. 23, 1935 (effective Mar. 1, 1935), do not contain the schedule of minimum resale prices.

Terminated Nov. 30, 1935.

MILK - FLUID - ILLINOIS

268. Chicago pays. Milk strike came as inevitable sequel to AAA's futile experiment in retail price-fixing, now dropped for new policy of production control. Business Week, no. 228, Jan. 13, 1934, p. 10. 280.8 Sy8

269. Constitutional law - constitutionality of Agricultural adjustment act as a regulation of interstate commerce - fixing of milk prices for Chicago sales area. Univ. Pa. Law Rev. 83: 86-88. November 1934. 274.008 Am3

Comment on the Shissler decision in the Edgewater Dairy Co. case.

270. Court holds farm recovery legislation constitutional. U. S. Law Week 1(1): 6. Sept. 5, 1933. 274.008 Un32

An account of Judge D. W. O'Donoghue's decision in the Chicago Milk cases under the Agricultural Adjustment Act (Beck; Economy Dairy Co.), the issues and facts involved in them, and the arguments presented. "The principal argument...concerned the power of the Federal Government to fix prices for milk."

Text of Judge O'Donoghue's opinion given on p. 9.

271. Digest of opinion in case of Edgewater dairy co., etc., et al., v. Wallace, Secretary of agriculture, et al.; D. C., N. D. Ill., No. E-13878, June 26, 1934. (Barnes, J.) U. S. Law Week 1(44): 966. July 3, 1934. 274.008 Un32

"The amended Milk License for the Chicago Sales Area issued by the Secretary of Agriculture under the Agricultural Adjustment Act is void in that it is not a valid exercise of Federal power under the commerce clause and is therefore an encroachment on the powers reserved to the States by the Tenth Amendment."

272. Digest of opinion in case of United States et al. v. Shissler et al.; D. C., N. D. Ill., No. E-13803, April 14, 1934. (Holly, J.) U. S. Law Week 1(36): 783. May 8, 1934. 274.008 Un32

This decision held valid the milk license for the Chicago sales area prescribed by the Secretary of Agriculture under the Agricultural Adjustment Act. The Act "in so far as it authorizes the Secretary to license the distribution of fresh milk and to fix the price at which it may be bought and sold, is a valid exercise by Congress of its power to regulate interstate commerce under the commerce clause of the Federal Constitution."

273. District of Columbia. Supreme court. In the Supreme court of the District of Columbia holding an equity court. Economy dairy co., inc., plaintiff, vs. Henry A. Wallace, defendant. Equity no. 56058. Milton R. Beck, plaintiff, vs. Henry A. Wallace, defendant. Equity no. 56059. Transcript of proceedings (In part). 56pp., processed. [Washington, D. C.] Aug. 29, 1933. 1.94 Ad4In

Mimeographed by the Agricultural Adjustment Administration.

The defendant who was engaged in business in Stickney, Ill., challenged the constitutionality of the Agricultural Adjustment Act, and particularly the Chicago milk license and price fixing.

The transcript contains the Bill of complaint; Rule to show cause; Memorandum brief for the defendant in opposition to rule to show cause (for both cases); Defendant's motion to dismiss the bill of complaint; Defendant's affidavit in opposition to plaintiff's application for a temporary injunction and in support of defendant's motion to dismiss the bill; Affidavit of Mordecai Ezekiel, on the economic aspects of the Agricultural Adjustment Act and the Chicago Milk Marketing Agreement; Order discharging rule, dismissed bill and denying application for temporary injunction; Decision of the court in both cases, by Justice O'Donoghue; etc.

274. N., C. F. Constitutional law - fifth amendment - the validity of an act of Congress dealing with price control in the milk industry. Temple Law Quart. 9(1): 95-98. November 1934. Libr. Cong. (Law Div.) Comment on the decision in the Shissler case.

275. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Chicago sales area, as amended, with the following exhibits: Exhibit A, Marketing plan; Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License No. 30, 19pp., processed, Washington, D. C., 1934. (Docket no. 1) 1.94 Ad4Li
Issued May 31, 1934. Effective June 1, 1934.
Cost of milk to distributors, pp. 6-12.
Amended License issued Dec. 1, 1934 (effective Dec. 2, 1934).
License and amendments terminated Mar. 2, 1935.

276. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Quad Cities sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Schedule of unfair trade practices and resale prices. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License No. 58, 19pp., processed. Washington, D. C., 1934. (Docket no. 159) 1.94 Ad4Li
Issued May 31, 1934. Effective June 1, 1934.
Cost of milk to distributors, pp. 7-12.
Amended License issued Aug. 31, 1934 (Docket nos. 36, 159); Feb. 25, 1935 (effective Feb. 26, 1935).

277. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, southern Illinois sales area, with Exhibit "A", Allotment and regulation of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 90, 19pp., processed. Washington, D. C., 1934. (Docket no. 234 - L18) 1.94 Ad4Li
Issued Oct. 18, 1934. Effective Nov. 1, 1934.
Prices to distributors and conditions of sales, pp. 6-7.
Terminated June 25, 1935.

278. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for milk - Chicago milk shed, together with the following appendices: License for milk - Chicago milk shed and Milk regulations. Series 1. Approved and executed by the Secretary of agriculture, July 28, 1933. Effective date August 1, 1933 (12:01 p.m., eastern standard time). U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement No. 1, 32pp. Washington, D. C., 1933. (Form M-1) 1.4 Ad47M
Terminated Jan. 8, 1934.
Exhibit C in both marketing agreement and license gives the price schedule for contracting distributors' sales.
Form M-2 is License for Milk - Chicago Milk Shed; together with the following appendices: Marketing agreement for milk - Chicago milk shed and Milk regulations, series 1.
License terminated Feb. 8, 1934. Marketing Agreement terminated Dec. 20, 1933.

279. U. S. District court. Illinois (Northern district) District court of the United States, northern district of Illinois, eastern division. Columbus milk producers cooperative association, et al, plaintiffs, v. Henry A. Wallace, et al, defendants. In equity no. 13985. Stipulation of evidence. 38pp., processed. [n.p., 1934] 1.94 D14II
Mimeographed by the Agricultural Adjustment Administration.

280. U. S. District court. Illinois (Northern district). District court of the United States of America, northern district of Illinois, eastern division. In equity. District court number 13985. 1. Columbus milk producers co-operative association, a corporation. 2. Sam M. Austin...121. Walter Zimbrich, plaintiffs, vs. Henry A. Wallace... Rexford Guy Tugwell...Homer J. Cummings...Dwight H. Green...and Frank C. Baker...defendants. First amended bill of complaint, 23pp., processed. [n.p., 1934] 1.94 D14II
Mimeographed by the Agricultural Adjustment Administration.
Among the alleged reasons that the plaintiffs argue that the Chicago Milk License is unconstitutional is "that Congress has no authority under the Constitution of the United States to enable the Secretary of Agriculture to fix the prices at which Plaintiff Association must buy its milk and at which Individual Plaintiffs must sell their milk."

281. U. S. District court. Illinois (Northern district) In the district court of the United States for the northern district of Illinois, eastern division. Columbus milk producers cooperative association, et al, plaintiffs, vs. Henry A. Wallace, et al., defendants. In equity no. 13985. Memorandum. 4pp., processed. [n.p., 1934] 1.94 D14II
Mimeographed by the Agricultural Adjustment Administration.

282. U. S. District court. Illinois (Northern district) In the District court of the United States for the northern district of Illinois, eastern division. Columbus milk producers cooperative association, et al, v. Henry A. Wallace, et al. In equity no. 13985. 47pp., processed. [n.p., 1934] 1.94 D14II
Mimeographed by the Agricultural Adjustment Administration.
This is the Brief of Defendants.
"The basic issues in this case presented to this court, broadly stated, are (1) whether the Chicago Milk License is legally valid and (2) whether it is applicable to the plaintiff Association and the Intervener." - p. 5.
See pp. 26-30 for the following: The License, in fixing the price to be paid to producers for milk, does not violate the due process clause.

283. U. S. District court. Illinois (Northern district) No. 13803 in the district court of the United States for the northern district of Illinois, eastern division. United States of America and Henry A. Wallace, Secretary of agriculture, plaintiffs, vs. Lloyd V. Shissler and People's dairy company, a corporation, defendants. (Pleadings, affidavits, briefs, orders, etc.) 362pp., processed. [n.p. 1934] 1.94 D14Ind

Mimeographed by the Agricultural Adjustment Administration.

Among other violations of the Chicago Milk License the defendant was accused of failing, neglecting, and refusing "to pay to producers from whom he purchased milk during the period from February 5, 1934 to February 28, 1934, inclusive, the purchase price therefor required to be paid to such producers on March 15, 1934, in accordance with the provisions of Paragraph 7 of Section A of Exhibit A of said license."

The opinion of the Supreme Court of the United States in the *Nebbia Case* is given on pp. 309-338.

The opinion of Judge L. Hand, District Court of the United States, southern district of New York, in the *Hegeman Farms Corporation* case is given on pp. 339-342.

284. U. S. District court. Illinois (Northern district) United States of America SS. In the District court of the United States for the northern district of Illinois eastern division. Edgewater Dairy Company, a corporation, Joliet dairy products company, a corporation, Anton Michalek and Josef Wagner, SR., plaintiffs vs. Henry A. Wallace, Secretary of agriculture, etc., Homer J. Cummings, Attorney general of U. S. A., etc., Dwight H. Green, United States district attorney, etc., Frank E. Baker, market administrator, etc., defendants. In equity no. 13878. 198pp., processed. [n.p. 1934] 1.94 D14Id

Mimeographed by the Agricultural Adjustment Administration.

Contents: Bill of complaint, pp. 3-35; Cross-bill of complaint, pp. 36-53; Affidavit of E. W. Gaumnitz in opposition to motion of plaintiffs for an injunction and in support of motion of cross-plaintiffs for an injunction, pp. 54-62; Affidavit of Elmer D. Hays, pp. 63-64; Affidavit of W. Carroll Hunter, pp. 65-67; Answer of the defendants, Henry A. Wallace...Homer J. Cummings...Dwight H. Greene...Frank C. Baker...pp. 68-75; Intervening petition of Lakeside Dairy Company, pp. 76-78; Order to show cause, pp. 79-81; Motion to strike out parts of the answer of the defendants, pp. 82-83; Objections taken by cross-defendants to the paper denominated cross-bill of complaint of cross-plaintiffs, pp. 84-86; Supplement to the cross-bill of complaint, pp. 91-93; Affidavit of E. W. Gaumnitz, pp. 94-99; License for milk, Chicago sales area as amended with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases...Effective date June 1, 1934, pp. 100-119; Memorandum brief on behalf of Edgewater Dairy Company, a corporation, et al., plaintiffs and cross defendants in support of motion for temporary injunction, pp. 120-131; Memorandum brief on behalf of Henry A. Wallace, et al., defendants and cross plaintiffs, (1) in support of preliminary injunction as prayed for in cross bill, and (2) in opposition to complainants' motion for preliminary injunction as prayed for in original bill, pp. 133-198.

"The fundamental issue raised by both the original bill and the cross bill involves the constitutionality of the Chicago Milk License issued pursuant to Section 8(3) of the Agricultural Adjust-

ment Act" including the price-fixing feature of the License.

The Library has also a copy of the Appeal Papers [34pp., processed].

285. U. S. Federal Trade Commission. Report...on the sale and distribution of milk and milk products, Chicago sales area. Letter...transmitting an interim report...with respect to the sale and distribution of milk products. 74th Cong., 2d sess., House Doc. 451, 103pp. Washington, D. C., 1936. 173 F32Mi

Prices paid producers as fixed by the Agricultural Adjustment Administration, pp. 42-45.

MILK - FLUID - INDIANA

286. Cooperative milk control. Indiana milk board and federal government will cooperate in milk marketing problems. Amer. Creamery and Poultry Produce Rev. 83(7): 232. Dec. 16, 1936. 286.85 N482

Contains the text of the Memorandum of the Principles of Cooperation to Be Observed in the Formulation and Administration of Orders for Milk to Be Issued Concurrently by the Secretary of Agriculture and the Indiana Milk Control Board and Applicable to Marketing Areas within the State of Indiana. One paragraph of the Memorandum relates to "the establishment of identical prices to producers in the Federal and State regulations applicable to these markets, and a mutual exchange of information, and the administration and enforcement of orders."

287. [Digest of opinion in case of United States et al. v. Greenwood dairy farms, inc.; D. C., S. D. Ind. No. E - 1575, Sept. 27, 1934.] U. S. Law Week 2(7): 116. Oct. 16, 1934. 274.008 Un32

The license for milk, Indianapolis Sales Area "is void in so far as it purports to apply to a corporation which is engaged in the business of distributing in such area milk and cream and the products thereof, all of which is both produced and consumed within the State of Indiana."

288. Indiana. Laws, statutes, etc. Milk control law. Milk production and marketing - declaration of policy. An act concerning the production and distribution of milk, creating a milk control board and defining its powers and duties. 34pp. [Indianapolis. 1937] 280.344 In2

The Board is given the power to fix minimum prices to be paid producers by licensed dealers in section 5, item 12, p. 13.

A similar provision is contained in the milk control law, approved Mar. 12, 1935, which the 1937 law amends.

289. Indiana. Milk control board. Report of the activities of the Milk control board of Indiana. 15pp., processed. [Indianapolis, 1938.] 280.3449 In2

"The report consists of: a short statement setting forth the events which led to the enactment of the law; the method by which the Board has endeavored to effectuate the declared policy of the Legislature; the results that have been achieved and a brief glance into the future; a summary of the legal aspect and enforcement activities; appendices which contain statistical data covering such matters as the income and expense of the Board; the number of orders issued...prices set to producers; blended prices to producers in areas affected by orders, etc." - p. 1.

Legal aspects of the milk control law of Indiana, by Chas. G. Dailey, pp. 7-11.

290. Opinion of the Supreme Court of the United States in the case of Kroger grocery & baking company v. Philip Lutz, Jr., as attorney general of the state of Indiana, et al. Supreme court of the United States. No. 501. Decided Dec. 21, 1936. On appeal from the District Court of the United States for the northern district of Indiana. U. S. Law Week 4(17): 436. Dec. 22, 1936. 274.008 Un32

"A suit by a chain store operator of grocery stores to restrain the enforcement of an order of the Milk Control Board of Indiana fixing the selling prices of milk in a certain marketing area was properly dismissed by a three-judge federal court upon the ground that the requisite jurisdictional amount was not involved..."

291. U. S. Dept. of agriculture, Agricultural adjustment administration. Indiana state milk control act. U. S. Dept. Agr., Agr. Adjustment Admin., Dairy Sec. Paper No. 1, Series on State Milk Control Acts, 10pp., processed. Washington, D. C., Dec. 24, 1936. 1.94 D14Ps

"One of a series of papers designed to make available, in a condensed and convenient form, information concerning State milk control acts, the type of regulations issued thereunder, and, in general, the legal developments in connection with their administration and enforcement."

The act analyzed is chapter 281 of the Acts of the General Assembly of the State of Indiana for 1935.

Provisions in regard to price regulation, pp. 3-4. Provides for the fixing by the Milk Control Board of minimum prices to producers and resale prices under certain conditions.

292. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Evansville, Indiana, sales area, together with the following exhibits: Exhibit A, Prices to be paid producers; Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License No. 34, 15pp., processed. Washington, D. C., 1934. (Docket No. 6) 1.94 Ad4Li

Issued Feb. 24, 1934. Effective Feb. 26, 1934.

Supersedes License No. 12 of Oct. 23, 1933.

Amended License issued Nov. 22, 1934 (effective Nov. 25, 1934); July 23, 1935 (effective July 24, 1935).

Terminated Feb. 1, 1936.

293. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Fort Wayne sales area, with the following exhibit, Exhibit A, Marketing plan. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 64, 16pp., processed. Washington, D. C., 1934. (Docket no. 187) 1.94 Ad4Li
Issued, June 30, 1934. Effective July 1, 1934.
Cost of milk to distributors, pp. 6-11.
Amended License issued June 18, 1935 (effective June 19, 1935).
Terminated Feb. 1, 1937.

294. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Indianapolis sales area, with the following exhibit: Exhibit A, Marketing plan. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 45, 14pp., processed. Washington, D. C., 1934. (Docket no. 155) 1.94 Ad4Li
Issued Mar. 22, 1934. Effective Apr. 1, 1934.
Cost of milk to distributors, pp. 6-10.
Terminated Feb. 28, 1935.

295. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement and license for milk, Evansville, Indiana, milk shed. Agreement approved and executed by the Secretary of agriculture October 19, 1933. Effective...October 23, 1933. License issued...October 19, 1933. Effective...October 23, 1933. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 18. License Ser. - License no. 12, 32pp. Washington, D. C., 1933. (Form M-19) 1.4 Ad47M
Exhibit A gives rules for milk production, prices and amounts. The wholesale and the retail price schedule for contracting producers' sales is given in Exhibit C.
License terminated Feb. 26, 1934. Marketing agreement terminated Feb. 1, 1934.
License superseded by License No. 34, issued Feb. 24, 1934.

296. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement regulating the handling of milk in the Fort Wayne, Indiana, marketing area. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 69. A-8, 11pp. Washington, D. C., 1937. 1.4 Ad47M
Issued Jan. 23, 1937. Effective Feb. 1, 1937. Terminated Oct. 15, 1938.
Article IV, p. 4, provides for minimum prices to producers.

297. U. S. Dept. of agriculture, Agricultural adjustment administration. Order of the Secretary of agriculture issued pursuant to Public act no. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural marketing agreement act of 1937, regulating such handling of milk in the Fort Wayne, Indiana, marketing area as is in interstate commerce, and as directly burdens, obstructs, or affects interstate commerce. U. S. Dept. Agr., Agr. Adjustment Admin. Order Series - Order no. 32, 9pp. Washington, D. C., Oct. 11, 1938. (O-32) 1.4 Ad470

Effective October 15, 1938.

Minimum prices to the producer are provided for in Article IV, pp. 4-5.

298. U. S. Dept. of agriculture, Agricultural adjustment administration. Order of the Secretary of agriculture, issued pursuant to Public act no. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural marketing agreement act of 1937, regulating the handling in interstate commerce, and such handling as directly burdens, obstructs or affects interstate commerce, of milk in the La Porte County, Indiana, marketing area. U. S. Dept. Agr., Agr. Adjustment Admin. Order Series - Order no. 20, 11pp. Washington, D. C., Nov. 9, 1937. (0-20) 1.4 Ad470

Effective November 13, 1937.

Minimum prices are provided for in Article IV, p. 5.

Amendment No. 1 (0-20 Amend. 1) was issued on Aug. 15, 1938 and became effective on Aug. 20, 1938. See pp. 3-4 of the amendment for amendment substituted for Article IV.

299. U. S. District court. Indiana. (Southern division) In equity no. 1575. In the District court of the United States for the southern district of Indiana, Indianapolis division. The United States of America and Henry A. Wallace, Secretary of agriculture, plaintiffs, vs. Greenwood dairy farms, inc., a corporation, defendant. Opinion of District judge Baltzell. 7pp., processed. [n.p. Sept. 27, 1934.] 1.94 D14G

Mimeographed by the Agricultural Adjustment Administration.

300. U. S. District court. Indiana. (Southern division) In the District court of the United States for the southern district of Indiana, Indianapolis division. The United States of America and Henry A. Wallace, Secretary of agriculture, plaintiffs, v. Greenwood dairy farms, inc., a corporation, defendant. In equity no. 1575. Brief of plaintiffs in support of application for preliminary injunction. 33pp., processed. [Washington, D. C., 1934.] 1.94 D14G

Mimeographed by the Agricultural Adjustment Administration.

Consists of the Statement of the Case, pp. 1-3; and Argument, pp. 3-33. Fixing the purchase price of milk which is in the current of interstate commerce is a proper regulation of interstate commerce, pp. 13-21. The Indianapolis milk license, which fixes the price of milk to be paid to producers, is a reasonable and appropriate regulation of the dairy industry and does not violate the due process clause of the fifth amendment, pp. 21-30.

MILK - FLUID - IOWA

301. Digest of opinion in case of United States et al., v. Neuendorf et al., etc.; D. C., S. D. Iowa, No. E-4552, Oct. 19, 1934. (Dewey, D. J.) U. S. Law Week 2(9): 147. Nov. 30, 1934. 274.008 Un32

The first paragraph of the digest follows: "The Milk License for the Des Moines, Iowa, Sales Area, which was issued by the Secretary

of Agriculture under the Agricultural Adjustment Act, and which fixes a minimum price for milk purchased by distributors, is void in so far as applicable to distributors engaged solely in the distribution to consumers in the State of milk which has been produced therein. Such distributors are not engaged in handling an agricultural commodity or product in the 'current of interstate' commerce within the meaning of the licensing provisions of the Act. Their business is entirely intrastate and therefore is not subject to Federal regulation. Congress in authorizing the Secretary of Agriculture to issue such a license acted under the commerce clause of the Federal Constitution. Under the Ninth and Tenth Amendments it had no power to regulate the price of milk which does not enter interstate commerce."

302. U. S. Dept. of agriculture, Agricultural Adjustment Administration. License for milk, Des Moines sales area, with the following exhibits: Exhibit A, Prices to be paid producers, Exhibit B, Schedule of unfair trade practices. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License No. 31, 12pp., processed. Washington, D. C., 1934. (Docket No. 35) 1.94 Ad4Li
Issued Feb. 10, 1934. Effective Feb. 14, 1934.
Supersedes License No. 13 of Oct. 28, 1933.
Amended License issued May 4, 1934, effective May 5, 1934.
Terminated July 1, 1938.

303. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Dubuque, Iowa, sales area. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 94, 14pp., processed. Washington, D. C., 1934. (Docket no. 27) 1.94 Ad4Li
Issued Nov. 30, 1934. Effective Dec. 5, 1934.
Prices to distributors and conditions of sales, pp. 5-6.
Terminated Sept. 30, 1936.

304. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Sioux City, sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Schedule of unfair trade practices and resale prices. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 43, 15pp., processed. Washington, D. C., 1934. (Docket no. 94) 1.94 Ad4Li
Issued Mar. 16, 1934. Effective Mar. 17, 1934.
Cost of milk to distributors, pp. 6-10.
Amended License, issued May 15, 1934 (effective May 16, 1934)
An Amended License was issued July 17, 1935 which does not contain the schedule of minimum resale prices.

305. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement and license for milk - Des Moines area. Agreement approved and executed by the Secretary of agriculture October 24, 1933. Effective...October 25, 1933. License issued...October 24, 1933. Effective...October 28, 1933. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 19. License Ser. - License no. 13, 28pp. Washington, D. C., 1933. (Form M-18) 1.4 Ad47M

Prices to be paid producers are provided for in Exhibit A. Exhibit B. gives the wholesale and retail price schedule.

License terminated Feb. 14, 1934. Marketing Agreement terminated Feb. 1, 1934.

Superseded by License No. 31, issued Feb. 10, 1934.

306. U. S. Dept. of agriculture, Agricultural adjustment administration. Order regulating the handling of milk in the Dubuque, Iowa, marketing area. U. S. Dept. Agr., Agr. Adjustment Admin. Order Series - Order no. 12, 9pp. Washington, D. C., Sept. 17, 1936. (O-12) 1.4 Ad470
Effective Oct. 1, 1936.
Article IV, pp. 5-6, provides for minimum prices to producers. Amendment No. 1 (O-12-Amendment 1), issued Feb. 24, 1937, effective Mar. 1, 1937, changes the minimum price from \$1.90 to \$2.30.

307. U. S. District court. Iowa (Southern district, central division) United States of America, and Henry A. Wallace, Secretary of agriculture, plaintiffs, vs. Louis Neuendorf and Marguerite Neuendorf, individually and doing business under the firm name of Hillcrest dairy, a co-partnership, defendants. Equity no. 4552. Ruling of Judge Dewey denying application for temporary injunction. Signed October 19, 1934. 7pp., processed. (n.p.) Oct. 19, 1934. 1.94 D14U
Micrographed by the Agricultural Adjustment Administration.

MILK - FLUID - KANSAS

308. U. S. Dept. of agriculture, Agricultural adjustment administration. Amended license for milk greater Kansas City sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases, Exhibit C, Schedule of unfair trade practices and resale prices. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 40, 19pp., processed. Washington, D. C., 1934. (Docket no. 96) 1.94 Ad4Li
Issued Mar. 31, 1934. Effective Apr. 1, 1934.
First license issued Mar. 16, 1934.
Cost of milk to distributors, pp. 6-11.
Amended Licenses also issued on May 15, and July 16, 1934.
Amended License issued June 27, 1935, contains a provision for the payment of prices to producers by distributors, but does not contain a schedule of resale prices.
Terminated Dec. 1, 1936.

309. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Leavenworth, Kansas, sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases, Exhibit C, Schedule of unfair trade practices and minimum resale prices. U. S. Dept. Agr., Agr. Adjustment Admin.

License Ser. - License no. 56, 19pp., processed. Washington, D. C., 1934. (Docket no. 97) 1.94 Ad4Li
Issued May 15, 1934. Effective May 16, 1934.
Cost of milk to distributors, pp. 6-11.
Amended License issued Aug. 17, 1934 (effective Aug. 18, 1934); Dec. 15, 1934 (effective Dec. 16, 1934).

310. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Topeka, Kansas, sales area, with exhibits. Exhibit A, Schedule of unfair trade practices and minimum resale prices. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 92, 15pp., processed. Washington, D. C., 1934. (Docket no. 194) 1.94 Ad4Li
Issued Nov. 3, 1934. Effective Nov. 10, 1934.
Prices to producers and conditions of sales, pp. 6-7.
Amended License, issued July 8, 1935 (effective July 16, 1935), does not contain a schedule of minimum resale prices.
Suspended Aug. 16, 1936.

311. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Wichita, Kansas, sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases, Exhibit C, Schedule of unfair trade practices and resale prices. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 44, 20pp., processed. Washington, D. C., 1934. (Docket no. 33) 1.94 Ad4Li
Issued Mar. 16, 1934. Effective Mar. 17, 1934.
Cost of milk to distributors, pp. 6-11.
Amended License issued May 15, 1934 (effective May 16); Aug. 17, 1934 (effective Aug. 18); Jan. 18, 1935 (effective Jan. 21, 1935).
An Amended License, issued Aug. 14, 1935, does not contain the schedule of minimum resale prices.

312. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement regulating the handling of milk in the Topeka, Kansas, marketing area. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement No. 68, A-7, 12pp. Washington, D. C., August 1936. 1.4 Ad47M
Issued Aug. 7, 1936. Effective Aug. 16, 1936.
Minimum prices to producers are provided for in Article IV, p. 4.

MILK - FLUID - KENTUCKY

313. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Lexington, Kentucky, sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases, Exhibit C, Schedule of unfair trade practices and resale prices. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 53, 21pp., processed. Washington, D. C., 1934. (Docket no. 150) 1.94 Ad4Li

Issued May 1, 1934. Effective May 2, 1934.

Cost of milk to distributors, pp. 7-12.

Amended License issued Aug. 21, 1934 (effective Sept. 1, 1934).

Terminated July 16, 1935.

314. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Louisville sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases, Exhibit C, Schedule of unfair trade practices and minimum resale prices. U. S. Dept. Agr., Agr. Adjustment Admin., License Ser. - License no. 60, 21pp., processed, Washington, D. C., 1934. (Docket no. 168) 1.94 Ad4Li

Issued May 31, 1934. Effective June 1, 1934.

Cost of milk to distributors, pp. 7-13.

Amended License, issued Aug. 16, 1935 (effective Aug. 17, 1935) does not contain the schedule of minimum resale prices.

315. U. S. District court, Kentucky (Western district) In the District court of the United States for the western district of Kentucky. Melwood dairy, a corporation, et al, plaintiffs, vs. Thomas J. Sparks, United States, attorney for the western district of Kentucky, defendant. No. 868 in equity. Brief of defendant, Thomas J. Sparks, in support of defendant's motion to dismiss the bill of complaint and in opposition to plaintiffs' application for a temporary injunction. 64pp., processed. [n.p. 1934] 1.94 D14Inc

Mimeographed by the Agricultural Adjustment Administration.

The brief argues that the Agricultural Adjustment Act and the Louisville Milk License issued pursuant thereto are constitutional. See following sections particularly: Fixing the purchase price of milk which is in the current of interstate commerce is a proper regulation of interstate commerce, pp. 37-39; The purpose of the Agricultural Adjustment Act and the Louisville milk license in fixing the price to be paid to farmers for milk, is to increase the national flow of interstate commerce, pp. 40-42; The minimum resale prices provided for in the license are necessary for the effective regulation of producer prices and are therefore a proper regulation of interstate commerce, pp. 42-43; The Louisville milk license, which fixes the price of milk to be paid to producers, is a reasonable and appropriate regulation of the dairy industry and does not violate the due process clause of the fifth amendment, pp. 44-64.

MILK - FLUID - LOUISIANA

316. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, New Orleans sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Schedule of unfair trade practices. U. S. Dept. Agr., Agr. Adjustment Admin., License Ser. - License no. 42, 15pp., processed. Washington, D. C., 1934. (Docket no. 24) 1.94 Ad4Li

Issued Mar. 16, 1934. Effective Mar. 17, 1934.
Supersedes License no. 14 of Oct. 31, 1933,
Cost of milk to distributors, pp. 6-9.
Minimum retail and wholesale prices, p. 15.
Terminated Mar. 14, 1935.

317. U. S. Dept. of agriculture, Agricultural adjustment administration.
Marketing agreement and license for milk - New Orleans, Louisiana,
production area. Marketing agreement approved and executed by the
Secretary of agriculture October 27, 1933. Effective...October
28, 1933. License issued...October 27, 1933. Effective...October
31, 1933. U. S. Dept. Agr., Agr. Adjustment Admin., Marketing
Agreement Ser. - Agreement no. 20. License Ser. - License no. 14,
35pp. Washington, D. C., 1933. (Form M-25) 1,4 Ad47M
Prices to be paid producers are provided for in Exhibit A.
The wholesale and retail price schedule for contracting distributors'
sales is given in Schedule C.
Terminated Feb. 1, 1934.

MILK - FLUID - MARYLAND

318. [Digest of opinion in case of Maryland co-operative milk producers, inc.
et al. v. Miller et al.; Md. Ct. Appls., No. 100, Jan. 16, 1936.
(Urner, J.)] U. S. Law Week 3(23, sec. 1): 455. Feb. 4, 1936.
274.008 Un32
The Milk Control Law of Maryland (Chap. 310 of the Acts of 1935)
is held unconstitutional "in that it delegates legislative power
to an indefinite portion of producer, consumer and distributor
classes in areas having no legislative description."

319. [Digest of opinion in case of Royal farms dairy, inc., et al. v.
Wallace et al.; D. C., D. Md., No. E-2265, June 19, 1934. (Chestnut,
D. J.)] U. S. Law Week 1(43, sec. 1): 949. June 26, 1934.
274.008 Un32

320. [Digest of opinion in case of Royal farms dairy, inc. et al. v. Wallace,
Secretary of agriculture, et al., D. C., D. Md., No. E-2265, Nov.
16, 1934. (Chestnut, D. J.)] U. S. Law Week 2(13, sec. 1): 244.
Nov. 27, 1934. 274.008 Un32
The opinion declared that "the milk license promulgated by the
Secretary of Agriculture under the Agricultural Adjustment Act for
the Baltimore Sales Area is not enforceable as to a corporation which
distributes in such sales area milk which is consumed therein and
which the corporation has purchased exclusively from Maryland dairy
farmers who have produced the milk from dairy herds in Maryland
within such sales area...
"The price fixing provisions of the license are void because not
authorized by the Act. The power to eliminate 'unfair practices or
charges' does not embrace price fixing...
"A permanent injunction restraining the enforcement of the license
is granted."

321. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Baltimore, Maryland, sales area, with exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment and control of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 80, 20pp., processed. Washington, D. C., 1934. (Docket no. 12) 1.94 Ad4Li
Issued July 31, 1934. Effective Aug. 1, 1934.
Cost of milk to distributors, pp. 6-13.
Terminated Feb. 26, 1935.

322. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement and license for milk - Baltimore area, together with the following appendix, Milk regulations. Approved and executed by the Secretary of agriculture September 25, 1933. Effective date, September 29, 1933 (12:01 a.m., eastern standard time). U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 9. License Ser. - License no. 9, 29pp. Washington, D. C., 1933. (Form M-9) 1.4 Ad47M
Prices to be paid by producers are provided for in Exhibit A. Exhibit C gives the price schedule for contracting distributors.
License terminated Aug. 1, 1934. Marketing Agreement terminated Feb. 1, 1934.

323. U. S. District court, Maryland. In the District court of the United States for the district of Maryland. Royal farms dairy, inc., et al, v. Henry A. Wallace, Secretary of agriculture, et al. In equity no. 2265, November 16, 1934. Opinion. Chestnut, district judge. 20pp., processed. [n.p.] 1934. 1.94 D14Ra
Mineographed by the Agricultural Adjustment Administration.
"The question in this case is whether the 'License for milk - Baltimore Sales Area' issued by the Secretary of Agriculture under the Agricultural Adjustment Act of Congress, effective May 12, 1933... is valid and applicable to the plaintiff...
"The pleadings in the case... may be succinctly summarized by saying that the plaintiff is seeking an injunction against the defendants and particularly against the Secretary, to enjoin the enforcement of the provisions of the license against it; while the defendants by counterclaims or cross-bills are seeking affirmatively to specifically enforce the license provisions against the plaintiff." - p. 1.
"I am therefore of the opinion that the plaintiff is entitled to an injunction against the defendants." - p. 20.

324. U. S. District court, Maryland. Royal farms dairy inc., a body corporate, and Fred E. Saunenig vs. Henry A. Wallace, Clinton L. Riggs, George S. Jackson, Isaac W. Heaps and A. L. Miles. In the District court of the United States for the District of Maryland. In equity no. 2265. 79pp., processed. [n.p. 1934?] 1.94 D14Ro
Mineographed by the Agricultural Adjustment Administration.

Contains texts of bill of complaint and order to show cause, return of respondents, affidavits, copies of forms and letters referred to, brief for defendants, copy of plaintiffs' memorandum in support of their motion for a preliminary injunction, opinion of Hon. Calvin W. Chestnut, petition for extension of time, and amendments to bill of complaint.

MILK - FLUID - MASSACHUSETTS

325. Digest of opinion in the case of Mass. Sup. Jud. Ct. (Qua, J.); Milk control board v. Gosselin's dairy, inc.; Sept. 4, 1938. U. S. Law Week 6(5): 112. Oct. 4, 1938. 274.008 Un32
The Order of the Massachusetts Milk Control Board fixing minimum prices is held applicable to sales to United States for delivery at veterans' hospital in Massachusetts.

326. Digest of opinion in the case of U. S. D. C., D. Mass. (Brewster, D. J.); U. S. v. Andrews, Jan. 18, 1939. U. S. Law Week 6(26, sec. 1): 862-863. Feb. 28, 1939. 274.008 Un32
The milk marketing order of the Secretary of Agriculture is held applicable to intrastate handlers of milk in the Boston area.

327. Digest of opinion in the case of U. S. D. C., D. Mass. (Sweeney, J.); U. S. v. H. P. Hood & sons, inc., Feb. 23, 1939. U. S. Law Week 6(26, sec. 1): 862. Feb. 28, 1939. 274.008 Un32
Holds that the Agricultural Marketing Agreement Act and milk order for the Boston area promulgated by the Secretary of Agriculture are valid.

328. Digest of opinion in cases of United States et al. v. Seven Oaks dairy co.; United States et al. v. Westwood Farm milk co., inc.; D. C., D. Mass., Nos. 4068-9, May 17, 1935. (Brewster, J.). U. S. Law Week 2(39, sec. 1): 941. May 28, 1935. 274.008 Un32
The milk license for the Greater Boston Market issued by the Secretary of Agriculture under Section 8(3) of the Agricultural Adjustment Act was held void. Among other reasons the license was declared void because "it regulates the price to be paid producers for the purpose of controlling production, without authority therefor in the statute" and because "the regimentation of the milk industry by price-fixing and production-control measures is not a valid exercise by Congress of its power to regulate interstate commerce."

329. Digest-summary of opinion in case of U. S. D. C. Massachusetts (Brewster, D. J.) United States et al. v. David Buttrick co., et al., No. 4315, July 23, 1936. U. S. Law Week 3(49): 1199. Aug. 4, 1936. 274.008 Un32
"The order of the Secretary of Agriculture providing for the regulation of the handling of milk in the Greater Boston areas is void because not authorized by statute. The provisions of the Agricultural Adjustment Act as amended in 1935 authorizing the regulation

of marketing 'fell' with the provisions authorizing the regulation of production which the Supreme Court of the United States held unconstitutional in the case of United States v. Butler, 297 U. S. 1." - first paragraph of Digest-summary.

330. Massachusetts. Laws, statutes, etc. An Act further defining the powers and duties of the Milk control board. In Mass. Laws, statutes, etc. Acts and resolves...1937, chap. 428, pp. 551-556. Boston, Wright & Potter printing company, 1937. 274.39 L52A

Amendment of an act passed in 1934 and reenacted in 1936.

Reenacted by Chapter 334 of Acts and Resolves Passed by the General Court of Massachusetts in the Year 1938, p. 282. Under this Act the powers of the Milk Control Board are continued until, June 30, 1940.

331. Massachusetts. Milk control board. Report...relative to the sale of "surplus milk," so called, and other matters relating to the production and sale of milk. November 30, 1936. 39pp. Boston, Wright & Potter printing co., legislative printers, 1937. (House. No. 328. The Commonwealth of Massachusetts) 280.344 M383R

This report was made pursuant to instructions in Chapter 58 of the Resolves of 1936 which provided for "an investigation by the Milk Control Board relative to the advisability of prohibiting the sale of surplus milk, so called, at sub-standard prices."

Appendix A, pp. 16-22, consists of excerpts from public hearings relative to Senate Document No. 97 which is an act prohibiting the sale of surplus milk at sub-standard prices.

Appendix B, pp. 23-30, is a brief filed by the Springfield Sales Committee of the New England Milk Producers' Association at the public hearings before the Milk Control Board, Oct. 7, 1936, in regard to surplus, flat price and price adjustments.

Appendix E, pp. 31-36, consists of a proposed act defining the powers and duties of the Milk Control Board. One of the features of the proposed act is a provision that a license may be refused, or suspended, or revoked to an applicant who "has been, or is, a party to a combination to fix or maintain prices contrary to any provisions of this act."

332. Massachusetts. State college, Extension service. Report of the Sub-committee on marketing milk in Massachusetts. Arranged by Ellsworth W. Bell...and prepared at the request of the Committee on problems affecting the dairy industry of Massachusetts. 55pp., illus. [Amherst, Dec. 20, 1937.] 275.2 M38Rm

"Massachusetts State College, United States Department of Agriculture, and county extension services in agriculture and home economics cooperating with the Massachusetts Milk Control Board."

Report was first issued in processed form without material on pp. 36-55.

Shaun Kelly was chairman of the committee.

Three years under Federal milk control in Fall River and New Bedford, pp. 22-24.

Brief history of Federal milk control in Boston with special reference to its application to nearby Massachusetts producers, pp. 25-28.

333. Regulating the marketing of milk. Supreme court hears arguments in seven consolidated cases pertaining to constitutionality of Agricultural marketing agreement act and validity of orders on sale of milk in New York City and Boston areas. U. S. Law Week 6(35, sec. 1): 1225-1226. May 2, 1939. 274.008 Un2

Gives the background of the litigation and a summary of the oral arguments presented by Solicitor General Robert H. Jackson for the United States and by Leonard Acker, Willard R. Pratt, Charles B. Rugg and John M. Raymond for the milk handlers and producers" who are opposing the government regulation in question."

334. Tator, Samuel W. Experience in milk marketing control in the greater Boston market. 7pp., processed. [Washington, D. C., U. S. Dept. of agriculture, Agricultural adjustment administration] 1935.

1.94 D14Exp

Talk given at Northeastern Dairy Conference Meeting, Boston, June 25, 1935.

Reviews milk marketing control in the Greater Boston market by both the Federal and State governments.

335. United States. Nos. 772 and 809. In the Supreme court of the United States, October term 1938. H. P. Hood & sons, inc. and Noble's milk company, petitioners v. United States of America and Henry A. Wallace, Secretary of agriculture. Whiting milk company, petitioners v. United States of America and Henry A. Wallace, Secretary of agriculture. On writs of certiorari to the United States Circuit court of appeals for the first circuit. Brief for the respondents. 180pp. [Washington, D. C., U. S. Govt. print. off., 1939]

"The statute involved is the Act of May 12, 1933 (48 Stat. 31), as amended August 24, 1935 (49 Stat. 750), and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246)..."

"The regulation involved is Order No. 4 as amended which regulates the handling of milk in the greater Boston, marketing area, and which was issued by the Secretary of Agriculture under the provisions of the Agricultural Marketing Agreement Act." - p. 2.

The constitutionality of the Agricultural Marketing Agreement Act and the Order were upheld by the United States Supreme Court, June 5, 1939. - (N. Y. Times, June 6, 1939, pp. 1, 12).

336. U. S. Dept. of agriculture, Agricultural adjustment administration. Amended license for milk, Fall River, Mass., sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin.

License Ser. - License No. 48, 15pp., processed. Washington, D. C., 1934. (Docket no. 29) 1.94 Ad4Li
Issued Mar. 31, 1934. Effective Apr. 1, 1934.
Cost of milk to distributors, pp. 5-9.
Amended License issued Aug. 30, 1934 (effective Sept. 1, 1934); Apr. 8, 1935 (effective Apr. 9, 1935).
Suspended May 1, 1936.

337. U. S. Dept. of agriculture, Agricultural adjustment administration. Amended license for milk, greater Boston sales area, with exhibit. Exhibit A, Allotment and regulation of bases. U. S. Dept. Agr., Agr. Adjustment Admin., License Ser. - License no. 38, 22pp., processed. Washington, D. C., 1935. 1.94 Ad4Li
Issued Feb. 21, 1935. Effective Feb. 24, 1935.
Prices to distributors and conditions of sales, pp. 7-9.
Amended License issued Apr. 29, 1935 (effective May 1, 1935). Docket nos. 14, 14a & L61; July 15, 1935 (effective July 16, 1935). Terminated Feb. 9, 1936.

338. U. S. Dept. of agriculture, Agricultural adjustment administration. Amended license for milk, New Bedford, Mass., sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin., License Ser. - License no. 49, 17pp., processed. Washington, D. C., 1934. (Docket no. 29) 1.94 Ad4Li
Issued Mar. 31, 1934. Effective Apr. 1, 1934.
Cost of milk to distributors, pp. 6-11.
Amended License issued Aug. 30, 1934 (effective Sept. 1, 1934); Apr. 5, 1935 (effective Apr. 6, 1935).

339. U. S. Dept. of agriculture, Agricultural adjustment administration. In the matter of Seven Oaks dairy co. Before the Secretary of agriculture. Case no. 38 - 1 - 36. Findings of fact and order of the Secretary. 6pp., processed. Washington, D. C. [Nov. 14, 1934] 1.94 D14So

340. U. S. Dept. of agriculture, Agricultural adjustment administration. In the matter of Seven Oaks dairy co. Before the Secretary of agriculture. Case no. 38 - 1 - 36. Stipulation. 6pp., processed. Washington, D. C. [1934] 1.94 D14So

341. U. S. Dept. of agriculture, Agricultural adjustment administration. In the matter of Westwood farm milk co., inc. Before the Secretary of agriculture. Case no. 38 - 2 - 4. 6pp., processed. Washington, D. C. [Oct. 3, 1934] 1.94 D14W

342. U. S. Dept. of agriculture, Agricultural adjustment administration. In the matter of Westwood farm milk co., inc. Before the Secretary of agriculture. Case no. 38 - 2 - 4. Findings of fact and order of the Secretary. 6pp., processed. Washington, D. C. [Nov. 14, 1934] 1.94 D14W

343. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement and license for milk - greater Boston market,.. Agreement approved and executed by the Secretary of agriculture October 30, 1933. Effective...November 3, 1933. License issued... October 30, 1933. Effective...Nov. 3, 1933. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 21. License Ser. - License no. 15, 46pp. Washington, D. C., 1933. (Form M-22) 1.4 Ad47M
Prices to be paid by producers are provided for in Exhibit C. Schedule for wholesale and retail prices for contracting distributors' sales is given in Exhibit E.
License terminated Mar. 16, 1934. Marketing Agreement terminated Feb. 1, 1934.

344. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement regulating the handling of milk in the greater Boston, Massachusetts, milk marketing area. For the signature of handlers. U. S. Dept. Agr., Agr. Adjustment Admin. [Marketing Agreement 82], 16pp., processed. [Washington, D. C.] Dec. 31, 1938.
Approved Jan. 13, 1939. Effective Jan. 16, 1939.
Minimum prices to producers and associations are provided for in Article IV, pp. 4-6.

345. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement regulating the handling of milk in the Lowell-Lawrence, Massachusetts marketing area. Approved by the Secretary of agriculture. U. S. Dept. Agr., Agr. Adjustment Admin. [Marketing Agreement 83], 17pp., processed. [Washington, D. C., 1939]
Approved Feb. 6, 1939. Effective Feb. 12, 1939.
Minimum prices to producers are provided for in Section 4, pp. 4-5.

346. U. S. Dept. of agriculture, Agricultural adjustment administration. Massachusetts state milk control act. U. S. Dept. Agr., Agr. Adjustment Admin., Dairy Sec. Paper no. 11, Series of State Milk Control Acts, 14pp., processed. Washington, D. C., Sept. 15, 1937. 1.94 D14Ps
Similar in scope to the other papers in the series.
Analysis of a law passed in 1934, reenacted in 1936, and extended to June 30, 1938. Clarifying amendments were added by Chapter 428 of the Acts of 1937. Gives information on the general character of the legislation, administrative procedure, rules, etc., and legal status.
The board is empowered to fix minimum prices to be paid producers and minimum wholesale and/or retail prices. (pp. 5-6.)

347. U. S. Dept. of agriculture, Agricultural adjustment administration. Order regulating the handling of milk in the Fall River, Massachusetts, marketing area. U. S. Dept. Agr., Agr. Adjustment Admin. Order Series - Order No. 5, 13pp. Washington, D. C., Apr. 15, 1936. (0-5) 1.4 Ad470

Effective May 1, 1936.

Minimum prices to producers are provided for in Article IV, pp. 5-6.

An amendment (O-5 - Amendment 1) was issued Mar. 29, 1937, effective Apr. 1, 1937.

348. U. S. Dept. of agriculture, Agricultural adjustment administration. Order regulating the handling of milk in the greater Boston, Massachusetts, marketing area. U. S. Dept. Agr., Agr. Adjustment Admin. Order Series - Order no. 4, 16pp. Washington, D. C., Feb. 7, 1936. (O-4) 1.4 Ad470
Effective Feb. 9, 1936. Suspended Aug. 1, 1936; reinstated Aug. 1, 1937.
Article IV, pp. 6-7, provides for minimum prices to producers and to associations of producers.
Amendment No. 1 (O-4 - Amendment 1), issued July 28, 1937 and effective Aug. 1, 1937, amends Article IV among other things.

349. U. S. Dept. of agriculture [Agricultural adjustment administration] Division of marketing and marketing agreements. Order...issued pursuant to Public act no. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural marketing agreement act of 1937, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area. 12pp. Washington, D. C., 1939. (O-34. T7, Ch. IX, Code of Fed. Regs. Marketing Orders - Part 934) 1.4 Ad470
Effective February 12, 1939.
Minimum prices to producers and to associations of producers, pp. 5-6.

350. U. S. District court. Massachusetts. District court of the United States, district of Massachusetts. Equity no. 4519. United States of America, and Henry A. Wallace, Secretary of agriculture, v. H. R. Hood & sons, inc. and Noble's milk company. Equity no. 4520. Same v. The Whiting milk company. Equity no. 4521. Same v. W. P. Elliott company. Equity no. 4522. Same v. Green Valley creamery, inc. Equity no. 4529. Same v. F. W. Laroe and John E. Burr. Equity no. 4530. Same v. A. J. Robinson. Equity no. 4536. Same v. Whitcomb farms, inc. Equity no. 4540, Same v. A. J. McNeil & sons. Equity no. 4543. Same v. Wm. T. Jones company. Equity no. 4544. Same v. Westwood farm milk company. Equity no. 4550. Same v. Mason's creamery company. Opinion (February 23, 1939). 10pp., processed. [Washington, D. C.] 1939. 174 B76
"Copy - duplicated by Dairy Section, Division of Marketing and Marketing Agreements, United States Department of Agriculture."

351. U. S. District court. Massachusetts. Equity no. 4068. District court of the United States, District of Massachusetts, United States of America and Henry A. Wallace, Secretary of agriculture v. Seven Oaks dairy company. Equity no. 4069. United States of America and Henry A. Wallace, Secretary of agriculture, v. Westwood farm milk co., inc. Opinion. (May 17, 1935). 14pp., processed. [n.p., 1935.] 1.94 D14Soa

Mimeographed by the Agricultural Adjustment Administration.

The opinion is summarized on p. 14 as follows: "The license must be held to be void and unenforceable for the reasons (a) that it purports to operate upon persons not within the reach of the authority conferred upon the Secretary of Agriculture by the statute; (b) that its scope has been carried beyond the limits of the law by regimenting production and fixing prices with respect to transactions that have no substantial or direct relation to interstate commerce; and (c) that these excesses, found in inseparable provisions of the license, vitiate the whole license.

"The bills of complaint in both of the cases here considered must be dismissed."

352. U. S. District court. Massachusetts. Equity no. 4315. United States et al. v. David Buttrick company et al. Opinion, July 23, 1936. 5pp., processed. [Washington, D. C.] 1936. 174 B76

Mimeographed by the Agricultural Adjustment Administration.

Opinion of J. Brewster in a case in which the plaintiff seeks a mandatory injunction to compel twenty-eight defendants to comply with Order No. 4 of the Secretary of Agriculture, regulating the handling of milk in the Greater Boston area. "Inasmuch as the Court is without jurisdiction to entertain the bill in equity, the Court is without power to grant the mandatory injunctions prayed for and the motion for such injunction is denied; and the motions to dismiss for want of jurisdiction are allowed."

