

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

**TEXTILE MACHINERY
MANUFACTURING INDUSTRY**

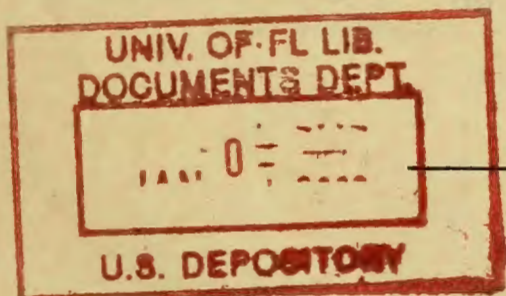
AS APPROVED ON OCTOBER 3, 1933

BY

PRESIDENT ROOSEVELT



1. Executive Order
2. Letter of Transmittal
3. Code



**UNITED STATES
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(II)

EXECUTIVE ORDER

CODE OF FAIR COMPETITION FOR THE TEXTILE MACHINERY MANUFACTURING INDUSTRY

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Textile Machinery Manufacturing Industry, and hearings have been held thereon and the Administrator having rendered his report containing an analysis of the said Code of Fair Competition together with his recommendations and findings with respect thereto, and the Administrator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of Clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do approve the report and recommendations and adopt the findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
September 1933.

Approval recommended:

HUGH S. JOHNSON,
Administrator.

(III)

SEPTEMBER 21, 1933.

THE PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: I have the honor to submit and recommend for your approval the Code of Fair Competition for the Textile Machinery Manufacturing Industry.

The following exhibits are included or attached:

- (1) Final Code Submitted
- (2) Notice of Hearing
- (3) Statement of Procedure
- (4) Transcript of the Records
- (5) Statistical Analysis of the Division of Economic Research and Planning
- (6) Report of Deputy

An analysis of the provisions of the Code has been made by the Administration. I find that the Code complies with the requirements of Clauses 1 and 2, Subsection (a) of Section 3 of the National Industrial Recovery Act.

I am, my dear Mr. President,

Very sincerely yours,

HUGH S. JOHNSON,
Administrator.

CODE OF FAIR COMPETITION FOR THE TEXTILE MACHINERY MANUFACTURING INDUSTRY

ARTICLE I—DEFINITIONS

SECTION 1. The terms "the Textile Machinery Manufacturing Industry" and "the Industry", as used herein, are defined to mean the manufacture for sale of complete machines and parts thereof and accessories therefor used in textile establishments for the actual manufacture of yarn and/or woven fabrics or for finishing or dyeing, whether as a final process or as a part of a larger and further process.

SEC. 2. The term "employee", as used herein, includes any person engaged in any phase of the Industry, in any capacity, in the nature of employee irrespective of the method of his compensation.

SEC. 3. The term "employer", as used herein, includes anyone for whose benefit such an employee is so engaged.

SEC. 4. The term "members", as used herein, is defined to include natural persons, partnerships, associations, or corporations.

SEC. 5. The term "President", as used herein, is defined to mean the President of the United States of America.

SEC. 6. The term "Code", as used herein, is defined to mean the within Code as approved by the President or as amended, revised, or altered pursuant to the provisions hereof and of the National Industrial Recovery Act.

SEC. 7. The term "the National Industrial Recovery Act", as used herein, is defined to mean the Act approved by the President on June 16, 1933, and the term "Administrator", as used herein, is defined to mean the administrator duly appointed and acting under said Act.

SEC. 8. The term "effective date", as used herein, is defined to mean the second Monday after the approval of this Code by the President.

SEC. 9. The term "Association", as used herein, means National Association of Textile Machinery Manufacturers, an existing association for the benefit of all members of the Industry located within the United States.

ARTICLE II—PURPOSE OF THE CODE

SECTION 1. The Code is adopted pursuant to Title I of the National Industrial Recovery Act.

SEC. 2. The purpose of the Code is to effectuate the policy of Title I of the National Industrial Recovery Act.

