

UNITED STATES DEPARTMENT OF AGRICULTURE

Bureau of Agricultural Economics

Tel-Cortland 7-9800

Market News Service

Room 810-80 Centre Street, New York City

STATES	FREIGHT UNLOADS OF LIVE POULTRY BY STATES AT NEW YORK DURING 1931 (CARS)												TOTAL
	: JANUARY :	FEBRUARY :	MARCH :	APRIL :	MAY :	JUNE :	JULY :	AUGUST :	SEPTEMBER :	OCTOBER :	NOVEMBER :	DECEMBER :	
ALABAMA	18	34	43	24	16	12	8	4	2	-	3	2	166
ARKANSAS	48	45	49	35	31	20	25	37	25	8	8	28	359
COLORADO	2	8	2	4	-	2	-	2	2	1	-	1	24
FLORIDA	1	1	-	-	1	-	-	-	-	-	-	-	3
GEORGIA	6	13	18	11	10	3	-	-	-	-	-	1	62
ILLINOIS	84	54	51	32	42	66	63	72	118	113	124	159	978
INDIANA	70	51	62	42	41	52	67	46	131	118	131	131	942
IOWA	44	29	13	12	27	61	85	82	124	93	83	79	732
KANSAS	37	30	46	26	40	32	29	32	43	43	33	56	447
KENTUCKY	39	54	125	111	61	34	26	24	36	22	23	38	593
MARYLAND	-	-	-	-	-	1	-	-	-	-	-	-	1
MINNESOTA	13	3	4	-	1	11	19	27	36	23	27	23	187
MISSISSIPPI	5	16	19	10	5	4	4	-	-	-	7	5	75
MISSOURI	128	98	103	95	124	152	138	148	178	146	148	192	1,650
NEBRASKA	87	62	59	41	66	85	72	97	122	100	89	105	985
NORTH CAROLINA	8	13	19	11	6	3	-	-	-	-	-	3	63
NORTH DAKOTA	1	-	-	-	-	-	3	7	26	15	19	5	76
OHIO	19	8	2	1	6	22	20	24	57	50	70	56	335
OKLAHOMA	111	125	117	66	69	55	38	40	37	19	13	38	728
PENNSYLVANIA	1	-	1	1	-	-	-	-	1	-	-	4	8
SOUTH CAROLINA	5	19	17	5	2	2	2	1	-	-	-	6	59
SOUTH DAKOTA	24	16	7	1	5	10	14	32	54	48	45	43	300
TENNESSEE	51	82	179	205	116	53	31	35	21	6	37	41	857
TEXAS	46	52	47	25	26	12	5	5	4	-	3	8	233
VIRGINIA	6	6	20	15	11	5	3	1	-	1	19	9	96
WISCONSIN	-	1	1	-	7	17	24	26	31	38	28	19	192
WYOMING	-	-	-	-	-	-	-	1	-	-	-	-	1
TOTAL - 1931	354	820	1,004	773	713	723	677	743	1,048	844	911	1,052	10,152
1930	841	735	813	954	772	705	781	849	1,085	1,014	986	1,142	10,667

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UNITED STATES DEPARTMENT OF AGRICULTURE

Market News Service
641 Washington St., Room 418-New York

STATES	FREIGHT UNLOADS OF LIVE POULTRY BY STATES AT NEW YORK DURING 1932 (CARS)												TOTAL
	: JANUARY :	FEBRUARY :	MARCH :	APRIL :	MAY :	JUNE :	JULY :	AUGUST :	SEPTEMBER :	OCTOBER :	NOVEMBER :	DECEMBER :	
ALABAMA	13	23	42	21	21	10	6	4	-	-	6	5	151
ARKANSAS	28	38	47	42	33	16	22	26	8	6	7	17	290
COLORADO	1	3	6	2	-	2	-	1	1	-	-	1	17
FLORIDA	1	-	2	1	-	-	-	-	-	-	-	-	4
GEORGIA	7	10	4	6	4	3	1	-	-	-	-	-	35
ILLINOIS	73	51	41	30	45	44	28	50	88	113	146	142	851
INDIANA	67	55	46	52	40	51	57	101	119	142	166	155	1,051
IOWA	47	22	19	21	21	74	77	64	67	75	59	52	598
KANSAS	35	61	40	37	21	27	25	25	38	36	42	43	430
KENTUCKY	34	39	64	77	63	39	33	47	50	57	43	50	596
LOUISIANA	1	1	-	2	3	3	1	-	-	-	-	1	12
MICHIGAN	-	-	-	-	-	-	-	-	-	-	1	1	2
MINNESOTA	7	5	1	-	-	4	7	2	7	11	11	3	58
MISSISSIPPI	4	11	16	11	7	2	-	-	-	-	3	6	60
MISSOURI	107	111	142	146	151	162	151	194	187	182	152	154	1,839
NEBRASKA	54	49	58	58	69	71	66	64	94	78	78	63	802
NORTH CAROLINA	10	15	13	7	2	1	-	-	-	-	1	1	50
NORTH DAKOTA	-	-	-	-	-	-	-	2	19	19	8	-	48
OHIO	23	3	1	1	5	19	16	40	63	81	97	112	461
OKLAHOMA	85	100	110	75	27	17	8	1	-	2	5	15	445
PENNSYLVANIA	-	1	-	1	-	-	-	-	-	1	-	1	4
SOUTH CAROLINA	10	19	9	3	2	-	-	1	-	-	-	-	44
SOUTH DAKOTA	24	8	4	4	33	17	22	35	37	31	49	37	271
TENNESSEE	47	60	141	173	103	50	30	20	3	4	30	29	690
TEXAS	29	46	43	31	35	9	2	-	-	-	6	2	183
VIRGINIA	4	8	9	7	4	1	-	1	-	-	20	12	66
WISCONSIN	4	2	2	-	1	10	7	9	13	11	7	2	68
TOTAL - 1932	715	741	860	808	640	632	559	687	794	849	937	904	9,126
1931	854	820	1,004	773	713	713	77	743	1,048	844	911	1,052	10,152

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UNITED STATES DEPARTMENT OF AGRICULTURE

Market News Service

641 Washington St., Room 416-New York

STATES	FREIGHT UNLOADS OF LIVE POULTRY BY STATES AT NEW YORK DURING 1933 CARS)												TOTAL
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	
ALABAMA	14	13	29	25	9	4	-	-	-	-	3	2	99
ARKANSAS	29	31	42	31	23	21	21	23	10	4	5	8	248
COLORADO	1	-	1	-	-	-	-	-	-	-	-	-	2
GEORGIA	-	1	3	2	2	-	-	-	-	-	1	-	9
ILLINOIS	76	51	38	37	46	51	53	116	151	194	224	191	1,234
INDIANA	69	49	40	30	43	60	53	123	152	150	176	144	1,092
IOWA	39	13	6	2	6	22	28	46	63	63	62	82	432
KANSAS	44	45	16	22	10	13	6	16	18	16	27	21	254
KENTUCKY	55	63	111	134	105	59	38	43	31	24	31	38	732
LOUISIANA	1	-	1	1	-	-	-	-	-	-	-	-	3
MICHIGAN	-	-	-	-	-	-	-	-	-	-	1	2	3
MINNESOTA	-	-	-	-	-	-	-	2	8	6	7	6	29
MISSISSIPPI	4	6	13	6	8	1	1	-	-	-	5	2	46
MISOURI	130	121	119	98	99	140	137	161	150	172	145	139	1,611
NEBRASKA	44	28	21	27	20	28	24	40	44	50	48	58	432
NORTH CAROLINA	5	16	6	5	1	-	-	-	-	1	1	-	35
NORTH DAKOTA	-	-	-	-	1	-	-	-	-	11	8	-	22
OHIO	40	20	12	16	16	32	24	49	61	57	73	62	462
OKLAHOMA	54	55	51	33	20	6	3	5	4	2	4	11	248
PENNSYLVANIA	-	-	-	-	-	-	-	-	-	-	1	-	1
SOUTH CAROLINA	3	19	2	-	-	-	-	-	-	-	-	-	24
SOUTH DAKOTA	20	7	5	3	3	5	5	12	26	32	27	12	157
TENNESSEE	50	76	138	238	139	67	25	16	-	-	37	19	805
TEXAS	30	31	28	20	7	4	1	1	-	-	-	3	125
VIRGINIA	-	3	3	4	1	2	-	-	-	-	18	3	34
W. VIRGINIA	-	-	-	-	1	-	-	-	-	-	-	-	1
WISCONSIN	1	-	-	-	-	1	.3	2	3	-	-	-	10
TOTAL - 1933	709	648	635	734	560	516	422	655	732	782	904	803	8,150
1932	715	741	860	808	640	632	559	687	794	849	937	904	9,126

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UNITED STATES DEPARTMENT OF AGR
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MARKET NEWS SERVICE
MONTHLY LIVE POULTRY MARKET REPORT

641 WASHINGTON ST.
ROOM 418-NEW YORK

SEPTEMBER - 1934

VOL. VIII No. 9

NEW YORK

OCTOBER 10, 1934

RECEIPTS OF LIVE POULTRY AT NEW YORK

ORIGIN	FREIGHT RECEIPTS		EXPRESS RECEIPTS		TRUCK RECEIPTS	
	SEPT.	No. OF CARS	SEPT.	No. OF POUNDS	SEPT.	No. OF POUNDS
ALA.	-	32	-	-	-	-
ARK.	10	265	59	59	-	-
CONN.	-	-	324	2,938	347,100	2,492,820
DEL.	-	-	2,772	8,565	221,160	7,620,180
FLA.	-	-	-	57	-	-
GA.	-	-	-	88	-	-
ILL.	143	751	-	4,256	16,740	330,360
IND.	130	647	1,890	2,206	17,640	23,520
IA.	46	302	1,200	2,435	-	-
KANS.	27	170	-	792	-	-
KY.	8	493	9,114	142,447	-	11,400
LA.	-	-	-	-	-	5,760
ME.	-	-	482	14,236	55,980	325,080
M.D.	-	2	1,088	17,648	113,880	1,565,760
MASS.	-	-	8,010	197,145	925,440	4,849,080
MICH.	-	-	192	265	-	-
MINN.	3	17	330	2,095	-	-
MISS.	-	26	-	829	-	-
MO.	175	1,288	-	26	-	-
NEBR.	62	413	-	16	-	-
N.H.	-	-	5,486	29,992	659,280	3,027,660
N.J.	-	-	486	17,656	839,160	1,790,580
N.Y.	-	-	71,553	466,624	1,395,960	5,775,900
N.C.	-	9	155	3,280	-	174,780
N.DAK.	2	2	25	164	-	-
OHIO	54	182	-	1,643	16,560	19,320
OKLA.	4	303	-	-	-	-
PA.	-	-	11,087	59,244	687,660	3,202,560
R.I.	-	-	178	6,315	302,460	1,710,180
S.C.	-	7	-	1,666	-	24,120
S.DAK.	20	67	-	20	-	11,760
TENN.	-	554	-	2,925	5,760	616,320
TEX.	1	70	-	-	-	-
VT.	-	-	9,933	46,011	-	6,180
VA.	-	-	29,617	295,282	51,900	714,000
WASH.	-	-	-	2,694	-	-
WIS.	2	2	-	10	-	-
WYO.	-	1	-	-	-	-
D.C.	-	-	64	5,692	-	-
TOTAL			154,045	1,335,521	5,656,680	34,297,320
CAR EQUIV.	687	5,603	8½	74½	314½	1,905½

NOTE: THE CAR OF LIVE POULTRY BY FREIGHT WHICH HAS BEEN LISTED UNDER CALIF. SHOULD HAVE BEEN INCLUDED IN ARK. THE ABOVE ARK. FIGURES ARE CORRECT.

SUMMARY OF RECEIPTS IN CARLOTS BY FREIGHT, EXPRESS AND TRUCK*

MONTHS:	1934			TOTAL	MONTHS:	1933			TOTAL
	FREIGHT	EXPRESS	TRUCK			FREIGHT	EXPRESS	TRUCK	
JAN.	772	6½	93½	872	JAN.	709	9½	113½	832½
FEB.	624	7½	74½	706	FEB.	648	12½	134½	794½
MAR.	730	10½	167	907½	MAR.	685	10½	177½	872½
APR.	596	7½	170½	773½	APR.	734	7	188	929
MAY	610	6½	298½	915	MAY	560	6½	270½	837½
JUNE	495	8½	307½	810½	JUNE	516	9	375	900
JULY	490	8½	230½	728½	JULY	422	9	29½	722½
AUG.	539	10	250	859	AUG.	655	8½	211½	875
SEPT.	687	8½	314½	1,009½	SEPT.	732	8½	185	925½
TOTAL	5,603	74½	1,905½	7,582½	TOTAL	5,661	81½	1,947	7,689½

*TRUCK AND EXPRESS RECEIPTS CONVERTED TO CARLOTS ON BASIS OF 18,000 LBS PER CAR.

MAKE-UP OF FREIGHT CARS UNLOADED

MONTHS:	FOWLS	CHICKENS	BROILERS	COCKS	COPONS	DUCKS	GEESE	TURKEYS	MISC.
	%	%	%	%	%	%	%	%	%
JAN.	62.33	12.33	0.03	1.46	0.69	1.11	1.08	0.75	0.22
FEB.	89.22	6.62	0.02	1.56	0.55	0.62	0.57	0.62	0.22
MAR.	93.21	3.52	0.03	1.60	0.27	0.42	0.33	0.49	0.13
APR.	93.91	2.06	0.14	2.52	0.06	0.51	0.22	0.33	0.25
MAY	94.13	0.38	0.56	3.45	0.01	0.62	0.16	0.56	0.13
JUNE	91.14	0.84	2.94	3.89	0.00	0.57	0.10	0.44	0.08
JULY	78.14	10.80	7.31	2.17	0.00	0.58	0.10	0.34	0.06
AUG.	67.57	24.78	4.04	2.31	0.00	0.80	0.21	0.13	0.16
SEPT.	52.15	44.03	0.20	1.48	0.00	1.34	0.21	0.35	0.24
SINCE JAN 1ST	82.16	12.22	1.45	2.13	0.20	0.75	0.36	0.46	0.17

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L. F. CHAMPLIN
LOCAL REPRESENTATIVE
Oct. 10, 1934

Government's Exhibit 12
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UNITED STATES DEPARTMENT OF AGRICULTURE

Bureau of Agricultural Economics

Tel. Barclay 5243

RECEIPTS OF LIVE PCULTRY BY STATES AT NEW YORK DURING 1926(POUNDS)
BY EXPRESS

Market News Service

302 Warren St., Room 603-New York.

STATES	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
CONNECTICUT	675	1,376	24,962	35,520	46,371	54,685	38,933	18,554	11,774	12,815	4,841	7,466	259,972
DELAWARE	735	846	1,079	807	3,668	1,215	1,762	1,383	578	-	824	238	12,935
FLORIDA	-	-	-	345	-	-	-	-	-	-	-	30	375
GEORGIA	80	60	560	138	-	-	75	18	-	40	5,147	3,043	9,161
ILLINOIS	13,010	1,605	666	6,266	408	-	-	80	-	-	1,493	871	24,399
INDIANA	4,276	2,551	4,956	588	1,818	206	-	530	-	225	275	2,668	18,093
IOWA	1,056	-	-	-	70	-	-	308	-	-	336	-	1,750
KENTUCKY	4,610	2,634	1,795	-	77	30	-	-	1,442	8,334	4,091	23,013	
MAINE	11,597	9,432	36,573	32,456	57,162	96,274	83,161	57,782	25,431	24,861	19,430	11,468	465,627
MARYLAND	57,894	29,646	26,017	16,808	28,028	55,480	40,716	51,114	13,682	19,581	51,755	48,637	439,358
MASSACHUSETTS	16,377	12,814	70,013	147,524	188,386	176,188	141,318	52,637	23,070	19,331	8,244	21,726	881,128
MICHIGAN	-	-	-	400	-	400	-	55	-	496	-	-	1,351
MISSOURI	30	-	-	-	-	-	-	5,932	-	466	123	245	6,790
NEW HAMPSHIRE	55,085	117,203	241,659	279,075	290,094	429,643	481,794	170,663	82,587	51,352	59,210	92,359	2,350,724
NEW JERSEY	5,130	4,120	6,338	15,123	25,866	44,336	22,639	13,143	17,511	13,543	11,343	9,620	189,282
NEW YORK	72,179	51,387	84,326	42,722	70,258	222,253	367,265	391,618	541,771	386,249	247,450	250,551	2,727,689
NORTH CAROLINA	19,541	20,811	2,429	7,589	7,286	185	-	66	187	600	20,958	6,214	85,866
OHIO	20,440	1,540	34,127	9,720	2,629	2,016	1,850	2,114	1,131	1,827	5,494	18,762	101,650
PENNSYLVANIA	26,024	18,859	26,911	15,336	45,197	75,999	82,209	61,603	70,570	57,737	50,670	58,767	589,882
RHODE ISLAND	315	3,489	566	2,990	12,556	18,572	3,569	2,302	1,995	875	258	1,346	43,833
SOUTH CAROLINA	-	-	264	-	-	-	-	272	155	202	160	676	1,729
TENNESSEE	1,299	2,251	4,391	-	-	-	409	120	-	-	2,749	8,905	20,124
VERMONT	8,905	9,533	25,353	25,031	25,965	45,261	53,535	31,341	32,941	28,914	21,507	11,868	320,154
VIRGINIA	104,149	34,589	33,781	40,094	29,238	3,710	15,898	14,360	35,102	30,012	67,984	73,109	481,326
WEST VIRGINIA	633	296	2,027	269	1,527	383	65	62	327	122	937	592	7,240
WISCONSIN	-	105	-	-	485	-	-	-	-	-	175	487	1,252
DIST. OF COLUMBIA	3,222	350	-	-	7,563	-	-	-	-	2,798	3,398	80	17,411
MISCELLANEOUS	260	-	125	44	-	-	-	195	-	1,659	70	208	2,561
TOTAL	427,462	324,997	628,218	679,415	846,029	1,227,438	1,338,228	875,944	859,120	655,641	593,165	634,027	9,089,675
BY FREIGHT (CARS)													
TOTAL	797	511	935	619	751	833	814	314	1,105	1,024	1,199	991	9,893