353. U. S. District court. Massachusetts. In the District court of the United States for the district of Massachusetts. United States of America and Henry A. Wallace, Secretary of agriculture, plaintiffs, v. David Buttrick company, et al., defendants. In equity no. [4315?] Memorandum on behalf of plaintiffs with respect to constitutional questions. John Dickinson, assistant attorney general, J. W. Ford, United States attorney, John S. L. Yost, A. H. Feller, special assistants to the attorney general. Mastin G. White, solicitor, United States Department of agriculture. 82pp., processed. [Washington, D. C., 1936?] 174 B76

Mimeographed by the Agricultural Adjustment Administration.

"This case involves the constitutionality of certain provisions of the Agricultural Adjustment Act of 1933, as amended in 1935 (7 U. S. C. A. 601, et. seq.) relating to the marketing of milk in interstate commerce and of a certain order issued by the Secretary of agriculture pursuant to that Act known as Order No. 4, Order Regulating the Handling of Milk in the Greater Boston Marketing Area, effective February 9, 1936."

The main points of the argument as given on the index page are as follows: "I. Neither the purpose nor the effect of the Act and Order is the control of production. II. The defendants herein are subject to the provisions of the Order since their transactions are in the current of interstate commerce or directly affect such commerce. III. The provisions with respect to price regulation are

a valid exercise of the power of Congress to regulate commerce among the several states. IV. The regulation of the price of milk moving in interstate commerce involves no infringement of the rights guaranteed by the due process clause of the fifth amendment. V. The price regulating provisions of the Act and Order do not involve any unconstitutional delegation of legislative power. VI. The provisions respecting the equalization pool are constitutional. VII. The provisions respecting the deduction for administrative expenses are constitutional."

354. U. S. District court. Massachusetts. In the District court of the United States for district of Massachusetts. United States of America and Henry A. Wallace, Secretary of agriculture, plaintiffs, v. David Buttrick company...Valley Farm...West Lynn creamery...Dean dairy... Elm Spring farm company...[and others], defendants. In equity no. [4315?]. 21[6]pp., processed. [Washington, D. C., 1936?], 174 B76
Mimeographed by the Agricultural Adjustment Administration.
This is the Bill of Complaint.

355. U. S. District court. Massachusetts. In the District court of the United States for the district of Massachusetts. United States of America and Henry A. Wallace, Secretary of agriculture, plaintiffs, v. H. P. Hood & sons, inc., et al., defendants. In equity no. 4519. Plaintiffs' brief in support of their application for a temporary injunction. 77pp., processed. [Washington, D. C., 1939?], 174 B76
Mimeographed by the Agricultural Adjustment Administration.
This suit was brought to compel the defendants to comply with the provisions of Order No. 4, regulating the handling of milk in the Boston, Mass., marketing area.

356. U. S. District court. Massachusetts. In the District court of the United States for the district of Massachusetts. United States of America and Henry A. Wallace, Secretary of agriculture, plaintiffs, v. Seven Oaks dairy company, a corporation, defendant. In equity no. 4068. Stipulation of evidence. 22pp., processed. [n.p., 1934.], 1.94 D14So
Mimeographed by the Agricultural Adjustment Administration.
The provisions of the license, pp. 13-22. See for price-fixing provisions of the license and the manner of determining the price.

357. U. S. District court. Massachusetts. In the District court of the United States for the district of Massachusetts. United States of America and Henry A. Wallace, Secretary of agriculture, plaintiffs, v. Seven oaks dairy company, a corporation, defendant. In equity no. 4068. United States of America and Secretary Henry A. Wallace, plaintiffs, v. Westwood farm milk company, inc., a corporation, defendant. In equity no. 4069. Brief of the plaintiffs. 46pp., processed. [n.p., 1934?], 1.94 D14Soa
Mimeographed by the Agricultural Adjustment Administration.

The aim of the argument is to show "(1) that the defendant is actually engaged in interstate commerce and is subject to Federal regulation. (2) that the Agricultural Adjustment Act and the Greater Boston Milk License are proper and constitutional exercises of the Federal power to regulate interstate commerce. (3) that the Agricultural Adjustment Act and the provisions of the Greater Boston Milk License do not violate the due process clause of the Fifth Amendment. (4) that the powers given to the Secretary of Agriculture by virtue of the Agricultural Adjustment Act are a constitutional and valid delegation of legislative power."

358. U. S. District court. Massachusetts. In the District court of the United States for the district of Massachusetts, United States of America and Henry A. Wallace, Secretary of agriculture, plaintiffs, vs. Westwood farm milk co., inc., a corporation. In equity no. 4069. Stipulation of evidence. 23pp., processed. [n.p., 1934.] 1.94 D14W

Micronographed by the Agricultural Adjustment Administration.

The provisions of the license, pp. 13-23. See pp. 14-18 for price-fixing provisions of the license and the manner in which the prices are determined.

359. U. S. Federal trade commission. Report...on the distribution and sale of milk and milk products, Boston, Baltimore, Cincinnati, St. Louis. Letter...transmitting the fourth report...regarding the distribution and sale of milk and milk products, entitled "Report of Federal Trade Commission on milk-market regulation and practices of distributors in relation to margins, costs, and profits of distributors in Boston, Baltimore, Cincinnati, and Saint Louis." 74th Cong., 2d sess. House Doc. 501, 243pp. Washington, D. C., 1936. 173 F32Mi
Federal control of the Boston market, pp. 28-30.
Massachusetts Milk-control Board, pp. 30-32.

MILK - FLUID - MICHIGAN

360. Bill on control of milk signed. Governor to appoint board at once. Detroit Free Press, May 27, 1939. Reproduced in Photostat Press Serv. no. 491, June 3, 1939.

"Gov. Dickinson signed the milk-control bill Friday, giving immediate effect to the creation of a machinery with price-fixing powers which may intervene to curb the price war in the Detroit metropolitan area..."

"The board will have power to peg prices to producers as circumstances in a given area suggest and curb price wars by forbidding retail prices at less than cost. Distributors will be required to pay at least the pegged price for fluid milk, whether they buy from independent or organized producers. The board will have power to declare emergencies and fix retail prices as well."

361. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Ann Arbor, Michigan, sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 65, 19pp., processed. Washington, D. C., 1934. (Docket no. 171) 1.94 Ad4Li
Issued June 30, 1934. Effective July 1, 1934.
Cost of milk to distributors, pp. 7-13.
Amended License issued Dec. 19 (effective Dec. 20, 1934); Apr. 29, 1935 (effective May 1, 1935).
Terminated Feb. 15, 1936.

362. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Battle Creek, Michigan, sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 66, 18pp., processed. Washington, D. C., 1934. (Docket no. 176) 1.94 Ad4Li
Issued June 30, 1934. Effective July 1, 1934.
Cost of milk to distributors, pp. 6-11.
Amended License issued Dec. 19, 1934 (effective Dec. 20, 1934).

363. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Bay City, Michigan, sales area with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 67, 18pp., processed. Washington, D. C., 1934. (Docket no. 182) 1.94 Ad4Li
Issued June 30, 1934. Effective July 1, 1934.
Cost of milk to distributors, pp. 6-11.
Terminated July 26, 1935.

364. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Detroit sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 50, 20pp., processed. Washington, D. C., 1934. (Docket no. 160) 1.94 Ad4Li
Issued Mar. 31, 1934. Effective Apr. 1, 1934.
Cost of milk to distributors, pp. 6-12.
Amended License issued, Nov. 1, 1934. (effective, Nov. 5, 1934); May 4, 1935 (effective May 6, 1935).

365. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Flint, Michigan, sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 68, 17pp., processed. Washington, D. C., 1934. (Docket no. 173) 1.94 Ad4Li
Issued June 30, 1934. Effective July 1, 1934.
Cost of milk to distributors, pp. 6-11.
Terminated Sept. 14, 1935.

366. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Grand Rapids, Michigan, sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin., License Ser. - License no. 69, 18pp., processed. Washington, D. C., 1934. (Docket no. 174) 1.94 Ad4Li
Issued June 30, 1934. Effective July 1, 1934.
Cost of milk to distributors, pp. 6-12.
Amended License issued Apr. 30, 1935 (effective May 1, 1935).
Terminated Apr. 1, 1937.

367. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Kalamazoo, Michigan, sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 70, 19pp., processed. Washington, D. C., 1934. (Docket no. 177) 1.94 Ad4Li
Issued June 30, 1934. Effective July 1, 1934.
Cost of milk to distributors, pp. 7-13.
Amended License issued Dec. 15, 1934 (effective Dec. 16, 1934); Apr. 29, 1935 (effective May 1, 1935).

368. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Lansing, Michigan, sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin., License Ser. - License no. 71, 17pp., processed. Washington, D. C., 1934. (Docket no. 178) 1.94 Ad4Li
Issued June 30, 1934. Effective July 1, 1934.
Cost of milk to distributors, pp. 6-11.
Amended License issued Nov. 1, 1934 (effective Nov. 5, 1934).
Terminated July 26, 1935.

369. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Muskegon, Michigan, sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin. Licesne Ser. - License no. 72, 17pp., processed. Washington, D. C., 1934. (Docket no. 175) 1.94 Ad4Li
Issued June 30, 1934. Effective July 1, 1934.
Cost of milk to distributors, pp. 6-11.
Amended License issued Nov. 1, 1934 (effective Nov. 5, 1934).
Terminated July 26, 1935.

370. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Port Huron, Michigan, sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 73, 19pp., processed. Washington, D. C., 1934. (Docket no. 179) 1.94 Ad4Li

Issued June 30, 1934. Effective July 1, 1934.

Cost of marketing milk to distributors, pp. 6-11.

Schedule of unfair trade practices and minimum resale prices, p. 19.

Terminated Mar. 2, 1935.

371. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Saginaw, Michigan, sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 74, 17pp., processed. Washington, D. C., 1934. (Docket no. 172) 1.94 Ad4Li

Issued June 30, 1934. Effective July 1, 1934.

Cost of milk to distributors, pp. 6-11.

Terminated July 26, 1935.

372. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for milk - Detroit milk shed and License for milk - Detroit milk shed, together with the following appendix, Milk regulations, series 1. Approved and executed by the Secretary of agriculture, August 23, 1933. Effective date, August 27, 1933 (12:01 p.m., eastern standard time). U. S. Dept. Agr., Agr. Adjustment Admin., Marketing Agreement Ser. 1 - Agreement no. 4, License Ser. 1 - License no. 4, 25pp. Washington, D. C., 1933. (Form M-7) 1.4 Ad47M

Rules for milk production, prices, and amounts are given in Exhibit A.

Price schedules for contracting distributors' sales are given in Exhibit C.

License terminated Apr. 1, 1934. Marketing Agreement terminated Feb. 1, 1934.

MILK - FLUID - MINNESOTA

373. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement and license for milk - Twin City area, together with the following appendix, Milk regulations. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 5, License Ser. - License no. 5, 27pp. Washington, D. C., 1933. (Form M-8) 1.4 Ad47M

Approved Aug. 29, 1933. Effective Sept. 2, 1933.

Producers' prices are provided for in sections II and III of Exhibit A. Exhibit B contains the price schedule for contracting distributors' sales.

License terminated Feb. 16, 1934. Marketing Agreement terminated Feb. 1, 1934.

License No. 32 (Docket 13) and five amendments issued in processed form in 1934-1935.

374. U. S. Federal trade commission. Report...on the sale and distribution of milk and milk products, Twin City sales area. Letter...transmitting an interim report...with respect to the sale and distribution of milk and milk products in pursuance of House concurrent resolution no. 32; Seventy-third Congress, second session, adopted June 15, 1934. 74th Cong., 2d sess., House Doc. 506, 71pp. Washington, D. C., 1936. 173 F32Mi

Prices [to be paid producers] determined by Agricultural Adjustment Administration, pp. 67-71.

MILK - FLUID - MISSOURI

375. Miller, P. L., and Farr, R. H. Statement concerning the St. Louis milk market and the proposed amended marketing agreement as tentatively approved and a proposed amended order. 126pp., processed. [Washington, D. C.] U. S. Dept. of agriculture, Agricultural adjustment administration, Div. of marketing and marketing agreements, Dairy section. Dec. 7, 1938. 1.94 D14Sta

Minimum prices provided for in the proposed amended marketing agreement as tentatively approved and a proposed amended order, p. 99.

376. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, St. Louis milk shed, with the following exhibits: Exhibit A, Prices to be paid producers, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 35, 16pp., processed. Washington, D. C., 1934. (Docket no. 56) 1.94 Ad4Li

Issued Mar. 1, 1934. Effective Mar. 2, 1934.

Supersedes License no. 18 of Nov. 25, 1933.

Amended License issued Mar. 4, 1935 (effective Mar. 4); May 29, 1934 (effective June 1, 1934); Nov. 15, 1934 (effective Nov. 16, 1934).

License and amendments terminated Jan. 31, 1936.

377. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement and license for milk, St. Louis production area. Agreement approved and executed by the Secretary of agriculture, November 22, 1933. Effective date, November 22, 1933...License issued...November 22, 1933. Effective date, November 25, 1933, 3:00 p.m., central standard time. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 24. License Ser. - License no. 18, 50pp. Washington, D. C., 1933. (Form M-24) 1.4 Ad47M

Exhibit A gives rules for milk production, prices and amount. The wholesale and retail price schedule for contracting distributors' sales is given in Exhibit C.

License superseded by License no. 35 of Mar. 1, 1934.

License terminated Mar. 2, 1934. Marketing Agreement terminated Feb. 1, 1934.

378. U. S. Dept. of agriculture, Agricultural adjustment administration. Order regulating the handling of milk in the Kansas City, Missouri, marketing area. U. S. Dept. Agr., Agr. Adjustment Admin. Order Series - Order No. 13, 12pp. Washington, D. C., Nov. 3, 1936. (O-13) 1.4 Ad470
Effective December 1, 1936.
Article IV, pp. 5-6, provides for minimum prices to producers.

379. U. S. Dept. of agriculture, [Agricultural adjustment administration], Division of marketing and marketing agreements. Order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. 10pp. Washington, D. C., 1939. (O-3, as amended. T. 7, Ch. IX, Code of Fed. Regs. Marketing Orders - Part 903) 1.4 Ad470
Order effective April 5, 1939.
Minimum prices, pp. 4-5; Determination of uniform prices to producers, p. 7.
Order no. 3, first issued Jan. 30, 1936, effective Feb. 1, 1936.

380. U. S. District court. Missouri (Eastern division) In the District court of the United States for the eastern district of Missouri, United States of America, Henry A. Wallace, Secretary of agriculture, and Fred L. Shipley, plaintiffs, v. Martin J. Ameln, doing business under the name and style of Valley Spring dairy company, defendant... Reply of plaintiffs in support of application for preliminary injunction. 27pp., processed. [Washington, D. C., 1934?] 1.94 D14Am
Mimeographed by the Agricultural Adjustment Administration.
The following is quoted from pages 2-3:
"The fundamental purpose of the Milk License is to require all distributors in the St. Louis market...to pay producers certain minimum prices for their milk. We shall show that the Act and the Milk License are an appropriate exercise of the Federal power to regulate interstate commerce."

MILK - FLUID - NEBRASKA

381. Miller, P. L., and Harris, E. S. Statement concerning the Omaha-Council Bluffs market and the proposed marketing agreement and proposed order. 115pp., processed. [Washington, D. C.] U. S. Dept. of agriculture, Agricultural adjustment administration, Division of marketing and marketing agreements, Dairy section, Dec. 6, 1938. 1.94 D14Sta
Contains four appendices. Appendix D is separately paged, and is entitled "The Audit of Handlers' Records in Connection with Federal Regulation of Milk Marketing," by E. S. Harris and O. M. Reed. Minimum class prices provided by license, p. 79.
The provisions of the proposed marketing order and proposed marketing agreement which have to do with minimum prices are set forth on pp. 89-90.

382. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Lincoln, Nebraska, sales area; with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Schedule of unfair trade practices and resale prices. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 41, 15pp., processed. Washington, D. C., 1934. (Docket no. 93) 1.94 Ad4Li
Issued Mar. 16, 1934. Effective Mar. 17, 1934.
Cost of milk to distributors, pp. 6-10.
Amended License also issued May 15, 1934 (effective May 16, 1934); Aug. 17, 1934 (effective Aug. 18, 1934); Nov. 14, 1934 (effective Nov. 16, 1934).
An Amended License, issued June 18, 1935, contains a provision for prices to be paid producers, but does not contain the schedule of minimum resale prices.

383. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Omaha-Council Bluffs area, together with the following exhibits: Exhibit A, Prices to be paid to producers, Exhibit B, Rules for establishment of bases, Exhibit C, Schedule of unfair trade practices. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 33, 16pp., processed. Washington, D. C., 1934. (Docket no. 69) 1.94 Ad4Li
Issued Feb. 19, 1934. Effective Feb. 23, 1934.
Minimum retail and wholesale prices are set forth on p. 15.
Amended License issued May 29, 1934 (effective June 1, 1934); Nov. 14, 1934 (effective Nov. 16, 1934).
Suspended April 4, 1939.

384. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for milk, Omaha-Council Bluffs production area. 20pp., processed. [Washington, D. C., 1933] 1.94 D14Ma
Prices to be paid producers are provided for in Exhibit A, pp. 11-12.
Exhibit C, pp. 17-19, contains the price schedule for contracting distributors' sales.

385. U. S. Dept. of agriculture [Agricultural adjustment administration], Division of marketing and marketing agreements. Order regulating the handling of milk in the Omaha-Council Bluffs marketing area. 10pp. Washington, D. C., 1939. (O-35. T. 7, Ch. IX, Code of Fed. Regs. Marketing Orders - Part 935) 1.4 Ad470
Order effective April 5, 1939.
Minimum prices to be paid by handlers, p. 5; Determination of uniform prices to producers, pp. 6-7.

MILK - FLUID - NEW ENGLAND

386. Davis, W. P. Fluid milk market control and cooperatives. Amer. Inst. Coop. Amer. Coop. (1935)11: 464-473. Washington, D. C., 1935. 280.29 Am3A

Discusses the problems and relationships between the Federal and state government control of the fluid milk and cooperatives in New England.

387. Hood, Harvey P., 2nd. New England milk and government control. Amer. Creamery and Poultry Produce Rev. 80(26): 932-936. Oct. 30, 1935. 286.85 N482

"An address delivered before the Rotary Club of Boston, September 25, 1935."

The writer questions the advisability of state and federal price fixing and control of milk as a permanent solution to our problems, although they may serve a purpose in an emergency.

See also names of New England States

MILK - FLUID - NEW HAMPSHIRE

388. [Digest-summary of opinion in case of New Hampshire Sup. Ct. (Allen, C. J.) Ferretti v. Jackson, No. 2820, Dec. 1, 1936.] U. S. Law Week 4(16): 411. Dec. 15, 1936. 274.008 Un32

"Milk Control Act of New Hampshire is unconstitutional by reason of delegation to Milk Control Board of legislative power."

389. New Hampshire. Laws, statutes, etc. An act to assure an adequate supply of proper milk. In N. H. Laws, statutes, etc. Laws...1937, chap. 107, pp. 139-146. Concord, N. H. [The Granite state press] 1937. 274.55 L52L

Approved May 19, 1937.

Creates a Milk Control Board which shall have the authority to "fix the just and reasonable minimum or maximum prices, or both, that shall be paid producers or associations of producers by distributors, and the manner of payment and the prices charged consumers and others for milk by distributors", after public notice and hearing. Repeals Chapter 21 of the Laws of 1935, relative to the distribution and sale of milk.

390. U. S. Dept. of agriculture, Agricultural adjustment administration. New Hampshire state milk control act. U. S. Dept. Agr., Agr. Adjustment Admin., Dairy Sec. Paper no. 12, Series of State Milk Control Acts, 12pp., processed. Washington, D. C., Sept. 16, 1937. 1.94 D14Ps

Similar in scope to the other papers in the series.

Analysis of legislation enacted in 1935, declared unconstitutional in 1936, and succeeded by a permanent measure, approved May 19, 1937.

Gives information on the general character of the legislation, administrative procedure, rules, etc., and legal status.

The board is authorized, under certain conditions, to fix prices to be paid by producers and charged by distributors (pp. 4-5).

MILK - FLUID - NEW JERSEY

391. Duryee, William B. A milk control official discusses weaknesses of the dairy industry. Milk Plant Monthly 25(6): 44, 46, 48-49. June 1936. 44.8 C864
"From the 1935 report of the New Jersey Milk Control Board." Price-fixing, pp. 48-49.

392. Duryee, William B. The New Jersey Milk control board. Bur. Farmer (N. J. Bur. Farmer) 8(12): 9. August 1933. 280.82 B89
Contains information on when and how the board was created, names of the members of the board, what has been done, and the tasks ahead.
"The principal efforts of the board are being directed toward securing for the New Jersey producer a fair price for his product, stabilization of the retail and wholesale markets by a minimum price schedule and development of a quality program for the dairy industry of this state."

393. New Jersey. Laws, statutes, etc. Chapter 169, Laws of 1933. An act to regulate and control the purchase, distribution and sale of fluid milk and cream and to create a State board of milk control. 18pp. Trenton, N. J. May 1933. 280.344 N46
At head of title: State of New Jersey Milk Control Board.
Fixing of price [to be paid producer and to be charged consumer] and violations, Article VII, pp. 15-17.

394. New Jersey. Milk control board. Report...May 24, 1933 - June 30, 1935. 58pp., charts. Trenton, N. J., December 1935. 280.3449 N46
Price fixing, pp. 22-25. Among other things the statement is made that "there is practically no sentiment for the elimination of prices paid to producers by dealers and charged by dealers to consumers."

395. State milk control board upheld by Jersey Court. [N. Y.] Jour. Com. and Commercial 173: 1. July 8, 1937. 286.8 J82
"Trenton, N. J., July 7 (UP). - The Supreme Court of New Jersey today upheld the State Milk Control Board's power to fix prices, even in cases where the Federal Government is a consumer.
"The decision, written by Justice Joseph L. Bodine, sustained the board in revoking the Paterson Milk & Cream Co.'s license."

396. U. S. Dept. of agriculture, Agricultural adjustment administration. New Jersey state milk control act. U. S. Dept. Agr., Agr. Adjustment Admin., Dairy Sec. Paper no. 5, Series on State Milk Control Acts, 10pp., processed. Washington, D. C., Feb. 12, 1937.
1.94 D14Ps

Similar in scope to the other papers in the series.

Analysis of an emergency measure, approved Apr. 29, 1935, which continues in amended form the powers of a milk control board authorized by a law passed in 1933. "The emergency period during which the law shall be effective expires June 30, 1937."

Powers in regard to price regulation, p. 4. The board is authorized to fix minimum prices to producers and also minimum resale prices.

This act was amended by chapter 56 of the Acts of New Jersey, 1937.

MILK - FLUID - NEW YORK

397. Agger, Caroline. Constitutional law - police power - price fixing. Marquette Law Rev. 18(1): 56-57. December 1933. Libr. Cong. (Law Div.)
Comment on the decision of the New York Court of Appeals in the Nebbia case.

398. B., T. Constitutional law - equal protection of the laws - discrimination on basis of well advertised trade name - denial to newcomers of price differential. St. John's Law Rev. 11(1): 104-107. November 1936. Libr. Cong. (Law Div.)
Comment on the Supreme Court decisions in the Borden's Farm Products Co., and the Mayflower Farms cases.

399. Bauer, John. The courts approve price fixing. Natl. Municipal Rev. 22(12): 588-592. December 1933. 280.8 N21
Following low milk prices, which in turn were followed by the so-called milk strikes the State of New York provided for "a state milk control board which was directed to fix a minimum price of milk both wholesale and retail. The failure to comply with an order of the board was made a misdemeanor. This legislation has raised the fundamental question as to whether the milk business, both in production and distribution, constitutes a public utility, and whether prices can be fixed by state authority. These questions came up in the so-called Nebbia case, decided by the Court of Appeals in July 1933...The majority of the court accepted the findings of the legislature that the industry was basic, that it does involve the health and welfare of the people, and that under all the circumstances the legislation was constitutional."

400. Berry, John A. Constitutional law - due process of law - regulation of trade or business in general. *Notre Dame Lawyer* 9(1): 95-97. November 1933. Libr. Cong. (Law Div.)
Comment on the decision of the New York Court of Appeals in the *Nebbia* case.

401. Berwald, Arthur. Constitutional law - governmental price fixing in competitive industry. *Tex. Law Rev.* 14(1): 65-71. December 1935. Libr. Cong. (Law Div.)
Refers particularly to the *Nebbia* and *Hegeman Farms Corporation* cases.

402. Brunn, Herbert T. Constitutional law: police power: price regulation: recent application of the *Nebbia* doctrine. *Cornell Law Quart.* 22(3): 397-400. April 1937. Libr. Cong. (Law Div.)

403. C., W. R. Constitutional law - New York milk control law - price fixing. *Georgetown Law Jour.* 24(4): 1011-1013. May 1936. Libr. Cong. (Law Div.)
Comment on the court decision in the *Borden's Farm Products Co.*, case, also in the *Nebbia* case.

404. Cain, William M. Constitutional law - due process - regulation of trade or business in general. *Notre Dame Lawyer* 9(1): 111-112. November 1933. Libr. Cong. (Law Div.)
Comment on the decision of the New York Court of Appeals in the *Nebbia* case.