ARTICLE III—PARTICIPATION IN THE CODE

Participation in the endeavors of the Association relative to revisions or additions to this Code shall be based on the following:

(1) payment of the pro-rata share of the cost and administration of the Code by becoming a member of the Association; or (2) payment of an equitable pro-rata share of the expense of the administration of the Code (such pro-rata share to be determined on the basis of the number of persons employed).

ARTICLE IV—LABOR PROVISIONS

(1) Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(2) No employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and

(3) Employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

ARTICLE V—MINORS

On and after the effective date, employers in the Industry shall not employ any person under the age of sixteen (16) years; provided, however, that where a State law provides a higher minimum age, no person below the age specified by such State law shall be employed within that State, and, provided further, that no employee between sixteen (16) and eighteen (18) years of age shall work on or in connection with any metal or woodworking, or other moving machinery, or on heat process, or in any other hazardous occupations.

ARTICLE VI—WAGES

SECTION 1. On and after the effective date, the minimum wage that shall be paid by employers in the Industry:

(a) To accounting, clerical, and office employees, shall be at the rate of not less than \$14.00 per week; and

(b) To all other employees (except outside helpers and shippers south of the Potomac River, learners during their initial 90 days, apprentices, and watchmen), shall be at the rate of not less than 35 cents per hour, regardless of whether the employee's compensation is otherwise based on a time rate or upon a piece-work performance.

(c) There shall be an equitable adjustment of wages above the minimums herein prescribed to the end that, so far as may be equitable, the differentials which now exist between the wage rates paid to skilled workers and those paid to unskilled labor shall be at least maintained.

(d) It is further provided that where a State law provides a higher minimum wage no person employed within that State shall be paid a wage below that required by such State law.

The minimum wage that shall be paid by employers in the Industry to outside helpers and shippers south of the Potomac River, learners during their initial 90 days, apprentices, and watchmen, shall be not less than the hourly rate which prevailed for the same class of labor on July 15, 1929, and in any event not less than 30 cents per hour.

ARTICLE VII—HOURS OF WORK

SECTION 1. On and after the effective date, employers in the Industry shall not operate on a schedule of hours of labor for their employees (except executives, supervisory staff, receiving more than \$35.00 per week, and outside salesmen) in excess of 40 hours per week; provided, however, that during any period in which a concentrated demand upon any division of the Industry shall place an unusual and temporary burden for production upon its facilities, an employee of such division may be permitted to work not more than 48 hours per week in not more than 8 weeks of any six months' period; provided, however, that the total hours of work shall not average more than 40 hours per week in any six months' period. Where in any case an employee not expressly excepted above is worked in excess of 8 hours per day, time and one half shall be paid for the excess hours so worked.

SEC. 2. Repair and maintenance crews, engineers, and electricians may, on and after the effective date, work a tolerance of 10 percent in excess of the aforesaid maximum hours per week; provided, that time and one half shall be paid for the excess hours so worked.

SEC. 3. No employee shall be regularly employed more than six (6) days in any seven-day period.

ARTICLE VIII—ADMINISTRATION

SECTION 1. To effectuate the policies of Title I of the National Industrial Recovery Act, a Code Authority is hereby designated to cooperate with the Administrator as a Planning and Fair Practice Agency for the Textile Machinery Manufacturing Industry. This Code Authority shall consist of nine representatives of the Textile Machinery Manufacturing Industry elected by a fair method of selection to be approved by the Administrator. This Code Authority may also consist of not more than three members, without vote, to be appointed by the President of the United States. Such agency is designated for the purpose of administering, supervising, and promoting the performance by employers of the provisions of this Code and for otherwise effectuating the policy of the Act.