Bureau of Agricultural Economics
Tel. Barclay 5246

UNITED STATES DEPARTMENT OF AGRICULTURE

RECEIPTS OF LIVE POULTRY BY STATES AT NEW YORK DURING 1927 (POUNDS)
BY EXPRESS

Market News Service
53 Park Place, Room 902-New York

STATES	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL	
CONNECTICUT	1,792	8,322	18,579	8,039	23,532	63,965	26,050	14,710	11,920	5,657	8,416	8,885	199,917	
DELAWARE	933	691	2,638	3,320	3,391	3,285	1,973	1,002	471	988	1,292	2,862	22,846	
GEORGIA	-	-	225	-	-	-	37	65	559	118	17,259	28,172	46,435	
ILLINOIS	565	183	429	3,338	113	205	37	-	895	-	230	454	6,449	
INDIANA	10,002	886	1,118	1,519	984	2,111	2,540	-	-	-	57	1,612	20,823	
IOWA	279	-	-	58	-	-	608	-	-	-	260	-	1,205	
KENTUCKY	-	500	1,628	250	-	-	-	-	272	-	489	10,793	13,932	
MAINE	12,297	20,879	41,212	43,918	64,177	135,048	110,761	71,936	55,865	36,451	27,264	16,961	636,769	
MARYLAND	138,261	15,775	37,744	66,325	84,666	123,425	60,789	69,993	224,633	42,313	105,968	88,334	1,056,226	
MASSACHUSETTS	7,706	33,933	57,495	102,347	166,575	230,856	203,936	73,086	42,938	23,467	24,092	14,228	980,659	
MICHIGAN	-	57	366	330	555	-	560	-	47	-	45	-	1,960	
MINNESOTA	165	-	-	-	-	7,841	-	-	-	-	112	202	8,320	
MISSISSIPPI	-	427	1,848	-	-	789	-	-	-	-	-	-	3,064	
MISSOURI	150	-	-	300	-	-	-	-	200	1,089	3,293	150	5,182	
NEW HAMPSHIRE	86,933	182,662	321,667	293,840	346,179	578,682	460,372	313,883	141,261	96,757	43,828	83,569	2,949,683	
NEW JERSEY	8,350	10,657	12,580	16,642	36,419	41,722	29,883	20,855	21,923	21,262	17,298	14,493	252,034	
NEW YORK	229,069	275,856	372,893	441,487	263,503	530,005	568,074	1,265,477	866,773	826,584	394,405	343,890	6,378,021	
NORTH CAROLINA	31,817	3,922	3,808	33,263	2,870	840	2,218	215	2,076	937	44,168	15,987	142,121	
OHIO	191,963	1,007	9,612	8,638	729	1,240	5,284	192	17,050	4,020	17,398	11,302	178,440	
PENNSYLVANIA	33,484	15,550	24,437	24,181	128,737	101,827	112,530	95,276	78,484	55,382	56,146	50,948	776,982	
RHODE ISLAND	1,594	1,381	6,617	9,031	6,332	13,199	9,717	4,820	6,147	3,397	3,550	1,496	67,261	
SCOUTH CAROLINA	-	130	350	-	11	20	149	2,389	415	117	1,577	5,330	10,488	
TENNESSEE	1,245	2,689	675	1,000	80	-	1,004	462	421	-	1,714	2,132	11,622	
VERMONT	8,643	15,402	23,111	12,766	20,438	66,043	80,835	80,226	56,440	41,201	11,049	12,642	428,996	
VIRGINIA	56,645	19,977	38,987	120,745	73,139	63,886	20,065	11,797	15,131	7,496	76,302	100,737	604,909	
WASHINGTON	-	-	-	9,462	-	-	-	-	-	-	-	-	9,482	
WEST VIRGINIA	2,929	639	138	141	672	378	40	317	-	323	2,704	1,939	10,420	
DISTRICT OF COLUMBIA	34,665	750	651	6,041	7,981	1,152	3,592	1,856	17,743	463	20,799	15,729	111,642	
MISCELLANEOUS	50	1,153	110	140	-	-	230	188	-	-	192	550	2,613	
TOT.L	1927 -	769,592	613,622	979,123	1,207,191	1,231,063	1,966,521	1,701,284	2,028,745	1,561,664	1,168,042	377,907	833,597	14,938,571
	1926 -	427,462	324,997	626,218	679,415	846,020	1,227,438	1,338,228	875,944	859,120	655,641	593,165	64,027	9,050,675

Government's Exhibit 13 (Continued)

Bureau of Agricultural Economics
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UNITED STATES DEPARTMENT OF AGRICULTURE

RECEIPTS OF LIVE POULTRY BY STATES AT NEW YORK DURING 1928 (POUNDS)
BY EXPRESS

Market News Service
53 Park Place-Room 902-New York

STATES	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL	
ALABAMA	2,384	-	8,916	8,114	23,669	34,327	21,589	15,601	12,987	7,007	3,364	4,490	2,961	
CONNECTICUT	7,857	7,993	-	-	-	-	-	-	-	-	-	-	155,914	
DELAWARE	4,026	11,999	22,245	10,587	27,922	25,220	29,517	11,524	20,910	10,645	9,307	20,255	204,153	
GEORGIA	-	-	-	-	1,207	-	50	30	-	459	4,037	180	5,963	
ILLINOIS	1,827	333	452	-	1,014	116	-	-	-	106	1,028	239	5,115	
INDIANA	2,271	437	-	33	360	357	62	-	710	7,166	155	50	11,501	
IOWA	59	-	-	300	-	-	-	-	140	1,749	55	7	2,310	
KANSAS	-	-	-	-	-	-	-	-	-	-	-	1,273	1,273	
KENTUCKY	11,695	500	2,271	75	-	21,695	-	-	-	-	1,432	2,540	40,709	
MAINE	14,284	17,538	30,544	42,275	74,099	149,720	144,166	137,598	82,395	71,581	31,917	26,701	822,418	
MARYLAND	116,907	33,246	70,958	216,731	168,231	230,942	157,325	166,932	170,880	108,978	94,512	141,923	1,677,525	
MASSACHUSETTS	11,769	8,894	37,285	116,767	282,522	522,117	438,876	228,495	131,809	89,990	44,353	21,414	1,934,291	
MICHIGAN	-	-	-	-	-	3,091	220	-	23,210	-	25	-	26,546	
MINNESOTA	-	-	-	324	-	-	-	-	-	120	60	220	724	
MISSISSIPPI	-	-	-	-	-	-	-	-	-	867	-	2,067	2,974	
MISSOURI	-	-	498	-	642	308	444	16,932	5,834	1,325	10,365	4,043	41,271	
NEW HAMPSHIRE	43,584	82,431	180,065	238,137	235,220	522,092	482,933	284,454	129,779	95,416	41,829	30,942	2,366,682	
NEW JERSEY	12,404	36,113	8,741	9,729	16,065	28,326	19,204	11,318	13,643	11,766	6,955	9,942	184,206	
NEW YORK	215,506	150,974	240,069	431,711	380,843	471,029	541,017	592,593	764,174	751,716	414,203	168,158	5,121,993	
NORTH CAROLINA	29,289	2,311	490	5,995	1,683	464	35	4,184	1,724	2,461	14,697	7,868	71,201	
OHIO	10,610	3,258	8,240	4,480	1,332	2,100	128	1,522	47	2,119	1,854	2,788	38,478	
OKLAHOMA	998	-	-	-	85	-	87	-	-	-	-	-	1,170	
PENNSYLVANIA	35,898	24,341	22,519	22,739	45,806	75,103	95,097	138,905	98,183	61,238	54,333	36,702	710,864	
RHODE ISLAND	1,130	421	3,066	12,937	27,972	37,864	12,550	14,994	2,532	5,598	1,410	3,939	124,413	
SOUTH CAROLINA	1,171	1,913	432	1,702	3,829	330	788	398	15	489	1,458	674	13,199	
SOUTH DAKOTA	168	60	115	271	-	-	-	-	-	-	-	-	614	
TENNESSEE	-	3,726	521	627	79	-	-	-	251	66	1,413	391	7,074	
VERMONT	7,857	17,776	19,595	23,957	41,673	77,116	77,199	93,835	114,447	93,985	60,768	30,023	658,231	
VIRGINIA	77,049	80,226	73,559	105,365	83,193	33,637	24,830	16,991	29,088	30,284	38,224	35,730	628,176	
WASHINGTON	-	-	-	144	-	-	-	-	-	-	-	-	144	
WEST VIRGINIA	2,973	6,210	1,409	-	244	391	-	52	70	775	2,836	8,074	23,034	
DISTRICT OF COLUMBIA	12,996	4,247	1,505	12,336	4,676	-	524	20,366	3,330	2,951	11,259	25,332	99,522	
MISCELLANEOUS	110	50	-	20	125	-	-	-	-	-	263	456	1,024	
TOTAL	1928	624,823	494,957	733,495	1,265,356	1,422,491	2,236,345	2,046,637	1,756,714	1,607,703	1,758,927	852,297	586,102	14,985,453
	1927	769,592	613,822	979,123	1,207,191	1,231,083	1,966,521	1,701,284	2,028,745	1,561,664	1,168,042	877,907	832,597	14,938,571

UNITED STATES DEPARTMENT OF AGRICULTURE

Bureau of Agricultural Economics
Telephone - Barclay 5240

Market News Service

RECEIPTS OF LIVE POULTRY BY STATES AT NEW YORK DURING 1929 (POUNDS)
BY EXPRESS

STATES	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
ALABAMA	323	-	-	1,404	-	-	60	64	-	-	88	-	1,939
CONNECTICUT	8,793	3,214	3,904	6,293	15,104	28,767	14,301	5,964	3,105	5,167	2,440	2,422	99,474
DELAWARE	25,561	14,397	17,571	10,188	11,081	16,080	9,528	2,536	11,053	4,711	3,377	6,437	132,520
GEORGIA	-	-	-	-	55	-	155	-	-	-	428	267	905
DIST. OF COLUMBIA	43,898	44,093	6,890	-	-	1,134	4,152	3,382	3,141	15,705	25,039	19,564	166,998
ILLINOIS	464	-	1,280	-	-	777	-	-	-	-	-	305	2,826
INDIANA	4,327	156	527	-	-	235	-	-	-	-	354	32	6,131
IOWA	4,121	630	-	-	-	-	-	-	-	-	41	-	4,842
KENTUCKY	-	-	-	-	-	70	-	-	43	496	-	-	609
MAINE	18,149	19,064	43,676	47,706	86,004	163,724	173,480	83,983	28,958	38,597	23,050	15,706	747,097
MARYLAND	222,377	101,612	140,597	36,460	61,545	107,245	163,229	84,259	40,282	46,140	73,186	73,414	1,150,146
MASSACHUSETTS	21,850	18,621	94,198	138,991	233,535	269,826	147,370	94,231	43,306	68,129	26,221	21,474	1,177,752
MICHIGAN	208	-	-	-	-	505	-	15,620	378	112	-	-	16,823
MINNESOTA	295	627	-	-	-	-	-	-	-	371	-	-	1,293
MISSOURI	10,265	1,926	927	115	-	-	-	45	2,326	763	54	80	16,501
NEBRASKA	-	-	2,360	-	-	-	-	-	-	-	-	-	2,360
NEW HAMPSHIRE	38,120	90,591	233,663	217,018	288,989	361,907	362,786	218,322	78,317	121,567	34,570	34,946	2,080,796
NEW JERSEY	8,416	12,257	7,751	5,272	13,692	11,568	8,612	8,808	12,688	5,648	8,964	8,958	112,634
NEW YORK	152,226	93,857	82,367	62,354	201,493	321,725	442,091	407,677	395,030	496,039	288,006	202,632	3,146,547
NORTH CAROLINA	7,570	5,760	25,151	1,959	4,601	373	652	329	8,535	253	4,208	8,382	67,773
NORTH DAKOTA	-	-	-	-	-	-	-	-	-	50	85	83	218
OHIO	17,040	962	1,856	505	158	266	2,509	735	1,938	978	519	989	28,455
PENNSYLVANIA	31,346	17,265	29,007	23,397	50,351	70,095	69,967	68,500	50,968	62,591	40,975	43,751	558,213
RHODE ISLAND	10,613	3,722	12,485	15,006	22,555	14,078	15,200	8,292	4,559	5,278	3,196	1,817	116,801
SOUTH CAROLINA	2,432	516	330	6,492	645	27	126	1,711	871	264	228	1,580	15,222
TENNESSEE	1,834	934	212	165	-	-	138	819	1,104	487	-	-	5,693
TEXAS	-	-	-	-	-	-	-	-	-	427	207	-	534
VERMONT	17,782	15,109	33,115	22,939	47,227	180,727	108,159	124,779	62,570	76,796	36,781	14,420	740,404
VIRGINIA	53,730	42,370	61,800	26,262	22,376	10,528	19,548	14,469	9,762	15,964	35,386	40,905	356,100
WEST VIRGINIA	5,920	3,267	484	-	-	-	957	986	405	2,056	4,508	12,846	31,429
MISCELLANEOUS	222	40	-	161	-	471	-	-	147	110	668	47	1,866
TOTAL - 1929	711,382	491,640	805,151	622,687	1,059,211	1,560,128	1,543,020	1,145,511	759,536	968,699	613,479	511,057	10,790,901
TOTAL - 1928	624,823	494,957	733,495	1,265,356	1,422,491	2,236,345	2,046,637	1,756,714	1,607,303	1,358,927	852,297	586,108	14,985,453

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Bureau of Agricultural Economics
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UNITED STATES DEPARTMENT OF AGRICULTURE

RECEIPTS OF LIVE POULTRY BY STATES AT NEW YORK DURING 1929 (POUNDS)

Market News Service
53 Park Place-Room 902-New York

STATES	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
CONNECTICUT	29,520	13,660	47,100	54,060	198,973	243,230	153,960	57,540	36,900	58,260	53,520	37,500	992,273
DELAWARE	154,838	296,780	435,600	257,220	495,960	399,800	225,620	67,080	51,800	46,860	30,000	193,060	2,664,538
MAINE	-	-	-	3,240	4,620	30,960	67,500	15,780	27,420	32,700	7,500	8,400	198,120
MARYLAND	39,540	62,830	139,050	137,230	200,220	184,510	130,560	117,780	60,120	69,600	93,300	85,800	1,320,570
MASSACHUSETTS	7,320	7,800	44,280	38,400	261,780	645,180	403,630	178,010	46,260	149,586	14,520	7,920	1,864,766
NEW HAMPSHIRE	-	-	3,240	3,780	9,840	54,900	88,920	88,920	8,820	30,100	10,800	6,540	364,920
NEW JERSEY	311,902	84,720	90,180	97,920	233,560	253,080	174,720	77,040	59,140	70,740	52,920	241,900	1,797,822
NEW YORK	460,342	469,873	440,590	445,313	293,267	243,062	294,671	209,464	305,655	697,736	308,929	301,167	4,472,869
PENNSYLVANIA	133,440	65,040	92,820	52,680	67,220	212,780	239,700	75,180	53,820	60,900	65,400	41,520	1,160,400
RHODE ISLAND	-	-	130	7,440	34,728	137,700	93,000	25,200	9,960	12,840	2,400	19,860	343,308
VIRGINIA	24,720	5,100	59,180	5,880	17,580	18,000	9,180	19,620	--	-	1,358	14,100	154,718
TOTAL -1929	1,161,623	1,010,833	1,332,020	1,101,215	1,872,688	2,426,282	1,951,511	931,644	659,895	1,288,282	640,647	957,767	15,334,404

Bureau of Agricultural Economics
Tel. Cortland 7-9800

UNITED STATES DEPARTMENT OF AGRICULTURE

RECEIPTS OF LIVE POULTRY BY STATES AT NEW YORK DURING 1930 (POUNDS)
BY EXPRESS

Market News Service
80 Centre Street, Room 810-New York

STATES	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
	31	-	-	-	-	-	-	-	-	-	238	38	307
ALABAMA	-	-	-	-	-	-	1,390	-	-	-	-	-	1,390
ARKANSAS	-	-	-	-	-	-	-	-	-	-	-	-	56,794
CONNECTICUT	2,430	1,471	2,153	4,555	13,737	9,308	8,210	5,665	3,486	1,803	585	3,391	19,730
DELAWARE	4,216	594	2,213	903	2,220	1,109	967	433	142	435	2,096	4,452	112,511
DIST. OF COLUMBIA	46,710	7,640	1,711	2,292	565	8,114	1,963	1,513	9,105	17,377	5,252	10,269	864
GEORGIA	-	29	-	200	-	-	38	17	471	-	93	16	182
FLORIDA	-	-	-	-	-	182	-	-	-	-	-	-	13,248
ILLINOIS	-	724	1,595	465	648	-	200	11	4,762	2,443	2,013	387	6,559
INDIANA	1,040	195	-	2,017	43	1,010	62	980	337	330	133	414	5,303
IOWA	-	775	126	-	-	1,589	-	-	-	-	35	2,773	4,035
KENTUCKY	1,096	90	-	84	-	-	77	-	33	400	1,177	1,078	4,035
MAINE	7,410	14,324	27,364	51,609	53,177	107,988	103,723	70,799	60,409	53,073	23,535	45,690	589,101
MARYLAND	47,983	8,400	11,816	14,214	9,168	10,319	3,703	1,076	15,899	9,702	6,932	13,652	152,864
MASSACHUSETTS	8,266	9,496	61,537	143,537	170,055	118,827	95,351	74,931	44,249	44,008	24,341	16,172	810,770
MICHIGAN	-	-	190	-	-	-	-	-	-	-	-	194	384
MINNESOTA	-	-	-	-	-	-	-	-	-	-	-	-	131
NEBRASKA	-	-	22	55	-	-	-	-	-	-	-	-	77
NEW HAMPSHIRE	21,389	32,287	111,495	241,043	202,112	226,669	236,104	120,177	77,220	69,656	37,509	30,156	1,455,327
NEW JERSEY	2,449	2,559	1,440	2,551	8,331	7,455	9,815	5,569	9,160	7,315	5,720	5,516	67,830
NEW YORK	126,944	68,657	103,890	118,684	232,917	340,179	512,578	307,046	402,441	308,659	156,776	102,811	2,781,652
NORTH CAROLINA	2,935	852	909	1,628	145	64	88	30	3,508	1,087	159	16,327	27,732
NORTH DAKOTA	-	-	-	-	-	-	-	-	-	-	15	118	223
OHIO	6,424	320	-	1,760	846	305	1,811	-	357	165	213	4,093	16,794
OKLAHOMA	-	-	-	-	-	-	-	-	-	232	-	48	280
PENNSYLVANIA	22,585	11,380	10,874	19,782	37,312	64,961	64,021	44,716	52,368	50,410	21,421	30,520	430,350
RODE ISLAND	3,543	2,155	5,043	18,968	16,760	7,011	7,588	3,207	4,291	6,327	5,058	2,036	83,437
SOUTH CAROLINA	161	-	-	-	473	23	77	117	932	1,543	273	262	3,366
SOUTH DAKOTA	-	-	-	-	-	-	2,645	-	-	-	-	-	2,645
TENNESSEE	-	-	60	665	-	-	-	-	-	-	922	2,744	4,411
VERMONT	25,331	14,376	20,463	26,418	46,542	89,313	115,548	99,329	73,858	59,123	20,519	13,383	604,808
VIRGINIA	68,874	24,736	37,362	24,771	13,032	6,056	9,466	4,681	15,467	26,450	43,568	58,035	332,579
WEST VIRGINIA	4,514	2,220	1,187	212	1,387	821	-	218	200	1,274	3,628	6,608	22,769
WISCONSIN	-	-	-	-	-	-	-	-	-	170	73	48	291
MISCELLANEOUS	-	205	-	356	-	-	-	-	-	-	-	1,224	1,785
TOTAL - 1930	404,331	204,035	401,475	676,759	509,970	1,001,303	1,225,423	740,515	778,695	662,512	363,610	342,541	7,611,679
1929	711,382	491,040	805,151	622,687	1,059,211	1,550,128	1,543,020	1,145,511	759,536	965,699	613,479	511,057	10,790,901

UNITED STATES DEPARTMENT OF AGRICULTURE

Bureau of Agricultural Economics
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RECEIPTS OF LIVE POULTRY BY STATES AT NEW YORK DURING 1930 (POUNDS)
BY TRUCK