405. [Call, Thela F.] Constitutional law - price fixing - due process - Milk control act of New York. *George Washington Law Rev.* 3: 251-252. 1934-1935. 274.008 G29
Signed T.F.C.
Comment on the *Hegeman Farms Corp. v. Charles H. Baldwin* case in which a wholesale dealer in milk sought "to enjoin enforcement of orders of the New York Milk Control Board fixing minimum prices payable to producers and receivable from producers."

406. Chapin, L. A. Stabilizing milk marketing by restricting and controlling surplus. *Amer. Inst. Coop. Amer. Coop.* (1933)9: 334-339. Washington, D. C., 1934. 280.29 Am3A
Discussion, pp. 339-341.
Discusses the inherent difficulties of milk control in New York State. It is pointed out, in conclusion, that "price fixing will raise prices but it cannot stabilize an industry."

407. Chase, Allan, and Goldsmith, Alfred. The milk racket. *Nation* 141(3669): 501-503. October 30, 1935. Pam. Coll.
Critical of the administration of the New York milk control law and of attempts to solve the milk situation. States the Board did

not really function for the farmers and small dealers, and that some stability in the industry might have been achieved if the Board had established "a minimum bulk price - that is, a uniform fixed price to the farmer regardless of the ultimate use made of the milk."

408. Cohen, Julius. Milk regulation; a problem in economics, legislation and administration. West Va. Law Quart. 40(3): 247-252. April 1934. Libr. Cong. (Law Div.)
Comment on the Nebbia case and the United States Supreme Court decision.

409. Commerce - powers of states - restrictions on sale of goods from other state. Minn. Law Rev. 19(7): 796-798. June 1935. Libr. Cong. (Law Div.)
Comment on the Supreme Court decision in the Seelig case.

410. Constitutional law - due process - governmental price fixing of private industry. Minn. Law Rev. 18(1, 7): 73-74, 874-875. December 1933, June 1934. Libr. Cong. (Law Div.)
Comment on the decisions of the New York Court of Appeals and of the United States Supreme Court in the Nebbia case.

411. Constitutional law - due process - price regulation. Detroit Law Rev. 4(3): 167-172. June 1934. Libr. Cong. (Law Div.)
Comment on the Nebbia case.

412. Constitutional law - due process of law - fixing of minimum milk prices. Harvard Law Rev. 47: 130-131. November 1933. 274.008 H26
Comment on the Nebbia milk case and decision.

413. Constitutional law - equal protection of the law - denial of price differential to future dealers in milk as arbitrary. Harvard Law Rev. 49(6): 996-998. April 1936. 274.008 H26
Comment on the Mayflower Farms and the Borden's Farm Products Co., cases.

414. Constitutional law - equal protection - price fixing - existing difference in market price as basis of classification. Minn. Law Rev. 21(1): 100. December 1936. Libr. Cong. (Law Div.)
Comment on the Supreme Court decision in Borden's Farm Products Company case.

415. Constitutional law - equal protection - price fixing - time of entry into business as basis of classification. Minn. Law Rev. 21(1): 100-102. December 1936. Libr. Cong. (Law Div.)
Comment on the Supreme Court decision in the Mayflower Farms case.

416. Constitutional law - minimum price legislation - validity of statute fixing higher minimum sale price for well-advertised brands of milk than for those unadvertised. Univ. Pa. Law Rev. 84: 786-787. April 1936. 274.008 Am3
Comment on the Supreme Court decision in the Borden's Farm Products Co., case.

417. Constitutional law - minimum price regulation - validity of statute fixing higher minimum sale price for well-advertised brands than for those unadvertised. Univ. Pa. Law Rev. 83: 528-529. February 1935. 274.008 Am3
Comment on Borden's Farm Products Company case.

418. Constitutional law - New York milk case - validity of state statute creating board to fix retail price of milk. Va. Law Rev. 20(6): 700-701. April 1934. Libr. Cong. (Law Div.)
Comment on the decision in the *Nebbia* case.

419. Constitutional law - price discrimination - New York milk control bill - [U. S.] Univ. Chic. Law Rev. 2(2): 329-331. February 1935. Libr. Cong. (Law Div.)
Comment on the Supreme Court decision in the Borden's Farm Products Company case.

420. Cronk, H. A., and Milburn, A. W. Oppose state milk pricing. Amer. Creamery and Poultry Produce Rev. 83(12): 416-417. Jan. 20, 1937. 286.85 N482
This is a reprint of a statement filed with Peter G. Ten Eyck, New York Commissioner of Agriculture and Markets, by H. A. Cronk of Borden's Farm Products Division of The Borden Company and A. W. Milburn of The Borden Company. In the statement the authors contend that milk price fixing in New York State is a failure and call for its discontinuance.

421. Cross, James T. Legal aspects leading to milk control law. New York State Bar Assoc. Bull. May 1933, pp. 211-223. Libr. Cong. (Law Div.)
"In the attempt to explain the background and meaning of the [New York] emergency milk legislation orderly arrangement suggests discussion from the various angles of legislative fact finding, public utility concept and interstate commerce clause as related to emergency price-fixing and licensing."

422. Culp, Maurice S. Constitutional law - price fixing - emergency legislation. Mich. Law Rev. 32(1): 63-71. November 1933. 274.008 M58
Comment on the *Nebbia* case decision.

423. Death of a record-making law. After setting three Supreme court precedents, including the right of a state to fix prices in an emergency, New York's milk control law goes to a well-earned grave. Business Week, no. 396, pp. 27-28. Apr. 3, 1937. 280.8 Sy8

Reviews briefly the decisions in the Nebbia, Borden and Seelig cases and the recommendations of a legislative committee recommending abolition of the New York State milk control law.

424. [Digest of opinion in the case of Hegeman farms corp. v. Baldwin et al, etc.; D. C., S. D. N. Y. (three-judge court), Mar. 16, 1934. (L. Hand, C. J.)] U. S. Law Week 1(30): 631. Mar. 27, 1934. 274.008 Un32

425. [Digest of opinion in the case of Mayflower farms, inc., v. Baldwin, Com'r. of agriculture and markets, etc.; N. Y. Ct. appeals, Apr. 16, 1935. (Hubbs, J.)] U. S. Law Week 2(36): 848. May 7, 1935. 274.008 Un32

"Provisions of the New York Agriculture and Market Law permitting unadvertised milk dealers...to sell milk for 1 cent less per quart than advertised dealers but prohibiting unadvertised dealers who have become such subsequent to the date of the Act from charging less than the advertised dealers, is not unconstitutional on the ground that the classification is arbitrary, discriminatory and unreasonable and therefore in violation of the equal protection clause of the Fourteenth Amendment."

426. [Digest of opinion in the case of N. Y. Sup. Ct., Albany Cty. (Bergan, J.); Noyes v. Erie & Wyoming farmers cooperative corp., Feb. 22, 1939.] U. S. Law Week 6(26, sec. 1): 863-864. Feb. 28, 1939. 274.008 Un32

Holds that the New York Milk Marketing Law of 1937 which empowers the Commissioner of Agriculture to fix minimum prices to be paid producers for milk delivered in any marketing area is unconstitutional.

427. [Digest of opinion in the case of U.S.D.C., N. N. Y. (Cooper, D. J.); U. S. v. Rock royal cooperative, inc., Feb. 23, 1939.] U. S. Law Week 6(26, sec. 1): 861-862. Feb. 28, 1939. 274.008 Un32

"Agricultural Marketing Agreement Act of 1937 and milk marketing order for metropolitan New York City area held unconstitutional; order is invalid by reason of misrepresentations in obtaining approval of producers."

428. Digges, I. W. Advertising held not periled by Borden ruling. Printer's Ink 174(9): 7, 9, 12. Feb. 27, 1936. 238.8 P933
Legal interpretation of the Supreme Court decision in the Borden case.

429. Duane, Morris. Nebbia v. people: a milestone. Univ. Pa. Law Rev. 82: 619-623. April 1934. 274.008 Am3

Comment on the Supreme Court decision in the Nebbia case. Gives the facts in the case and discusses the Court's emphasis on early decisions, the importance of the opinion, and the effect of the decision on N.R.A. and A.A.A.

430. Eastman, E. R. Government milk price control must end. Amer. Agr. 133(3): 65. Feb. 1, 1936. 6 Am3

"This article is written primarily from the standpoint of milk control in New York State, but the same principles apply more or less to every other State in the Northeast."

The New York Conference Board of Farm Organizations voted unanimously, on Jan. 22, for the ending of State control of milk prices on July 1, 1936.

This article points out the reasons why price control of milk is no longer needed and states that "The time has now come to place responsibility for milk marketing, so far as price-fixing is concerned, back on the industry where it belongs."

431. Eastman, E. R. Some conclusions about milk. Amer. Agr. 133(20): 551, 565. Sept. 26, 1936. 6 Am3

A review of the facts that led up to the present milk situation in New York State.

Fixing prices of milk by the State must be discontinued, in the opinion of the writer. "No better proof of this is needed than the utter failure of the Milk Board to meet the present situation. Nearly all of the present disturbance could have been avoided if the Milk Board had promptly granted dairymen a reasonable raise as soon as milk costs began to go up. This meant taking the responsibility, also, of raising the price to consumers. Had the Milk Board done this, backed by the authority of the State, there would have been no consumer strike in New York City. As it is, it will take months before consumers get the idea out of their heads again that they are paying too much for milk."

432. F., S. M. Constitutional law - due process - regulation of the price of milk. South. Calif. Law Rev. 7(3): 325-330. March 1934. Libr. Cong. (Law Div.)

Discussion of the majority and dissenting opinions of the Supreme Court in the *Nebbia* case.

433. Fec, Kenneth F. Milk price control in New York State. Internat'l. Assoc. Dairy and Milk Inspectors. Ann. Rept. (1933)22: 191-196, 198-199. 1934. 44.9 In89

Discussion, pp. 199-203.

Gives a brief résumé of the provisions of the New York Milk Control law passed in April 1933 and discusses problems of price fixing.

434. Fleischer, Mark I. The price differential case. Amer. Creamery and Poultry Produce Rev. 80(12): 402. July 24, 1935. 286.85 N482

"An accountant ventures an analysis of the Borden case now pending before the United States Supreme Court. Advocates an independent's brand."

435. Fleischer, Mark I. An untenable law. Non-enforcement and widespread evasion of New York State Milk Control Act, considered to make repeal imperative. Amer. Creamery and Poultry Produce Rev. 83(16): 544. Feb. 17, 1937. 286.85 N482

436. Fleischer, Mark I. Wants milk control law abolished. A claim that because it is unenforceable it should be repealed promptly. Amer. Creamery and Poultry Produce Rev. 83(4): 132. Nov. 25, 1936. 286.85 N482
Another protest against the Milk control law is registered by Mr. Fleischer in the January 20, 1937, issue, p. 408.

437. Goldsmith, Irving B., and Winks, Gordon W. Price fixing: from Nebbia to Guffey. Ill. Law Rev. 31(2): 179-201. June 1936. 284.3 G572
This is an examination of the price fixing decisions of the Supreme Court from the Nebbia milk price case to the Guffey coal price case. In addition to the Nebbia case two other decisions dealing with the New York Milk Control Act - the Borden's Farm Products Co., and the Mayflower Farms cases - are examined.

438. Gorenfeld, Abraham. Constitutional law - price fixing - minimum prices - dairy industry. South. Calif. Law Rev. 9(4): 402-405. June 1936. Libr. Cong. (Law Div.)
Comment on the Supreme Court decision in the Hegeman Farms Case.

439. Governor Lehman signs milk-price law. Full text of new price fixing statute - McElroy-Young milk bill vetoed. Amer. Creamery and Poultry Produce Rev. 84(4): 126-128. May 26, 1937. 286.85 N482
Orders fixing prices for milk and marketing agreements, paragraph 258-n, pp. 127-128.

440. Governors' committee on interstate milk relations. Tentative draft of a proposed order to govern interstate shipments of milk for the New York-New Jersey metropolitan marketing area, as prepared by the Governors' committee on interstate milk relations, in cooperation with the secretary of agriculture, for the consideration of dairy-men. 13pp. [Albany, N. Y., J. B. Lyon company, printers] 1935. 280.344 G74Te
Article IV, pp. 7-9, provides for minimum prices to be paid producers.

441. Governors' committee on interstate milk relations. Tentative draft of proposed licenses to govern interstate shipments of milk for the metropolitan New York sales area and the state of New Jersey, as prepared by the Governors' committee on interstate milk relations for the consideration of dairy-men and the secretary of agriculture. 14pp. [n.p.] 1935. 280.344 G74T
Article V, pp. 5-7, provides for prices to be paid producers by distributors.

442. Hale, Robert L. The constitution and the price system: some reflection on *Nebbia v. New York*. *Columbia Law Rev.* 34(3): 401-425. March 1934. Libr. Cong. (Law Div.)

443. Hardman, Thomas P. Public utilities. I. The quest for a concept - another word. *West Va. Law Quart.* 40(3): 230-240. April 1934. Libr. Cong. (Law Div.)
Nebbia case, pp. 235-240.

444. Hirth, William. The New York milk case. *Missouri Farmer* 27(7): 102. Apr. 1, 1934. 6 M696
Points out the importance to agriculture of the Supreme Court decision in the *Nebbia* case and tells why the Western governors and farm leaders asked "the President to fix fair farm prices in our home markets, and help farmers to isolate their various surpluses that these prices can be maintained."

445. Interstate commerce - burdens imposed by states - application of "original package" doctrine to interstate aspect of New York milk control law. *Harvard Law Rev.* 48(8): 1437-1438. June 1935. 274.008 H26
Comment on the G. A. F. Seelig case and decision.

446. Johnson, Roy W. Latest "challenge" to advertising. *Amer. Business* 6(9): 14, 53. March 1936. 280.8 Am35
The writer finds that the so-called challenge to advertising in connection with the Supreme Court decision in the Borden Farm Products Company and Mayflower Farms, Inc., cases is "largely imaginary."
The decision had to do with the section of the New York Milk Control Act which "provides that advertised brands must be priced higher than unadvertised brands."

447. Krug, William M. Constitutional law - constitutionality of milk price fixing statute. *Nebbia v. people of New York*. 54 S. Ct. 505. *Bost. Univ. Law Rev.* 14(2): 396-402. April 1934. Libr. Cong. (Law Div.)
Comment on the significance and importance of the U. S. Supreme Court decision in the *Nebbia* case.

448. Krug, William M., and Dickey, Robert R., Jr. Constitutional law - constitutionality of statute fixing milk prices. *People v. Nebbia*, 186 N. E. 694(N. Y.) *Boston Univ. Law Rev.* 13(4): 697-704. November 1933. Libr. Cong. (Law Div.)
"Because of the importance of this case involving price fixing regulations and the effect of the ultimate decision of the case upon the price fixing sections of the National Recovery Act and the Agricultural Adjustment Act, both sides of this far reaching question are discussed in this comment."

449. L., J. Constitutional law - police power - businesses affected with a public interest. N. Y. Univ. Quart. Rev. 11(2): 285-287. December 1933. Libr. Cong. (Law Div.)
Comment on the decision of the New York Court of Appeals in the *Nebbia* case.

450. L., M. Constitutional law - price fixing - limits of administrative discretion. Mich. Law Rev. 33(6): 961-963. April 1935. 274.008 M58
Comment on the *Hegeman Farms Corporation* case.

451. L., N. Constitutional law - price fixing - changing attitudes. Mich. Law Rev. 32(6): 832-839. April 1934. 274.008 M58
Comment on the Supreme Court decision in the *Nebbia* case.

452. Laird, Eugene. Constitutional law - due process - business "affected with a public interest." Oreg. Law Rev. 13(1): 67-72. December 1933. Libr. Cong. (Law Div.)
Comment on the *Nebbia* case and the decision by the New York Court of Appeals.

453. Leath, Thomas H. Constitutional law - police power - price control of milk. N. C. Law Rev. 13(4): 500-503. June 1935. Libr. Cong. (Law Div.)
Comment on the Supreme Court decision in the *Seelig* case. The *Nebbia* case is referred to.

454. Legislative regulation of the New York dairy industry. Yale Law Jour. 42: 1259-1270. June 1933. 274.008 Y1
This article on governmental price fixing of milk in New York contains numerous bibliographical footnotes.

455. M., W. H. Constitutional law - equal protection - presumption of constitutionality - New York milk control act - trade regulation - provision for differential in price of bottled milk in favor of dealers not having well-advertised trade name - provision denying differential to dealers entering business after specified date. George Washington Law Rev. 4: 423-426. 1935-1936. 274.008 G29
Comment on the *Borden Farm Products Company v. Ten Eyck* case.

456. McC., J. L. Constitutional law - public utilities - police power - emergency. George Washington Law Rev. 2: 96-97. 1933-1934. 274.008 G29
Comment on the *Nebbia* Case. Instances are cited to show that "price fixing in the governmental field is supported by precedent." The writer thinks that "there is a strong probability that the United States Supreme Court will uphold the legislation."

457. McClellan, Corbett. Can a state regulate prices of a private industry? Ind. Law Jour. 9(8): 522-529. May 1934. Libr. Cong. (Law Div.)
Comment on the Supreme Court decision in the *Nebbia* case. Includes "a brief survey of the Court's general attitude prior to this decision."

458. Matthys, Francis W. Constitutional law - due process of law - regulation of charges or prices. *Notre Dame Lawyer* 9(4): 468-470. May 1934. Libr. Cong. (Law Div.)
Comment on the Supreme Court decision in the *Nebbia* Case.

459. May the state fix a minimum price for the sale of milk? Significant question is argued before Supreme court of the United States in case testing constitutionality of New York milk control law. *U. S. Law Week* 1(15): 275-276, 296. Dec. 12, 1933. 274.008 Un32
Describes the statute involved and gives the history of the case and summarizes the arguments in the *Nebbia* case.

460. The milk drive to date. *Rural New Yorker* 95(5386): 825. Nov. 21, 1936. 6 R88
Progress of the drive of the Milk Committee for a milk charter giving farmers the power and authority to determine the price and terms of sale for their milk.

461. Milk marketing measure voted by legislature. Nunan-Allen bill goes to Lehman; Inquiry into industry asked in debate. *N. Y. Herald Tribune*, May 10, 1939. (Reproduced in Photostat Press Serv. no. 420, May 11, 1939)
This bill, "designed to correct constitutional defects in the outlawed Rogers-Allen milk act," has passed both houses of the Legislature. "The bill provides for the setting up of producers' bargaining agencies in prescribed marketing areas and also for the fixing of prices to be paid to the producers. It provides for price equalizations involving surplus milk and the expense of handling it."

462. Milk regulation in New York. *Yale Law Jour.* 46: 1359-1370. June 1937. 274.008 Y1
"This Comment is a sequel to Legislative Regulation of the New York Dairy Industry (1933) 42 *Yale L. J.* 1259."
Accompanied by numerous bibliographical footnotes.

463. Mooney, Richard F. Constitutional law - police power - price fixing. *Marquette Law Rev.* 18(3): 198-199. April 1934. Libr. Cong. (Law Div.)
Comment on the Supreme Court decision in the *Nebbia* case.

464. Mueller, Joseph H. Constitutional law - equal protection - due process - price fixing. *Ill. Bar Jour.* 23(3): 89-91. November 1934. Libr. Cong. (Law Div.)
This comment on the Supreme Court decision in the *Nebbia* case includes "a brief survey of the Supreme Court's approach to the problem of price fixing."

465. N., F. C. Constitutional law - police power - price fixing. *Georgetown Law Jour.* 22(3): 614-616. March 1934. Libr. Cong. (Law Div.)
Comment on the Supreme Court decision in the *Nebbia* case.

466. New York (State) Attorney-general's office. A report...by John J. Bennett, Jr., attorney general, on the milk industry of the state of New York with particular reference to the New York metropolitan area. 139pp. [New York, Case press, inc.] 1938. 280.344 N483

"This investigation had its origin in complaints that there exists in the distribution and sale of milk in New York State, and particularly in the metropolitan area, monopoly or monopolistic conditions constituting unlawful restraints upon trade."

The repeal of the milk control law in 1937 and the Rogers-Allen law are described on pp. 45-47. Among other things the law provided for an order fixing prices for milk by the Commissioner of Agriculture. However, the procedure for fixing the price "would in all likelihood take so long that by the time the price was fixed, new conditions would have arisen which would require further hearings. Furthermore, the Commissioner's order could not control the price of interstate milk." - p. 52.

467. New York (State) Dept. of agriculture and markets. Milk control.

Article 21 of the Agriculture and markets law, being chapter 126 of the Laws of 1934 as amended by chapters 10, 297, 401, 402, 403 and 404 of the Laws of 1935; chapters 383, 405, 409, 876 and 919 of the Laws of 1937 and chapter 229 of the Laws of 1938, with annotations, prepared in April, 1938. N. Y. Dept. Agr. and Markets. Circ. 542, pp. 176-193. Albany 1938. 2 N482C

Orders fixing prices for milk and marketing agreements, section 258-m, pp. 189-193. "As added by Chapter 383 of the Laws of 1937." Minimum prices paid to producers may be fixed by the Commissioner of Agriculture after a petition for the same and after a hearing.

468. New York (State) Dept. of agriculture and markets. Milk control.

Articles 21 and 21-A of the Agriculture and markets law, being Chapter 126 of the Laws of 1934 as amended by Chapters 10, 297, 401, 402, 403 and 404 of the Laws of 1935, with annotations, prepared in May 1935. N. Y. (State) Dept. Agr. and Markets. Circ. 498, 22pp. Albany, 1935. 2 N482C

Orders fixing prices and handling charges for milk, paragraph 258-m, pp. 17-19.

469. New York (State) Dept. of agriculture and markets, Division of milk control. Work of the Division of milk control, 1934-1937. N. Y. (State) Dept. Agr. and Markets. Circ. 511, 525, 534, 566. Albany, 1935-1938. 2 N482C

These reports are reprints from the annual reports of the Department of Agriculture and Markets. Title of report for 1934 is Report of Division of Milk Control. Title of the report for 1935 is Work of the Bureau of Milk Control.

Partial contents:

1934: Price-fixing orders, class prices to producers, resale prices, etc., pp. 81-87; The effect of milk control activities on prices paid to producers, pp. 94-95; Resale prices, pp. 111-116; A Summary of Decisions under the Milk Control Law, Appendix A, pp. 120-126.

1935: Milk price control, pp. 98-101.

1936: The promulgation of regulations fixing minimum milk prices, and also other price discussions, pp. 10-14. The following is quoted from the Conclusions and Recommendations (pp. 22-23); "The practical effect of the minimum price orders would have been greater, and the average price paid to producers would have been increased, if, instead of seeking means of individual benefit from evasion of the law and regulations, both producers and dealers had cooperated in securing more complete compliance with them. It seems inadvisable to make specific recommendations concerning the purely price-fixing features of the law until the attitude of the producing and distributing branches of the industry toward such features is more fully revealed..."

Minimum prices to be paid by dealers to producers, May 16, 1933-Dec. 31, 1936, table 2, pp. 130-131.

1937: Authority to fix milk prices not continued, milk price trends during the period of price fixing, Dairymen's League prices under price fixing, producer and consumer price relationship, pp. 114-120. Rogers-Allen law, pp. 140-141.

470. New York (State) Legislature, Joint legislative committee to investigate the milk control law. Report...March 22, 1937. 31pp. Albany, J. B. Lyon company, printers. 1937. (Legislative Doc. (1937) no. 81) 280.344 N485

George F. Rogers was chairman of the committee.

"The most predominant sentiment developed at the hearings by those representing the great majority of producers, distributors, retailers and consumers was that the price fixing provisions be discontinued on April 1, 1937." - p. 19.

471. New York (State) Legislature, Joint legislative committee to investigate the milk industry. First preliminary report of the Joint legislative committee to investigate the milk industry. 46pp. Albany, J. B. Lyon company, printers, 1933. (Legislative document (1933) no. 59) Libr. Cong. (J87.N7 1933r)

Among the recommendations made by the committee was a recommendation for the creation of a State Milk Control Board which should have the authority "to fix the prices to be paid by dealers for milk classified according to its use with proper differentials, and the retail and wholesale prices to be charged for milk and cream." Such authority was recommended to be limited to a term of two years.

Legal aspects [of such an act permitting price fixing], by James T. Cross, pp. 17-46.

472. New York (State) Legislature, Joint legislative committee to investigate the milk industry. Report. 473pp. Albany, J. B. Lyon company, printers, 1933. (Legislative Doc. (1933) No. 114) 281.344 N48

Hon. Perley A. Pitcher was chairman of this committee. Dr. Leland Spencer was research director and editor.

The following is quoted from the Conclusions and Recommendations, p. 17:

"5. Among the remedies which might be applied to mitigate the evil of price-cutting are: Universal application of the classified price plan with uniform prices to all milk dealers for milk utilized in each classification; the fixing of minimum prices to be charged by milk dealers for milk and cream sold to consumers and other customers; the imposition of a graduated tax to be paid by milk dealers on their sales of milk and cream in excess of the normal or average proportion of the milk supply of the entire milk shed which is sold by the dealers in fluid form..."

"(b) The fixing of minimum selling prices for milk and cream would strike directly at the price-cutting abuse without removing its cause. It probably would have to be applied by state authority..."

On pp. 266-268 are given the recommendations of one of the witnesses, Paul Smith, for the setting up of a milk control body which would have absolute control of the milk business and which would have a price committee which would determine a fair price for milk.