The Code Authority shall issue and enforce such rules and regulations, impose upon employers such restrictions, with the approval of the Administrator, and designate such agents and delegate such authority to them as may be necessary or convenient to effectuate the purposes of this Code and the Act. The Code Authority may make such rules as to meetings, notices, waivers of notices, and other procedural matters as it may from time to time determine. The Code Authority may, to such extent as it may determine, act by and through such divisions of the Industry as it may designate (based

upon groupings of members having a common interest and common problems) and representative committees of such divisions.

SEC. 2. To further effectuate the policies of Title I of the National Industrial Recovery Act, the Code Authority is constituted the Industry's agent to cooperate with the Administrator with respect to future planning and fair practice. The Code Authority may from time to time present to the Administrator recommendations based on conditions in the Industry as they may develop from time to time which will tend to effectuate the operation of the provisions of the Code and the policy of Title I of the National Industrial Recovery Act. Such recommendations, when approved by the Administrator, shall have the same force and effect as any other provisions of this Code.

SEC. 3. The Code Authority is also authorized to cooperate with the Administrator in making investigations as to the functioning and observance of any of the provisions of this Code and to report them to the Administrator.

SEC. 4. The Code Authority is also authorized to investigate and inform the Administrator on behalf of the Industry, in the manner provided in Clause 3 (e) of the National Industrial Recovery Act, with respect to the importation of competitive articles.

SEC. 5. Members shall furnish to said Code Authority, in such form and at such intervals as said Code Authority may prescribe, such reports of information and statistics regarding the working hours of employees and the wages of employees as said Code Authority shall require.

Members of any division designated by said Code Authority shall furnish to the committee chosen from and representing their division, as and when requested by such committee, reports with respect to prices, discounts, terms of sale, sales, and other allied matters concerning that part of the business of said members which qualifies them for said division; such reports to be in such form and to cover such intervals of time as the committee may from time to time determine. Except as otherwise provided in the National Industrial Recovery Act, reports furnished in accordance with this paragraph shall be confidential, and the data of one employer shall not be revealed to any other employer; provided, however, that for the purpose of administering or enforcing this Code the Code Authority, through its duly authorized representatives, shall have access to any and all such reports.

ARTICLE IX—GENERAL

SECTION 1. If any employer under this Code is also an employer of labor in any other Industry, the provisions of this Code shall apply to and effect only that part of his business which is included in the Textile Machinery Industry.

SEC. 2. Violation by any member of the Industry of any provision hereof or of any approved rule or regulation issued hereunder is an unfair method of competition.

SEC. 3. No provision of the Code shall be interpreted or applied in such a manner as to promote monopolies, permit or encourage unfair competition, or eliminate, oppress, or discriminate against small enterprises.

ARTICLE X—TRADE PRACTICE

SECTION 1. No builder of textile machinery shall sell or exchange in the United States market, except in fulfilment of contracts formed before the effective date, any product (not secondhand) of its manufacture at a price, or upon terms or conditions, that will result in the customer paying therefor less than the seller's cost, as determined in accordance with standard accounting practices. In the event that complaint shall be made by a member of the aforesaid Code Authority, alleging violation of this paragraph by a member of the same division of the Industry, said Code Authority shall appoint a special committee to investigate and report.

SEC. 2. No person shall sell a machine, or parts therefor, copied or duplicated by such person from a machine, or parts therefor, made by an established builder of textile machinery, at a selling price under the reasonable cost.

SEC. 3. Agents and/or importers of foreign manufacturers of textile machinery, sold in the United States in competition with textile machinery made by domestic manufacturers, shall be subject to all provisions of this Code covered by Articles VIII and X.

SEC. 4. Secret rebates, of every kind and however accomplished, are absolutely prohibited.

SEC. 5. Transportation charges: All machinery shall be sold f.o.b. factory.

SEC. 6. Sales for cash: The purchase price shall be payable not later than thirty (30) days from date of shipment.