Market News Service
30 Centre Street, Room 810-New York

STATES	: JANUARY	: FEBRUARY	: MARCH	: APRIL	: MAY	: JUNE	: JULY	: AUGUST	: SEPTEMBER	: OCTOBER	: NOVEMBER	: DECEMBER	: TOTAL
CONNECTICUT	42,240	19,500	72,240	104,360	263,400	262,880	292,520	143,220	123,900	75,440	63,720	40,020	1,509,440
DELAWARE	391,680	447,240	436,580	641,910	741,180	431,060	303,900	102,360	103,140	73,800	36,120	163,980	3,922,950
IOWA	-	-	-	-	-	-	-	-	-	8,340	-	-	3,340
MAINE	12,960	-	5,040	25,920	54,780	23,500	32,360	19,620	21,720	33,720	47,100	3,640	235,940
MARYLAND	154,380	146,040	249,480	419,500	348,769	336,150	376,560	233,150	193,020	176,230	152,640	165,180	3,006,289
MASSACHUSETTS	-	3,220	64,200	275,640	669,200	1,103,020	1,175,060	466,500	350,220	353,760	126,660	58,320	4,653,900
NEW HAMPSHIRE	-	-	15,840	98,640	107,120	203,860	322,420	138,580	211,513	197,940	61,320	6,360	1,413,593
NEW JERSEY	315,200	22,300	56,280	220,620	420,220	300,060	191,160	34,020	84,960	31,500	35,760	149,380	1,862,520
NEW YORK	356,990	217,763	253,056	718,510	233,833	391,036	669,119	252,661	713,391	936,753	331,260	233,140	5,297,522
OHIO	-	-	-	-	-	-	-	-	10,500	6,000	4,050	-	20,580
PENNSYLVANIA	68,100	37,260	33,540	98,340	173,460	263,140	335,340	171,340	177,720	93,280	104,940	67,940	1,649,900
RODE ISLAND	24,540	2,640	22,330	34,980	159,300	147,600	202,440	63,220	69,780	79,820	33,700	28,740	894,140
VERMONT	-	-	-	1,500	-	-	-	-	-	-	-	-	1,500
VIRGINIA	29,700	-	34,500	102,920	42,720	26,340	-	26,640	42,120	45,960	5,220	25,740	331,860
WEST VIRGINIA	-	-	-	-	-	-	-	-	6,060	-	25,020	5,580	36,660
TOTAL - 1930	1,395,790	901,468	1,297,176	2,746,420	3,269,042	3,503,676	3,841,799	1,776,501	2,108,041	2,113,593	1,032,540	953,520	24,945,134
1929	1,161,622	1,010,533	1,352,020	1,101,213	1,872,586	2,426,232	1,951,511	931,641	659,895	1,283,282	640,347	957,767	15,334,404

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Government's Exhibit 13 (Continued)

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UNITED STATES DEPARTMENT OF AGRICULTURE

RECEIPTS OF LIVE POULTRY BY STATES AT NEW YORK DURING 1931 (POUNDS)
BY EXPRESS

Market News Service
80 Centre Street, Room 810—New York City

STATES	: JANUARY :	: FEBRUARY :	: MARCH :	: APRIL :	: MAY :	: JUNE :	: JULY :	: AUGUST :	: SEPTEMBER :	: OCTOBER :	: NOVEMBER :	: DECEMBER :	TOTAL
ALABAMA	-	30	-	-	-	-	429	-	-	55	-	-	514
ARKANSAS	-	-	-	-	-	-	-	-	-	26	-	-	26
CONNECTICUT	1,931	1,935	3,272	5,329	9,547	8,553	8,167	7,286	2,804	5,314	1,416	3,305	59,359
DELAWARE	1,399	843	-	70	134	897	450	44	1,246	259	178	869	6,389
FLORIDA	-	-	-	-	-	-	-	-	-	-	-	201	201
GEORGIA	141	-	-	-	25	-	15	182	12	29	246	128	778
ILLINOIS	-	79	1,674	215	-	-	-	-	-	-	42	91	2,301
INDIANA	134	547	1,079	491	-	639	575	782	900	85	170	-	5,402
IOWA	3,282	1,039	394	-	165	-	-	-	-	-	55	38	5,473
KENTUCKY	-	-	97	172	-	-	-	-	62	2,335	1,234	3,953	7,853
LOUISIANA	-	-	150	-	-	-	-	-	-	-	-	35	185
MAINE	15,308	10,298	15,296	21,659	36,761	47,573	53,502	35,644	21,306	15,685	10,078	12,229	296,839
MARYLAND	15,345	9,837	7,574	11,149	8,374	4,391	7,254	4,577	4,923	4,795	4,053	3,386	86,558
MASSACHUSETTS	13,071	25,535	29,503	55,037	54,947	67,820	55,134	26,695	23,255	13,988	15,961	11,427	393,423
MICHIGAN	62	266	-	358	-	92	-	-	111	-	-	85	974
MISSOURI	135	-	-	-	-	1,240	-	90	237	-	-	304	2,006
NEBRASKA	-	9	-	-	-	-	-	-	-	-	-	-	9
NEW HAMPSHIRE	26,436	37,964	54,309	68,936	73,691	135,262	139,185	43,876	44,352	34,175	14,002	20,742	692,930
NEW JERSEY	5,037	1,772	3,058	4,153	4,529	9,526	5,957	3,812	7,057	5,239	3,304	6,032	59,476
NEW YORK	119,746	99,731	78,354	72,225	150,406	229,135	256,739	176,504	164,725	125,359	90,714	78,130	1,643,818
NORTH CAROLINA	5,848	3,718	231	20	35	406	139	382	151	15	978	1,784	13,707
NORTH DAKOTA	70	-	165	-	-	-	-	-	90	-	-	65	390
OHIO	-	187	215	2,760	40	-	109	-	439	1,055	117	927	5,849
PENNSYLVANIA	34,202	15,490	17,173	9,957	33,356	34,360	32,284	40,948	23,551	23,427	10,844	10,029	265,621
RODE ISLAND	3,867	763	4,112	10,546	4,710	7,372	5,140	773	3,408	976	1,438	1,148	44,253
SOUTH CAROLINA	67	177	-	12	-	21	48	179	-	51	461	450	1,466
TENNESSEE	-	235	180	692	-	-	150	-	-	-	-	32	1,289
VERMONT	19,360	15,635	23,764	17,998	34,178	74,922	68,605	63,122	58,838	36,179	22,565	14,661	470,027
VIRGINIA	108,557	52,326	23,383	38,001	26,190	19,715	23,889	34,246	23,495	19,048	17,680	35,334	421,864
WEST VIRGINIA	2,897	5,052	326	2,171	1,274	-	918	138	715	365	552	264	14,672
WISCONSIN	-	-	-	-	-	-	-	-	-	-	82	70	152
DIST. OF COLUMBIA	24,601	13,735	-	-	-	1,172	72	-	454	1,192	12	2,136	43,627
MISCELLANEOUS	-	-	-	-	-	-	-	152	-	-	-	-	152
MINNESOTA	420	-	-	-	-	-	-	-	-	-	-	-	420
TOTAL - 1931	402,616	297,556	265,309	321,951	438,362	643,096	679,761	442,432	382,131	289,626	196,208	203,955	4,563,003
1930	404,331	204,035	401,475	676,769	809,970	1,001,303	1,225,423	740,515	778,695	662,512	363,610	342,541	7,611,679

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Bureau of Agricultural Economics
Tel. Cortland 7-9800

UNITED STATES DEPARTMENT OF AGRICULTURE

RECEIPTS OF LIVE POULTRY BY STATES AT NEW DURING 1931 (POUNDS)
BY TRUCK

Market News Service
80 Centre Street, Room 810-New York

STATES	: JANUARY :	FEBRUARY :	MARCH :	APRIL :	MAY :	JUNE :	JULY :	AUGUST :	SEPTEMBER :	OCTOBER :	NOVEMBER :	DECEMBER :	TOTAL
CONNECTICUT	36,060	45,730	63,300	109,500	244,920	312,660	387,840	134,420	106,080	108,600	90,540	76,980	1,716,680
DELAWARE	198,240	319,380	658,300	791,480	637,000	776,660	548,820	218,520	175,880	72,540	185,020	460,020	5,042,360
GEORGIA	-	-	-	-	-	-	-	-	-	-	6,840	-	6,840
INDIANA	-	-	-	-	-	-	-	-	-	-	-	3,000	3,000
IOWA	-	-	-	-	-	-	5,940	7,800	1,980	-	-	-	15,720
MAINE	7,560	6,720	13,080	71,545	64,920	131,040	161,160	85,500	92,820	90,200	49,140	53,340	827,025
MARYLAND	253,560	245,020	176,830	230,608	231,300	266,700	297,780	134,760	82,140	116,820	113,860	191,300	2,345,728
MASSACHUSETTS	54,200	51,240	147,120	444,014	781,620	1,135,740	1,291,620	440,400	372,960	406,260	98,520	68,100	5,301,794
MISSOURI	-	-	-	-	-	-	-	-	-	-	8,940	-	8,940
NEW HAMPSHIRE	1,980	3,000	100,500	154,647	234,720	369,420	531,160	253,320	262,920	150,420	82,620	14,940	2,159,647
NEW JERSEY	108,210	57,220	50,540	152,697	230,240	241,960	173,640	84,540	116,590	74,820	114,340	305,920	1,710,717
NEW YORK	195,600	328,840	589,020	400,180	454,640	474,540	544,120	331,860	673,720	334,800	384,720	350,620	5,062,860
NORTH CAROLINA	-	-	-	-	-	-	-	3,180	-	-	7,020	8,340	18,540
OHIO	1,920	540	720	-	-	-	-	1,020	-	-	4,020	3,180	11,400
PENNSYLVANIA	75,420	69,780	59,230	45,081	83,460	103,900	183,500	98,250	116,760	84,120	84,480	94,500	1,108,561
RhODE ISLAND	28,860	6,750	10,440	57,079	196,500	183,820	256,220	134,100	75,360	91,600	55,740	34,260	1,136,559
TENNESSEE	-	-	-	-	-	-	-	-	-	-	-	1,020	1,020
VERMONT	-	-	-	420	300	420	7,960	45,060	60	420	-	-	54,660
VIRGINIA	33,960	22,140	70,020	49,517	16,860	16,920	11,040	-	23,940	960	54,360	37,500	337,517
WEST VIRGINIA	30,840	-	3,180	900	780	-	3,900	3,000	4,380	10,140	5,220	4,620	66,960
DISTRICT OF COLUMBIA	-	3,420	-	-	7,800	5,160	4,080	2,640	1,860	-	-	3,180	28,140
TOTAL - 1931	1,036,410	1,160,360	1,942,380	2,507,963	3,183,660	4,023,940	4,413,800	1,978,400	2,107,450	1,541,900	1,350,380	1,711,620	26,964,668
1930	1,395,790	901,466	1,293,136	2,746,420	3,269,042	3,503,676	3,341,399	1,776,501	2,108,044	2,118,598	1,032,540	953,520	24,945,134

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Government's Exhibit 13 (Continued)

Bureau of Agricultural Economics
Tel. Can-6-2100

UNITED STATES DEPARTMENT OF AGRICULTURE

RECEIPTS OF LIVE POULTRY BY STATES AT NEW YORK DURING 1932 (POUNDS)
BY EXPRESS

Market News Service
641 Washington St., Room 418-New York

STATES	: JANUARY :	FEBRUARY :	MARCH :	APRIL :	MAY :	JUNE :	JULY :	AUGUST :	SEPTEMBER :	OCTOBER :	NOVEMBER :	DECEMBER :	TOTAL
ALABAMA	-	-	-	-	-	-	-	-	-	-	-	28	28
ARIZONA	-	-	-	-	-	-	-	-	-	179	-	-	179
CONNECTICUT	2,208	1,783	1,591	2,001	1,098	3,453	2,341	802	221	313	376	120	16,307
DELAWARE	1,196	432	75	-	-	270	4,506	1,338	413	-	65	234	8,529
FLORIDA	90	-	-	-	-	-	240	-	-	-	-	-	330
GEORGIA	-	-	159	17	-	-	94	172	-	-	74	35	551
ILLINOIS	-	-	640	427	494	1,229	404	404	188	256	65	18	4,125
INDIANA	402	-	1,240	790	301	-	247	-	105	143	356	39	3,623
IOWA	400	-	-	68	-	130	-	65	-	-	34	-	697
KENTUCKY	2,847	-	-	1,374	-	-	-	62	832	415	-	345	5,875
LOUISIANA	-	-	-	22	-	-	-	-	-	-	-	180	202
MAINE	8,227	17,839	21,465	15,858	16,837	21,279	14,523	13,620	5,903	8,921	7,567	1,293	153,332
MARYLAND	5,749	5,495	6,211	735	383	2,066	2,443	3,345	3,569	142	2,749	1,203	34,090
MASSACHUSETTS	12,891	16,666	14,256	12,946	19,042	34,397	21,641	13,171	11,246	9,754	2,566	799	169,375
MICHIGAN	-	-	-	-	-	-	95	-	-	68	360	-	523
MINNESOTA	400	-	-	-	-	-	-	-	-	-	-	-	400
MISSOURI	-	-	-	-	550	-	15	-	35	100	-	334	1,034
NEBRASKA	-	-	-	-	-	-	-	-	-	-	-	-	15
NEW HAMPSHIRE	17,153	27,798	30,820	32,449	37,638	44,383	40,698	24,470	11,144	8,548	9,102	6,329	290,532
NEW JERSEY	6,532	6,005	4,994	5,407	4,651	5,221	4,034	2,430	2,282	3,657	2,174	901	48,288
NEW YORK	56,295	63,287	46,978	38,028	64,586	92,948	83,645	73,248	66,613	47,790	53,548	34,064	721,030
NORTH CAROLINA	6,948	4,998	3,313	4,183	395	263	509	315	233	207	1,071	754	23,189
NORTH DAKOTA	-	-	-	-	-	-	-	-	-	-	-	206	206
OHIO	11,899	-	1,105	127	100	10	363	310	403	237	228	579	15,361
PENNSYLVANIA	18,194	9,606	11,548	19,612	8,840	14,013	10,995	7,540	8,014	9,393	8,688	6,762	133,205
RODE ISLAND	1,394	1,973	3,095	609	466	2,082	1,973	670	1,351	4,013	163	1,057	18,846
SOUTH CAROLINA	133	69	-	33	46	17	147	194	135	201	613	1,088	2,676
SOUTH DAKOTA	-	-	90	-	-	-	-	-	365	-	-	-	455
TENNESSEE	-	-	-	-	-	-	-	-	-	260	932	5,267	6,459
VERMONT	15,325	11,014	14,402	18,255	14,561	50,121	33,495	33,494	19,926	18,557	34,593	4,461	268,204
VIRGINIA	60,183	62,526	17,587	19,875	17,796	33,654	33,310	51,247	49,755	45,294	75,317	127,907	594,451
WEST VIRGINIA	942	157	1,187	-	-	-	186	21	-	-	1,629	50	4,172
DISTRICT OF COLUMBIA	7,257	4,938	2,204	-	285	595	-	990	-	10	3,380	10,687	30,346
TEXAS	-	-	-	-	-	-	-	-	-	-	36	-	36
TOTAL - 1932	236,665	234,586	182,960	172,816	188,069	306,131	255,904	227,908	182,733	158,458	205,701	204,740	2,556,671
1931	402,616	297,556	265,309	321,951	438,362	643,096	679,761	442,432	382,131	289,626	196,208	208,955	4,568,003

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Government's Exhibit 13 (Continued)

Bureau of Agricultural Economics
Tel. Canal 6-2100

UNITED STATES DEPARTMENT OF AGRICULTURE

RECEIPTS OF LIVE POULTRY BY STATES AT NEW YORK DURING 1932 (POUNDS)

Market News Service
641 Washington St., Room 418-New York

STATES	BY TRUCK												TOTAL
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	
CONNECTICUT	71,640	109,020	102,600	109,620	303,360	426,920	339,300	218,640	228,060	177,480	101,820	94,860	2,283,320
DELAWARE	617,400	708,900	948,900	771,480	883,080	1,100,860	876,180	609,360	342,420	181,620	349,980	808,260	8,198,440
ILLINOIS	-	-	-	-	-	-	-	-	-	4,318	-	17,280	21,598
INDIANA	17,280	15,300	-	-	-	-	660	7,080	-	3,420	-	52,140	95,880
IOWA	-	4,680	-	-	-	-	6,045	-	-	-	-	-	10,725
KENTUCKY	-	-	-	9,060	-	-	-	-	-	180	-	-	9,240
MAINE	10,860	39,600	75,480	27,060	86,040	131,020	146,460	164,220	152,760	126,900	64,200	9,360	1,083,960
MARYLAND	419,100	434,040	477,380	498,540	478,200	598,380	478,160	298,080	258,540	144,420	172,740	294,240	4,551,820
MASSACHUSETTS	82,380	74,160	270,780	268,560	920,400	1,241,100	1,023,180	565,400	621,540	511,740	281,280	80,760	5,941,280
MISSOURI	-	-	-	1,620	1,260	-	3,800	5,500	14,700	11,700	14,900	7,500	60,980
NEW HAMPSHIRE	23,040	37,980	162,700	203,880	320,400	617,220	637,260	481,440	572,460	360,180	197,160	42,660	3,656,380
NEW JERSEY	259,680	156,540	73,980	123,480	202,140	170,520	94,620	70,500	95,640	57,360	72,000	277,860	1,654,320
NEW YORK	255,300	297,060	510,040	517,760	532,980	586,320	437,280	333,540	459,850	334,980	208,440	261,600	4,735,150
NORTH CAROLINA	4,320	32,999	48,960	20,000	16,320	29,245	-	7,400	9,520	1,140	-	360	170,264
OHIO	-	-	-	-	-	-	4,800	-	-	3,120	28,500	23,640	60,060
OKLAHOMA	13,500	-	-	-	-	-	-	-	-	-	-	-	13,500
PENNSYLVANIA	121,080	91,380	99,660	122,280	148,920	169,360	224,400	206,880	163,200	150,780	171,600	175,320	1,844,860
RHODE ISLAND	48,420	21,240	70,320	94,980	236,040	276,660	253,680	150,780	129,420	60,480	46,980	17,040	1,406,040
SOUTH DAKOTA	-	-	-	-	-	-	-	-	-	7,300	6,300	-	13,600
TENNESSEE	-	-	-	2,040	600	-	-	-	3,660	-	6,450	9,000	21,780
VERMONT	-	-	7,260	2,460	1,440	-	-	120	-	-	-	-	11,280
VIRGINIA	95,940	63,840	39,240	90,240	34,560	39,140	20,400	37,620	38,100	135,180	161,040	174,960	930,260
WEST VIRGINIA	6,900	-	-	300	-	1,200	-	5,460	-	6,000	35,400	6,240	61,500
DIST. OF COLUMBIA	-	8,400	2,880	4,860	2,520	-	-	-	-	-	-	2,820	21,480
TOTAL - 1932	2,046,840	2,095,139	2,890,180	2,868,220	4,163,260	5,437,945	4,546,225	3,162,020	3,089,870	2,278,298	1,918,820	2,355,900	36,857,717
1931	1,036,410	1,160,360	1,942,380	2,507,968	3,185,060	4,028,940	4,413,800	1,978,400	2,107,450	1,541,900	1,350,380	1,711,620	26,964,668

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Government's Exhibit 13 (Continued)