Legal Aspects of Milk Control, by James T. Cross, appendix, pp. 271-295. Subtopics: Analysis and development of "public utility" concept in this country; does the purchase of milk from the farmers of the State and its shipment to the cities of the State for use and consumption, "affect the public interest?"; relation of the commerce clause of the United States constitution to fixing the price of milk in the several States in the New York milk shed; relation of commerce clause of United States constitution to reasonable health regulations; necessary provision in price fixing for a fair return on the investment in the public utility; power of Legislature to enact regulations as an Emergency measure; etc.

Summary of Previous Milk Investigations, appendix, pp. 297-336. This section quotes from the recommendations of various milk investigations. On pp. 331-332 are given the recommendations of the Fair Price Milk Committee of the city of New York, 1919, relating to the powers and duties of a Milk Commission. "In the event that the Milk Commission, after a thorough investigation, determines that the prices recommended or fixed by the producer or distributor are not fair and reasonable, the Milk Commission shall determine and fix a reasonable price that the milk producer shall receive for his product, and also a reasonable price that the dealer shall charge the consumer."

The text of Senate Bill No. 2192 introduced by Mr. Pitcher and passed, which "amends the agriculture and markets law, in relation to milk control during the existing emergency, creating the milk control board and defining its jurisdiction, powers and duties," is given on pp. 367-379. Section 312, pp. 375-377, is the Order Fixing Price of Milk.

473. New York (State) Milk control board. Report...to the Governor and the Legislature. March 1934. 35pp. Albany, J. B. Lyon company, printers, 1934. 280.344 N482

This report should be consulted for information on the activities of the Board in fixing resale prices and minimum prices to be paid to producers.

Brief statements regarding court proceedings in the Nebbia, the Eisenberg, the Hegenan Farms Company, and the Dellwood-Rosasco cases are given on pp. 24-25.

The following is quoted from the Summary, p. 26:

"In the opinion of the Board, the operations of the Milk Control Law have been of substantial and demonstrable benefit to the milk industry of the state.

"The emergency which confronted the milk industry a year ago continues to exist... If price fixing were abandoned, the Board believes that price cutting among dealers will again be rampant. This again would break down the retail price structure, would result in materially lower prices to farmers, would give rise to situations conducive to strikes and disorders, would interfere with a continuous supply of milk, and would impair the sanitary quality of this vital food product..."

Among the recommendations made by the Board for changes in the Milk Control Law are the following:

"3. The law should be divided into two parts, the first part containing those investigational, licensing and regulatory functions which should be exercised permanently by the state; and the second part containing price-fixing features which relate to the emergency and which should be re-enacted for a period of one year..."

"6. Authority should be given to fix prices on milk purchased from producers in New York State for sale without the state, and to license dealers handling such milk..."

"7. It is recommended that Section 317, subdivision b, be amended so as to embrace within the price fixing and other provisions of the law milk sold to the state and to municipalities upon bids, and certified milk. The Board should be given discretion to establish either the Class 1 price or some lower price for milk sold to the state and municipalities..."

474. The New York milk decision. Fed. Counc. Churches of Christ in Amer., Dept. Research and Ed. Information Service 13(11): 1-3. Mar. 17, 1934. 280.9 F31

Relates the events leading up to the Supreme Court decision in the Nebbia case and discusses and summarizes the majority and minority opinions of the Court.

475. New York milk marketing law of 1937 is unconstitutional - N. Y. Sup. Ct., Albany Cty. (Bergan, J.) Noyes v. Erie & Wyoming Farmers Cooperative Corp., Feb. 22, 1939. U. S. Law Week 6(26, sec. 1): 863-864. Feb. 28, 1939. 274.008 Un32

This is a digest of opinion in which the law "which empowers the Commissioner of Agriculture to fix minimum prices to be paid producers for milk delivered in any marketing area" is declared to be "an unconstitutional delegation of legislative power."

476. New York price fixing bill. Why the proposed milk control legislation is of concern to all business men in New York State. Amer. Creamery and Poultry Produce Rev. 75(18): 602, 616. Mar. 1, 1933. 286.85 N482

Objectionable features are cited.

477. [New York State milk committee.] Milk committee against federal plan. Rural New Yorker 97(5426): 400-401. June 4, 1938. 6 R88
Brief prepared and filed by the New York State Milk Committee with the United States Secretary of Agriculture and with the New York State Commissioner of Agriculture and Markets. Five reasons are given for opposing the proposed federal marketing order for the New York metropolitan area. The fourth is that "the 'consumer price-fixing' provision works ultimately against the producers' best interests."

478. Parker, Norman. *Nebbia v. New York* and business affected with the public interest. St. Louis Law Rev. 19(3): 202-210. April 1934. Libr. Cong. (Law Div.)

479. Prescott, M. S. Milk control in New York. (Statement presented to recent four state conference in New York City). Holstein-Friesian World 34(1): 10, 13, 20. Jan. 9, 1937. 43.8 H742
The writer discusses what can be done to cushion the shock to the industry when milk control in New York expires on April 1, 1937. Among his suggestions are the following: "My suggestion is that we thoroughly explore the possibilities of adopting such legislation as may be necessary to give the industry more voice in the establishment of prices by negotiation directly between buyer and seller. I would make the Commissioner and Advisory Committee responsible for approving prices agreed upon, where satisfactory agreement is possible, but still retaining authority to set the prices where agreement cannot be reached by the industry itself... As a general rule under this proposed set-up, I believe there should be no consumer prices unless there are producer prices, and no producer prices unless there is an agreement and a demand for established prices from producers and dealers. Accordingly, while I do not believe in the principle of state price fixing as a permanent policy, I believe that in this transitional period it would help cushion the shock of the change if we continued to have consumer prices largely set by the State." He also urged that the requirement that the price of advertised brands of milk be one cent a quart higher than other milk be removed from any future milk control legislation.

480. Price fixing and due process of law. Iowa Law Rev. 19(4): 577-580. May 1934. Libr. Cong. (Law Div.)
Comment on the Supreme Court decision in the *Nebbia* case. Earlier cases, beginning with *Munn v. Illinois* in 1876, "dealing with the question of business 'affected with a public interest' and therefore subject to price fixing by law" are cited.

481. The proposed milk price fixing law [New York]. A consideration of its weaknesses and dangers from the standpoint of the producer of milk. Amer. Creamery and Poultry Produce Rev. 75(19): 650, 652. Mar. 8, 1933. 286.85 N482

482. Purcell, Conley L. Constitutional law - regulation of the price of milk in interstate commerce. Missouri Law Rev. 1(1): 64-68. January 1936. Libr. Cong. (Law Div.)
An examination of the Supreme Court decisions in the *Nebbia* and *Seelig* cases.

483. Purcell, Robert W. Constitutional law: due process: regulation of the price of milk. Cornell Law Quart. 19(1): 85-90. December 1933. Libr. Cong. (Law Div.)
Comment on the *Nebbia* case declared valid by the New York Court of Appeals. The article reviews briefly the history of rate regulation and certain of the cases decided by the Supreme Court of the United States "in an effort to predict its decision in the instant case."

484. Regulating the marketing of milk. Supreme court hears arguments in seven consolidated cases pertaining to constitutionality of Agricultural marketing agreement act and validity of orders on sale of milk in New York city and Boston areas. U. S. Law Week 6(35, sec. 1): 1225-1226. May 2, 1939. 274.008 Un2
Gives the background of the litigation and a summary of the oral arguments presented by Solicitor General Robert H. Jackson for the United States and by Leonard Acker, Willard R. Pratt, Charles B. Rugg and John M. Raymond for the milk handlers and producers "who are opposing the government regulation in question."

485. Richberg, Donald R. Relation of milk decision [in the *Nebbia* case] to national recovery program. U. S. Law Week 1(28): 587, 608. Mar. 13, 1934. 274.008 Un32
"In an address before the final session of the NRA General Code Conference the General Counsel of National Recovery Administration declared that the decision on March 5 of the Supreme Court of the United States in the so-called New York milk case...while not involving all constitutional questions which might be raised, does answer completely a great many objections which have been raised about the constitutionality of the recovery program and the validity of its administration."

486. Rosenbaum, Irwin S. Effect of the Supreme Court's ruling on milk price control. An industry even if not strictly a public utility must now be held subject to governmental rate fixing provided the business is charged with a public interest - a very wide extension of the scope of regulatory powers. Public Utilities Fortnightly 14(13): 795-798. Dec. 20, 1934. 284.344 R72
On the Supreme Court's ruling on the New York Milk case - the *Nebbia* Case.

487. S., L. R. Price fixing and the Liebmann case. Nebr. Law Bull. 12(2): 175-179. November 1933. Libr. Cong. (Law Div.)

A comparison of the decision of the New York Court of Appeals in the *Nebbia* case with "what the Supreme Court has said about due process and police power" and especially with the decision in the Oklahoma case of *New State Ice Company v. Liebmann*.

488. S., W. E. Constitutional law - police power - due process. St. John's Law Rev. 8(2): 354-355. May 1934. Libr. Cong. (Law Div.)
Comment on the Supreme Court decision in the *Nebbia* case.

489. Scholefield, George. Implications of the Borden decision. Advertising & Selling 26(9): 72, 104, 106, 110. Feb. 27, 1936. 238.28 Ad

490. [Sexauer, Fred H.] Protests Pitcher bill; reasons advanced by league president for objection. Amer. Creamery and Poultry Produce Rev. 75(23): 796. Apr. 5, 1933. 286.85 N482
A further statement by Mr. Sexauer is quoted on p. 868 of the April 19th issue of American Creamery and Poultry Produce Review in which he states among other things that now the bill is a law "we intend to do everything possible to make the price fixing features of the bill work, if there is such a thing as making them work."

491. Snellings, George M., Jr. Liquidation of the public utility concept. The decision in *Nebbia v. New York*. Tulane Law Rev. 8(3): 442-451. April 1934. Libr. Cong. (Law Div.)

492. Spencer, Leland. Milk prices in New York under federal and state orders. Cornell Univ., N. Y. State Col. Agr., Dept. Agr. Econ. and Farm Mangt. A. E. 234, 19pp., processed. Ithaca, October 1938.
"Revised issue of no. 230." - Notice received Nov. 10, 1938.
"Evidently price fixing alone cannot be depended upon to raise and maintain the returns for milk at a satisfactory level. A substantial rise in commodity prices generally is necessary in order that dairy farming may be restored to a profitable basis." - p. 19.

493. Spurr, Henry C. A unique experiment in state regulation that rescues the utility instead of the user; Some of the far-reaching principles of commission control of industries "affected with a public interest" as enunciated in New York's milk control law. Pub. Utilities Fortnightly 12(1): 22-27. July 6, 1933. Libr. Cong. (Law Div.)

494. Supreme court upholds statute regulating sale of milk. U. S. Dept. Labor, Bur. Labor Statis. Monthly Labor Rev. 38(4): 829-831. April 1934. 158.6 B87M
Summary of, and extracts from, the decision rendered by the United States Supreme Court in the New York Milk Case - *Nebbia v. People of State of New York*.

495. Thomas, Kenneth D. Interstate commerce - disability of a state to prohibit the sale of milk bought elsewhere below the minimum state price. [United States]. Ill. Bar Jour. 24(10): 363-364. June 1936. Libr. Cong. (Law Div.)
Comment on the Supreme Court decision in the Seelig case.

496. Tobey, James A. The legal aspects of milk control. 102pp. Chicago, International Association of milk dealers. 1936. 44.5 T55
Tables of cases, pp. 89-98.
Bibliography, pp. 99-100.
See pp. 15-18 for discussion of court decisions in cases involving price control of milk, particularly the *Nebbia*, *Hegeman Farms*, and the *Borden's Farm Products Company* cases under the New York Milk Control Law.

497. Tobey, James A. Milk control and the United States Supreme court. U. S. Treasury Dept., Pub. Health Serv. Pub. Health Repts. 50(40): 1384-1389. Oct. 4, 1935. 151.65 P96
Court decisions in the *Nebbia*, *Hegeman Farms*, *Borden's Farm Products Company* and *Seelig* cases are reviewed on pp. 1387-1389. The writer's summary of this section is: "A State may adopt legislation providing for reasonable regulation of the minimum and maximum wholesale and retail prices of milk, but such regulation will not apply to milk shipped lawfully in interstate commerce."

498. Tobey, James A. Recent court decisions on milk control. U. S. Treasury Dept., Pub. Health Serv. Pub. Health Repts. 49(4): 993-998. Aug. 24, 1934. 151.65 P96
Control of milk prices, pp. 993-995. Reviews the Supreme Court decision in the *Nebbia* case, and calls attention to court decisions in the *Hegeman Farms*, *Shissler*, and *Grandview Dairy* cases.

499. Tobey, James A. Recent court decisions on milk control (1934-37). U. S. Treasury Dept., Pub. Health Serv. Pub. Health Repts. 52(31): 1038-1044. July 30, 1937. 151.65 P96
Price fixing of milk, p. 1043.

500. Tulane, Roy G., and Bunn, Charles. Constitutional law - interstate commerce and the state police power. Wis. Law Rev. 10(3): 388-393. April 1935. Libr. Cong. (Law Div.)
This consists of two separate comments on the court decision in the *Seelig* case.

501. United States. United States of America, appellant v. Rock Royal co-operative, inc., et al. On appeal from the district court of the United States for the northern district of New York. Brief for the United States. 195pp. [Washington, D. C., U. S. Govt. print. off., 1939]
No. 771. In the Supreme court of the United States. October term, 1938.

Brief submitted by the Attorney General of the United States.

The statute involved in this case is the Agricultural Adjustment Act of May 12, 1933, amended Aug. 24, 1935, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937. The regulation involved is Order No. 27, Order...Regulating Such Handling of Milk in the New York Metropolitan Marketing Area As Is in Interstate Commerce, and As Directly Burdens, Obstructs, or Affects Interstate Commerce, issued on Aug. 5, 1938 by the Secretary of Agriculture.

See particularly the following sections of the Argument dealing with the constitutionality of the Act: A. The provisions of the Act relating to orders regulating the handling of milk constitute a valid exercise of the constitutional power of Congress to regulate interstate commerce. 1. The provisions authorizing and directing the fixing of minimum prices to be paid to producers, pp. 93-95; C. The provisions of the Act relating to orders regulating the handling of milk are consistent with the requirements of the fifth amendment to the Constitution of the United States. 1. The provisions authorizing and directing the fixing of minimum prices to be paid to producers do not violate the due process clause of the fifth amendment of the Constitution of the United States, pp. 119-124.

The constitutionality of the Agricultural Marketing Agreement Act and the Order were upheld by the United States Supreme Court, June 5, 1939 (N. Y. Times, June 6, 1939, pp. 1, 12).

502. U. S. Dept. of agriculture, Agricultural adjustment administration. The Federal-State program for the New York milk market; an explanation of the background and provisions of the Federal and State orders regulating the handling of milk in the New York metropolitan marketing area. U. S. Dept. Agr., Agr. Adjustment Admin., Div. Marketing and Marketing Agreements, Dairy Sec. DM-8. Marketing Inform. Ser., 16pp. [Washington, D. C.] 1938. 1.4 Ad47D

Minimum price for each class of milk, pp. 9-12.

DM-6, Marketing Inform. Ser., issued in August 1938, contains the same information for minimum prices.

The Library of the U. S. Department of Agriculture has also a preliminary draft of this issued on Aug. 4, 1938, in processed form.

503. U. S. Dept. of agriculture, Agricultural adjustment administration. New York State milk control act. U. S. Dept. Agr., Agr. Adjustment Admin., Dairy Sec. Paper no. 7, Series on State Milk Control Acts, 12pp., processed. Washington, D. C., Mar. 15, 1937. 1.94 D14Ps

Similar in scope to the other papers in the series.

Analysis of an act passed in 1934, as amended in 1935 and 1936, giving information on the general character of the legislation, administrative procedure, orders, rules and regulations, and legal status.

Provisions in regard to price regulation, pp. 5-6.

504. U. S. Dept. of agriculture, Agricultural adjustment administration. Order of the Secretary of agriculture issued pursuant to public act no. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural marketing agreement act of 1937, regulating such handling of milk in the New York metropolitan area as is in interstate commerce, and as directly burdens, obstructs or affects interstate commerce. U. S. Dept. Agr., Agr. Adjustment Admin. Order Series - Order No. 27, 16pp. Washington, D. C., Aug. 5, 1938. (O-27) 1.4 Ad470
Marketing Agreement [No. 80] was issued Sept. 17, 1938 (effective Sept. 1, 1938) in mimeographed form.
Minimum prices paid to producers are provided for in Article IV, pp. 6-10.
Suspended Mar. 18, 1939.

505. U. S. District court. New York (Southern district) United States District Court for the southern district of New York. G. A. F. Seelig, plaintiff vs. Charles H. Baldwin, commissioner, and others, defendants. Opinion rendered by L. Hand, circuit judge and concurred in by Bondy and Patterson, district judges, sitting in special court constituted under sec. 380, of title 28, of the U. S. code. Filed August 2, 1934. 8pp., processed. [n.p.] Aug. 2, 1934. 1.94 D14Ne
Mimeographed by the Agricultural Adjustment Administration.
The opinion is concluded as follows: "The motion to dismiss the bill is denied. An injunction pendent lite will be granted forbidding the defendants to exact from the plaintiff as a condition of granting a license any agreement not to sell milk in cans in New York which has been bought in Vermont at lower prices than those prescribed for the purchase of milk in New York. This opinion will stand as findings of fact and conclusions of law under Equity Rule 70 1/2, unless objection is made."

506. U. S. Supreme court. [Opinion and dissenting opinion of the Supreme Court of the United States in the case of] Leo Nebbia v. people of the state of New York. Supreme court of the United States. No. 531. Decided March 5, 1934. On appeal from the Supreme court of New York. County of Monroe. U. S. Law Week 1(27): 551-560. Mar. 6, 1934. 274.008 Un32

507. U. S. Supreme court. [Opinion and dissenting opinion of the Supreme court of the United States in the case of] Mayflower farms, inc. v. Peter G. Ten Eyck, com'r., etc. et al. Supreme court of the United States, No. 349. Decided Feb. 10, 1936. On appeal from the Supreme court of New York. U. S. Law Week 3(24): 503-505. Feb. 11, 1936. 274.008 Un32
"The provision of the New York Milk Control Act of 1933, as amended in 1934, which makes the differential of one cent per quart in the minimum price of bottled milk in favor of dealers not having a well-advertised name available only to such dealers who were in business as such on April 10, 1933, is unconstitutional as to such a dealer

who embarked in business subsequent to such date, in that it denies it the equal protection of the laws in violation of the Fourteenth Amendment. The record discloses no reason for the discrimination. The classification is unreasonable and arbitrary." - Syllabus, p. 503.

508. U. S. Supreme court. [Opinion in the case of] Borden's farm products company, inc. v. Charles H. Baldwin as Commissioner of agriculture and markets of New York et al., etc. Supreme court of the United States, No. 296. Decided Dec. 3, 1934. On appeal from the district court of the United States for the southern district of New York. U. S. Law Week 2(14): 283-287. Dec. 4, 1934. 274.008 Un32

509. U. S. Supreme court. [Opinion in the case of] Hegeman farms corporation v. Charles H. Baldwin et al., etc., Supreme court of the United States, No. 27. Decided Nov. 5, 1934. On appeal from the District court of the United States for the southern district of New York. U. S. Law Week 2(10): 166-167. Nov. 6, 1934. 274.008 Un32

510. U. S. Supreme court. Supreme Court of the United States. No. 27 - October term, 1934. Hegeman farms corporation, appellant, vs. Charles H. Baldwin and others, as members of the Milk control board of the State of New York, appellees. Appeal from a decree of the District court of the United States for the southern district of New York, November 5, 1934. 4pp., processed. [Washington, D. C.] 1934. 1.94 D14H
Mimeographed by the Agricultural Adjustment Administration.
"Mr. Justice Cardozo delivered the opinion of the Court."
"In this suit for an injunction, the appellant...contests the... validity under the Fourteenth Amendment of orders of the New York Milk Control Board limiting the price of milk. A District Court... has denied a motion by the complainant for an interlocutory injunction, and granted a motion by the defendants to dismiss the bill." - p. 1. This opinion affirms the decree.
Text of decision also printed in Food Field Reporter 2(24): 18. Nov. 19, 1934.

511. U. S. Supreme court. Transcript of record. Supreme court of the United States, October term, 1933. No. 771. The United States of America, appellant, vs. Rock royal co-operative, inc., et al., filed Mar. 23, 1939; No. 826. Holton v. Noyes, as Commissioner of agriculture and markets of the state of New York, appellant, vs. Rock royal co-operative, inc., et al., filed March 30, 1939; No. 827. Dairymen's league cooperative association, inc., appellant, vs. Rock royal co-operative, inc., et al., filed March 30, 1939; No. 828. Metropolitan cooperative milk producers bargaining agency, inc., appellant, vs. Rock royal co-operative, inc., et al., filed March 30, 1939. Appeals from the District court of the United States for the northern district of New York. 81pp. [Washington, D. C., 1939] Solicitor's Libr.

512. V., V. C. Constitutional law - police power - price fixing - due process of law. Temple Law Quart. 8(3): 422-426. April 1934. Libr. Cong. (Law Div.)
Comment on the Supreme Court Decision in the *Nebbia* case.

513. W., C. C., and W., F. H. Constitutional law - due process - equal protection - police power - price regulation by state. George Washington Law Rev. 2: 404-407. 1933-1934. 274.008 G29
Gives arguments showing that the New York Milk Control Act in the *Nebbia* case is constitutionally valid. Pages 406-407 contain citations to court cases.

514. W., D. McC. Constitutional law - price fixing under the due process clause. Va. Law Rev. 20(8): 887-892. June 1934. Libr. Cong. (Law Div.)
Comment on the Supreme Court decision in the *Nebbia* case.

515. Wagener, Jared Van, Jr. The ripe fruit of emergency milk control. Amer. Agr. 133(20): 559. Sept. 26, 1936. 6 Am3
An account of the hearing called by Governor Lehman for September 12 to consider the questions arising out of State Milk Control, which was marked by confusion and bickering.
The writer is of the opinion that price control should not be made a part of the permanent State policy.

516. Warm, J. Louis. The rationale of price-fixing under the codes. Univ. Cincinnati Law Rev. 8(4): 529-537. November 1934. Libr. Cong. (Law Div.)
For reference to the *Nebbia* case see pp. 532-536.

517. Warner, Aaron W., and Guterman, Harry N. Two aspects of N.I.R.A. price fixing and labor. Boston Univ. Law Rev. 14(2): 221-242. April 1934. Libr. Cong. (Law Div.)
The *Nebbia* case is discussed on pp. 225-228.

518. Wehle, Louis B. "Due process" and price control under the Supreme Court's "milk decision". At one stroke the Supreme Court has released legislatures from an inhibition which has retarded American law for 60 years. Publishers' Weekly 125(14): 1351-1352. Apr. 7, 1934. O. E. S. Library
The writer discusses the "due process" provisions of the Constitution, the course of decisions under them and the decision of the Supreme Court upholding the New York State milk control statute regulating prices.

519. Wormser, I. Maurice. Fixing of milk prices. Commonwealth 19(6): 155-156. Dec. 8, 1933. Libr. Cong. (AP2.C6897)
Comment on the decision of the Court of Appeals of New York in the *Nebbia* case. The writer believes that "the New York milk control statute is a lawful exercise of the police power of the state, and that under present conditions of grave public emergency, it is not illegal and void under the due process clauses of the state and federal Constitution."

520. Wynne, Shirley W. Analysis of milk control in New York state. Milk Dealer 26(6): 62, 64, 66. March 1937. 44.8 M595
The writer opposes milk control by the state.

521. You can't penalize advertising. Burlingham report starts New York's Milk Control Law off to Supreme Court again with a blast at its advertising differential; sponsors think state compact plan may mend one other big legal hole in regulation. Business Week, no. 304, June 29, 1935, pp. 10, 12. 280.8 Sy8

A discussion of the decision in the case brought against the Milk Control Division of the New York State Department of Agriculture, by the Borden Farm Products Company. The decision branded as "unreasonable, discriminatory, and unconstitutional" the differential which permits "any milk dealer not having a well-established trade name in a city of more than 1 million inhabitants to sell milk to stores at a price not more than 1¢ below the price of such milk sold to stores under a well-advertised trade name."

MILK - FLUID - NORTH CAROLINA

522. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for milk, Lexington-Thomasville, North Carolina production area. 26pp., processed. [Washington, D. C., 1933] 1.94 D14Ma
For payment to producers see p. 15.
Price schedule for wholesale and retail sales, Exhibit C, pp. 23-25.

MILK - FLUID - OHIO

523. Digest of opinion in the case of Ohio v. Feldhaus; Ohio Common pleas ct., Hamilton Cty., July 5, 1934. (Schwab, J.); U. S. Law Week 1(51): 1048. Aug. 21, 1934. 274.008 Un32
Decision held void the Ohio Milk Marketing Commission Act.

524. Digest of opinion in the case of Ohio v. McElmurray et al.; Ohio Comm. pleas ct., Wood Cty., Feb. 27, 1935. (Conn, J.); U. S. Law Week 2(33): 757. Apr. 16, 1935. 274.008 Un32
"The Ohio Milk Marketing Act of 1935, which created the State Milk Marketing Commission with complete control over the milk industry of the State and with the power to fix minimum selling prices at both retail and wholesale in sales areas to be established by the Commission, does not violate the due process clause of the Fourteenth Amendment."