SEC. 7. Sales on deferred payments (except as provided in Section 8 below): The Purchase price, in any contract with respect to machinery sold in the United States market, shall be payable as follows:

The initial cash payment on account of said price shall be not less than 25% of said price and shall be paid not later than 30 days from date of shipment; the balance of the purchase price shall be payable over a period not in excess of two years following the average date of shipments under such contract. The rate of interest payable on such deferred payments shall not be less than 5% per annum. Stocks or bonds of the purchaser shall not be accepted as payment, in whole or in part, of the purchase price.

No machinery shall be sold on terms other than cash, unless the title to or a lien on such machinery is retained by the seller until the purchase price therefor shall have been paid in full.

SEC. 8. With the unanimous approval of his divisional committee, any employer may sell on deferred payments on terms other than those provided in Section 7 above.

SEC. 9. Arbitration: The use of arbitration in the settlement of commercial disputes between employers or between buyers and sellers under the arbitration rules of the American Arbitration Association is recognized as an economical and effective method of adjusting business controversies.

ARTICLE XI—AMENDMENT, CANCELLATION, AND TERMINATION

SECTION 1. This Code and all the provisions thereof are expressly made subject to the right of the President, in accordance with the

provision of Clause 10 (b) of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation, issued under Title I of said Act, and specifically subject to the right of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval thereof.

SEC. 2. Such of the provisions of this Code as are not required to be included herein by the National Industrial Recovery Act may, with the approval of the President, be modified or eliminated as changes in circumstances or experience may indicate. It is contemplated that from time to time supplementary provisions to this Code or additional codes will be submitted for the approval of the President to prevent unfair competition in price and other unfair and destructive competitive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act consistent with the provisions hereof.

SEC. 3. This Code shall continue in effect for a period of ninety (90) days after the effective date and thereafter until terminated as hereinafter provided. Subject to statutory provisions then in effect, this Code may be terminated at any time after said ninety-day period. When so terminated, all obligations and liabilities under the Code shall cease, except those for unpaid dues and assessments theretofore duly made.

The undersigned does hereby certify that the foregoing is a true copy of the Code of Fair Competition for the Textile Machinery Manufacturing Industry submitted to the Administrator under the National Industrial Recovery Act, as amended by authority of Code Sub-Committee of the Textile Machinery Manufacturing Industry.

B. H. BRISTOW DRAPER.

SEPTEMBER 8, 1933.

NOTICE OF HEARING No. 45

NATIONAL RECOVERY ADMINISTRATION,
August 18, 1933.

TEXTILE MACHINERY MANUFACTURING INDUSTRY

The above industry, as represented by the National Association of Textile Machinery Manufacturers claiming to represent 90 percent of the Industry, has submitted a proposed Basic Code of Fair Competition, copies of which are available at the office of the National Recovery Administration, Room 4519, Department of Commerce, Washington, D.C.

The code for the Textile Machinery Manufacturing Industry in its present form merely reflects the proposal of the above-mentioned industry, and none of the provisions contained therein are to be regarded as having received the approval of the National Recovery Administration as applying to this industry.

Notice is hereby given that a Public Hearing on this Code will be conducted by the Administrator, beginning at 10 A.M., Friday, August 25, 1933, in the Caucus Room of the Senate Office Building, Washington, D.C., and continuing until completed. An opportunity to be heard (either in person or by duly appointed representative either by appearance or by sending a written or telegraphic statement) will be given to persons or groups who can show a substantial interest as workers, employers, consumers, or otherwise, in the effect of any provision of the proposed Code.

Those wishing to be heard must comply with the following simple requirements:

(1) A written or telegraphic request for an opportunity to be heard must be filed before noon on Thursday, August 24, 1933, with the Administrator, Room 4422, Department of Commerce, Washington, D.C.

(2) Such request shall state the name of (a) any person seeking to testify in the hearing, and (b) the persons or groups whom he represents.

(3) Such request shall contain a statement setting forth without argument a proposal: (1) for the elimination of a specific provision of the Code; or (2) a modification of a specific provision, in language proposed by the witness; or (3) a provision to be added to the Code in language proposed by the witness.