UNITED STATES DEPARTMENT OF AGRICULTURE

Bureau of Agricultural Economics

Tel. Canal 6-2100

RECEIPTS OF LIVE POULTRY BY STATES AT NEW YORK DURING 1933 (POUNDS) BY EXPRESS

STATES	RECEIPTS OF LIVE POULTRY BY STATES AT NEW YORK DURING 1933 (POUNDS) BY EXPRESS											TOTAL	
	: JANUARY	: FEBRUARY	: MARCH	: APRIL	: MAY	: JUNE	: JULY	: AUGUST	: SEPTEMBER	: OCTOBER	: NOVEMBER		
ALABAMA	-	-	-	28	-	-	-	-	26	-	-	110 164	
CONNECTICUT	548	730	288	219	871	2,676	940	1,662	354	862	685	935 10,820	
DELAWARE	742	-	-	69	397	352	12	-	19	-	80	127 1,798	
FLORIDA	-	-	-	1,139	327	-	-	-	17	-	36	50 1,569	
GEORGIA	32	-	72	-	136	34	22	23	-	-	568	356 1,243	
ILLINOIS	258	157	-	107	-	-	14	-	40	116	-	55 747	
INDIANA	-	63	-	3,007	-	-	-	-	829	875	-	25 4,799	
IOWA	100	-	-	424	-	-	-	-	-	-	-	524	
KANSAS	-	-	-	-	-	-	-	781	-	-	-	47 828	
KENTUCKY	2,031	3,255	1,884	805	-	22	-	-	-	28	26	60 8,111	
MAINE	823	1,071	3,782	1,950	3,635	2,908	4,331	2,974	5,748	870	1,539	854 30,535	
MARYLAND	2,577	3,376	2,359	1,424	474	1,495	1,302	840	2,399	353	1,445	807 19,351	
MASSACHUSETTS	2,504	2,371	15,835	12,298	11,565	10,559	6,373	7,075	6,364	6,644	8,954	3,499 94,041	
MICHIGAN	-	-	-	-	52	-	-	-	52	-	-	72 198	
MINNESOTA	-	-	-	1,437	-	-	-	-	-	-	-	1,437	
MISSISSIPPI	-	12	-	-	-	-	-	-	-	-	-	12	
MISSOURI	-	-	-	43	-	-	-	-	-	-	81	- 124	
NEBRASKA	-	-	-	30	-	-	-	-	-	-	-	30	
NEW HAMPSHIRE	7,774	1,356	12,567	10,349	5,317	12,073	7,203	8,840	4,735	2,778	469	2,280 75,741	
NEW JERSEY	6,344	790	1,417	1,209	2,825	5,283	1,495	664	1,625	449	1,816	1,177 25,094	
NEW YORK	16,824	21,162	25,500	31,700	49,107	66,377	70,709	74,719	74,855	58,590	53,925	46,797 590,265	
NORTH CAROLINA	2,349	3,904	10,179	3,257	4,365	438	148	129	186	135	698	432 26,220	
NORTH DAKOTA	-	-	-	-	-	-	-	-	-	-	-	40 40	
OHIO	74	-	776	25	222	-	-	60	44	146	-	261 1,608	
OKLAHOMA	-	-	43	-	-	-	-	-	-	-	35	- 78	
PENNSYLVANIA	2,841	17,163	6,395	7,234	3,767	6,338	7,854	4,710	12,358	5,462	12,174	4,869 91,170	
RODE ISLAND	345	550	120	-	-	1,512	1,153	295	369	-	601	- 4,945	
SOUTH CAROLINA	12	6,106	83	102	-	90	119	61	46	172	448	942 8,181	
SOUTH DAKOTA	-	-	-	87	-	-	-	-	-	-	-	87	
TENNESSEE	6,368	3,309	-	596	28	682	-	-	-	-	735	2,884 14,602	
TEXAS	-	-	-	-	-	-	-	-	-	-	147	- 147	
VERMONT	3,631	3,128	6,177	2,811	4,524	12,951	7,200	8,786	7,688	5,500	3,775	7,027 73,198	
VIRGINIA	108,662	148,498	94,508	43,937	33,015	39,137	51,522	46,731	30,318	9,938	29,952	47,462 683,700	
W. VIRGINIA	-	640	533	816	-	176	-	106	2,222	-	4,821	829 10,143	
WISCONSIN	-	-	-	250	-	-	-	-	-	-	-	250	
DIST. OF COLUMBIA	10,216	8,582	1,130	40	824	1,020	-	913	741	29	2,322	7,229 33,143	
TOTAL - 1933	175,077	226,228	184,148	125,393	121,451	164,123	160,397	159,369	150,635	92,947	125,904	129,276	1,814,948
1932	236,565	234,586	182,960	172,316	188,069	306,131	255,904	227,908	182,733	158,458	205,701	204,740	2,556,671

Market News Service
641 Washington St., Room 418-New York

Bureau of Agricultural Economics
Tel. Canal 6-2100

UNITED STATES DEPARTMENT OF AGRICULTURE

STATES	RECEIPTS OF LIVE POULTRY BY STATES AT NEW YORK DURING 1933 (POUNDS) BY TRUCK												Market News Service 641 Washington St., Room 418-New York
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
CONNECTICUT	98,520	75,060	125,520	169,740	305,820	446,940	343,440	237,720	246,720	181,440	94,320	95,760	2,421,000
DELAWARE	730,320	897,240	873,300	720,600	803,220	1,276,920	953,460	941,040	393,780	145,200	384,900	659,280	5,779,260
ILLINOIS	15,660	-	-	-	-	-	-	-	3,960	-	-	-	19,620
INDIANA	59,160	26,800	19,500	30,180	-	21,880	4,860	14,100	79,929	149,400	50,124	8,100	464,033
KANSAS	15,840	-	-	6,720	-	-	-	-	-	-	-	-	22,560
KENTUCKY	-	4,320	15,000	29,160	43,200	4,920	-	-	-	-	-	-	96,600
MAINE	4,800	13,260	32,040	82,680	126,960	262,200	183,240	150,240	166,620	139,980	38,830	-	1,200,900
MARYLAND	281,860	398,260	438,220	357,480	445,980	195,720	276,780	174,420	164,040	94,260	99,840	169,080	3,305,940
MASSACHUSETTS	8,460	51,000	210,960	408,360	970,200	1,681,320	1,357,740	722,040	659,340	568,500	329,460	80,460	7,047,840
MISSOURI	-	-	-	-	-	-	-	6,840	-	7,200	22,680	15,340	52,060
NEBRASKA	12,960	-	-	-	6,500	-	-	-	-	-	-	-	19,460
NEW HAMPSHIRE	23,820	2,700	86,520	171,600	484,080	877,320	742,080	550,740	484,020	412,620	138,720	85,440	4,059,660
NEW JERSEY	192,180	64,380	29,640	99,360	144,240	158,280	121,380	37,680	68,040	50,640	27,900	147,840	1,141,560
NEW YORK	260,900	412,380	716,520	554,100	727,500	831,180	676,560	565,080	722,940	786,720	423,060	348,420	7,025,360
NORTH CAROLINA	16,440	39,060	99,420	116,100	69,840	27,420	12,780	-	-	-	6,300	6,000	393,360
OHIO	33,840	4,680	6,720	-	-	-	-	5,220	9,720	8,640	12,240	6,480	87,540
PENNSYLVANIA	148,080	185,380	250,620	262,920	226,860	229,800	200,340	181,140	177,060	119,940	160,620	175,380	2,318,640
RHODE ISLAND	6,120	1,980	17,580	89,580	168,000	279,780	233,400	86,100	73,440	56,700	41,940	18,660	1,073,280
TENNESSEE	-	-	14,760	30,540	66,360	35,100	4,500	3,300	-	-	4,200	5,100	163,860
VERMONT	-	-	-	-	7,020	10,800	-	-	-	60	-	-	17,880
VIRGINIA	135,840	232,200	255,000	255,240	276,060	200,460	141,900	127,260	79,920	53,700	78,360	130,920	1,966,860
W. VIRGINIA	-	-	-	-	-	-	-	-	-	1,800	-	7,500	9,300
DIST. OF COLUMBIA	2,700	6,300	-	-	-	-	720	-	-	-	-	-	9,720
TOTAL - 1933	2,047,500	2,415,500	3,191,320	3,384,360	4,871,840	6,750,760	5,252,460	3,802,920	3,329,529	2,776,800	1,913,544	1,959,760	41,696,293
1932	2,046,840	2,095,139	2,890,180	2,868,220	4,168,260	5,437,945	4,546,225	3,162,020	3,089,870	2,278,298	1,918,820	2,355,900	36,857,717

JEB

**JOINT INSPECTION SERVICE ON
LIVE & DRESSED POULTRY
641 WASHINGTON ST., ROOM 311
NEW YORK CITY, N. Y.**

<u>Year</u>	Unloads	Sick and Other cars	
1928	11267 cars	339140 baskets	169930 lbs condemned.
1929	10493 "	432530 "	154979 " "
1930	10677 "	553570 "	187591 " "
1931	10152 "	514788 "	218791 " "
1932	9126 "	642042 "	235972 " "
1933	8150 "	713376 "	289228 " "

	<u>1934</u>			
	Unloads			
Jan.	772 "	32338	"	32765 "
Feb.	624 "	26784	"	13765 "
March	730 "	46797	"	17315 "
April	596 "	51202	"	13828 "
May	610 "	97049	"	14919 "
June	495 "	90549	"	22971 "
July	490 "	69248	"	21185 "
Aug.	599 "	78826	"	29749 "
Sept.	687 "	95327	"	37170 "

5603 cars	588120 baskets	203667 lbs condemned
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Record of receipts and condemnations of Live Poultry received and
inspected in the metropolitan area from 1928 to September 30th, 1934 incl.

L.D. Ives - Senior Marketing Specialist issent.org

Government's Exhibit 15**SUMMARY OF EXHIBIT:**

This exhibit consists of 5 inspection certificates issued by the Joint Inspection Service of the Bureau of Agricultural Economics, United States Department of Agriculture, as follows:

(1) Certificate showing inspection of 57 baskets of poultry coming from Pennsylvania to Schechter Brothers, 991 Rockaway Avenue, Brooklyn, New York, April 20, 1933. Inspection made at Schechter Brothers slaughter house.

(2) Certificate showing inspection of 84 baskets of poultry coming from Philadelphia to Rugby Live Poultry Company, 858 East 52nd St., Brooklyn, New York, July 8, 1933. Poultry was inspected at Elizabeth, New Jersey.

(3) Certificate showing inspection of 65 baskets of poultry coming from Pennsylvania to Schechter Brothers, 991 Rockaway Avenue, Brooklyn, New York, May 28, 1934.

(4) Certificate showing inspection of 105 baskets of poultry coming from Pennsylvania to Schechter Brothers, 991 Rockaway Avenue, Brooklyn, New York, May 30, 1934. Poultry was inspected at Wallabout Market.

(5) Certificate showing inspection of 176 baskets of poultry coming from Pennsylvania to Schechter Brothers, 858 East 52nd Street, Brooklyn, New York, May 30, 1934. Certificate indicates that 3 chickens died en route.

Government's Exhibit 16

This exhibit is a copy of the rules and regulations of the United States Department of Agriculture under the Act of Congress approved May 11, 1926 (44 Stat. L. 499, 523) setting up a duly

4732*Government's Exhibit 16*

authorized inspection service, and among said rules is to be found the following definition of unfit poultry:

"Poultry with the following symptoms shall be deemed unfit for consumption:

4733

1. Birds with both eyes swollen and closed.

2. Birds that are sneezing, coughing, or gaping, and have ruffled, unclean feathers and are not inclined to eat or move about.

3. Birds that have empty crops, ruffled and unclean feathers rather than combs, emaciated, and below normal weight, and assume a hunched up position and do not eat.

4. Birds with pale yellow skin about their beaks, thin in flesh, and have little or no meat on their breasts even though they eat and are active.

4734

5. Birds with compound fractures of legs or wings, or with extensive lacerations and hemorrhagic areas under the skin.

6. Birds showing prolapsed rectum with necrosis of surrounding tissues with anus bruised and bleeding.

7. Birds with dropped abdomen either due to large quantity of fluid, hernia, tumor, or large mass of retained ova (eggs).

8. Birds which do not eat and show emaciation and have abnormally large crops which are hard.

Government's Exhibit 17

4735

9. Birds which are not inclined to eat, and show necrotic patches about the mouth and on the comb and are emaciated.

10. Birds which remain apart from the rest of the birds, show a pasty gray semi-solid fecal mass adhering to the feathers about the anus or a very fetid green or brown watery discharge, or whose excreted feces show large quantities of pinworms or tapeworm segments.

11. Birds with toxemia as indicated by twisted necks. 4736

This entire exhibit may be submitted to the appellate court without printing.

Government's Exhibit 17

This exhibit is a copy of the Sanitary Code of the Department of Health of the City of New York, and regulations pursuant thereto governing live poultry inspection. Section 19, of the Sanitary Code, which is a part of the Ordinances of the City of New York, reads as follows:

4737

Live rabbits, or poultry, the keeping, killing and sale regulated.—No live rabbits or poultry shall be brought into, or kept, held, offered for sale, sold or killed in, any yard, area, cellar, coop, building, premises, public market, or other public place, except premises used for farming in unimproved sections of the City, without a permit therefor issued by the Board of Health, or otherwise than in accordance with the terms of said permit and with the regulations of said Board.

The word "poultry" as used herein shall be deemed to mean and include chickens,

4738

Government's Exhibits 19 and 20

geese, ducks and other fowls or domestic birds used for food purposes. (Amended by the Board of Health, April 3rd, 1933.)

Regulation 15 reads as follows:

4739

Regulation 15. *Live rabbits or poultry; inspection required.*—No live rabbits or poultry shall be brought into the City of New York or unloaded from railroad cars, trucks or other vehicles of transportation, or held, kept, offered for sale until properly inspected and passed as to crop and health conditions.

Such inspection shall be made by a duly authorized inspection service of the United States Department of Agriculture at the railroad terminal or at any other point within the territorial boundaries contained in Regulations 2, 3 and 4 herein.

This entire exhibit may be submitted to the appellate court without printing.

4740

Government's Exhibit 19

Notice of hearing on proposed Code of Fair Competition for the Live Poultry Industry before the adoption of the Code. This entire exhibit may be submitted to the appellate court without printing.

Government's Exhibit 20

Certificate of list to whom mimeographed copies of the notice of hearing (Exhibit 19) were mailed, which list includes the names Schechter & Schechter, 858-860 E. 52nd St., Bklyn., N. Y.; Samuel Schechter, 991 Rockaway Ave., Bklyn, N. Y., and David Schechter, 539 Snediker Ave., Brooklyn, N. Y. Submitted without printing.

Government's Exhibit 21**4741**

Certified copy of the proposed code mailed to those listed in Exhibit 20. This proposed code is identical with the code as adopted insofar as it relates to this proceeding. The entire exhibit may be submitted to the appellate court without printing.

Government's Exhibit 22**NEW YORK POULTRY RECEIPTS¹****LIVE POULTRY****4742**

Year	Cars Received	Index-1925-29=100
1927	13,484	108
1928	12,900	103
1929	12,142	97
1930	12,486	100
1931	11,905	95
1932	11,316	91
1933	10,565	84

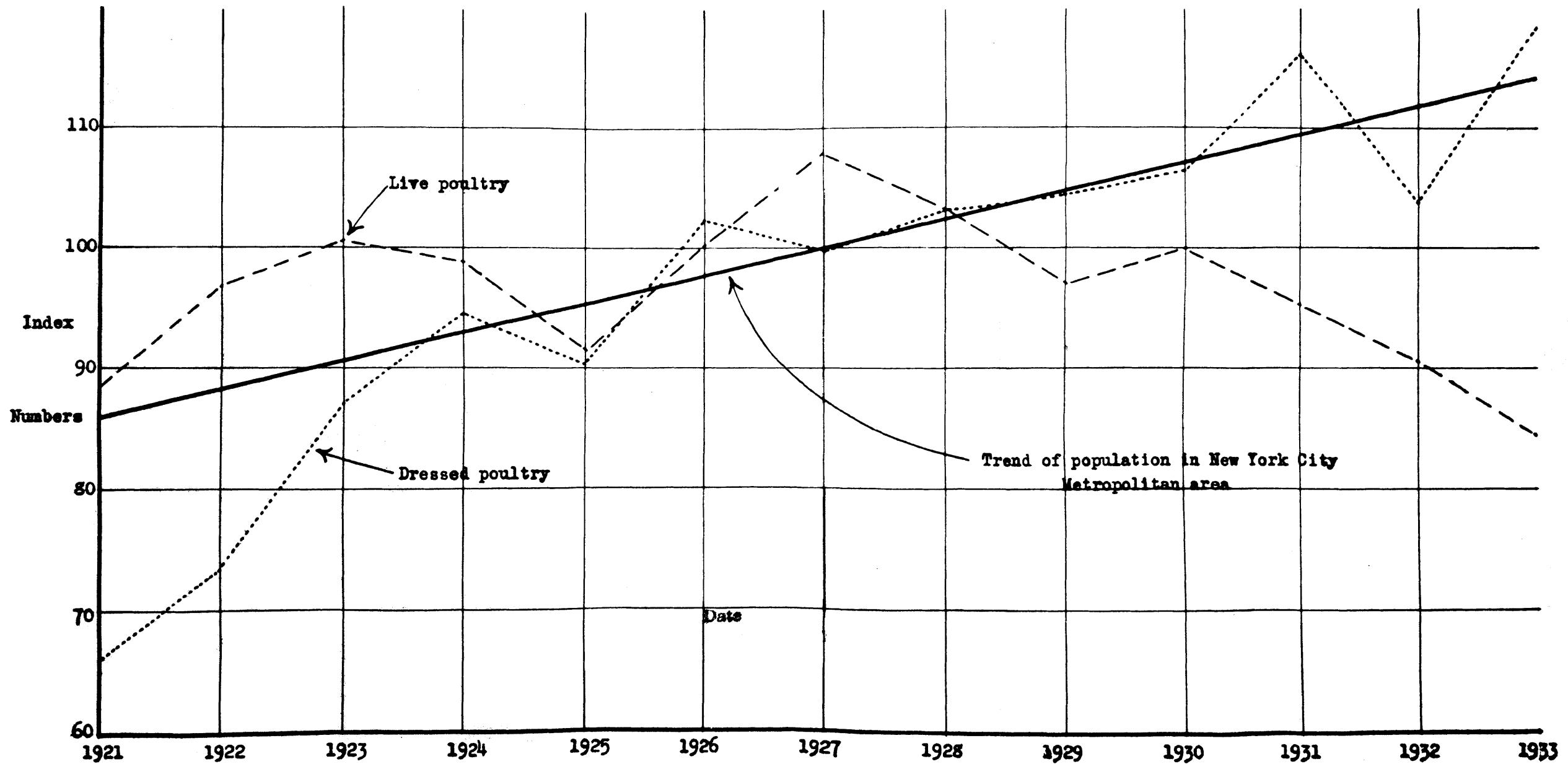
¹ Figures made available by the Bureau of Agricultural Economics—Division of Dairy and Poultry Products (Mr. G. W. Sprague).

4743**Government's Exhibit 23****PRICE PER POUND IN NEW YORK MARKET**

Year	Average Annual Price of Colored Fowls	Average Annual Price of Colored Chickens
1927 ¹	27.0	28.5
1928	28.8	31.4
1929	31.2	30.3
1930	25.5	25.2
1931	22.2	22.5
1932 ²	17.5	15.8
1933	14.4	13.8
1934		

LIVE AND DRESSED POULTRY RECEIPTS AT NEW YORK CITY AS RELATED TO THE TREND IN INCREASE OF POPULATION

Average 1925 - 1929 = 100



Government's Exhibit 25

4753

The Minutes of the Meeting for the Purposes of Electing Two Representatives to the Industry Advisory Committee for the Code of Fair Competition of the Live Poultry Industry of the Metropolitan Area In and About the City of New York to Represent Slaughter House Operators Not Members of the Live Poultry Slaughter House Association, Inc. of New York or of the Merchants' Association for Live Poultry, Inc. of New York, Held in Room No. 901, Federal Building, 641 Washington Street, New York City, on Monday, April 23, 1934 at 3:30 P. M.

4754

This Code having been approved by the President of the United States on April 13th, 1934, became effective of this date April 23rd, 1934. The meeting was called to order by Mr. W. D. Termohlen of the Department of Agriculture, Washington, D. C. for the purposes of the election of two members of the Industry Advisory Committee to represent slaughter house operators not members of the Live Poultry Slaughter House Association, Inc. of New York, and not members of the Merchants Association for Live Poultry, Inc. of New York. The notice of election was read. Al Winkel was elected chairman of the meeting and presided over the meeting. The chairman appointed Aaron Schechter secretary. The roll was called and eligibility of the members of the industry checked.

4755

The chairman called for nominations for a representative to the Industry Advisory Committee from within the five boroughs of New York City. The following were nominated: Al Winkel, S. Wiener, and B. Panesh. Nominations were closed.

4756

Government's Exhibit 26

The chairman then called for nominations for a representative to the Industry Advisory Committee from outside the five boroughs. The following were nominated: A. Klein, V. Melillo, I. Robbins, S. Lepoff, M. Fernhoff. Nominations were closed.