525. Digest of opinion in the case of U.S.D.C., S. Ohio (Druffel, D. J.); U. S. v. Krechting, Feb. 17, 1939. U. S. Law Week 6(26, sec.1): 863. Feb. 22, 1939. 274.008 Un72
"Agricultural Marketing Agreement Act of 1937 and milk marketing order for Cincinnati are valid under commerce and due process clauses of Federal Constitution."

526. [Hamilton, T. Kline] Fixing of resale prices necessary, contends control board member. Milk Dealer 24(5): 72, 75. February 1935. 44.8 M595
Extracts from remarks of T. Kline Hamilton at the Ohio Dairy Products Association convention in Cincinnati, Jan. 15, 1935.

527. U. S. Dept. of agriculture, Agricultural adjustment administration. Order of the Secretary of agriculture issued pursuant to Public act no. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural marketing agreement act of 1937, regulating such handling of milk in the Cincinnati, Ohio, marketing area as is in interstate commerce, and as directly burdens, obstructs or affects interstate commerce. U. S. Dept. Agr., Agr. Adjustment Admin. Order Series - Order No. 22, 9pp. Washington, D. C., Apr. 27, 1938. (O-22) 1.4 Ad470
Effective May 1, 1938.
Minimum prices to the producer are provided for in Article V, pp. 6-7.
The finally approved marketing agreement, approved Apr. 27, 1938, was never printed.
Terminated May 13, 1939.

528. U. S. Dept. of agriculture, Agricultural adjustment administration. Order of the Secretary of agriculture, issued pursuant to public act no. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural marketing agreement act of 1937, regulating the handling in interstate commerce, and such handling as directly burdens, obstructs, or affects interstate commerce, of milk in the Toledo, Ohio, marketing area. U. S. Dept. Agr., Agr. Adjustment Admin. Order Series - Order No. 30, 9pp. Washington, D. C., Sept. 3, 1938. (O-30) 1.4 Ad470
Effective September 16, 1938.
Minimum prices to the producer are provided for in Article V, p. 7.

529. U. S. Dept. of agriculture, Agricultural adjustment administration. Statements concerning the Toledo, Ohio, milk market and the proposed marketing agreement and proposed order. 87pp., processed. [Washington, D. C., 1938?] 1.94 D14Sta
Appendix B, separately paged, is The Audit of Handlers' Records in Connection with Federal Regulation of Milk Marketing, by E. S. Harris and O. M. Reed.
Minimum prices as set forth in the proposed marketing agreement and proposed order, pp. 24-25.

530. Young, Paul A., and Sherman, R. W. Summary of Ohio milk marketing agreements in 55 areas in Ohio. Ohio State Univ., Dept. Rural Econ. Mimeographed Bull. 70, 20pp. Columbus, May 1934. 281.9 Oh32
Issued in cooperation with the Agricultural Extension Service of Ohio State University and with the Extension Service of the U. S. Dept. of Agriculture.

"This summary of milk marketing agreements as approved by the Ohio Milk Marketing Commission includes agreements approved to the date of April 30. The more important facts on prices are listed and grouped under two main divisions - The Producers Prices and the Consumers Prices." - p. 2. Prices quoted are as of May 1, 1934.

MILK - FLUID - OKLAHOMA

531. Digest of opinion in the case of Allen v. Walker; D. C., N. D. Okla., no. 1053, Oct. 14, 1934 (Kennamer, D. J.) U. S. Law Week 3(10): 133. Nov. 5, 1935. 274.008 Un32

The AAA Milk license for the Tulsa area which, among other things fixes the price of milk paid to producers by distributors, is "void as to producers of milk which is produced, sold and consumed wholly within the same county."

532. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Oklahoma City, Oklahoma, sales area, with exhibits: Exhibit A, Marketing plan, Exhibit B, Schedule of unfair trade practices and resale prices. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 62, 18pp., processed. Washington, D. C., 1934. (Docket no. 77) 1.94 Ad4Li
Issued June 15, 1934. Effective June 16, 1934.
Cost of milk to distributors, pp. 7-12.
Amendment to License (i.e. Amended License) issued Aug. 31, 1934 (effective Sept. 4, 1934).
Terminated Mar. 15, 1935.

533. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Tulsa, Oklahoma, sales area, with exhibits: Exhibit A, Marketing plan, Exhibit B, Schedule of unfair trade practices and minimum resale prices. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 86, 16pp., processed. Washington, D. C., 1934. (Docket no. 85) 1.94 Ad4Li
Issued Aug. 16, 1934. Effective Aug. 21, 1934.
Cost of milk to distributors, pp. 7-12.
Amended License issued Nov. 1, 1934 (effective, Nov. 5, 1934).
Amended License, issued Apr. 15, 1935 (effective Apr. 16, 1935), does not contain the schedule of minimum resale prices.
Terminated Dec. 31, 1935.

MILK - FLUID - OREGON

534. Engbretson, A. E. The future outlets and outlook for fluid milk under public control. Amer. Inst. Coop. Amer. Coop. (1938)14: 273-281. 1938. 280.29 Am3A

Illustrations given show the results that have been obtained in the principal Oregon markets under the orders of the Oregon Milk

Control Board. Among the powers granted under the state statute, which have been exercised, are the establishment of producers' prices, the establishment of minimum retail and wholesale prices, etc.

MILK - FLUID - PENNSYLVANIA

535. H., R. W., Jr. Constitutional law - due process - police power - validity of statute establishing price control in the milk industry. Temple Law Quart. 11(1): 100-103. November 1936. Libr. Cong. (Law Div.)
Comment on the Rohrer [Pennsylvania] Milk Control Board case and the Nebbia case.

536. Neidlinger, Olin E. Constitutional law - statutory price fixing of milk. Rohrer v. Milk control board, 186 Atl. 336 (1936) (Pa.) Boston Univ. Law Rev. 16(4): 943-958. November 1936. Libr. Cong. (Law Div.)
The writer examines the case brought against the Pennsylvania Milk Control Board under the following points: delegation of authority; local and special legislation - equal protection of the law; due process; the police powers; affected with a public interest; emergency.

537. No. 426. - October term, 1938. Milk control board of the Commonwealth of Pennsylvania, petitioner, vs. Eisenberg farm products. On writ of certiorari to the Supreme court of Pennsylvania. [February 27, 1939.] U. S. Law Week 6(26, sec. 2): 885-886. Feb. 28, 1939. 274.008 Un3:
"Pennsylvania Milk Control Act of 1935...requiring the licensing of all milk dealers and providing for payment of minimum prices to farmers does not violate the commerce clause of Federal Constitution as applied to a dealer shipping all of its milk in interstate commerce.
"Statute so applied imposes on commerce only an incidental burden permissible in exercise of the State police power until superseded by Congressional enactment." - Digest-summaries of opinions in U. S. Law Week 6(26, sec. 1): 846. Feb. 28, 1939.

538. Pennsylvania. Laws, statutes, etc. No. 105. An act relating to milk and the products thereof; creating a Milk Control Commission... authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto...and making appropriations. In Pa. Laws, statutes, etc. Laws...passed at the session of 1937, v. 1, pp. 417-459. Harrisburg, 1937. 274.73 G28L
Article VIII, Prices of milk, pp. 444-449. Minimum and maximum wholesale and retail prices and minimum prices to producers may be fixed.

539. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for milk - Philadelphia milk shed, together with the following appendices, License no. 3, Philadelphia milk shed and Milk regulations. Series 1. Approved and executed by the Secretary of Agriculture, August 21, 1933. Effective date August 25, 1933 (12:01 a.m., eastern standard time). U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement No. 3, 36pp. Washington, D. C., 1933. (Form M-6) 1.4 Ad47M
Rules for milk production, prices, and amounts are given in Exhibit A of both marketing agreement and license. Price schedules for contracting distributors' sales are given in Exhibit C.
License terminated July 1, 1935. Marketing Agreement terminated Feb. 1, 1934.

540. U. S. Dept. of agriculture, Agricultural adjustment administration. Pennsylvania state milk control act. U. S. Dept. Agr., Agr. Adjustment Admin., Dairy Sec. Paper no. 8, Series on State Milk Control Acts, 12pp., processed. Washington, D. C., Mar. 27, 1937. 1.94 D14Ps
Similar in scope to the other papers in the series.
Analysis of an act approved Apr. 30, 1935 which amended and re-enacted an act approved Jan. 2, 1934. This act expired Apr. 30, 1937.
Powers in regard to price regulation, pp. 5-6. The Milk Board is empowered to fix minimum prices to be paid producers and also minimum and maximum wholesale and retail prices, under certain conditions.

MILK - FLUID - RHODE ISLAND

541. State milk board to be unattached. Legislature completes action on bill continuing it as independent agency. Vanderbilt to sign act. House passes in concurrence second measure providing for fixing price of milk. Providence Jour. May 6, 1939. Reproduced in Photostat Press Serv. no. 423, May 12, 1939.
The second measure "would allow the milk control board to enter into a joint order with the Federal Government, fixing the price of milk to be paid to farmers supplying Rhode Island with milk from outside the State. The price would be fixed after public hearings and an investigation of conditions in the market."

542. U. S. Dept. of agriculture, Agricultural adjustment administration. Amended license for milk, Newport, R. I., sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin., License Ser. - License no. 47, 15pp., processed. Washington, D. C., 1934. (Docket no. 29) 1.94 Ad4Li
Issued Mar. 31, 1934. Effective Apr. 1, 1934.
Cost of milk to distributors, pp. 5-9.
Amended License issued Aug. 30, 1934 (effective Sept. 1, 1934); Aug. 15, 1935 (effective Aug. 16, 1935).
Terminated Mar. 1, 1936.

543. U. S. Dept. of agriculture, Agricultural adjustment administration. Amended license for milk, Providence, R. I., sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 46, 18pp., processed. Washington, D. C., 1934. (Docket no. 29) 1.94 Ad4Li
Issued Mar. 31, 1934. Effective Apr. 1, 1934.
Cost of milk to distributors, pp. 6-10.
Amended License issued Aug. 30, 1934 (effective, Sept. 1, 1934); Sept. 29, 1934 (effective Oct. 1, 1934).
Terminated Dec. 1, 1935.

544. U. S. Dept. of agriculture, Agricultural adjustment administration. Rhode Island state milk control act. U. S. Dept. Agr., Agr. Adjustment Admin., Dairy Sec. Paper no. 9, Series on State Milk Control Acts, 8pp., processed. Washington, D. C., Apr. 28, 1937. 1.94 D14Ps
Similar in scope to the other papers in the series.
Analysis of an act passed Mar. 31, 1936 which superseded an emergency act passed in 1934. Gives information on the general character of the legislation, administrative procedure, rules and regulations, and legal status. The board is authorized to fix minimum prices to be paid producers and also minimum resale prices (p. 4).

545. Viall, William C. How state regulation helped bring about a stabilization of the dairy industry in Rhode Island. Milk Dealer 24(5): 36-37. February 1935. 44.8 M595

MILK - FLUID - TENNESSEE

546. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement and license for milk, Knoxville, Tennessee production area. Marketing agreement approved and executed by the Secretary of agriculture October 7, 1933. Effective...October 9, 1933. License issued...October 24, 1933. Effective...October 28, 1933. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 13. License Ser. - License no. 10, 32pp. Washington, D. C., 1933. (Form M-16) 1.4 Ad47M
Prices to be paid producers are provided for in Exhibit A. Exhibit C gives the price schedule for contracting distributors' sales.
License terminated June 24, 1934. Marketing Agreement terminated Feb. 1, 1934.

MILK - FLUID - TEXAS

547. U. S. Dept. of agriculture, Agricultural adjustment administration. License for milk, Fort Worth, Texas, sales area, with exhibits: Exhibit A, Marketing plan, Exhibit B, Schedule of unfair trade practices and minimum resale prices. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. + License no. 88, 15pp., processed.

Washington, D. C., 1934. (Docket no. 200) 1.94 Ad4Li
Issued Aug. 31, 1934. Effective Sept. 1, 1934.
Cost of milk to distributors, pp. 7-11.
Amended License issued Nov. 1, 1934 (effective Nov. 5, 1934).
Amended License, issued May 21, 1935 (effective May 22, 1935)
does not contain the schedule of minimum resale prices.
Terminated July 1, 1935.

MILK - FLUID - UTAH

548. Utah. Laws, statutes, etc. 1939 Supplement to the Utah revised statutes of 1933; containing all laws of a general nature passed by all regular and special sessions from 1933 to 1937, both inclusive. Annotated with all the Utah decisions from where the annotations left off in the 1933 revision to 82 Pacific second. 736pp. Denver, Colo., Courtright publishing company, 1939. 274.85 L52R

Chapter 15, pp. 56-58, contains the text of the Milk Control Act, L. '37, ch. 7.

This act, among other things, gives the state board of agriculture the power to provide, fix, and regulate a minimum market price for market milk. "Such a minimum market price shall be construed to include the price paid by distributors to producers for their product and the price paid by purchasers of milk for resale to distributors as well as the ultimate retail and wholesale prices to consumers. This price shall be the current market price and in determining this price the board shall consider the prices of other dairy products as well as the cost of producing, handling, pasteurizing, and distributing the product which is ultimately sold to the consumer."

MILK - FLUID - VERMONT

549. Aplin, R. D. Vermont's milk control law. Bur. Farmer (Vt. Farm Bur. News) 9(1): 10. September 1933. 280.82 B89

Briefly relates the history and provisions of a law enacted in July 1933. Among other things the Board is authorized to establish the terms and conditions for the sale of milk, including maximum and minimum wholesale and retail prices for milk and cream, and minimum prices to be paid producers by dealers, following an investigation and hearing when petitioned to exercise its powers in any market.

550. U. S. Dept. of agriculture, Agricultural adjustment administration. Vermont state milk control act. U. S. Dept. Agr., Agr. Adjustment Admin., Dairy Sec. Paper no. 10, Series of State Milk Control Acts, 9pp., processed. Washington, D. C., June 11, 1937. 1.94 D14Ps

Similar in scope to the other papers in the series.

Analysis of an act approved Mar. 26, 1937, which superseded emergency legislation of 1933. Gives information on the general

character of the law, administrative procedure, rules, etc., and legal status.

The board is authorized to fix minimum and maximum prices to be paid producers and to be charged by distributors (pp. 4-5).

551. Vermont. Laws, statutes, etc. Acts and resolves passed by the General assembly of the State of Vermont at the thirty-fourth biennial session, 1937, session commenced January 6, 1937, adjourned April 10, 1937. Special session, December 10-14, 1935, January 21-24, 1936. Special session, December 21, 22, 1936. 677pp. [Brattleboro, Vermont printing company, 1937] 274.87 G28A

No. 99, An act to control the distribution and sale of milk and to repeal chapter 197 of the Public Laws. [H. 259], pp. 130-137. Approved March 26, 1937. Among the powers conferred on the Milk Control Board is the power to "fix the just reasonable minimum or maximum price, or both, that shall be paid producers or associations of producers by distributors, and the manner of payment, and the prices charged consumers and others for milk by distributors," when, and as long as, certain conditions exist.

MILK - FLUID - VIRGINIA

552. [Digest of opinion in case of Reynolds v. Milk commission of Virginia; Va. Sup. Ct. Appls., Nov. 15, 1934. (Holt, J.)] U. S. Law Week 2(15): 311. Dec. 11, 1934. 274.008 Un32.

The first paragraph of the digest follows: "The Virginia statute of 1934 creating the Milk Commission with authority to control production of and to fix the price of milk in designated areas is unconstitutional in that it deprives dairy farmers, subjected to regulation under the statute, of 'liberty' and 'the means of acquiring and possessing property, and pursuing and obtaining happiness and safety,' in violation of the Bill of Rights which constitutes a part of the State constitution."

553. [Digest of opinion in case of Reynolds et al. v. Milk commission of Virginia; Va. Sup. Ct. Appls., Mar. 29, 1935. (Gregory, J.)] U. S. Law Week 2(33): 757. Apr. 16, 1935. 274.008 Un32

"The Virginia Milk Control Act of 1934 which provides for the creation of the State Milk Commission and empowers it to create market areas and to regulate the price of milk in such areas does not violate either the due process clause of the Fourteenth Amendment to the Federal Constitution or similar provisions of the State Constitution on the ground that the milk industry is not affected with a public interest and therefore is not subject to price regulation."

554. [Digest-summary of opinion in the case of U.S.D.C., E. Virginia (three-judge court (Soper, C. J.) Highland farms dairy et al. v. Agnew et al., No. 363, Oct. 3, 1936,] U. S. Law Week 4(9): 179-180. Oct. 27, 1936. 274.008 Un32

The Court declared that the "Virginia Milk Control Act is valid exercise of police power. It does not violate due process clause, nor constitute unlawful delegation of power, nor burden interstate commerce." The price fixing powers of the commission were declared to be a valid exercise of the police power.

555. Richmond, Va. Law and equity court. R. J. Reynolds v. Milk commission of Virginia. Opinion by Justice Henry W. Holt, Richmond, Virginia, November 15, 1934. Law and equity court of the City of Richmond, part two. 13pp., processed. [n.p.] 1934. 1.94 D14Re

"Campbell, C. J., Holt, Espes, Hudgins, Gregory, Chinn, J. J., present."

Mimeographed by the Agricultural Adjustment Administration.

Opinion of the Court reversing a decision by a trial court granting an injunction against the defendants restraining them from distributing milk because they "have refused to adopt the scale of prices fixed by the Commission and have refused to apply for any license from it to do business."

The Library of the U. S. Department of Agriculture has also a mimeographed copy of the dissenting opinion by Justice H. B. Gregory, which was concurred in by Justice C. J. Campbell.

556. U. S. Dept. of agriculture, Agricultural adjustment administration.

License for milk, Richmond, Virginia, sales area, with the following exhibits: Exhibit A, Marketing plan, Exhibit B, Rules for establishment of bases. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 52, 17pp., processed. Washington, D. C. (Docket no. 30) 1.94 Ad4Li

Issued Apr. 30, 1934. Effective May 1, 1934.

Supersedes License No. 25 of Dec. 20, 1933.

Cost of milk to distributors, pp. 6-11.

Amended License issued Apr. 9, 1935 (effective Apr. 16, 1935).

Terminated Oct. 1, 1938.

557. U. S. Dept. of agriculture, Agricultural adjustment administration.

Marketing agreement and license for milk - Richmond, Virginia, area. Marketing agreement approved and executed by the Secretary of agriculture, December 16, 1933. Effective...December 20, 1933. License issued by the Secretary of agriculture, December 16, 1933. Effective...December 20, 1933. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 32. License Ser. - License no. 25, 34pp. Washington, D. C., 1933. (Form M-40) 1.4 Ad47M

Prices to be paid producers are provided for in Exhibit A. Price schedule for contracting distributors' sales is given in Exhibit C.

License terminated May 1, 1934. Marketing Agreement terminated Feb. 1, 1934.

Superseded by License No. 52, issued Apr. 30, 1934.

558. U. S. Dept. of agriculture, Agricultural adjustment administration. Virginia state milk control act. U. S. Dept. Agr., Agr. Adjustment Admin., Dairy Sec. Paper no. 6, Series on State Milk Control Acts, 11pp., processed. Washington, D. C., Mar. 15, 1937. 1.94 D14Ps
Similar in scope to other papers in the series.
Analysis of the Virginia Milk and Cream Act, chapter 357, Laws of 1934.
Provisions in regard to price regulation, pp. 4-5. The Commission may fix prices to be paid producers and also "may fix the minimum and maximum wholesale and retail prices to be charged for milk, in any market, and may also fix different prices for different grades of milk."

559. U. S. Supreme court. [Opinion of the Supreme Court of the United States in the case of] Highland farms dairy, inc., et al. v. J. S. Agnew, et al. Supreme Court of the United States No. 573. Decided Mar. 29, 1937. On appeal from the District court of the United States for the eastern district of the United States. U. S. Law Week 4(31, 2d ed.): 908-909. Mar. 30, 1937. 274.008 Un32
The Court ruled that the Virginia Milk and Cream Act of 1934 is "not invalid as an unlawful delegation of legislative power"; is "not invalid in its present application by reason of a provision for the cancellation of the prices established for a market, if cancellation is requested by a majority of the producers and distributors in the area affected"; "does not lay a burden on interstate commerce"; and is "not invalid for failing to prescribe the standards to be applied by the Commission in granting licenses or refusing them."

560. Virginia. Laws, statutes, etc. Milk and cream act. An act to provide for the supervision, regulation and control of the production, processing, transportation, storage, distribution, and sale of milk and cream; to create a milk commission, and local milk boards and to define and provide for the functions, duties and powers thereof. 11pp. Richmond [Division of purchase and printing.] 1934. Pam. Coll.
"Reprinted from Acts of Assembly, Session 1934 [Chapter 357]."
Item j of Section 2 of this Act (p. 7) is, in part, as follows: "The commission, after public hearing and investigation, may fix the prices to be paid producers and/or associations of producers by distributors in any market or markets, may fix the minimum and maximum wholesale and retail prices to be charged for milk in any market, and may also fix different prices for different grades of milk..."

561. W., D. McC. Constitutional law - price fixing in milk industry contrary to Virginia constitution. Va. Law Rev. 21(3): 336-342. January 1935. Libr. Cong. (Law Div.)
Comment on decision of the Supreme Court of Appeals in Virginia in the Reynolds case.

562. W., G. W., Jr. Delegation of powers - price-fixing - milk regulation - United States courts - review of state decisions. George Washington Law Rev. 5: 909-911. 1936-1937. 274.008 G29

Comment on the Highland Farms Dairy case and court decision brought in connection with the Virginia "Milk and Cream Act."

MILK - FLUID - WISCONSIN

563. Schultheiss, F. Fluid milk market stabilization in Wisconsin. Milk Dealer 26(7): 44, 80-84. April 1937. 44.8 M595

A review of fluid milk market stabilization in Wisconsin which included the fixing of minimum buying and selling prices.

564. Staten, F. A. Regulation of milk marketing in Wisconsin. Jour. Land & Pub. Utility Econ. 9(3): 317-322. August 1933. 282.8 J82

See pp. 319-322 for the regulation of buying and selling terms for city milk markets by the Wisconsin Department of Agriculture and Markets.

565. U. S. Dept. of agriculture, Agricultural adjustment administration.

Wisconsin state milk control act. U. S. Dept. Agr., Agr. Adjustment Admin., Dairy Sec. Paper no. 13, Series on State Milk Control Acts, 16pp., processed. Washington, D. C., Mar. 31, 1938. 1.94 D14Ps

Similar in scope to the other papers in the series.

Analysis of legislation enacted in 1933, 1935, and 1937. The present act ceases to be in effect after Dec. 31, 1939, or earlier if so determined by the Department of Agriculture and Markets. For powers in regard to price regulation see p. 6. A footnote on this page states that "only minimum producer and minimum resale prices have been fixed by the department under the acts of 1933, 1935, and 1937."

FRUITS, NUTS AND BEES

566. Christie, A. W. Marketing progress in walnuts. Calif. Dept. Agr. Monthly Bull. 24(1): 115-118. January 1935. 2 C12M

A paper presented before the Sixty-seventh Convention of California Fruit Growers and Farmers, December 1934.

On pages 117-118 the writer describes the walnut marketing agreement under the Agricultural Adjustment Act, which was made effective in October 1933, and gives some of the results of the control program. The two main objects of the agreement were control of domestic prices and control and disposal of the surplus.

"The agreement provides a schedule of maximum prices for each commercial pack and no walnuts may be sold in excess of those prices so long as the control board declares a surplus existent...Just prior to each packing season the control board issues a corresponding schedule of minimum prices below which walnuts can not be sold.

The spread between maximum and minimum prices is ample to accommodate the normal differentials between the different quality grades as well as between advertised and nonadvertised brands...

"The first year's control operations were so successful as to bring the industry 88 per cent of the domestic price on the entire crop plus carryover..."

"Impartial and qualified government experts have calculated that the operation of the walnut marketing agreement brought over two million dollars more to American walnut growers during its first year of operation than could have been obtained without the agreement."

567. Citrus board moves to fix minimum grapefruit price in effort to aid growers. Board also discharges attorney, makes other changes in its staff. Florida Times Union, Jan. 7, 1939. Reproduced in Photostat Press Serv. no. 36, Jan. 13, 1939.

Tells of the plan of the Florida Citrus Commission to fix the price of grapefruit under a 1935 legislative act which "directs the Citrus Commission to determine the average cost of production and to fix a minimum on this basis." A price-fixing plan, similar to the one proposed for Florida, is said to be in effect in Texas.

See also other issues of the Florida Times-Union, such as Jan. 21, Feb. 17, Mar. 1, Mar. 18, for later information.

According to the Florida Times-Union, Mar. 18, 1939 (reproduced in Photostat Press Serv. No. 258, Mar. 23, 1939) the Florida Supreme Court upheld the minimum price on grapefruit, but did not rule directly upon cost guarantee law's constitutionality.

568. Citrus groups invoke Florida price fixing. Growers to seek 50c per box price; huge drives open to move the nation's surpluses. Food Field Reporter 7(2): 3, 23. Jan. 23, 1939. 286.83 F73

"It is reported that 800 growers representing 85% of the industry have signed the petition asking Governor Cone to proclaim the emergency that must precede price fixing by the Florida Citrus Commission."