(4) At the Public Hearings all persons are regarded as witnesses and shall present orally facts only and not argument. Written briefs or arguments may be filed, but oral presentations will be confined to factual statements only.

(5) In the discretion of the Deputy Administrator in charge of the Hearing, persons who have not complied with the requirements of paragraph (1) above may be permitted at any time prior to the close of the Hearing to file written statements containing proposals for eliminations from, modifications of, or additions to the code supported by pertinent information or argument. Such written statements must be condensed as much as possible.

Public Hearings are solely for the purpose of obtaining in the most direct manner the facts useful to the Administrator, and no arguments will be heard or considered at this time. Representation of interested parties by attorneys or specialists is permissible, but it is not to be regarded as necessary. Industry, workers, and the consuming public will be represented by special advisers employed by the Government.

HUGH S. JOHNSON,
Administrator.

MALCOLM MUIR, *Deputy Administrator.*

STATEMENT OF PROCEDURE—LIST OF WITNESSES

CERTIFICATE

SEPTEMBER 7, 1933.

I, WILLIAM H. CLIFF, the duly elected Secretary of NATIONAL ASSOCIATION OF TEXTILE MACHINERY MANUFACTURERS, hereby certify that the following named persons are at this date the duly elected and qualified Directors of said Association:

J. E. Butterworth (H. W. Butterworth & Sons Co.), B. H. B. Draper (Draper Corporation), D. F. Edwards (Saco-Lowell Shops), R. A. Leeson (Universal Winding Co.), E. H. Peirce (The Atwood Machine Co.), S. F. Rockwell (Davis & Furber Machine Co.), E. K. Swift (Whitin Machine Works), C. F. Tillinghast (Textile Finishing Machy. Co.), J. F. Tinsley (Crompton & Knowles Loom Works).

And I further certify that the following named Directors are at this date the duly appointed and qualified subcommittee of said Board of Directors with respect to obtaining the approval of a Code of Fair Competition for the Textile Machinery Manufacturing Industry by the President of the United States:

B. H. B. Draper, Chairman; David F. Edwards.

And I further certify that B. H. Bristow Draper, the Chairman of said subcommittee, has been, by action of said subcommittee, appointed to act for said subcommittee, with all the powers of said subcommittee.

And I further certify that National Association of Textile Machinery Manufacturers consists at this date of concerns employing over 91% of the labor employed in the industry.

WILLIAM H. CLIFF,
Secretary.

Subscribed and sworn to before me this 7th day of September 1933.

[SEAL.]

ROBERT CUTLER,
Notary Public.

CERTIFICATE

SEPTEMBER 7, 1933.

WE, B. H. BRISTOW DRAPER (Chairman) and DAVID F. EDWARDS, the duly appointed subcommittee of the Board of Directors of NATIONAL ASSOCIATION OF TEXTILE MACHINERY MANUFACTURERS, with power to act in behalf of said Association with respect to obtaining the approval of a Code of Fair Competition for the Textile Machinery Manufacturing Industry by the President of the United States, under the National Industrial Recovery Act, hereby appoint and constitute the said B. H. Bristow Draper to act for said subcommittee, with all of the powers of said subcommittee, in all matters connected with such Code of Fair Competition, any and all alterations in, eliminations from, and amendments to said Code of Fair Competition, and the execution of a Code of Fair Competition, in such form as said Draper shall approve, for and in behalf of said National Association of Textile Machinery Manufacturers.

B. H. BRISTOW DRAPER,
Chairman.

DAVID F. EDWARDS.

Subscribed and sworn to before me this 7th day of September 1933.

[SEAL.]

ROBERT CUTLER, Notary Public.

(9)

CERTIFICATE

SEPTEMBER, 7, 1933.