4757

The chairman appointed A. Poster and B. Meyers as inspectors of election. Votes were cast by secret ballot by all eligible to vote. The votes were then counted by the inspectors of election who announced the result as follows: Winkel—33, Wiener—6, Panesh—3, Klein—18, Lepoff—2, Fernhoff—3, Robbins—8, Melillo—1, Winkel and Klein were declared elected.

Certificate of election was signed by the inspectors and the meeting adjourned.

Duly Certified,

(signed) AARON SCHECHTER,
Secretary.

4758

Government's Exhibit 26

Certified copy of the Code duly filed with the Secretary of State and with the Agricultural Adjustment Administration, Department of Agriculture, Washington, D. C., and approved by the President of the United States. This copy is identical with the Code as set out in the indictment.

Government's Exhibit 27**4759**

Location—991 Rockaway Ave Borough—
Brooklyn

Name—Schechter Sam Case No. B3449

BUREAU OF FOOD AND DRUGS

**FACTS FOR ARREST OR FOOD
CONDEMNATION REPORT**

From—H. W. Gardner D V. M

To—Chief Meat & Poultry Inspection.

On June 28 1934, at 11 00 A. M., I made an inspection of the Poultry Sl. House located at the above given address and would report as follows:

Condemned 6 chickens (19 lbs) as unfit for food. They were isolated in a spindle coop with a few other apparently healthy but poor poultry.

The above mentioned foods were denatured on premises with disinfectant and disposed of as follows:

Joe Schechter in charge stated that Sam Schechter was owner of the above business. This is a domestic, foreign corporation stated that he was President, Secretary, Treasurer.

Summons served, Section Disposition

4760**4761**

H. W GARDNER D V.M
Inspector.

This Space for Office Use Only

Rec'd by Borough Chief

Action taken

For'd by Borough Chief

Rec'd in Director's Office

Action taken

Ref'd to Law Division

4762 *Government's Exhibit 27*

[RUBBER STAMPS]

Ref. to Special Trial Board
 Sec. Viol. 325 Reg 8-H F W Schoneweg DVS
 Chief
 Entered in Prosecution Book (Initials illegible)
 Ford. to Special Trial Board B 7-6-34

For Hearing by
 Minor Special Trial Board
 Jul 9 1934

4763

[REVERSE SIDE]

Steamship	Consignee
Date of Arrival	Dutiable
Ordered Overhauled	Overhauling Completed
Cargo Discharged	

SUMMARY OF FOOD CONDEMNATION

Character of Food	Marks	Weight	Quantity (Show type of container)	Reason for Condemnation
4764	Poultry	19	Two (2) chickens	Salpingitis with peritonitis
			Two (2) " "	emaciation
			Two (2) " "	extensive bruises with fractures

 Total 19 lbs

The above-mentioned foods were denatured on premises with disinfectant and disposed as follows:

H. W. GARDNER D.V.M
 Inspector.

1589

Government's Exhibit 28

4765

Department of Health—City of New York
BUREAU OF FOOD AND DRUGS
Facts for Arrest—Condemnation Record

[RUBBER STAMPS]

Received
Special Trial Board
Jul 6 1934

Received
Jul 2 1934
Div. Meat & Poultry Inspection

4766

Previous Record
No. Court Actions Yes
No. Special Trial Board Actions

Government's Exhibit 28

Location—858-60 E. 52nd St. Borough—
Brooklyn
Name—Schechter Alex & Martin Case No. **4767**
B3448

BUREAU OF FOOD AND DRUGS
FACTS FOR ARREST OR FOOD
CONDEMNATION REPORT

From—H. W. Gardner D V. M
To—Chief Meat & Poultry Inspection.

On June 28, 1934, at 1145 A. M., I made an inspection of the Poultry Sl. House located at the above given address and would report as follows:

4768

Government's Exhibit 28

Condemned 4 chicken (10 lbs) as unfit for food. They were isolated in a coop with a few other apparently healthy but poor chickens in the back room

The above-mentioned foods were denatured on premises with disinfectant and disposed of as follows:

Alex & Martin Schechter stated that they were partners of the above business.

stated that he was President, Secretary, Treasurer.

4769

Summons served,	Section	Disposition
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H. W GARDNER D.V.M.
Inspector.

This Space for Office Use Only

Rec'd by Borough Chief

Action taken

For'd by Borough Chief

Rec'd in Director's Office

Action taken

4770

Ref'd to Law Division

[RUBBER STAMPS]

Ref. to Special Trial Board

Sec. Viol. 325 Reg 8-H F W Schoneweg DVS
Chief

Entered in Prosecution Book (Initials illegible)

Ford. to Special Trial Board B 7-6-34

For Hearing by
Minor Special Trial Board
Jul 9 1934

1591

Government's Exhibit 28

4771

[REVERSE SIDE]

Steamship	Consignee
Date of Arrival	Dutiable
Ordered Overhauled	Overhauling Completed
Cargo Discharged	

SUMMARY OF FOOD CONDEMNATION

Character of Food	Marks	Weight	Quantity (Show type of container)	Reason for Condemnation	
Poultry		10 lbs	{ Three (3) chickens One (1) "	Emaciation Roup & Emaciation	4772
<hr/> Total 10 lbs					

The above-mentioned foods were denatured on premises with disinfectant and disposed as follows:

H. W. GARDNER D.V.M.
Inspector.

Department of Health—City of New York

BUREAU OF FOOD AND DRUGS
Facts for Arrest—Condemnation Record

4773

[RUBBER STAMPS]

Received
Special Trial Board
Jul 6 1934

Received
Jul 2 1934
Div. Meat & Poultry Inspection

Previous Record
No. Court Actions None
No. Special Trial Board Actions

4774

1592

Government's Exhibit 29

4775

4776

**Week Commencing
May 22, 1934**

991 Rockaway Ave

Name—Schechter's Live Poultry Market Inc.

Wholesale Slaughter House

Week Ending May 25, 1934

	Sunday Price Pounds	Monday Price Average	Tuesday Price Pounds	Wednesday Price Pounds	Thursday Price Pounds	Friday Price Pounds
Colored Fowl	2658	17	1195	16 ²	5076	17
Leghorn Fowl	990	15	440	12	604	15 ²
Average—			1102	15		
Rock Broilers	128	27	108	27	659	27 ²
			348	24	750	23 ²
Average	668	23	363	25		
			355	20		
Sub. Total		4444	2911	7089	2313	
Tuesday	4444					
Wed.	2911					
Thurs	7089					
Fri.	2313					

Total Pounds for Week=16757 @ 1c per 50 pounds=\$3.35.

Schechter L. P. Market

Signature of Member of Firm—

JOSEPH SCHECHTER, Pres.

In computing the above figures include sales of merchandise purchased from commission merchant, jobber and direct from shipper or producer.

Make Checks Payable to E. V. Dwyer, Treasurer

Week Ending June 1, 1934

	Sunday Pounds	Sunday Average	Monday Pounds	Monday Average	Tuesday Pounds	Tuesday Average	Wednesday Pounds	Wednesday Average	Thursday Pounds	Thursday Average	Friday Pounds	Friday Average	
Colored Fowl	88	192	1776	19	1267	19	1322	182	5370	182	2034	172	
Leghorn Fowl					239	172	701	162	725	162	287	152	
Average			64	9			40	9			16	9	
Poor			220	28	103	282	247	272	483	27	190	26	
Rock Broilers	56	29			395	222	829	222	483	22	314	19	
Average													
Sub. Total		144		2060		2004		3139		7061		2825	16
Sun		144											
Mon		2060											
Tues		2004											
Wed		3139											
Thurs		7061											
Fri		2825	{	16									

Total Pounds for Week=17249 @ 1c per 50 pounds=\$3.45.

Schechter L. P. Market

Signature of Member of Firm—

JOSEPH SCHECHTER, Pres.

4779

4778

Government's Exhibit 29

1593

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Week Ending June 8, 1934

	Sunday Pounds	Sunday Average	Monday Pounds	Monday Average	Tuesday Pounds	Tuesday Average	Wednesday Pounds	Wednesday Average	Thursday Pounds	Thursday Average	Friday Pounds	Friday Average
Colored Fowl	25 375	18 14	977	172	550	172	627	172	5329	18	1563	172
Leghorn Fowl					703	15	355	142	471	152	649	15
Average							26	14				
Poor												
Rock Broilers	46	28	92	28	170	28	162	28	583	29	163	28
Average			18	24	291	232	63	22	576	23	231	20
Sub. Total		446			1790		1366		1349		7137	
Sun.		446										
Mon		1790										
Tues		1366										
Wed		1349										
Thurs		7137										
Fri		2096										

Total Pounds for Week=14184 @ 1c per 50 pounds=\$—.

Schechter L. P. Market
 Signature of Member of Firm—
 JOSEPH SCHECHTER, Pres.

Government's Exhibit 29

1594

Week Ending June 15, 1934

	Sunday Pounds	Sunday Average	Monday Pounds	Monday Average	Tuesday Pounds	Tuesday Average	Wednesday Pounds	Wednesday Average	Thursday Pounds	Thursday Average	Friday Pounds	Friday Average
Colored Fowl	95	18	1158	17 ²	430	18	259	17 ²	4099	17 ²	1195	15 ²
Leghorn Fowl			357	15 ²	1971	16	661	15	2248	15	376	16
Average					76	14	349	13	197	12	155	12 ²
Rock Broilers	85	29 ²	427	28	458	27	53	27	787	27	89	27
Average			183	21	549	22	363	22	925	22	136	22
Sub. Total		180		2125		3484		1685		8256		1951
Sun		180										
Mon		2125										
Tues		3484										
Wed		1685										
Thurs		8256										
Fri		1951										

Total Pounds for Week=17681 @ 1c per 50 pounds=\$7.07.

Schechter L. P. Market

Signature of Member of Firm—

JOSEPH SCHECHTER, Pres.

4785

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Government's Exhibit 29

1595

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1596

Government's Exhibit 29

4787

Week Ending June 22, 1934

	Sunday		Monday		Tuesday		Wednesday		Thursday		Friday	
	Pounds	Average	Pounds	Average	Pounds	Average	Pounds	Average	Pounds	Average	Pounds	Average
Colored Fowl	25	18	729	17 ²	853	18 ²	285	18 ²	3740	18 ²	266	18 ²
Leghorn Fowl				419	15 ²			601	15 ²	159	15	550
Average												384
Poor												—
Rock Broilers	23	29	163	28	49	30	72	27	697	28	91	27
Average			152	24	41	26	22	20	912	23	439	22
Sub. Total		48		1463		943		980		5508		1730
Sun				48								
Mon				1463								
Tues				943								
Wed				980								
Thurs				5508								
Fri				1730								

Total Pounds for Week=10672 @ 1c per 50 pounds=\$4.27.

Schechter L. P. Market

Signature of Member of Firm—

JOSEPH SCHECHTER, Pres.

Name—A. L. A. Schechter L. P. Corp.
858 East 52 Bklyn

Wholesale Slaughter House

Week Ending April 30, 1934

Make Checks Payable to E. V. Dwyer, Treasurer

Total Pounds for Week=27936 @ 1c per 50 pounds=\$5.58.

Signature of Member of Firm—

Louis Schechter Secy.

In computing the above figures include sales of merchandise purchased from commission merchant, jobber and direct from shipper or producer.

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6874

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1598

Government's Exhibit 30

4793

Week Ending May 7—1934

	Monday Apr 30		Tuesday 1		Wednesday 2		Thursday 3		Friday 4		Saturday 5	
	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price
Colored Fowl	2125	20 ²	2329	21	2032	21	10947	20	5566	21 ²	568	21
Rock Broilers	567	29	657	28	487	28	9727	28	650	29	220	28 ²
Sub. Total	<u>2692</u>		<u>2986</u>		<u>2519</u>		<u>20674</u>		<u>6216</u>		<u>788</u>	
Pounds	2692		2986		2519		20674		6216		788	
	2986		2519		20674		6216		788			
	2519		20674		6216		788					
	20674		6216		788							
	6216		788									
	788											
	640											
	<u>36515</u>											
Ducks							Thursday					
							640	18				

Total Pounds for Week=36515 @ 1c per 50 pounds= \$—.

Signature of Member of Firm—

LOUIS SCHECHTER Secy.

4794

Week Ending May 14—1934

	Monday 7		Tuesday 8		Wednesday 9		Thursday 10		Friday 11		Saturday 12	
	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price
Colored Fowl Rock Broilers	3205	19	4285	19	2251	18 ²	11031	18	2845	18	325	19
	775	28	625	29	585	29	1557	28	593	27	267	28
Sub. Total	3980		4910		2836		12588		3438		592	
Pounds												
3980												
4910												
2836												
12588												
3438												
592												
850												
	29194											
Ducks							Thursday					
							850	17 ²				

Total Pounds for Week=29194 @ 1c per 50 pounds= \$—.

Signature of Member of Firm—

LOUIS SCHECHTER Secy.

Government's Exhibit 30

1599

4795

4796

4797

4798

Government's Exhibit 30

1600

4799

Week Ending May 21—1934

	Monday		Tuesday		Wednesday		Thursday		Friday		Saturday	
	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price
Colored Fowl	2932	18 ²	2827	18	1902	19	11765	18 ²	4211	19	575	19
Rock Broilers	310	28	335	29	235	29	997	28	395	28	175	29
Sub. Total	3242		3162		2137	May 16	12762	17	4606	18	750	19
Pounds	3242		3162		2137		12762		4606		750	
	3162		2137		12762		4606		750			
	2137		12762		4606		750					
	12762		4606		750							
	4606		750									
	750											
	610											
	27269											
Ducks							610	18				
Total Pounds for Week=27269 @ 1c per 50 pounds=\$—.												

Signature of Member of Firm—

LOUIS SCHECHTER Secy.

1601

Government's Exhibit 30

4801

Week Ending May 28

	Monday		Tuesday		Wednesday		Thursday		Friday		Saturday	
	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price
Colored Fowl	2975	17	2862	18	2304	18	11962	18 ²	3527	18 ²	401	19
Rock Broilers	275	28	599	29	462	28	1057	28	211	28	175	29
Sub. Total	<u>3250</u>		<u>3461</u>		<u>2766</u>		<u>13019</u>		<u>3738</u>		<u>576</u>	
Pounds												
3250												
3461												
2766												
13019												
3738												
576												
640												
	<u>27450</u>											
Ducks							Thursday					
							640	17				

Total Pounds for Week=27450 @ 1c per 50 pounds=\$—.

Signature of Member of Firm—

LOUIS SCHECHTER Secy.

4803

4802

4804

1602

Government's Exhibit 30

Week Ending June 4—34

	Monday		Tuesday		Wednesday		Thursday		Friday		Saturday	
	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price
Colored Fowl Rock Broilers	3311	18¾	4262	19	2801	18¼	12062	19	5562	19	475	19
	345	29	720	28	501	28	1101	272	460	28	200	29
Sub. Total	3656		4982		3302		13163		6022		675	
Pounds												
3656												
4982												
3302												
13163												
6022												
675												
765												
32565												
Ducks							Thursday					
							765	17²				

Total Pounds for Week=32565 @ 1c per 50 pounds=\$—.

Signature of Member of Firm—

LOUIS SCHECHTER Secy.

4806

4805

1603

Government's Exhibit 30

4807

Week Ending June 11—1934

	Monday		Tuesday		Wednesday		Thursday		Friday		Saturday	
	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price	Pounds	Price
Colored Fowl	2932	18 ²	2978	19	2607	18 ²	11602	18 ³ / ₄	4422	18	377	19
Rock Broilers	295	28	492	29	488	29	987	29	407	28	207	29
Sub. Total	3227		3470		3095		12589		4829		584	
Pounds												
3227												
3470												
3095												
12589												
4829												
584												
611												
28405												
Ducks							Thursday					
							611	18				

Total Pounds per Week=28405 (@ 1c per 50 pounds=\$—).

Signature of Member of Firm—

LOUIS SCHECHTER Secy.

4809

4808

4810

Government's Exhibit 31

Brooklyn, N. Y.
June 26, 1934.

Code Authorities,
Live Poultry Industry
641 Washington St N. Y.

Gentlemen,

For your information, I am giving you the details regarding the wholesale slaughter house at 991 Rockaway Ave., Brooklyn, N. Y.

4811

This place since May 16, 1934 has been owned and operated by Schechters' Live Poultry Market, Inc. (New York)

I am the president and my wife Lily is the vice Pres. and Secretary—Our home address is 257 Brighton Beach Ave Brooklyn N. Y.

4812

This corporation has no connection with any other concern and has been operating at 991 Rockaway Ave., Bklyn, since May 16, 1934. For about three months previously, place was closed and no business carried on. Before that date (about Feb 15, 1934) this place was owned and operated by { Sam Schechter } and Joe Schechter { personally. As a matter of fact the permit is still in Sam Schechters name and a new one in the name of Schechters L. P. Mkt Inc. is expected this week.

SCHECHTER L. P. MARKET.

JOSEPH SCHECHTER
Pres.

Written by J Musicant and signed in his presence.

Government's Exhibit 32

Summary: Invoices showing sales of poultry by Risser & Rabinowitz, Inc. of Philadelphia, Pennsylvania, to A. L. A. Schechter Poultry Corp. and Joseph Schechter, covering following dates and following totals.

A. L. A. Schechter Poultry Corp., May 30, 1934, poultry weighing 10,723 lbs. valued at \$1,647.00, comprising 168 containers.

A. L. A. Schechter Poultry Corp., May 30, 1934, poultry weighing 565 lbs., valued at \$87.58, comprising 8 containers.

A. L. A. Schechter Poultry Corp., May 26, 1934, poultry weighing 5,200 lbs., valued at \$807.56, contained in 82 baskets.

Government's Exhibit 33

Summary: Invoice showing sales of poultry by Risser & Rabinowitz, Inc. of Philadelphia, Pennsylvania, to Joseph Schechter, May 28, 1934, weighing 7,209 lbs., valued at \$1,148.20, and comprising 111 baskets.

Government's Exhibit 34

Summary: Invoice showing sale of poultry by Risser & Rabinowitz, Inc. of Philadelphia, Pennsylvania, to A. L. A. Schechter Poultry Corp., May 28, 1934, weighing 7,144 lbs., valued at \$1,140.13, and comprising 38 coops.

4816

Government's Exhibit 35

Summary: Invoice showing sale of poultry by Risser & Rabinowitz, Inc. of Philadelphia, Pennsylvania, to Joseph Schechter, May 30, 1934, weighing 6,577 lbs., valued at \$1,019.44, and comprising 105 baskets.

Government's Exhibit 36

4817

Represents copies of defendant, A. L. A. Schechter Poultry Corp.'s books, to be submitted to the appellate court without printing.

Government's Exhibit 37

I worked the following hours last week.

4818

Monday	11
Tuesday	11
Wednesday	12
Thurs.	17
Friday	13
Sat.	9

73

LEO SCHIMMEL

[REVERSE SIDE]

They allow me 2 fowls each week.