569. Digest of opinion in case of U.S.D.C., S. Fla. (three-judge court); Lakeland Highlands Canning Co., Inc. v. Mayo, May 3, 1939. U. S. Law Week 6(37, sec. 1): 1299-1300. May 16, 1939. 274.008 Un32

"The Florida so-called Grower's Cost Guarantee Law of 1935 providing for regulation of marketing of citrus fruit produced in the State is unconstitutional in so far as it provides in Section 3 for the establishment of the cost of production as the minimum price at which the fruit may be sold. Such provision violates the due process clause of the Fourteenth Amendment." - First paragraph of digest.

570. Florida Laws, statutes, etc. Chapter 16362 - (No. 91). House bill no. 523. An act relating to citrus fruit: prescribing conditions and limitations upon the sale, marketing and processing thereof,

and the effect of contracts of sale and of marketing and processing agreements. In Fla. Laws, statutes, etc. General acts and resolutions...1935...volume 1, pp. 268-270. 1935. 274.17 L52

Among other things this Act guarantees grower returns equal to the cost of production of high grade citrus fruit. This Act to be "known and called the Growers Cost Guarantee Act" was approved June 8, 1935.

571. Georgia. Laws, statutes, etc. No. 44. An act to provide for and to authorize the Commissioner of agriculture to establish farmers' markets in this State and to authorize the Commissioner of agriculture to make necessary rules and regulations to properly conduct such markets...and for other purposes. In Ga. Laws, statutes, etc. Acts and resolutions...1935, pp. 369-372. Atlanta, Stein printing company, state printer, 1935. 274.19 G28A

Approved February 25, 1935.

Section 7 reads, in part, as follows:

"It is further enacted...The Commissioner of Agriculture is authorized to fix from time to time as he may deem necessary, minimum prices on the different grades and classes, as herein provided for, and to enforce the same by not permitting anyone to sell any fruits, vegetables or truck crops within the bounds of any market established, at a lower price than the minimum price fixed by him."

572. Holt, Budd A. Economic provisions of marketing agreements for general crops. Jour. Marketing 1(2): 115-126. October 1936. 280.38 J82

The object of this paper is to review the types of economic provisions contained in the programs for the general crops, which are composed mainly of fruits, vegetables and nuts and "to appraise the merits of these provisions and these programs as devices for increasing the purchasing power of producers." Price regulation provisions are discussed on pp. 116-119. "It may readily be concluded that the fixing of minimum prices for most general crops through marketing agreements and licenses has not proven a satisfactory device for accomplishing the objectives of the Agricultural Adjustment Act." (p. 118). The Agricultural Adjustment Act was amended in 1935 "to provide for the issuance of Secretary orders instead of licenses" and the authority to fix prices for all commodities other than milk was excluded from the provisions of such orders.

Comments on the article are given by James E. Boyle on pp. 127-128.

573. Cockey, William C. Outlines of marketing agreements and licenses under the supervision of the General crops section, Agricultural adjustment administration. 108pp., processed. [Washington, D. C.] U. S. Dept. of agriculture, Extension service, Division of cooperative extension, Agricultural economics section, December 1935. 1.9 Ex8920ma

A classification of the types of major economic provisions in the marketing agreements is given in a table on pp. 4-5. Name of the agreement, effective date of license, method of regulating supply, price regulation, provisions for surplus disposal, grading, and regulation of charges are given.

Minimum prices to growers and maximum and minimum selling prices for canned peaches were included in the cling peach agreement, p. 7.

Minimum and maximum sale prices are provided for in the agreement for walnuts grown in California, Oregon, and Washington, p. 22.

Fixed minimum prices f.o.b. shipping points are provided for in the Northwest fresh deciduous tree fruits agreement, p. 29.

Minimum prices to growers and minimum selling prices for canned olives are fixed in the agreement for the California ripe olive canning industry, p. 31.

Minimum selling prices are provided for in the agreement for package bees and queens, p. 66.

Minimum prices to growers are provided for in the agreement for California raisins, p. 70.

Minimum prices to distributors are provided for in the agreement for California dates, p. 73.

Price for reserve tonnage prunes offered for sale to packers is fixed by control board in the agreement for dried prunes in the state of California, p. 87.

Minimum prices to producers are provided for in the agreement for the paper shell pecan industry, p. 106.

574. State loses fight to fix citrus price. Appeals court in San Antonio upholds injunction in Hidalgo County, rules authority is lacking. Houston Chronicle Mar. 15, 1939. (Reproduced in Photostat Press Serv. No. 252, Mar. 21, 1939).

The Appeals Court ruled that there was no authority in the Texas Citrus Marketing Act (H.B. No. 654. Chapter 362, pp. 724-735, of the General and Special Laws...passed by the forty-fifth legislature...January 12, 1937...May 22, 1937) for the fixing of citrus prices by the State.

This decision was upheld by the State Supreme Court according to the Dallas Morning News of April 27, 1939.

575. Tapp, Jesse W. One year of the AAA. Licensing agreements. In Institute of rural economics, Rutgers university, Viewpoints on economic and social issues and their relation to rural life. Lectures and discussions, pp. 42-56. New Brunswick, N. J., 1935. 280.9 In79

This article is concerned with marketing agreements and licenses for the general, or non-basic crops, such as fruits, vegetables, nuts, gum turpentine, gum rosin, and package bees and queens. The difficulties involved in price fixing and the results of price fixing in the marketing agreements are discussed on pp. 49-50.

576. U. S. Congress, Senate, Committee on agriculture and forestry. To amend the Agricultural adjustment act. Hearings...seventy-fourth Congress, first session on S. 1807, a bill to amend the Agricultural adjustment

act, and for other purposes. March 7, 8, 9, 11, 12, 13, 14, 15, and 16, 1935. 386pp. Washington, U. S. Govt. print. off., 1935.
281.12 Un3Am

Included in the statements is Statement in Opposition by International Apple Association, R. G. Phillips, Secretary, Rochester, N. Y., pp. 381-386. It includes an analysis of the bill - S. 1807 - under discussion and a statement of specific objections to the bill. The author objects to subjecting fruits and vegetables to price fixing (p. 384).

577. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement and license for California date shippers. Marketing agreement approved and executed by the Secretary of agriculture June 7, 1934. Effective...June 8, 1934. License issued... June 7, 1934. Effective...June 11, 1934. U. S. Dept. Agr., Agr. Adjustment Admin., Marketing Agreement Ser. - Agreement no. 45. License Ser. - License no. 61, 24pp. Washington, D. C., 1934. (Form M-65) 1.4 Ad47M

Article III of both the Marketing Agreement and License provides for the fixing of handlers' minimum selling prices by the Control Committee.

Amendments to Marketing Agreement and License issued on Sept. 14, 1934, as Form M-65 - Amendment No. 1.

Marketing Agreement and License terminated Oct. 9, 1935.

578. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement and license for California ripe olive canning industry. Marketing agreement approved and executed by the Secretary of agriculture, December 9, 1933. Effective...December 13, 1933. License issued...December 9, 1933. Effective, December 13, 1933. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 26. License Ser. - License no. 20, 22pp. Washington, D. C., 1933. (Form M-37) 1.4 Ad47M

Minimum prices to producers and minimum prices to distributors are fixed in Article III.

Marketing Agreement and License terminated Nov. 19, 1935.

579. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement and license for cling peaches canned in the State of California. Approved and executed by the Secretary of agriculture, August 17, 1933. Effective date August 17, 1933. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. No. 1 [i.e. 2], License Ser. No. 1 [i.e. 2], 36pp. Washington, D. C., 1933. (Form M-5) 1.4 Ad47M

Minimum prices to growers are provided for in Section 6 of Article II, p. 5.

Maximum and minimum sale prices for canners are provided for in Section 2 of Article III, p. 6. Similar section also given in the License.

Amendments issued Dec. 5 and 21, 1933, and Aug. 18, 1934.
License terminated July 12, 1934. Marketing Agreement terminated
July 31, 1934.

580. U. S. Dept. of agriculture, Agricultural adjustment administration.
Marketing agreement and license for handlers of Northwest fresh
deciduous tree fruit grown in the states of Washington, Oregon,
Montana, and Idaho. Marketing agreement approved and executed
October 13, 1933. Effective...October 14, 1933. License issued
October 27, 1933. Effective...October 28, 1933. U. S. Dept. Agr.,
Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 16.
License Series - License no. 27, 27pp. Washington, D. C., 1934.
(Form M-53) 1.4 Ad47M
Article IV, Volume Control and Prices, in both Marketing Agreement
and License, provides for the fixing of handlers' selling
prices by the commodity committees.
Marketing Agreement and License terminated Oct. 18, 1935.

581. U. S. Dept. of agriculture, Agricultural adjustment administration.
Marketing agreement and license for packers of California raisins.
Marketing agreement approved and executed by the Secretary of agriculture
May 29, 1934. Effective May 29, 1934...License issued...
May 31, 1934. Effective...May 31, 1934. U. S. Dept. Agr., Agr.
Adjustment Admin., Marketing Agreement Ser. - Agreement no. 44.
License Ser. - License no. 59, 45pp. Washington, D. C., 1934.
(Form M-64) 1.4 Ad47M
Article III, of both Marketing Agreement and License, Minimum
Cost to Packers, provides for the fixing of minimum prices to growers
by contracting packers.
Amendments to Marketing Agreement and License issued on May 18,
1935 as Form M-64, Amendment no. 1.
Marketing Agreement and License terminated Sept. 14, 1935.

582. U. S. Dept. of agriculture, Agricultural adjustment administration.
Marketing agreement and license for peanut millers. Marketing agreement
approved and executed by the Secretary of agriculture January
23, 1934. Effective...January 27, 1934. License issued...January
23, 1934. Effective...January 27, 1934. U. S. Dept. Agr., Agr.
Adjustment Admin. Marketing Agreement Ser. - Agreement no. 35.
License Ser. - License no. 29, 19pp. Washington, D. C., 1934.
(Form M-47) 1.4 Ad47M
Minimum prices to growers are provided for in Article III of the
Marketing Agreement, pp. 2-3, and in Article II of the License,
pp. 13-14.
Terminated Oct. 1, 1934.

583. U. S. Dept. of agriculture, Agricultural adjustment administration.
Marketing agreement and license for shippers of package bees and
queens produced in the United States. Approved and executed by the
Secretary of agriculture, May 2, 1934. Effective May 6, 1934,

12:01, eastern standard time. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 43. License Ser. - License no. 54, 16pp. Washington, D. C., 1934. (Form M-60)
1.4 Ad47M

"Article III, Section 1. The contracting shippers agree that the committees shall establish, subject to the approval of the Secretary, a schedule of prices which shall be the minimum prices at which they will sell or offer for sale package bees, nuclei and/or queens following the effective date thereof, and that said schedule of prices shall remain in effect until altered, amended, or canceled by the Secretary or by the committee with the approval of the Secretary. Any schedule of proposed prices or proposed changes or amendments thereof shall be accompanied by data showing such proposed prices or changes to be fair and reasonable, and not in excess of parity prices and will tend to effectuate the purposes of the Act."

Terminated Sept. 6, 1938.

584. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for packers of walnuts grown in California, Oregon, and Washington. Executed by the Secretary of agriculture, October 7, 1933. Effective...October 9, 1933. With Amendments to marketing agreement for packers...Amendments approved...August 25, 1934. Effective...August 27, 1934. Amended license...Issued... August 25, 1934. Effective...August 27, 1934. Not for certification. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 12. License Ser. - License no. 8, 36pp. Washington, D. C., 1934. (M-12-(Revised)) 1.4 Ad47M

Article IV provides for the fixing of minimum sale prices by the Control Board and gives maximum sale prices.

Marketing Agreement and License terminated Oct. 15, 1935.

585. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for the paper shell pecan industry. Approved and executed by the Secretary of agriculture March 9, 1935. Effective...March 13, 1935. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 57, 14pp. Washington, D. C., 1935. 1.4 Ad47M

Minimum prices to be paid by distributors are provided for in Article V, pp. 5-8.

Terminated Sept. 30, 1935.

586. U. S. District court. California. No. 3627S. In the southern division district court of the United States for the northern district of California. United States of America and Henry A. Wallace, Secretary of agriculture, plaintiffs, vs. Calistan packers, inc., defendant. 76pp., processed. (n.p. 1933) 1.94 Ad47N

Mimeographed by the Agricultural Adjustment Administration.

"Defendant is a corporation organized under the laws of the State of California and engaged in the business of purchasing, canning, selling and shipping cling peaches and other food products."

Contains the bill of complaint, temporary restraining order, memorandum brief in support of application for a temporary injunction, opinion of the court, final decree, etc.

See pp. 52-53, Memorandum Brief, for argument regarding constitutionality of price fixing provisions of the marketing agreement and license.

The court held that the Agricultural Adjustment Act and Marketing Agreement and License for Cling Peaches Canned in California were constitutional and valid.

587. U. S. District court. California. [Opinion of District Judge St. Sure in the case of United States and Henry A. Wallace, Secretary of agriculture v. Calistan packers, inc. District court, N. D. California, Equity 3627-3S. Decided Oct. 2, 1933.] U. S. Law Week 1(6): 85-86. Oct. 10, 1933. 274.008 Un32

"The court holds that the Agricultural Adjustment Act and Marketing Agreement and License for Cling Peaches Canned in the State of California, and the proceedings of the Secretary of Agriculture thereunder, are constitutional and valid."

588. Wellman, H. R. Marketing agreements for vegetables and fruits other than citrus fruits. Jour. Farm Econ. 17(2): 349-356. May 1935. 280.8 J822

Price fixing provisions of these agreements are discussed on pp. 353-356, from which the following extracts have been taken:

"The power to fix prices is the goal which many groups desire when initial consideration is being given to a marketing agreement. Growers are prone to insist that prices to them be fixed at a level that will assure them cost of production plus a profit; while handlers frequently request fixed resale prices as a means of securing a predetermined operating margin and a guarantee that their competitors will not be able to sell at a lower price than they.

"The fixing of prices in marketing agreements creates many difficult economic and operating problems...

"Because of these difficulties...minimum price provisions are included in only those marketing agreements where volume regulation is either impracticable or cannot by itself effectively maintain prices to growers. Minimum resale prices are generally limited to commodities, a considerable proportion of which are marketed by the producers themselves, either through cooperative marketing associations or individually.

"Minimum price provisions are included in only five of the marketing agreements relating to fruits and vegetables which are now in effect. In the California raisin agreement the minimum price provisions relate to prices paid growers, while in the California dates, Pacific Coast walnuts, and Northwest deciduous tree fruit agreements they relate to handlers' selling prices. In the agreement for California ripe olives for canning, minimum prices apply to both those paid growers and canners' selling prices. In each case the establishment of minimum prices has apparently contributed to the maintenance of a stabilized market. This has been particularly noticeable in connection with walnuts, canned ripe olives, and dates."

589. Wellman, H. R. Some economic aspects of marketing agreements for fruits and vegetables. West. Farm Econ. Assoc. Proc. (1935)8: 42-51, processed. 280.83 W52

Price fixing under the marketing agreements is discussed on pp. 49-50. The writer gives reasons for his belief that "of all the various provisions contained in the marketing agreements and licenses for fruits and vegetables produced in California...price fixing has the least merit."

GRAIN

590. Campbell, Thomas D. The Campbell plan. Mont. Farmer 20(5): 2. Nov. 1, 1932. 6 M764

In this letter addressed to the editor of the Montana Farmer Mr. Campbell sets forth his agricultural relief plan. Under this plan the Secretary of Agriculture would be authorized "to determine each day an established price of wheat, based on the Liverpool or world price (plus 42 cents, the present duty, less the freight)...The price of wheat established by the Secretary each day...is to be paid the farmer by each buyer for three-fourths of his crop, or the amount sold each time." To prevent an increase in production the Secretary "would be authorized to decrease the tariff in proportion with the farmers' increase, so that it will cost him in dollars and cents to raise a greater surplus, which is the only way you can control surplus of any kind."

The plan may also be applied to cotton, tobacco and sugar.

591. Campbell, Thomas D. Fixed price on crops used in U. S. urged. The Post (Washington, D. C.) Dec. 1, 1932. Pam. Coll.

Urge the enactment by Congress of an Act which "will authorize the Secretary of Agriculture to establish a daily price of wheat, based on the world's price plus 42 cents a bushel, less freight, throughout the United States each day." This price would be effective on three-fourths of the wheat delivered by the farmer, the other one-fourth would be sold at the world's price.

592. Kansas State Senator has new price scheme. Modern Miller 58(24): 18. June 13, 1931. 298.8 M72

H. E. Frizzell, a state senator of Kansas advocated "a plan by which the government would fix a price of 60c a bushel on wheat to the farmer and then levy a tax of 20c a bushel on all wheat reaching the hands of millers."

593. The McAdoo plan for wheat and cotton. Southwest. Miller 11(5): 21, 22. Mar. 29, 1932. 298.8 S082

"Without allowing for uncertainties in the foreign demand for American wheat or the wide fluctuations in foreign prices, together with the problem of carry-overs W. G. McAdoo...proposed the fixing of minimums on domestic prices of wheat and cotton in an address before the Salesmanship Club of Houston, Texas, March 19.

"The principal points in Mr. McAdoo's address, entitled 'How to Save Our Wheat and Cotton Farmers and Revive General Prosperity.' are given. - Note at head of article.

594. North Dakota pegs wheat. Modern Miller 65(33): 11-12. Aug. 13, 1938. 298.8 M72

Editorial announcing that Governor William Langer of North Dakota "on Aug. 10 pegged the price of top grade durum wheat at what was alleged to be 17 cents above cash prices at North Dakota terminals.

"He offered North Dakota farmers 65 cents a bushel for No. 1 amber durum delivered at the state mill at Grand Forks. The cash price in Fargo it was stated, was 48 cents."

595. Philippine journal of commerce, v. 12, no. 4, April 1936. 40pp. 286.9 P53

This number is devoted to the subject of rice and contains several articles on the control of the rice industry by the Rice and Corn Corporation. Among the articles are the following: Rice commission recommends creation of Rice and Corn Corporation, pp. 3-6, 16, 27-28; Rice and Corn Corporation is organized [on Apr. 7, 1936] with P 4,000,000 capital, pp. 7, 24; The rice situation in the Philippines, by Eulogio Rodriguez, pp. 9-10 [includes a brief statement of the government's plan for control of production, milling and distribution and the fixing of minimum and maximum prices]; The rice crisis of 1935 and government intervention, pp. 11-12, 16, 40.

596. Porter, Catherine. Philippine rice control showing results. Far East. Survey 7(5): 53-55. Mar. 2, 1938. 280.9 In782

Stabilization of the price of rice by the Philippine National Rice and Corn Corporation, known as the NARIC.

The following is quoted from p. 54:

"The Corporation mills its palay and, when prices on the market threaten to rise toward the end of the season, it makes its supply available at a price calculated to keep the cost to the consumer as low as possible. In its first year of operation, it met the comparatively simple problem of shortage by buying cheaper rice abroad and selling it at a price which tended to discourage profiteers within the country from putting an exorbitant price on their supplies. Since the foreign rice was brought in under emergency conditions, no import tax was levied..."

"Last year the NARIC's buying price for macan palay...was set at P 2.50 per cavan, and the same price was recently announced for this year's crop..."

"While the NARIC's efforts at price stabilization have thus met with some measure of success, it is obvious that they would be endangered should the domestic supply of rice be brought to the point where it normally exceeded the demand by a considerable margin."

597. Stanford economist wants wheat floor. Northwest. Miller and Amer. Baker 15(12): 35. Dec. 7, 1938. 298.8 N81

"San Francisco, Cal. - Putting a floor under wheat prices as a 'safeguard against catastrophe' was proposed by Dr. Merrill K. Bennett,

economist of the Stanford University Food Research Institute, in an address before farmers, bankers and political leaders at the eleventh annual meeting of the Eastern Oregon Wheat League.

"Dr. Bennett would have the government stand ready to buy wheat from the grower at a minimum level fixed by Congress somewhere between 55c and 70c bu. He would require the federal wheat purchasing agency to sell as fast as it bought, in order to maintain a competitive free market at all times."

598. Sykes, M'Cready. A suggested solution of the wheat problem. Com. and Finance 20(32): 1172-1173. Aug. 12, 1931. 286.6 C737
Discussion 20: 1253-1254. Aug. 26, 1931.
Presents a plan which provides, among other things, for the purchase by the Government of wheat at a fixed price.

599. Taylor, Alonzo E., Davis, J. S., and Brand, Elizabeth M. The McNary-Haugen plan as applied to wheat: operating problems and economic consequences. Wheat Studies of the Food Research Inst. 3(4): 177-234. February 1927. 59.8 F73
The question of price-fixing, pp. 187-188.

600. Taylor, Alonzo E. Wheat under the Agricultural marketing act. Some problems of the Federal farm board. Wheat Studies of the Food Research Inst. 5(9): 347-425. August 1929. 59.8 F73
Criticisms and suggestions were received from J. S. Davis, Holbrook Working and M. K. Bennett in the preparation of this work by the author.
Section 11 of the Act, which provides for price insurance, is discussed on p. 378.

601. U. S. Dept. of agriculture, Agricultural adjustment administration. Amendment to marketing agreement and amended license for southern rice milling industry. Amendment to marketing agreement approved and executed by the Secretary of agriculture, July 20, 1934. Effective...July 21, 1934. Amendment to license issued...July 20, 1934. Effective...July 21, 1934. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 39. License Ser. - License no. 11, 62pp. Washington, D. C., 1934. (Form M-76) 1.4 Ad47M
Minimum prices for rough rice are fixed by Article III, pp. 3-4, of the marketing agreement, and Article III, pp. 33-35, of the license. Four amendments, dated Oct. 13, 1934, have been issued. Amendments 3 and 4 have to do with the fixing of minimum prices.
Terminated Apr. 1, 1935.

602. U. S. Dept. of agriculture, Agricultural adjustment administration. License for California rice industry including marketing agreement (Agreement no. 10) as exhibit A; price fixed by the Secretary of agriculture for extra fancy, clean, Japan, California rice; and amendments nos. 1 and 2 to the marketing agreement. License approved

and executed by the Acting secretary of agriculture December 20, 1934. Effective...December 21, 1934. U. S. Dept. Agr., Agr. Adjustment Admin. License Ser. - License no. 96, 25pp. Washington, D. C., 1935. (Form M-83) 1.4 Ad47M

See Article V of both the license, p. 5, and the marketing agreement, p. 11, for producer prices, and Article VI, pp. 11-12 for trade prices and terms.

Amendment no. 2, Order of the Secretary of Agriculture altering the price of extra fancy, clean, Japan, California rice, f.o.b. San Francisco, pursuant to marketing agreement, as amended, for California rice industry, p. 25.

Terminated Sept. 14, 1935.

603. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement and license for southern rice milling industry together with amendment to license and price fixed for number I prime milling quality rough rices. 31pp., processed. [Washington, D. C., 1933.] 1.94 R36M

The fixing of minimum prices to the producer for rice by the Secretary is provided for in article IV, pp. 3-4, and in article IV of the license, p. 24.

604. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for California rice industry, together with the following appendix, Price fixed by the Secretary of agriculture for extra fancy, clean, Japan, California rice. Marketing agreement approved and executed by the Secretary of agriculture, September 26, 1933. Effective date, September 26, 1933. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 10, 24pp. Washington, D. C., 1933. (Form M-21) 1.4 Ad47M

Article V, p. 4, provides for the fixing of rice prices.

Order of the Secretary of Agriculture fixing the price of rice, p. 21.

Four amendments to this agreement have been issued. Amendment No. 2 changes the price originally fixed for rice.

605. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for southern rice milling industry. 28pp., processed. [Washington, D. C., 1933.] 1.94 R36M

The fixing by the Secretary of minimum prices paid to the producer by the miller is provided for in Article V, pp. 3-4.

A proposed code of fair competition for the southern rice millers is given on pp. 12-28. The fixing by the Secretary of minimum prices to the producer is provided for in Article VII, pp. 15-16.

606. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for southern rice milling industry. U. S. Dept. Agr., Agr. Adjustment Admin., Marketing Agreement Ser. - Agreement No. 39, 25pp., processed. [Washington, D. C.] Mar. 6, 1934. 1.94 R36Ma

Approved Mar. 5, 1934. Effective Mar. 6, 1934.

Article III, pp. 3-4, provides, among other things, for the fixing of minimum prices of rice to the producer. Minimum sale prices are provided for in Article IV, pp. 4-5.

607. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for southern rice milling industry...Approved and executed by the Secretary of agriculture, October 13, 1933. Effective 12:01 A.M., eastern standard time, October 16, 1933. U. S. Dept. Agr., Agr. Adjustment Admin., Marketing Agreement No. 17, License No. 11, 35pp., processed. [Washington, D. C.] 1933. 1.94 R36Ma

The fixing of minimum prices by the Secretary is provided for in article IV of the marketing agreement, pp. 3-4, and in article IV of the license, pp. 24-25.

Terminated Mar. 6, 1934.

608. U. S. District court, Louisiana (Western district) In the District court of the United States for the western district of Louisiana, Lake Charles division. United States of America, Henry A. Wallace, Secretary of agriculture, and J. E. Broussard, F. A. Farda...as members of the control committee, Southern rice milling industry, under a certain marketing agreement, dated October 13, 1933, plaintiffs, vs. Dixie rice mill, inc., defendant. In equity no.--- Bill of complaint. 11pp., processed. [n. p., 1934.] 1.94 R36I

Mimeographed by the Agricultural Adjustment Administration.