I, WILLIAM H. CLIFF, the duly elected Secretary of NATIONAL ASSOCIATION OF TEXTILE MACHINERY MANUFACTURERS, hereby certify that at the organization meeting of said Association, held pursuant to due notice on August 1, 1933, at 10:15 o'clock A.M., at the Copley Plaza Hotel, Boston, Massachusetts, at which meeting there were present all of the organizing members of the Association, being a quorum for the transaction of business, the following resolution was unanimously adopted:

Voted.—That the draft of Code of Fair Competition for the Textile Machinery Manufacturing Industry, as presented to this (the organization) meeting of National Association of Textile Machinery Manufacturers, be recommended to the Board of Directors of the Association for approval and adoption, pursuant to the By-Laws of said Association, subject to such alterations, eliminations, and amendments as the Board of Directors (acting through such subcommittee or subcommittees as it may appoint) may approve and/or the President of the United States may require; and that the Board of Directors be authorized and empowered, for and on behalf of the Association, said Board acting through such subcommittee or subcommittees as it may appoint, forthwith to make due application, under the provisions of the National Industrial Recovery Act, for the approval of said Code by the President of the United States, and to take all necessary and advisable action in all matters connected with such application and such approval, any hearings which may be held with respect thereto, and any and all alterations in said Code or eliminations therefrom or amendments thereto.

And I further certify that at a Special Meeting of the Board of Directors of said Association, held pursuant to due notice on August 25, 1933, at 12:15 o'clock P.M., at the Caucus Room, Senate Office Building, Washington, D.C., at which meeting there were present all of the members of the Board of Directors, being a quorum for the transaction of business, the following resolution was unanimously adopted:

Voted.—To approve in behalf of National Association of Textile Machinery Manufacturers, pursuant to authority delegated to this Board by said Association at its organization meeting held on August 1, 1933, the proposed Code of Fair Competition for the Textile Machinery Manufacturing Industry (Third Revision), as presented to this meeting and filed with the records thereof, subject to such alterations, eliminations, and amendments as the President of the United States or his duly constituted and acting representative may require and/or as this Board, or the duly authorized subcommittee of this Board, may approve; and to confirm and continue the appointment of B. H. Bristow Draper and D. F. Edwards, as a subcommittee of this Board, to act in behalf of said Association with respect to obtaining the approval of said Code by the President of the United States, under the National Industrial Recovery Act, and to represent and act for this Board and said Association in all matters connected with said Code, any hearings which may be held with respect thereto, and any and all alterations in, eliminations from, and amendments to said Code.

And I further certify that the draft of Code of Fair Competition for the Textile Machinery Manufacturing Industry, attached to this Certificate, is the Code of Fair Competition for the Textile Machinery Manufacturing Industry recommended (as set forth in the vote first certified above) by National Association of Textile Machinery Manufacturers for approval and adoption, as duly altered and amended by the Board of Directors of said Association pursuant to said vote, and is the same as the Code of Fair Competition for the Textile Machinery Manufacturing Industry (Third Revision) approved in the vote last certified above.

WILLIAM H. CLIFF,
Secretary.

Subscribed and sworn to before me this 7th day of September 1933.

[SEAL.]

ROBERT CUTLER,
Notary Public.

LIST OF WITNESSES PUBLIC HEARING NO. 45

TEXTILE MACHINERY MANUFACTURING INDUSTRY

B. H. Bristow Draper, President Draper Corporation; Edwin C. Smith, President Rhode Island Warp Stop Equipment Co.; Richard S. Newham, International Association of Machinists; and W. W. Britton, Metal Polishers Union.

REPORT BY THE DIVISION OF ECONOMIC RESEARCH AND PLANNING

(Attached to original copy)

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1. The first of the two main parts of the book is a historical survey of the development of the theory of the structure of matter. It begins with the classical theory of the structure of matter, and then proceeds to the quantum theory of the structure of matter. The second part of the book is a survey of the present state of the theory of the structure of matter.

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