Daily Sales Made by A. L. A. Schechter from May 16, 1934 to June 9, 1934 (Inclusive) Fowl and Broilers Only
 With High, Low and Average Selling Prices & Average Purchase Price Except Duck

Date	Fowl			Selling Prices			Broilers			Selling Prices			Average Sales Price	Average Purchase Price
	Pounds	Amount	High	Low	Average	Pounds	Amount	High	Low	Average				
May 16	1888 $\frac{3}{4}$	31927	20	15	1690	573	14509	29	23	25.32				
" 17	20541	352272	20	08	1714	4691 $\frac{1}{2}$	99587	29	15	2122				
" 18	8901	152437	20	08	1712	1994 $\frac{1}{2}$	43518	29	08	2181				
	Totals	31330 $\frac{3}{4}$	536636	—	—	7259	157614	—	—	—	17.99	1647		
May 21	1118	16770	15	15	15	509	11185	23	20	2197				
" 22	3264 $\frac{1}{2}$	54947	19	08	1680	1344 $\frac{1}{2}$	32692	29	16	2220				
" 23	4625 $\frac{1}{2}$	70066	19	15	1514	759 $\frac{1}{4}$	20520	30	25	2716				
" 24	14678 $\frac{1}{2}$	245300	19	08	1671	3563	91396	30	15 $\frac{1}{2}$	2617				
" 25	4909 $\frac{1}{4}$	87291	23	08	1776	2157 $\frac{1}{2}$	50497	30	08	2340				
" 26	329	6415	21	19	1949	157 $\frac{1}{2}$	4184	29	24	2664				
		28924 $\frac{3}{4}$	480789	—	—	8480 $\frac{3}{4}$	210474	—	—	—	1847	1660		
May 27 (Sunday)	330 $\frac{3}{4}$	6352	21	19	1924	108 $\frac{7}{8}$	2676	29	24	2477				
" 28	3190 $\frac{1}{2}$	60323	21	17	1890	954 $\frac{1}{4}$	25005	30	21	2620				
" 29	3307	61568	21	17	1861	1030 $\frac{1}{2}$	26268	30	05	2550				
" 30	1984	36867	21	17	1859	807 $\frac{1}{2}$	20564	30	22	2554				
" 31	19889	349542	21	08	1757	3311	74595	30	08	2252				
June 1	4273 $\frac{1}{2}$	68496	21	08	1551	875 $\frac{3}{4}$	18777	30	08	2147				
" 2	995 $\frac{3}{4}$	14811	19	14	1502	194 $\frac{1}{2}$	6049	31	26	2806				
		33970 $\frac{1}{2}$	597959	—	—	7282 $\frac{1}{4}$	173934	—	—	—	1861	1713		
June 3 (Sunday)	67 $\frac{1}{2}$	1080	16	16	16	18 $\frac{1}{2}$	537	29	29	29				
" 4	2127 $\frac{1}{4}$	34608	19	14	1627	1555	37296	30	18	2392				
" 5	2844 $\frac{1}{2}$	36400	19	04	1671	1572 $\frac{1}{4}$	30843	31	24	2396				
" 6	4358 $\frac{1}{2}$	71707	20	16	1645	578 $\frac{1}{4}$	16013	31	24	2770				
" 7	10464 $\frac{1}{4}$	181829	20	10	1738	3522 $\frac{3}{4}$	88221	30	10	2504				
" 8	4099 $\frac{3}{4}$	71406	20	14	1498	540 $\frac{1}{4}$	13183	31	08	2441				
" 9	2690	38747	18	14	1444	208 $\frac{3}{4}$	5647	31	25	2717				
		26651 $\frac{1}{4}$	435777	—	—	7995 $\frac{3}{4}$	191740	—	—	—	1811	1739		
	RECAPITULATION													
Fowl	120878	2051161												
Broilers	31027	733762												
Duck	151905	2784923												
	8172													
	160077													

Government's Exhibit 38 1607

Reports of A. L. A. Schechter to Code Authority

4824

Date	1934	Colored Pounds	Fowl— Price	Rock Pounds	Broilers— Price	Duck Pounds	Price	
Monday	May 7	3205	19	775	28	—	—	
Tue	" 8	4285	19	625	29	—	—	
Wed	" 9	2251	18 ²	585	29	—	—	
Thur	" 10	11031	18	1557	28	850	17 ²	
Fri	" 11	2845	18	593	27	—	—	
Sat	" 12	325	19	267	28	—	—	
	Total	23942	—	4402	—	850	—	29194
Monday	May 14	2932	18 ²	310	28	—	—	
Tuesday	" 15	2827	18	335	29	—	—	
Wednesday	" 16	1902	19	235	29	—	—	
Thursday	" 17	11765	18 ²	997	28	610	18	
Friday	" 18	1211	19	395	28	—	—	
Saturday	" 19	575	19	175	29	—	—	
	Total	24212	—	2447	—	610	—	27269
Monday	May 21	2975	17	275	28	—	—	
Tuesday	" 22	2862	18	599	29	—	—	
Wednesday	" 23	2304	18	462	28	—	—	
Thursday	" 24	11962	18 ²	1057	28	640	17	
Friday	" 25	3527	18 ²	211	28	—	—	
Saturday	" 26	401	19	175	29	—	—	
	Total	24031	—	2779	—	640	—	27450
Monday	May 28	3311	18 ³ / ₄	345	29	—	—	
Tue	" 29	4262	19	720	28	—	—	
Wed	" 30	2801	18 ¹ / ₄	501	28	—	—	
Thur	" 31	12062	19	1101	27 ²	765	17 ²	
Fri	June 1	5562	19	460	28	—	—	
Sat	" 2	475	19	200	29	—	—	
	Total	28473	—	3327	—	765	—	32565
Mon	June 4	2932	18 ²	295	28	—	—	
Tue	" 5	2978	19	492	29	—	—	
Wed	" 6	2607	18 ²	488	29	—	—	
Thur	" 7	11602	18 ³ / ₄	987	29	611	18	
Fri	" 8	4422	18	407	28	—	—	
Sat	" 9	377	19	207	29	—	—	
	Total	24918	—	2876	—	611	—	28405
		1255 76	—	15831	—	3476	—	144883

Government's Exhibit 40**4825**

Sales Made to Certain Customers by A. L. A. Schechter Co.
May 16-1934 to June 11-1934

Date	Customer	Fowl			Broilers		
		Pounds	Price	Amt.	Pounds	Price	Amt.
May 16	M. D. L. P.	✓ 1024	15	15360	323 ✓ (23)	7429	
	M. D. L. P.	✓ 984	15	14760	1071 ✓ 15	16065	
	M. D. L. P.	✓ 1039	15 ²	16105	339 ✓ (23)	7797	
	M. D. L. P.	✓			512 ✓ 13 ²	696	
	M. D. L. P.	✓			166 ✓ (23)	3818	
	M. D. L. P.	✓	19	304	402 ✓ 20	870	
	Joe Schechter	✓			167 (23)	3841	
	M. D. L. P.	✓ 1118	15	16770	168 (23)	3864	
					174 ✓ 20	3480	
	M. D. L. P.	✓					4826
	M. D. L. P.	✓					
	M. D. L. P.	✓ 135	15	2025	165	22 ²	3713
	Joe Schechter	✓ 909	14 ²	13181			
	M. D. L. P.	✓ 930	14 ²	13485			
	M. D. L. P.	✓ 1972	14 ¹ / ₄	28101			
	J. Schechter	✓					
June 1	M. D. L. P.	✓			511 24	12264	
	M. D. L. P.	✓ 956	17	16252	166 (25)	4150	
	J. Schechter	✓			477 25	11925	
	Sam Cohen	✓ 42	17	77	160 25	4000	
	J. Schechter	✓ 128	13 ²	1728	2 ² (26)	65	
	M. D. L. P.	✓ 1449	16	23184	343 14 ²	4974	
	J. Schechter	✓ 3545	16	56720			
	M. D. L. P.	✓ 1866	16	29856			
	M. D. L. P.	✓ 5	15	75			
	M. D. L. P.	✓ 600	14	8400			
	M. D. L. P.	✓ 8 ²	15	128	4 ¹ / ₄ (26)	111	
	J. Schechter	✓			31 ² (26)	819	
	J. Schechter	✓			259 24	6216	
	J. Schechter	✓			380 21	7980	
	M. D. L. P.	✓			200 21	4200	
	M. D. L. P.	✓ 574	16	9184	127 24	3048	
	M. D. L. P.	✓ 177	14	2478	158 21	3318	
	J. Schechter	✓ 382	16	6112	178 26	4628	
	M. D. L. P.	✓ 1088	16	17408	202 26	5252	
	M. D. L. P.	✓ 1968	16	31488			
	M. D. L. P.	✓			360 26 ²	9540	
	M. D. L. P.	✓ 992	15 ²	15376			
	M. D. L. P.	✓ 334	25 ²	8517			
	M. D. L. P.	✓ 166	21	3446			
	M. D. L. P.	✓ 948	14	13272			
	J. Schechter	✓ 1368	14	19152			
	J. Schechter	✓ 926	14	12964			
	Sam Cohen	✓			4 ¹ / ₄ 25	106	
	M. D. L. P.	✓ 987	14 ²	14311	167 21 ²	3591	
Totals		26602		410219	6395 ¹ / ₂	137760	

RECAPITULATION

Fowl	26602	410219
Broilers	6395 ¹ / ₂	137760
Totals	32997 ¹ / ₂	547979

4828

Government's Exhibit 41

1610

4829

	Date	Fowl				Broilers				4	
		Average Sales Price	Average Sales Price Special	High Price for day	Low Price for day	Average Sales Price	Average Sales Price Special	High Price Day	Low Price Day	1 Average Sales Price to Special of F. & B.	2 Average Cost of Both F. & B.
May	16	1690	15	20	15	2532	23	29	23	1645	1614
	17	1714	1525	20	08	2122	1680	29	13 ²		
	18	1712	16	20	08	x 2181	2275	29	08		
	21	x 15—	15	15	15	x 2197	2197	23	20		
	22	1680		19	08	x 2220	2250	29	16		
	23	1514	1453	19	15	2716		30	25		
	24	1671	1425	19	08	2617	2424	30	15 ²		
	25	1776	1700	23	08	x 2340	2500	30	08		
	28	1890	1700	21	17	2620	2600	30	21		
	31	1757	1595	21	08	252	1450	30	08		
June	1	1551	1500	21	08	2147		30	08	1575	1633
	2	1502	1400	19	14	2806	2600	31	26		
	4	1627		19	14	2392	2233	30	18		
	5	1671	1567	19	04	x 396	2453	31	24		
	6	1645	1600	20	16	2770		31	24		
	7	1738	1550	20	10	x 2504	2650	30	10		
	8	x 1498	1742	20	14	2441		31	08		
	9	1444	1400	18	14	2717	2500	31	25		
	11		1450			2150					

- (1) Average selling price of Fowl & Broilers combined. All sales made to special customers (computed by the week)
 (2) Average purchase price of Fowl & Broilers combined (computed by the week)
 (6) x Prices charged M. D. L. P. & J. S. equal or exceed average price charged to others
 Almost all prices made to M. D. L. P. & J. S. equal or exceed low price for the day

4830

**A. L. A. SCHECHTER CO. INC.
COMPARATIVE AVERAGE PRICES OF TOTAL SALES & SALES TO SPECIAL CUSTOMERS
SPECIAL CUSTOMERS ARE M. D. L. P. & JOE SCHECHTER**

1611

4831

Defendants' Exhibit A

Picture of live poultry freight car. Submitted without printing.

Defendants' Exhibit B

Inspection receipt. Submitted without printing.

Defendants' Exhibit C

4832

June 19, 1934

Mr. Leroy Peterson
Code Supervisor
Live Poultry Industry of the
Metropolitan Area
641 Washington Street
New York City

Dear Sir:

Confirming conference had yesterday with you and your counsel and other assistants, and pursuant to suggestion of the attorney for the Code Authority of your industry, I hereby state that my clients are willing to file the reports so that you may ascertain the assessment due and they will pay the same on condition, however, that the filing of any reports and the payment of any of the assessments, shall be without prejudice to any defense that my client, the Schechter firms, may set up as against any prosecution to be instituted by the Government or any of its agents, against them.

4833

The reason for such an agreement is that I have been given to understand that the entire

4834

Defendants' Exhibit D

matter has been referred to Washington, for the purpose of prosecution for any alleged violations of the Code by the Schechter firms.

If this is agreeable, as I understand that it is, you will be good enough to deliver to bearer a letter stating that the reports filed and the assessments paid, are without prejudice as to any of the rights or legal defenses that the persons or firms filing such reports may have as against any prosecution in any Court.

4835

You will also please deliver to bearer the necessary forms sufficient in number for the three firms to file.

Very truly yours,

JH:ET

Defendants' Exhibit D

4836

CODE AUTHORITY
for the
LIVE POULTRY INDUSTRY OF THE
METROPOLITAN AREA
Federal Building
641 Washington Street
New York City

CAnal 6-2100
June 8, 1934.

Samuel Schechter
991 Rockaway Ave.
Brooklyn, N. Y.

Dear Sir;

Our records indicate that we have not received your weekly report and assessment for the period ending: May 5, 12, 19, 26, and June 2, 1934.

Defendants' Exhibit E

4837

This is in violation of the Code and you are directed to have these reports, together with your remittance in this office on or before Tuesday June 12, 1934.

Your failure to comply with this request will warrant me taking such action as may be necessary under the Code.

Yours very truly,

LEROY PETERSON

LEROY PETERSON

Code Supervisor.

4838

Defendants' Exhibit E

Slaughterhouses near the A. L. A. Schechter
Poultry Corp. 858 E. 52nd St. Brooklyn.

David Hirschon—301 Powell Street
Logan St. Brooklyn L. P. Mkt Inc. 873 Liberty
Ave.

Williams L. P. Co Inc. (Mintz)—274 Belmont
Ave.

4839

Harry Rubin 44 Berriman St.

Harnett & Sons, Inc. 427 Hegeman Ave.

Lena Kaslaw 276-273 Junius St.

Franzel Bros. Inc. 457 Thatford Ave.

Jennie Block 778 Stone Ave.

Morris Gordon 407 Hegeman Ave.

Prospect Poultry Co. Inc. 1737 Prospect Place
A. L. A. Schechter P. Corp. 858 East 52nd St.

Defendants' Exhibit F

Assessment slip. Submitted without printing.

1614

4840

Defendants' Exhibit G

A sheet book. Submitted without printing.

Defendants' Exhibit H

A salesbook. Submitted without printing.

4841

Defendants' Exhibit I

Two charge books. Submitted without printing.

4842

1615

Defendants' Exhibit J

4843

ACCOMMODATION SALE FOR JOSEPH SCHECHTER FROM A. L. A. SCHECHTER L. P. CORP.

	Fowl	P.R.	Amt.	Br.	P.R.	Amt.					
May	21			167	23	38 41	Goldstein	167	23	38 41	
	23	909	14 ²	131 81			Feinstein	4162	14 ²	603 49	
	24			511	24	122 64	Chelsea	511	24	122 64	
	25			160	25	40 —	Goldstein	1294	25	323 50	
	31	128	13 ²	17 28			Resard & Roli	6866	16	1098 56	
June	—	1866	16	298 56	31 ²	26	8 19	Frankel	357	26	92 82
	4				259	24	62 16	Chelsea	259	24	62 16
					380	21	79 80	Bklyn Chelsea	380	21	79 80
	5	382	16	61 12	202	26	52 52		202	26	52 52
	8	1368		191 52				Bklyn Chelsea	382	16	61 12
	8	926	14	129 64				Chelsea Total	3053	14	427 42
		5579			1710				435 89		
		1710									
		7289									

4845

4844

4848

4847

4846

ACCOMMODATION SALE FOR MOGEN DAVID L. P. CORP. FROM A. L. A. SCHECHTER L. P. CORP.

		Fowl	P.R.	Amt.	Br.	P.R.	Amt,	Dx.	P.R.	Amt.	Commission	Merch.	A. L. A. Purchases	
April	26				168	24	40 32				Goldstein Comm.	2437	24	581 46
	28	686	17	116 62	202	23	46 46				Acme Comm.	2663	17	452 71
	30				179	22	39 38				P. Feinstien	1163	23	267 49
May	1				347	21 ²	74 61				D. Danziger Comm.	889	22	195 58
	3	842	17	143 14							Krauker Comm.	2224	21 ²	478 16
	—	1135	17	192 95							J. Kastien Comm.	1507	17	256 19
	—	879	16 ²	145 04							P. Feinstien Comm.	15828	17	2690 76
	—										Brooklyn Comm.	7609	16 ²	1260 43
	4							181 ²	14	25 34	Louis Basco	661	14	92 64
	5	871	16	139 36	106	20	21 20	95 ²	—	13 37	Louis Basco	661	14	92 64
					169	21 $\frac{1}{4}$	36 76	83 ²	—	11 62	Louis Basco	661	14	92 64
	7	415	15 ²	64 33	164	23	37 72				P. Feinstien Comm.	3264	16	522 24
	8	409	15	61 35							Goldstein Comm.	1053	21 $\frac{3}{4}$	229 03
	10	784	14	109 76							Berkshire L. P.	2055	15 ²	318 52
	12	1047	16	167 52	164	22	36 08				M. Garlick & Sons	1459	23	335 57
	14	858	15 ²	132 99	167	21 ²	35 91	368	17	62 56	J. Kastien Comm.	5273	15	790 95
	16	444	16	71 04							Garlick Comm.	784	14	109 76
	17	1024	15	153 60	323	23	74 29				P. Feinstien Comm.	1047	16	167 52
	—	984	15	147 60	1071	15	160 65				Chealse Comm.	657	22	144 54
											S. Frankel Comm.	4592	15 ²	727 37
											Garlick Comm.	1505	17	255 85
											Brooklyn Comm.	2575	16	412 00
											P. Feinstien Comm.	5487	15	823 05
											Chealse Comm.	650	23	149 50
											J. Kastien Comm.	5273	15	790 95
											Garlick Comm.	2007	15	301 05
											P. Feinstein Comm.	3212	15 ²	497 86

Defendants' Exhibit J

1616

191

Defendants' Exhibit J

4849

4850

4851

4852

Defendants' Exhibit K**JOINT INSPECTION SERVICE ON
LIVE AND DRESSED POULTRY**

New York City, 6-2-34

Schechter Bros., Applicant
 991 Rockaway Ave.,
 Brooklyn, N. Y., Address

For inspection of live or —— poultry.

4853

FEE

Express Poultry from 5-28-34 to		
6-2-34 incl.		
5-28-34	65 baskets—Wallabout Mkt	4.00
5-30-34	105 baskets—Wallabout Mkt 3 times regular charge	9.00
5-30-34	86 baskets—Wallabout Mkt 3 times regular charge	9.00
5-30-34	90 baskets—Wallabout Mkt 3 times regular charge	9.00
<hr/>		<hr/>
346		\$31.00

4854

This fee is payable *at once* by money order,
 check or draft to

JOINT INSPECTION SERVICE ON LIVE POULTRY
 Care of Manufacturers' Trust Co.
 14th Street and 8th Avenue, New York City

1619

4855

Defendants' Exhibit L

30

MANUFACTURERS TRUST COMPANY

1-30

1528 Pitkin Avenue

Brooklyn, N.Y. June 21 1934

Pay to the Order of Jack Damsky \$20.65/100
Twenty 65/xx Dollars.

No.

4856

MOGEN DAVID LIVE POULTRY MKT. INC.

D SCHECHTER Prs

[BACK OF CHECK]

Jack Damsky

Schechters L P Mkt

Received Payment
Endorsements Guaranteed

Jun 22 1934

Manufacturers Trust Company
1574 Pitkin Ave., Brooklyn, N. Y.

4857

[PERFORATED]

Paid

6 22 34

4858

Petition of Appeal

DISTRICT COURT OF THE
UNITED STATES

FOR THE
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
against

4859

JOSEPH SCHECHTER, MARTIN SCHECHTER,
ALEX SCHECHTER, AARON SCHECHTER,
A. L. A. SCHECHTER POULTRY CORPORATION,
and SCHECHTER LIVE POULTRY MARKET,
INC.,

Defendants.

NAMES AND ADDRESSES OF APPELLANTS:

Joseph Schechter, 257 Brighton Beach Ave.,
Brooklyn, N. Y.

4860

Martin Schechter, 412 Ralph Avenue, Brooklyn, N. Y.

Alex Schechter, 412 Ralph Avenue, Brooklyn, N. Y.

Aaron Schechter, 412 Ralph Avenue, Brooklyn, N. Y.

A. L. A. Schechter Poultry Corporation, 858
East 52nd Street, Brooklyn, N. Y.

Schechter Live Poultry Market, Inc., 991
Rockaway Avenue, Brooklyn, N. Y.