Among the charges in the Bill of complaint are the following: "(g) The defendant has failed and refused to pay to producers from whom he purchased rough rice during the period from October 16, 1933, to March 6, 1934, the minimum purchase prices required to be paid for such product to the producers thereof in accordance with the provisions of the Marketing Agreement. On the contrary, plaintiffs are informed and believe and upon such information and belief state the fact to be that said defendant has paid to such producers of rough rice prices substantially lower than the minimum prices permitted for such product under the terms and provisions of said Marketing Agreement and has thereby breached Article IV, Section 3, of said Marketing Agreement; and

"(h) The defendant has failed and refused to obtain upon its sales of clean rice prices equal to or in excess of the minimum prices provided for in said Marketing Agreement. On the contrary, plaintiffs are informed and believe and upon such information and belief state the fact to be that defendant has consummated and effected sales of clean rice at prices substantially less than the minimum prices therefor provided in said Marketing Agreement and has thereby breached Article V. Section 1, of said Marketing Agreement."

609. Velmonte, José E. Palay and rice prices. pp. 382-410. [Manila?] 1936. Reprint Coll.
"Separate from The Philippine Agriculturist...vol. XXV, no. 5, October, 1936."
Government intervention in the rice industry, pp. 396-402.

610. Wallace, Henry A. An American income for corn. Address...at meeting of farmers, farm leaders and AAA committeemen at Springfield, Illinois, broadcast on NBC Farm and home program...October 14, 1938. 21pp., processed. [Washington, D. C., U. S. Dept. of agriculture, Oct. 14, 1938. 1.9 Ag8636
Price fixing as a substitute for the present farm program is discussed unfavorably on pp. 15-18.

611. Wallace, Henry A. An American income for wheat. 21pp., processed. Washington, D. C., U. S. Dept. of agriculture, 1938. 1.9 Ag8636
Address before a meeting of farmers and farm leaders at Hutchinson, Kansas, Sept. 29, 1938. Broadcast through the facilities of the Columbia Broadcasting System and affiliated stations.
The Secretary of Agriculture of the United States expresses his opposition to price-fixing as a substitute for the present wheat program. He points out that to fix a cost-of-production price, as has been proposed, would mean the piling up of large quantities of surplus wheat, bootlegging of wheat at less than the cost-of-production price, and eventual disaster for both agriculture and business. A simpler plan, the Secretary feels, would be for the Government "to buy at a fixed price, such as parity, all the wheat produced on their acreage allotments by farmers co-operating in the farm program. A certain portion of this wheat could be made available for domestic consumption at a price that would get back what the government has paid for it. Other wheat, produced by non-cooperators, could be taxed enough to deprive it of any competitive price advantage. Any surplus would be available for export to maintain our fair share of the world trade in wheat, or to maintain an ever normal granary.
"Such a plan would mean a virtual monopoly by the government of the nation's wheat marketing system. But at least wheat production could be prevented from skyrocketing and prices could be fixed in such a way that they would stay fixed.
"I am not advocating such a plan...There is a simpler way... The processing tax is the surest way for wheat farmers to get their fair share of the national income."

TOBACCO

612. Rowe, Harold B. Tobacco under the AAA. 317pp. Washington, D. C., The Brookings Institution, 1935. (The Institute of Economics of the Brookings Institution. Publication No. 62) 281.369 R79
Marketing agreements (the first agreement, subsequent price-fixing agreements, the agreement for the Connecticut Valley shade-

grown types), ch. V, pp. 107-131. The marketing agreement for flue-cured tobacco is examined in more detail than the other agreements since, according to the first paragraph of this chapter, precedent for those agreements which were limited to fixing minimum prices and quantities was established by this agreement.

The marketing agreement for flue-cured tobacco is reproduced on pp. 263-272.

613. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement and license for Connecticut Valley shade-grown tobacco (U. S. type 61). Marketing agreement approved and executed by the Secretary of agriculture December 9, 1933. Effective...December 11, 1933. License issued...January 16, 1934. Effective...January 17, 1934. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 28. License Ser. - License no. 28, 17pp. Washington, D. C., 1934. (Form M-46)
1.4 Ad47M

Article V gives the Secretary of Agriculture power to fix minimum prices to producers.

Amendment No. 1 (6pp.) is Approval of Schedule of Minimum Sales Prices Determined by the Control Committee Pursuant to the Marketing Agreement for the Connecticut Valley Shade-grown Tobacco Industry, issued Jan. 16, 1935.

614. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for burley tobacco. Approved and executed by the Secretary of agriculture, January 6, 1934. Effective...December 11, 1933. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 34, 7pp. Washington, D. C., 1934. (Form M-45)
1.4 Ad47M

"This is a limited Marketing Agreement, the sole purposes of which are to establish the minimum quantities of and prices to govern purchases of Burley tobacco by the Contracting Buyers for the 1933 marketing season from December 11, 1933 to April 15, 1934, inclusive." - Sec. 2, Article II, p. 3.

The average price to be paid by contracting buyers is laid down in section 6, Article III, p. 4.

Terminated Apr. 15, 1934.

615. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for buyers of stemming grades of cigar-leaf tobacco, types 41, 42, 43, 44, 51, 52, 53, 54, and 55. Approved and executed by the Acting secretary of agriculture, June 9, 1934. Effective date, December 1, 1933 (12:01 a.m., eastern standard time). U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 46, 6pp. Washington, D. C., 1934. (M-66)
1.4 Ad47M

Average prices to be paid grower by buyers are provided for in Article III, Quantities and Prices.

Terminated June 30, 1934.

616. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for dark air-cured tobacco, types 35, 36, and 37. Approved and executed by the Secretary of agriculture, March 1, 1934. Effective date, December 1, 1933 (12:01 a.m., eastern standard time). U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 38, 8pp. Washington, D. C., 1934. (Form M-49) 1.4 Ad47M
Minimum prices paid to the grower are provided for in Article III, Quantities and Prices, pp. 3-6.
Terminated July 15, 1934.

617. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for fire-cured and dark air-cured tobacco, types 21, 22, 23, 24, and 36. Approved and executed by the Secretary of Agriculture March 26, 1934. Effective date, March 26, 1934 (12:01 a.m., eastern standard time). U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 41, 8pp. Washington, D. C., 1934. (Form M-56) 1.4 Ad47M
Minimum prices to producers by contracting buyers are laid down in Article III, p. 2.
Terminated July 15, 1934.

618. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for fire-cured and dark air-cured tobacco, types 21, 22, 23, 24, 35, and 36. Approved and executed by the Secretary of agriculture, March 1, 1934. Effective date, December 1, 1933 (12:01 a.m., eastern standard time). U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 37, 6pp. Washington, D. C., 1934. (M-50) 1.4 Ad47M
See Article III, Quantities and Prices, pp. 2-3, for average minimum prices to be paid by the manufacturer.
Terminated July 15, 1934.

619. U. S. Dept. of agriculture, Agricultural adjustment administration. Marketing agreement for flue-cured tobacco. Approved and executed by the Secretary of agriculture, October 12, 1933. Effective... September 25, 1933. U. S. Dept. Agr., Agr. Adjustment Admin. Marketing Agreement Ser. - Agreement no. 15, 8pp. Washington, D. C., 1933. (Form M-26) 1.4 Ad47M
See p. 4, item (d) for average price to be paid by contracting buyers.
Terminated Mar. 31, 1934.

WAR TIME PRICE FIXING*

620. Arkansas State farmers union. A memorial addressed to Hon. Herbert Hoover, the Congress of the United States of America, and the price fixing board. Adopted by the Arkansas state farmers union in a

*This section includes a number of references on price fixing during the World War not included in Agricultural Economics Bibliography No. 18.

called session in the city of Little Rock, Arkansas, May 17th and 18th, 1918. 11pp. Little Rock, W. L. Oury, printer, 1918. 72 A

Statistics on the cost of producing cotton are presented. The following paragraphs are quoted from p. 10:

"We most earnestly protest against the fixing of an arbitrary price of 20 cents for raw cotton to the manufacturer, which means, judging by past experience, a maximum price of not to exceed 15 cents to the producer..."

"As stated in the preamble, that if the price of cotton and cottonseed must be fixed, we demand that in justice to all, producer and consumer alike, that the products from these two raw materials along with all farm implements be fixed in conformity with prices fixed on cotton and cottonseed."

"We further demand; should the price of cotton seed be regulated, that the cost of production be taken into consideration as much or more so, than the oil and protein contents."

621. Baruch, Barney Mannes. Taking the profit out of war. A memorandum submitted to the War policies commission in support of the Memorandum under the same title submitted March 6, 1931. 71pp. m.p. 1931?; 284.3 B282

The writer proposes a statute "which shall say in effect, 'From and after a day to be determined by the President, it shall be unlawful to charge a higher price for anything than was in effect on that day except that the President may and will (to relieve hardship or meet an exigency of war), adjust any particular price either upward or downward.'"

An Expository Draft of Statute is given on pp. 65-71.

622. Bernhardt, Joshua. Government control of sugar during the war. Quart. Jour. Econ. 33(4): 672-713. August 1919. 280.8 Q2

This is a study of the third period of government control of sugar which covered the interval between May 1918 and the signing of the Armistice. A summary of the contents as given on p. 672, is as follows: "I. Introduction: The four periods of government control, 672. - II. The problems relating to sugar for the crops of 1918-19, 674. - (a) Problems relating to price, 674. - (b) Problems relating to supply and distribution, 687. - III. The solution of these problems through the formation of the United States Sugar Equalization Board, 693. - (a) Formation of the United States Sugar Equalization Board, 693. - (b) Solution of the problems relating to price, 695. - (c) Agreements with the various producers, 702. - (d) Solution of the problems relating to supply and distribution, 705. - IV. Conclusion, 710."

In the last paragraph of the article the writer states that "The general conclusion, to be drawn, both from the viewpoint of production and the viewpoint of prices, is that government control of sugar during the war was a decided success."

623. Bernhardt, Joshua. Government control of the sugar industry in the United States; an account of the work of the United States food administration and the United States sugar equalization board, inc. 272pp. New York, The Macmillan company, 1920. 65 B452
See particularly chapter IV, pp. 50-67, Mobilization of the Sugar Industry for 1919 and Solution of the Problems Relating to Prices and Distribution.

624. Blakey, Roy G. Sugar prices and distribution under food control. Quart. Jour. Econ. 32(4): 567-596. August 1918. 280.8 Q2
"In our study of the experiment with sugar we shall consider in turn the sources and distribution of supply, both before the war and since it began, the price-fixing negotiations and settlements, and their outcome so far as can be ascertained at this time." - p.568.
The following are the last two sentences from the last paragraph of this study: "The majority of the people in most sections of the United States are not yet socially minded enough to make the balance of advantage fall to the side of public regulation of prices in ordinary times, except under monopoly conditions and in a few other cases. But despite the many disadvantages, the balance of advantage falls to the side of the public regulation of sugar prices and distribution in the United States under present conditions, as exemplified by the experience of the past year."

625. Boyle, James E. The fallacy of government price fixing. Outside the realm of natural monopolies it will not work and reacts against the interests of the producers. Banker-Farmer 13(6): 4-5. May 1926. 284.28 B22
The discussion in this article is from pages 242-245 of the author's book - The Marketing of Agricultural Products, published in 1925. It describes the results of the price fixing of wheat, bran, storage eggs and bituminous coal during the World War.

626. Conference of representatives of the grain trade of the United States. [Proceedings] 1917-1920. 4v. Washington, New York, Chicago, 1917-1920. 59.9 C76
The second of these conferences was held under the auspices of the United States Food Administration, Grain Corporation. The title of the third conference is Conference of Trade Representatives with the United States Wheat Director, Julius H. Barnes; the title of the fourth is Conference of Grain and Flour Trade Representatives with the United States Wheat Director, Julius H. Barnes. The 1918 and 1919 volumes contain outlines of the programs for discussion which contain references to the government guaranteed wheat price.

627. Dorfman, Joseph, ed. An unpublished memorandum of Thorstein Veblen on government regulation of the food supply. Southwest. Social Sci. Quart. 13(4): 372-377. March 1933. 280.8 So82
This memorandum entitled A Schedule of Prices for the Staple Foodstuffs was the outgrowth of a study which Isador Lubin, Veblen's

assistant in the Food Administration, made of "the effects of government price fixing on the small grains not affected by price stabilization." The memorandum is printed in full in this issue of the Quarterly, except that the tables and charts are omitted.

628. Eldred, Wilfred. The Grain corporation and the guaranteed wheat price. Quart. Jour. Econ. 34(4): 698-719. August 1920. 280.8 Q2

"Summary. Events of 1917: the Food Control Act, the guaranteed price, the 'fair' price, 698. - The operations of the Grain Corporation in 1917-18, 699. - The guarantee extended to 1919, 704. - The Price Guarantee Act of March 4, 1919, 707. - Crop and prices of 1919, 708. - Expiration of the guarantee; plans for resumption of future trading, 715. - Relative advance in prices of wheat, flour, and bread since 1913, 717. - Financial outcome of the Grain Corporation's activities, 718." - p. 698.

629. Eldred, Wilfred. The wheat and flour trade under Food administration control: 1917-18. Quart. Jour. Econ. 33(1): 1-70. November 1918. 280.8 Q2

"Summary. I. Commercial situation and price trend during the crop year 1916-17, 2. - II. Evident necessity for government control, 5. - III. Slow progress of legislation, 11. - IV. The Food Act, 14. - V. Voluntary agreement between millers and Food Administration, 18. - VI. The Wheat Price Committee, 23. - VII. Resentment of wheat growers, 25. - VIII. Efforts to stimulate milling, 25. - IX. Distribution of wheat stocks, 29. - X. Stabilizing the market, 32. - XI. Effort of growers to get an advanced price, 36. - XII. Decline in milling activity early in 1917, 38. - XIII, XIV. Increase in output after price stabilization, 39. - XV. Control of percentage of flour and feed, 43. - XVI. "Cost plus" method of price regulation, 45. - XVIII. Evasions, 48. - XX. Complications with excess profits tax, 51. - XXII. Summary and critical estimate of results, 59." - p. 1.

630. Hibbard, B. H. Effect of government control on marketing methods and costs. Amer. Econ. Rev. Sup. 9(1): 47-55. March 1919. 280.8 Am32
Discussion by James E. Boyle, pp. 56-60.

War-time control over prices and profits is discussed on pp. 50-52. The writer calls attention (p. 51) to "one of the most noticeable phases of the whole episode of price fixing [which] was the almost naïve dependence on the cost-of-production theory of value on the part of those charged with the duty of naming the figures at which goods should sell."

631. Means, David McGregor. Price-fixing by Government. Unpopular Rev. 9(12): 312-327. April-June 1918. Libr. Cong. (AP2.U75)

The writer presents the case against price fixing by the Federal Government, citing the Corn Laws of England, war-time price fixing of coal and Mr. Hoover's policy of fixing the price of wheat in the United States.

632. Payne, John Lambert. The regulation of food prices. Scribner's Monthly 64(5): 581-586. November 1918. Libr. Cong. (AP2, S4)

The writer presents arguments in favor of control and regulation of food prices. "There would seem to be no good reason...why the functions of the Food Administration should cease with the declaration of peace." His conclusions are: "1. That the sane and scientific regulation of food prices, within reasonable bounds is practicable. 2. That the present defective system of food distribution is remediable. 3. That cost plus a reasonable profit would be just to producer and consumer alike. 4. That the general cost of production is easily obtainable."

633. Stoddard, C. F. Price-fixing by the government during the war. U. S. Dept. Labor, Bur. Labor Statis. Monthly Labor Rev. 10(5): 1095-1119. May 1920. 158.6 B87M

"Throughout this article the term 'price-fixing' is used in a broad sense, including the regulation of prices directly or indirectly by any Government agency. Strictly speaking, the policy was one of price stabilization rather than price fixing." - p. 1097.

Subtopics: Price-fixing agencies; Price fixing by the Food Administration (Fair-price committee, licensing, flour and bread, sugar); Price fixing by the Fuel Administration; War Industries Board and its price-fixing committee (iron and steel, copper, textiles and clothing); Results of the policy of price fixing.

634. Surface, Frank M. American pork production in the World War...a story of stabilized prices and of the contribution of American farmers to the allied cause and the post-armistice famine. 217pp. Chicago & New York, A. W. Shaw company; London, A. W. Shaw and company, limited, 1926. 46 Su7

The following paragraphs are quoted from pp. 185-186:

"In any consideration of the policies adopted, it must be remembered that the Food Administration had no power and did not attempt to, fix the prices of either hogs or pork products. The only thing the Food Administration did attempt to do with regard to hog prices was to place a limit on the minimum price at such a point that, if this alone were received, it would result in some profit to the hog grower. There was no attempt to fix a maximum price. The market was always free to go as much higher than minimum as the forces of supply and demand would permit.

"It must further be remembered that even the maintenance of a minimum price was due entirely to voluntary agreements of the Food Administrator with the packers, the hog producers and with the Allied, Government, and Relief Buyers. There were never any means of enforcing these agreements or of throwing additional purchases into the market if it showed signs of weakness, except for the few months in the winter of 1918-1919, when Mr. Hoover placed forward orders for Relief and enemy expected requirements in order to sustain the minimum price."

635. Taussig, F. W. Price-fixing as seen by a price-fixer. *Quart. Jour. Econ.* 35(2): 205-241. February 1919. 280.8 Q2
"Summary. The three agencies that regulated prices during the war, 205. - Differences in their methods, 206. - The Price-Fixing Committee, 209. - Commodities regulated by the committee, 209. - Ground for their selection; heavy government needs. 210. - Prices were fixed as maxima only, 214. - Gradual elaboration and extension, 214. - Cost of production as the basis, 216. - Marginal, or "bulk-line," cost, and charts illustrating it, 218. - This basis of price-fixing justified by economic theory, 222. - Distinction between differences in cost based on physical causes and those based on human qualities, 222. - The real ground for stress on marginal cost was necessity of maintaining output, 228. - Special phases of some articles, lumber, cement, iron and steel, 229. - Proposals for an average or pooled price, 232. - Objections to this method, 233. - Conclusion, 238." - p. 205.

636. U. S. Congress, House, Committee on military affairs. Taking the profits out of war. Hearings...Seventy-fourth Congress, first session, on H.R. 3 and H.R. 5293. January 23, 25, 26, 28, 29, 1935. 771pp. Washington, D. C., U. S. Govt. print. off. 1935. 280.12 Un362T
Section 1 of H.R. 3 "provides for the fixing of a price ceiling. . . . Section 2 provides for the making of adjustments. Section 3 provides for a system of licensing...Section 4 provides for priorities... And section 5 provides for the administrative measures necessary to put it into effect." - p. 46.
Appendix. Industrial mobilization plan. Revised - 1933, pp. 335-444. The section relating to the price control committee is given on pp. 405-411. The Department of Agriculture is to be responsible for statistical and research work relating to prices to be established on farm products and farm implements. See chart inserted between pp. 406-407.
Universal mobilization for war purposes. Hearings...Sixty-eighth Congress, first session, on H.J.Res. 128, H.R. 194, H.R. 4841, and H.R. 8111. March 11, 13, and 20, 1924, pp. 445-696.
Documents by War Policies Commission, pp. 697-771. Includes A Plan to Perpetuate Peace by Equalizing the Burdens of and Eliminating the Profits from War, suggested by the American Legion, with supporting brief on the constitutional powers of Congress and the President in time of war, pp. 755-771. The supporting brief treats two aspects of the war power: "(1) The power to regulate the prices of material and equipment purchased by the Government for its own needs; and (2) The power to regulate prices of commodities required by the civilian population."
637. U. S. Congress, House, Committee on military affairs. Taking the profits out of war. Hearings...Seventy-fifth Congress, first session, on H.R. 1954. January 26, 28, February 4, 9, 10, 23, March 4, 22, 1937. 164pp. Washington, D. C., U. S. Govt. print. off., 1937. 280.12 Un362T

Section 1 of this bill provides for the fixing of a price ceiling by the President whenever Congress declares war or the existence of an emergency due to the imminence of war.

638. U. S. Congress, Senate, Committee on military affairs. To prevent profiteering in war. Hearings before a subcommittee...Seventy-fourth Congress, first session on H.R. 5529, An act to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense, and promote peace. May 25 and 31, 1935. 66pp. Washington, D. C., U. S. Govt. print. off., 1935. 280.12 Un365

Contains testimony on the power to fix prices in time of war. See pp. 33-41 for exhibit presented by the War Department, which includes a detailed statement of War Department views respecting 5529 (revised in Senate Report 577). Title II contains the price control provisions. A war price control commission is established which "under the direction of the President, is hereby authorized and directed, with respect to any product, foodstuff, material, real property, or other commodity, and with respect to any right, wage, or service declared by the President essential for the national security and defense in the prosecution of the war, to fix and establish just and reasonable, maximum, minimum, or absolute prices or rates and rentals at which such product...may be bought, sold,... rented, or otherwise contracted for, whether such transaction be with the Government or between persons of the civilian population..."

639. U. S. Congress, Senate, Committee on military affairs. To prevent profiteering in time of war. Hearings...Seventy-fifth Congress, first session on S. 25, A bill to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense, and promote peace...February 5, 6, 12, 16, and 19 and March 5 and 12, 1937. 2pts. (198pp.) Washington, D. C., U. S. Govt. print. off., 1937. 280.12 Un365

The first section of S. 25 provides that, in the event of a war or the existence of an emergency due to the imminence of war, the President is "authorized to determine and publicly proclaim it to be unlawful to buy, sell, or otherwise contract for any article or thing enumerated in such proclamation, or proclamations at a higher rate, rent, price, commission, compensation, or reward than was in effect at a date predetermined and set forth in such proclamation or proclamations."

Senate Report 889, 74th Cong., 1st sess., to accompany H.R. 5529, pp. 43-81. (Price fixing, pp. 66-70; price freezing, pp. 70-72).

640. U. S. Dept. of agriculture. Memorandum prepared by the Agricultural department and the Food administration as to the wheat price guaranteed by Congress. 53pp. Washington, D. C., Govt. print. off., 1919. 1 Ag856

In addition to the Memorandum the pamphlet includes the text of the Food Control Act of 1917 and proclamations and executive orders by the President under the Act.

641. U. S. Dept. of agriculture, Grain futures administration. A chronology of war-time control of wheat prices. 4pp., processed. [Washington, D. C., 1934] 1.9 G76C

Data given "are taken from: Report of the Federal Trade Commission on the Grain Trade, and The Stabilization of the Price of Wheat During the War...by Frank M. Surface, U. S. Grain Corporation."

642. U. S. War industries board, Price fixing committee. Munitions industry. Minutes of the Price-fixing committee of the War industries board from March 14 to May 20, 1918, [September 24 to December 30, 1918], 74th Cong., 2d Sess., Senate Committee Print No. 5, 4pts. (1830pp.) Washington, D. C., U. S. Govt. print. off., 1936. 284.3 Un399

Among the commodities for which price fixing was discussed are lumber, cotton goods, wool, cement, steel, etc.

643. U. S. War policies commission. Documents...Message from the President of the United States transmitting a communication from the Secretary of war...submitting additional documents in connection with the study made by the Commission, as requested by the provisions of the public resolution creating the commission. 72nd Cong., 1st sess., House Doc. 271, 71pp. Washington, D. C., U. S. Govt. print. off., 1932. 148

Analysis of testimony, pp. 1-33. Fixing prices as a means of reducing costs and minimizing profits, pp. 9-19.

Memorandum for the War Policies Commission on the power to fix prices in war time by the Attorney General, pp. 34-53. In addition to the Memorandum these pages contain a statement of the Solicitor General, a statement prepared by an attorney, Edwin N. Griswold, a memorandum prepared by Hugh S. Johnson on the subject - "The constitutional question raised by the 'Baruch plan'", etc.

A plan to perpetuate peace by equalizing the burdens of war and eliminating the profits from war, suggested by the American Legion, with supporting brief on the constitutional powers of Congress and the President in time of war, pp. 55-71. The brief is in three parts: I. The power of the government to supply its own needs; II. The power to fix prices of commodities required by civilians; III. Methods of exercising the power conferred, after the emergency has arisen.

644. U. S. War policies commission. Hearings before the Commission appointed under the authority of Public resolution no. 98. Seventy-first Congress, second session (H.J.Res. 251) March 5-May 22, 1931. 3pts. (892pp.) Washington, D. C., U. S. Govt. print. off., 1931. 173 W194

Statement of Bernard M. Baruch, pp. 30-55, 794-839.

Statement of General Douglas MacArthur, pp. 354-378. This statement is also printed in the 1930/31 Annual Report of the War Department, pp. 47-69. Part II of the statement is on industrial planning. Pages 371-373 (pages 62-65 of the War Department Report) are on price control in time of war. This has reference, particularly, to

basic raw materials and government supplies. Plan for industrial mobilization, submitted by General MacArthur, pp. 395-478.

Preliminary observations in reference to Mr. Baruch's plan for fixing prices, pp. 839-841.

645. Warren, G. F. The present food supply. Amer. Farm Manag. Assoc. Proc. (1917)8: 84-104. 1918. 4 Am33

The agitation for price control and a fixed price for farm products as a war time measure is discussed unfavorably on pp. 94-99. "The objection to price control is that it stimulates consumption and reduces production."

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