NAME AND ADDRESS OF APPELLANTS' ATTORNEY:

Joseph Heller, 51 Chambers Street New York
City.

1621

Petition of Appeal

4861

OFFENSES:

Conspiracy to violate the National Industrial Recovery Act and the Code of Fair Competition for the Live Poultry Industry of the Metropolitan Area of New York.

Violation of the practices contained in the Code of Fair Competition for the Live Poultry Industry for the Metropolitan Area.

Date of Judgment: November 9th, 1934.

Guilty on Counts 1, 2, 4, 5, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 38, 39, 46, 55 and 60.

4862

SENTENCE:

Joseph Schechter—Three months and One Thousand (\$1,000.00) Dollars fine on Counts 1. Three Hundred (\$300.00) Dollars, totals fine on Counts 27, 28 and 39.

Martin Schechter—One Month and \$500.00 fine on Count 1. Sixteen Hundred (\$1600.00) Dollars total fine for Counts 2, 4, 5, 24, 25, 26, 29, 30, 31, 32, 33, 38, 39, 46, 55 and 60.

Alex Schechter—Two months and Five Hundred (\$500.00) Dollars fine on Count 1. One Thousand (\$1000.00) Dollars total fines for Counts 4, 5, 25, 31, 32, 33, 39, 46, 55 and 60.

4863

Aaron Schechter—One month and Five Hundred (\$500.00) Dollars fine on Count 1, and a total of Fifteen Hundred Dollars (\$1500.00) fine for Counts 2, 4, 5, 24, 25, 26, 29, 30, 31, 32, 33, 39, 46, 55 and 60.

A. L. A. Schechter Poultry Corporation—\$25.00 fine on each of the following Counts: 1, 2, 4, 5, 24, 25, 26, 29, 30, 31, 32, 33, 38, 39, 46, 55 and 60, making a total of \$425.

4864

Petition of Appeal

Schechter Live Poultry Market, Inc.—\$25 fine on each of the following counts: 1, 27, 28 and 39, making a total of \$100. Defendants out on bail.

WE, THE ABOVE-NAMED APPELLANTS, hereby appeal to the United States Circuit Court of Appeals, for the Second Circuit, from the judgment above-mentioned on the grounds set forth below.

GROUNDS FOR APPEAL:

4865

1. The law under which the indictment was found is unconstitutional on the grounds specified in the demurrer which was overruled.

2. The facts set forth in the indictment fail to set forth a crime against the peace and dignity of the United States and in each and every Count under which the defendants were convicted, and fails to set forth a crime against the peace and dignity of the United States.

4866

3. The Court failed to dismiss the indictment on the ground that there was not sufficient evidence and/or substantial competent evidence in the record to justify the submission of the issues to the Jury.

4. On the ground that the Government failed to establish conspiracy.

5. On the ground that the fines are excessive.

6. On the ground that the verdict is contrary to the evidence, contrary to law, against the weight of evidence.

7. On the ground that the motion for a Bill of Particulars was denied to the defendants before trial.

Petition of Appeal

4867

8. On the ground that there is no proof establishing that an offense existed against the United States of America.

9. On the ground that the defendants' guilt was not established beyond a reasonable doubt.

10. On the ground that there was no intent to commit any crime against the United States.

11. On the ground that the defendants' conduct did not affect inter-state commerce.

12. On the ground that the Court inadequately charged the Jury as to what is meant by the words "affecting inter-state commerce."

13. On the ground that the Jury did not adequately understand the issues involved in the case.

14. On the ground that the defendants never intended to unlawfully, feloniously and wilfully do the acts complained of in the indictment.

15. On the ground that some of the New York City ordinances were not pleaded in the indictment.

16. And on all of the exceptions taken during the trial.

4868

4869

JOSEPH SCHECHTER,
 MARTIN SCHECHTER,
 ALEX SCHECHTER,
 AARON SCHECHTER,
 A. L. A. SCHECHTER
 POULTRY CORPORATION,
 SCHECHTER LIVE POULTRY
 MARKET, INC.

Dated: November 9th, 1934.

4870

Assignments of Error

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK

4871

UNITED STATES OF AMERICA,
against
 JOSEPH SCHECHTER, MARTIN SCHECHTER,
 ALEX SCHECHTER, AARON SCHECHTER,
 A. L. A. SCHECHTER POULTRY CORPORATION,
 and SCHECHTER LIVE POULTRY MARKET,
 INC.,
Defendants.

4872

AND NOW COMES the defendants, Joseph Schechter, Martin Schechter, Alex Schechter, Aaron Schechter, A. L. A. Schechter Poultry Corporation and Schechter Live Poultry Market, Inc., by their attorney, Joseph Heller, and make and file the following assignments of error, respectfully showing that the District Court erred in each of the following respects:

ASSIGNMENT OF ERROR No. 1

The Court erred in overruling the demurrer as to Counts 1-5 inclusive, 24-39 inclusive, 41-60 inclusive, on the grounds stated in the demurrer (Record, pp. 126 and 129).

ASSIGNMENT OF ERROR No. 2

The Court erred in denying the defendants' motion for a Bill of Particulars as to the demands enumerated in the notice of motion for a Bill of Particulars (Record, p. 165).

1625

Assignments of Error

4873

ASSIGNMENT OF ERROR No. 3

The Court erred in refusing to direct a verdict of acquittal and for a direction of a verdict of not guilty in favor of the defendants, the defendants having moved for such a direction on the part of the Court at the close of the Government's case, on all the grounds stated upon the making of the said motion, as well as the grounds set forth in the demurrer, to which ruling of the Court, an exception was duly noted (S. M. pp. 1067, 1068, 1069 and 1070).

4874

ASSIGNMENT OF ERROR No. 4

The Court erred in refusing to direct a verdict of acquittal and for a direction of a verdict of not guilty in favor of the defendants, the defendants having moved for such a direction on the part of the Court at the close of the entire case, on all the grounds stated upon the making of the said motion, to which ruling of the Court, an exception was duly noted (S. M. pp. 1549, 1550 and 1551).

4875

ASSIGNMENT OF ERROR No. 5

The Court erred in denying the motion of the defendants to set aside the verdict to which ruling of the Court, an exception was duly taken (S. M. pp. 1639, 1640, 1641).

ASSIGNMENT OF ERROR No. 6

The Court erred in overruling the defendants' motion in arrest of the judgment, to which ruling, an exception was duly taken (S. M. pp. 1639-40).

4876

Assignments of Error

ASSIGNMENT OF ERROR No. 7

The Court erred in entering the judgment against the defendants upon the verdict in this case.

ASSIGNMENT OF ERROR No. 8

The judgment of the Court in sentencing the defendants under all counts of the indictment was contrary to the law (S. M. pp. 1642-1643).

4877

ASSIGNMENT OF ERROR No. 9

The Court erred in reading the indictment to the Jury (S. M. pp. 1554-1623, inclusive).

4878

ASSIGNMENT OF ERROR No. 10

The Court erred in denying the motion of the defendants to dismiss the entire indictment and each and every separate Count thereof on the ground that there was not sufficient evidence to warrant the Jury in finding the defendants guilty of the crime charged in the indictment or any Court therein contained, beyond a reasonable doubt, said motions having been made at the conclusion of the Government's case and at the conclusion of the entire case and in arrest of the judgment to which rulings of the Court an exception was duly noted (S. M. pp. 1067, 1068, 1069, 1070, 1549, 1550, 1551 and 1639).

ASSIGNMENT OF ERROR No. 11

The Court erred in refusing to charge as requested by the defendants' counsel as follows:

"May it please your Honor, I except to so much of your charge as does not adequately explain to the Jury what is

meant by affecting interstate commerce. I ask Your Honor to charge that the indictment as you read it states that the defendants' conduct in each particular count alleged, tended to and did diminish the total volume or value of the commerce that comes into the State, that their particular conduct disrupted the orderly flow thereof and diminished and demoralized the character thereof, and unless the Jury finds that their conduct did such a thing, their acts did not affect interstate commerce."

4880

"The Court: I have already charged them. I read it at very great length, the whole indictment. I told them that the charge in the indictment is what the Government is required to prove and asked the Jury to determine whether the Government has proved its case. I am not going to charge separate parts. I made that charge plain and distinct, and I think the Jury understood it. I read the whole of the first count too.

4881

Mr. Heller: Exception" (S. M. pp. 1623-1624).

ASSIGNMENT OF ERROR No. 12

The Court erred in refusing to charge as requested by the defendants' counsel as follows:

"I ask your Honor to charge that what I just said applied to each particular count separately; they must be considered separate and apart.

The Court: Let me see it. I cannot charge them at very great length. Each count,

4882

Assignments of Error

of course, depends upon the acts affecting interstate commerce. I find no necessity for further charging the Jury.

Mr. Heller: "Exception" (S. M. p. 1624).

ASSIGNMENT OF ERROR No. 13

The Court erred in refusing to charge as requested by the defendants' counsel as follows:

4883

"I also ask your Honor to charge the Jury that the Jury must find that on or about May 16th, a conspiracy was entered into between these defendants—

The Court: I thought there was a more inclusive provision, that between certain dates.

Mr. Heller: Just May 16th, on or about.

The Court: Well, they did not have to do it on that day. On or about May 16th, is the beginning of the conspiracy, as I remember it. What is your clause?

4884

Mr. Heller: Page 7.

The Court: Let me see it. I cannot carry this all in head.

Mr. Heller: Page 7.

The Court: On or about May 16th, 1934, and continuously thereafter—the conspiracy is alleged to have been formed May 16th—up to and including the date of the filing of the indictment. So that would mean that the conspiracy would have had to be formed before the commission of the overt acts. I instructed the Jury on that at great length. I am afraid we confused it—" (S. M. pp. 1624-1626).

1629

Assignments of Error

4885

ASSIGNMENT OF ERROR No. 14

a.

The Court erred in his charge to the Jury in the use of language which could not be understood by twelve ordinary citizens from the ordinary walk of life.

b.

The Court erred in using legalistic language instead of language understandable by laymen in his charge to the Jury.

4886

c.

The Jury could not comprehend the issues of the case in that to do so it was necessary for the Judge to adequately define the words "commerce, interstate commerce, intra-state commerce, affecting interstate commerce, overt acts, vitalizing the conspiracy."

ASSIGNMENT OF ERROR No. 15

The Court erred in failing to inform the Jury with which particular count each of the defendants were charged (S. M. pp. 1554-1623).

4887

ASSIGNMENT OF ERROR No. 16

The Court erred in accepting a verdict which was not a true and unanimous verdict of the Jury (S. M. pp. 1631-1639).

ASSIGNMENT OF ERROR No. 17

The Court erred in refusing to permit proper inquiry by defendants' counsel in polling the Jury (S. M. p. 1638).

ASSIGNMENT OF ERROR No. 18

The Court erred in coercing the Jurors to .

4888

Assignments of Error

here to the verdict as announced by the foreman as follows:

"The Clerk: James Roxby.

Mr. Roxby: As given, with one proviso, that on that count 1, the principal count, we found him guilty on one section of that item.

The Court: No; you find him guilty on the count.

4889

Mr. Roxby: The last one, I think it is Section I, that has not been read, and I would like to put it in; otherwise the list as read is complete.

The Court: You said you agreed on a verdict. If you have not agreed, why, I want to know it. You said you agreed upon a verdict. The verdict on the first count was announced as guilty. Is it or is it not? Have you or have you not agreed?

The Foreman: We have agreed guilty on Count 1.

4890

Mr. Roxby: Well—

The Clerk: Mr. Roxby, how do agree as to the verdict on the first count, guilty or not guilty?

Mr. Roxby: Guilty under those conditions that I have stated.

The Court: Now, guilty or not guilty? You came in and said you had agreed upon a verdict. Have you agreed or haven't you?

Mr. Roxby: We have agreed.

The Court: Then what do you find, guilty or not guilty, on that count?

Mr. Roxby: Guilty; otherwise as read.

The Court: Is that your verdict?
Your verdict is guilty on the first count?

Mr. Roxby: That is my verdict.

Mr. Baumgarten: If he is guilty on this charge (i), does that consider the entire—

The Court: The count is presented. You said you agreed on a verdict. Now, if you have not agreed on it, and if you have agreed on the others, we will send you back on that.

Mr. Heller: I think the Jury did not understand Count 1. They may require further instructions.

The Court: They did not ask for it and you are not in position to ask for it.

Have you agreed on that or have you not?

Mr. Roxby: Yes, sir.

The Clerk: Samuel Blank.

Mr. Blank: As given.

The Clerk: Joseph Sommers.

Mr. Sommers: As given.

The Clerk: Noel Andrews.

Mr. Andrews: As given.

The Court: Now there is no doubt about it, you have agreed on a verdict of guilty on the first count, that is right, is it?

(Several jurors answered 'yes.')

The Court: No doubt about that? That is the verdict?

The Foreman: That is the verdict.

The Court: You gentlemen in the back, that is your verdict, guilty, that is, the seventh and the ninth? That is correct, is it?

4894

Assignments of Error

Mr. Roxby: Correct.

Mr. Baumgarten: Yes, sir.

The Court: Then there is no question" (S. M. pp. 1637, 1638 and 1639).

ASSIGNMENT OF ERROR No. 19

The Court erred in charging the Jury as follows:

4895

"You understand here that there has been much which has been enumerated, as the Government has charged. The Government has called witnesses, you have heard those witnesses testify, and those witnesses testified that the things here enumerated affected interstate commerce; that class of acts had its effect and did affect interstate commerce. Some of those men were economists. One of them in particular claimed to be an experienced man in addition to his qualifications as an economist. They testified at length" (S. M. p. 1583).

4896

ASSIGNMENT OF ERROR No. 20

The Court erred in charging the Jury as follows:

"Of course, it is not the size of the act that is controlling, because the offense may be large or the offense may be small. The question is whether the acts affect interstate commerce in a large way or a small way" (S. M. p. 1584).

ASSIGNMENT OF ERROR No. 21

The Court erred in charging the Jury as follows:

Assignments of Error

4897

“That thing is knowingly done when you know the nature and the consequence of the act which you are performing; that thing is unlawful which the law says you shall not do; that thing is felonious which is in disobedience of the law in a substantial way, tending to felonious action” (S. M. p. 1585).

ASSIGNMENT OF ERROR No. 22

The Court erred in charging the Jury as follows: 4898

“The provisions in question referred to the alleged sales of poultry unfit for human consumption, violation of provisions for straight killing, anti-rackeeting, filing of false reports, failure to file reports, payment of less than minimum wages allowed to employees, causing or permitting employees to work excessive hours, as well as persons not having permits to operate slaughterhouses. Do the provisions of the Code, or any of them alleged in the substantive counts to have been violated by any of the defendants, affect interstate commerce? You have heard the evidence. The Government has brought its witnesses here. They have told you that such acts do affect interstate commerce. There is no need of going over all the evidence. You have heard it” (S. M. p. 1609).

4899

ASSIGNMENT OF ERROR No. 23

The Court erred in charging the Jury as follows:

4900

Assignments of Error

"It is not material whether the poultry was or was not at the time alleged in any of the several counts actually moving in interstate commerce" (S. M. p. 1611).

ASSIGNMENT OF ERROR No. 24

The Court erred in charging the Jury as follows:

4901

"Good character sometimes, in some classes of cases, is sufficient to raise reasonable doubt, but good character must not be considered alone and to the exclusion of all other evidence" (S. M. p. 1621).

ASSIGNMENT OF ERROR No. 25

The Court erred in receiving the Government's Exhibit 7, in evidence, over the objection that the materiality of it has not been shown (S. M. p. 50).

4902

ASSIGNMENT OF ERROR No. 26

The Court erred in receiving Government's Exhibits 8, 9 and 10, in evidence, over the objection of defendants' counsel that the materiality of the same has not been shown (S. M. p. 51).

ASSIGNMENT OF ERROR No. 27

The Court erred in receiving Government's Exhibit 12 in evidence, over the objection of the defendants' counsel that the materiality of it has not been shown (S. M. p. 54).

Assignments of Error

4903

ASSIGNMENT OF ERROR No. 28

The Court erred in receiving Government's Exhibit 13, in evidence, over the objection of defendants' counsel that the materiality of it has not been shown (S. M. p. 55).

ASSIGNMENT OF ERROR No. 29

The Court erred in receiving Government's Exhibit 15, in evidence, over the objection of defendants' counsel on the ground that it was not material, not within the issues, and not subject of any of the counts of the indictment (S. M. p. 65).

4904

ASSIGNMENT OF ERROR No. 30

The Court erred in permitting witness Ives to testify about rules and regulations of the Secretary of Agriculture over the objection and exception of defendants' counsel (S. M. pp. 66, 67 and 68).

ASSIGNMENT OF ERROR No. 31

4905

The Court committed error in receiving Government's Exhibit 16 in evidence, over the objection of defendants' counsel on the ground that the rules, regulations and instructions were not pleaded in the indictment (S. M. p. 69).

ASSIGNMENT OF ERROR No. 32

The Court erred in permitting a copy of each section of the Sanitary Code of the Health Department in evidence, over the objection and exception of counsel on the ground that the same has not been pleaded in the indictment (S. M. pp. 70, 72).

4906

Assignments of Error

ASSIGNMENT OF ERROR No. 33

The Court erred in permitting Government's witness Ives to testify as to the communicability of disease over the objections and exceptions of counsel for the defendants, as the same tended to prejudice the minds of the Jurors (S. M. p. 79).

ASSIGNMENT OF ERROR No. 34

4907

The Court committed error in permitting Government Witness Tottis, to testify as to conditions in the live poultry industry prior to the year 1926, over the objection and exception of counsel for defendants (S. M. pp. 149-150).

ASSIGNMENT OF ERROR No. 35

The Court erred in permitting Witness Tottis, to testify as to the practice of giving weight allowance in lieu of culls over the objection and exception of defendants' counsel (S. M. p. 153).

ASSIGNMENT OF ERROR No. 36

4908

The Court committed error in permitting Witness Tottis to testify as to what the economic effect upon the poultry industry is as a result of the selling of culls in the New York Market, over the objection of counsel for the defendants (S. M. p. 1556).

ASSIGNMENT OF ERROR No. 37

The Court committed error in permitting Witness Tottis to draw inferences not based upon facts as to the effect of the cost of the operation of a slaughterhouse upon the profit in the sale of chickens, over the objection and exception of defendants' counsel (S. M. p. 172).

Assignments of Error

4909

ASSIGNMENT OF ERROR No. 38

The Court erred in permitting Witness Tottis to testify that the practice of paying less wages affects the price structure in the live poultry industry in New York City (S. M. p. 174).

ASSIGNMENT OF ERROR No. 39

The Court erred in permitting Witness Tottis to testify as to the effect the practice of requiring employees to work forty-eight hours would have on the price structure, over the objection and overruling of defendants' counsel (S. M. p. 174).

4910

ASSIGNMENT OF ERROR No. 40

The Court erred in permitting Witness Tottis to testify as to the chaotic condition of the poultry industry over the objection of defendants' counsel (S. M. p. 264).

ASSIGNMENT OF ERROR No. 41

The Court erred in permitting Witness Tottis to give general opinions as to the effect of the Code of Fair Practice for Poultry Industry in the Metropolitan Area of the City of New York, and as to the economic conditions of the industry as they existed in 1926 to the day of trial, without said witness being properly qualified all of which tended to and did prejudice the Jury against the defendants herein (S. M. pp. 115-180 inclusive).

4911

ASSIGNMENT OF ERROR No. 42

The Court erred in permitting Witness Ter-mohlen to testify about an instance of an outbreak of diseases in the poultry business in the

4912

Assignments of Error

year 1925, over the objection and exception of the defendants' attorney, all of which tended to prejudice the Jury against the defendants herein (S. M. p. 301).

ASSIGNMENT OF ERROR No. 43

The Court erred in permitting the Government to offer into evidence, ordinances of the City of New York, which were not pleaded in the indictment over objection and exception of defendants' counsel (S. M. pp. 306, 307 and 308).

4913

ASSIGNMENT OF ERROR No. 44

The Court erred in permitting the Government to ask questions phrased as statements over the objections of counsel for the defendants (S. M. p. 310).

ASSIGNMENT OF ERROR No. 45

The Court erred in forcing the attorney for the defendants to ascertain the qualifications of Witness Termohlen as an economist (S. M. p. 312).

4914

ASSIGNMENT OF ERROR No. 46

The Court erred in permitting Witness Termohlen to testify as an Economist over the objection and exception of counsel for the defense (S. M. p. 319).

ASSIGNMENT OF ERROR No. 47

The Court erred in permitting Witness Termohlen to testify as to the conditions that existed from the year 1926 to the date of the indictment on the ground that he was not properly

Assignments of Error

4915

qualified, on the ground that his opinions were guesses and were not founded on facts and the testimony tended to and did prejudice the Jury against the defendants (S. M. pp. 319-322).

ASSIGNMENT OF ERROR No. 48

The Court erred in permitting Witness Ter-mohlen, over objection and exception of counsel for the defendants to testify as follows:

"Q. And what effect does that have upon the commission man's dealings with the interstate shipper? A. He tells the man in that country, 'You can get away with this kind of stuff; ship it in to me. You can take advantage of your competitor.'

Q. Is a substantial amount of unfit poultry shipped in interstate channels as a result of this cycle?" (S. M. pp. 324, 325 and 326).

4916

ASSIGNMENT OF ERROR No. 49

The Court committed error in accepting Exhibit 37, in evidence, over objection and exception of counsel for defendants (S. M. pp. 337-338).

4917

ASSIGNMENT OF ERROR No. 50

The Court committed error in permitting leading questions to be asked by Government Counsel throughout the entire trial.

ASSIGNMENT OF ERROR No. 51

The Court erred in refusing to accept in evidence Bulletin #7, Manual for Adjustment of Complaints (S. M. pp. 504-505).

4918

Assignments of Error

ASSIGNMENT OF ERROR No. 52

The Court committed error in permitting Witness Peterson to testify as to the volume of business done by the industry since the adoption of the Code (S. M. p. 518).

4919

ASSIGNMENT OF ERROR No. 53

The Court committed error in refusing to permit witnesses to testify as to the reasonableness of the Code requiring regulation straight killing (S. M. pp. 755-756, 1236, 1237, 1238 and 1256).

ASSIGNMENT OF ERROR No. 54

The Court committed error during the trial in permitting leading questions to be asked on the theory that the witness' memory had been exhausted, to the prejudice of the defendants.

4920

ASSIGNMENT OF ERROR No. 55

The Court committed error in permitting Witness Cohen to testify as to the practice of sales of unfit chickens generally, without showing dates, without showing the connection the sales had with the counts in the indictment, all of which testimony was given with the purpose of prejudicing the minds of the Jury against the defendants (S. M. pp. 828-834).

ASSIGNMENT OF ERROR No. 56

The Court committed error in permitting Witness Danziger to testify as to the practice of selling unfit chickens generally, without showing dates, without showing the connection the sales had with the counts in the indictment, all of which testimony was given with the purpose of

1641

Assignments of Error

4921

prejudicing the minds of the Jury against the defendants (S. M. pp. 909-913).

ASSIGNMENT OF ERROR No. 57

The Court committed error in permitting Witness Danziger to make general statements with reference to the sale of diseased chickens by the defendants, all of which tended to prejudice the Jury against the defendants (S. M. pp. 967-968).

ASSIGNMENT OF ERROR No. 58

4922

It was error on the part of the Court to permit Government's counsel to characterize testimony, all of which tended to prejudice the minds of the Jury against the defendants (S. M. pp. 968-969).

ASSIGNMENT OF ERROR No. 59

The Court committed error in permitting Witness Galloway to compare the size of the defendants' establishments with other establishments (S. M. pp. 1043-1044).

ASSIGNMENT OF ERROR No. 60

4923

Error was committed in that Government Counsel persisted in placing before the Jury collateral issues, all to the prejudice of the defendants (S. M. pp. 1243, 1244, 1245 and 1247, 1305-1036).

ASSIGNMENT OF ERROR No. 61

The Court committed error in refusing a mistrial on the ground that Government counsel persisted in creating a prejudicial atmosphere about the defendants and the industry they were engaged in (S. M. p. 1335).

4924

Assignments of Error

ASSIGNMENT OF ERROR No. 62

The Court committed error in refusing to permit Witness Schimmel to testify that he received goods, wares and merchandise as part of his pay (S. M. pp. 1379-1381).

ASSIGNMENT OF ERROR No. 63

4925

The Court committed error in striking out witness Schimmel's testimony that he was not required to work more than forty-eight hours a week (S. M. p. 1386).

ASSIGNMENT OF ERROR No. 64

The Court committed error in permitting witness Justice to draw conclusions from the books in evidence, and in accepting such conclusions as evidence (S. M. pp. 1513, 1514, 1516 and 1527).

4926

WHEREFORE, defendants, Joseph Schechter, Martin Schechter, Alex Schechter, Aaron Schechter, A. L. A. Schechter Poultry Corporation and Schechter Live Poultry Market, Inc., pray that the said judgment of the United States District Court, for the Eastern District of New York, may be reversed and held for nought.

Dated: New York, November 22, 1934.

JOSEPH HELLER,
Attorney for Defendants.

1642a

Stipulation Settling Bill of Exceptions

4924a

DISTRICT COURT OF THE UNITED
STATES

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
against

JOSEPH SCHECHTER, MARTIN SCHECHTER,
ALEX SCHECHTER, AARON SCHECHTER,
POULTRY CORPORATION, and SCHECHTER
LIVE POULTRY MARKET, INC.,
Defendants.

4925a

IT IS HEREBY STIPULATED AND CONSENTED AND AGREED by and between the attorneys for the respective parties hereto, that the foregoing is a true transcript of the record of the said District Court in the above-entitled matter as agreed on by the parties and contains all the evidence taken on the trial of this action. That the same has been prepared within the time allowed by law and the Court, and that it may be settled and ordered on file as the Bill of Exceptions herein.

4926a

Dated, New York, January 5, 1935.

LEO J. HICKEY,
Attorney for Plaintiff-Appellee.

JOSEPH HELLER,
Attorney for Defendants-Appellants.

1642b

4924b

Order Settling Bill of Exceptions

DISTRICT COURT OF THE UNITED
STATES

EASTERN DISTRICT OF NEW YORK

4925b

UNITED STATES OF AMERICA,
against
JOSEPH SCHECHTER, MARTIN SCHECHTER,
ALEX SCHECHTER, AARON SCHECHTER,
POULTRY CORPORATION, and SCHECHTER
LIVE POULTRY MARKET, INC.,
Defendants.

Upon the stipulation of Joseph Heller and Leo J. Hickey, hereto annexed and dated January 5, 1935, it is

ORDERED, that the foregoing record be ordered on file as the Bill of Exceptions and Transcript of Record in the above-entitled matter.

4926b

Dated, New York, January 7, 1935.

MARCUS B. CAMPBELL,
United States District Judge,
Eastern District of New York.

**Stipulation and Order Waiving Printing of
Exhibits**

DISTRICT COURT OF THE
UNITED STATES
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

against

JOSEPH SCHECHTER, MARTIN SCHECHTER,
ALEX SCHECHTER, AARON SCHECHTER,
A. L. A. SCHECHTER POULTRY CORPORATION,
and SCHECHTER LIVE POULTRY MARKET,
INC.,

Defendants.

IT IS HEREBY STIPULATED AND CONSENTED by and between the United States Attorney for the Eastern District of New York, and the attorney for the defendants-appellants, that the printing of exhibits 1, 2, 3, 4, 5, 6, 15, 16, 17, 19, 20, 21, 26, 32, 33, 34, 35, 36, A, B, F, G, H, I, on the trial of the above-entitled cause not contained in this record be and the same hereby is waived and the said exhibits may be filed or presented by either side on the argument of the appeal herein with like force and effect as though physically reproduced in the record herein.

It is further stipulated that the summaries or statements contained in this record in reference to such exhibits shall be considered to be ade-

4930 quate descriptions of said exhibits in the absence of filing or presenting them to the appellate court.

Dated, New York, January , 1935.

LEO J. HICKEY,
United States Attorney for
the Eastern District of
New York.

4931 WALTER L. RICE,
Special Assistant to the
Attorney General.

JOSEPH HELLER,
Attorney for Defendants-
Appellants.

So ordered this day of January, 1935.

CAMPBELL,
U. S. D. J.

4932 J. of the C. C. A.

Stipulation as to Record

DISTRICT COURT OF THE
UNITED STATES

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

against

JOSEPH SCHECHTER, MARTIN SCHECHTER,
ALEX SCHECHTER, AARON SCHECHTER,
A. L. A. SCHECHTER POULTRY CORPORATION,
and SCHECHTER LIVE POULTRY MARKET,
INC.,

Defendants.

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties herein, that the foregoing (in three volumes) is a true and correct transcript of the record of proceedings of the said District Court in the above-entitled cause, as agreed upon by the parties.

Dated, January , 1935.

LEO J. HICKEY,
United States Attorney for
the Eastern District of
New York.

WALTER L. RICE,
Special Assistant to the
Attorney General.

JOSEPH HELLER,
Attorney for Defendants-
Appellants.

4936

Order as to Record

DISTRICT COURT OF THE
UNITED STATES

EASTERN DISTRICT OF NEW YORK

4937

UNITED STATES OF AMERICA,

against

JOSEPH SCHECHTER, MARTIN SCHECHTER,
ALEX SCHECHTER, AARON SCHECHTER,
A. L. A. SCHECHTER POULTRY CORPORATION,
and SCHECHTER LIVE POULTRY MARKET,
INC.,

Defendants.

4938

Upon the above stipulation, it is

ORDERED, that the foregoing printed record be filed for use by the Clerk of this Court in lieu of the original papers in certifying a record on appeal.

Dated, January , 1935.

MARCUS B. CAMPBELL,
U. S. D. J.

1647

4939

Clerk's Certificate

DISTRICT COURT OF THE
UNITED STATES

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

against

JOSEPH SCHECHTER, MARTIN SCHECHTER,
ALEX SCHECHTER, AARON SCHECHTER,
A. L. A. SCHECHTER POULTRY CORPORATION, and
SCHECHTER LIVE POULTRY MARKET,
INC.,

Defendants.

4940

I, PERCY G. B. GILKES, Clerk of the District Court of the United States of America, for the Eastern District of New York, do hereby Certify that the foregoing (in three volumes) is a correct transcript of the record of the said District Court in the above-entitled matter as agreed on by stipulation between the attorneys for the respective parties.

4941

IN TESTIMONY WHEREOF, I have caused the seal of the said Court to be hereunto affixed, at the City of New York, in the Eastern District of New York, this day of January, in the year of our Lord one thousand nine hundred and thirty-five, and of the independence of the said United States the one hundred and sixtieth.

PERCY G. B. GILKES.

(SEAL)

BAR PRESS, INC., 47 WEST STREET, NEW YORK. BO. 9-0157-8
[4777]

[fol. 1648] UNITED STATES CIRCUIT COURT OF APPEALS FOR
THE SECOND CIRCUIT

UNITED STATES OF AMERICA, Plaintiff-Respondent,
against

A. L. A. SCHECHTER POULTRY CORPORATION, SCHECHTER LIVE
POULTRY MARKET, Joseph Schechter, Martin Schechter,
Alex Schechter, and Aaron Schechter, Defendants-Ap-
pellants

Appeal from the United States District Court for the
Eastern District of New York

Before Manton, L. Hand and Chase, Circuit Judges

The defendants were convicted of conspiracy to commit offense against the United States (18 U. S. C. § 88) ; and for violations of the National Industrial Recovery Act (48 Stat. 195) ; and the Code of Fair Competition for the Live Poultry Industry. Defendants appeal; affirmed in part and reversed in part.

Joseph Heller, Esq., Attorney for Appellants. Joseph Heller, Esq., Jacob E. Heller, Esq., of Counsel. Walter L. Rice, Esq., Special Asst. to the Atty. Genl.; Harold M. Stephens, Esq., Asst. Attorney General; Carl McFarland, Esq., Sp. Asst. to the Atty. Genl.; Henry W. Edgerton, Esq., Spec. Asst. to the Atty. Genl.; J. William Fulbright, Esq., Special Attorney; H. Stewart McDonald, Jr., Esq., Special Attorney, U. S. Dept. of Agriculture. Ray- [fol. 1649] mond J. Heilman, Esq., Assistant Counsel, Natl. Recovery Administration.

MANTON, Circuit Judge:

The appellants were convicted on 19 Counts of an indictment charging crimes in 60 counts. They were convicted of, (Count 1) conspiracy to commit offenses against the United States by violating the National Industrial Recovery Act and provisions of the Code of Fair Competition for the Live Poultry Industry of Metropolitan New York; (Count 2) violation of Art. VII, § 2 of the Code, prohibiting purchase or sale of poultry unfit for human consumption;

(Counts 4 and 5) violation of Art. VII, § 22, prohibiting the sale of poultry not inspected and approved in accordance with the ordinances and regulations of New York City; (Counts 24 to 33, incl.) violations of Art. VII, § 14, prohibiting the use of any method of slaughtering other than straight killing; (Counts 38 and 39) violations of Art. VIII, § 3, and Art. VI, §§ 1 and 2, requiring weekly reports on daily range of prices and volume of sales; (Count 46) violation of Art. IV, §§ 1 and 2, requiring a minimum wage of 50¢ per hour to be paid in lawful currency; (Count 55) violation of Art. III, § 1, providing a maximum of 48 hours per week for slaughterhouse employees; and (Count 60) violation of Art. VII, § 15, prohibiting the sale of live poultry to any person not licensed as required by the New York City ordinances and New York City Board of Health rules and regulations.

Appellants are wholesale market-men engaged in the poultry business in the Borough of Brooklyn, New York [fol. 1650] City. Their purchases were ordinarily made in the market in New York City, but sometimes in Philadelphia, Pa. The poultry bought by them is taken directly to their slaughterhouse markets and sold to retail dealers within 24 hours. The shares of stock of the corporations named in the indictment were owned, and the corporations controlled by the individual appellants.

The evidence at the trial established to the satisfaction of the jury that the poultry industry in the New York City area was beset with evil trade practices. The New York City market is the largest in the country and dominates the industry. In 1930, sales of 224 million pounds of poultry were made in New York City; in 1933, 190 million pounds were sold. This large volume, with the consequent market domination, places New York City in the position of being the medium by which prices for poultry throughout the country are measured. The markets in other large cities, as Chicago and St. Louis, maintain their prices in accordance with those current in New York, the difference being determined by the cost of freight and handling, and as to whether the poultry is coming from the west to the east, or the south to the north, the direction of flow depending upon the season. The farmer's price reflects the price current in the New York market, so that the demoralization of price structure in New York produces a similar

tion, not only in other markets throughout the country, but also in all poultry farming areas. It reduces the price received by the interstate shipper and by the farmer. To [fol. 1651] the farmer, poultry is a cash, as distinct from a seasonal, crop. He sells day by day for cash, and this provides the means for purchasing current supplies, so that a cheap market for poultry entails a falling off in the daily purchases of the farmer. From 1927 to 1933, there was a decrease in the wholesale value of poultry sold of approximately 53%, or thirty million dollars. The price per pound was reduced from approximately 30¢ in 1929 to 14¢ in 1933.

The practices of selling below cost, selective killing, bringing in uninspected poultry from outside the State, selling poultry unfit for human consumption, making possible a ready market for diseased and inferior poultry, were assigned as evils resulting in loss in the volume of business. New York presented a market for diseased poultry, and the evidence shows that diseased poultry was shipped almost exclusively to New York. Live poultry is a perishable commodity, and the presence of a few diseased chickens in a car frequently infects the whole car-load. Such poultry, when sold, is necessarily disposed of through misrepresentations as to its condition, and causes distrust and a reluctance to purchase on the part of consumers. The presence of diseased poultry in the market caused a demand because of its cheap price. It narrowed the price range because good poultry, which could otherwise sell at a high price, had to meet the competition of the diseased poultry and drop in price. The avoidance of poultry inspection was a relatively simple matter in New York, and this was a material circumstance in conditioning the shipment of unfit poultry to that market. Poultry cer-[fol. 1652] tain to be condemned in other markets because of its diseased condition, was shipped to New York. Lack of inspection requirements also induced fraudulent practices in the course of interstate shipment—such as overfeeding the poultry to increase its weight. The practice of selective killing, rather than straight killing, resulted in price cutting, and a lowering of prices received by the farmers and the interstate shippers. The control of prices by which poultry can be sold to the consumer is determined not only by the cost of the poultry but also by the wages paid to the employees in the poultry slaughterhouses.

The appellee argues that the payment of lower wages permits the employer to sell at a lower price than if he paid higher wages. Competition is thus affected. Lower wages resulted in price cutting which in turn affects interstate commerce. It was also established that sales by wholesale market-men to unlicensed operators, not subject to Health Department supervision, were a further cause of the industry's unfair practices. Such operators, being irresponsible and not disposed to make the necessary expenditures for the maintenance of sanitary places of business, sold at cut prices and initiated the sales of unfit poultry. There was evidence that these conditions brought about an industrial demoralization which, with all its adverse national consequences, needed correction and betterment. It is argued that no improvement was possible unless all the evil practices in the industry were controlled, and it was to accomplish this result that the Live Poultry Code for the Metropolitan area was adopted and approved. [fol. 1653] Congress had the power, under the Commerce Clause (Art. I, § 8[3]), to regulate transactions in interstate commerce, and its power also extends to all transactions which substantially burden or affect such commerce. Local 167 of the Teamsters Union v. United States, 291 U. S. 293; Thornton v. United States, 271 U. S. 414; United States v. Ferger, 250 U. S. 199; Minn. Rate Cases, 230 U. S. 352. And whenever an intrastate activity substantially and directly burdens or interferes with the free flow of interstate commerce, under the Commerce Clause, Congress had the power to remove the obstruction. Local 167 of the Teamsters Union v. United States, *supra*; Chicago Bd. of Trade v. Olsen, 261 U. S. 1. Interference "with the unloading, the transportation, the sales by market men to retailers, the prices charged, and the amount of profits exacted, operate substantially and directly to restrain and burden the untrammeled shipment and movement of the poultry while unquestionably it is in interstate commerce" (Local 167 Teamsters Union v. United States, *supra*). To the extent that the sale of unfit and uninspected poultry diverts healthy poultry from the New York market, and brings about the sale of inferior poultry, and demoralizes the price, this rule has application, for the burden is no less substantial and direct. Thornton v. United States, *supra*; Chicago Bd. of Trade v. Olsen, *supra*. In the Olsen case, the court said:

"The question of price dominates trade between the States. Sales of an article which affect the country-wide price of the article directly affect the country-wide commerce in it."

[fol. 1654] So the fraudulent shipment of inferior poultry in interstate commerce is sufficiently substantial and direct to warrant federal regulation. *United States v. Ferger*, *supra*. The power to legislate as to general trade practices merely affecting interstate commerce, though never so broadly exercised, was recognized in the earlier cases. *Gibbons v. Ogden*, 9 Wheat. 1; *United States v. Standard Oil Co.*, 221 U. S. 1; *United States v. Amer. Tobacco Co.*, 221 U. S. 106. Transactions or violations, which amount to more or less constant practice, and which threaten to obstruct or to unduly burden the freedom of interstate commerce, are within the regulatory powers of Congress under the Commerce Clause. *Stafford v. Wallace*, 258 U. S. 495; *Brooks v. United States*, 267 U. S. 432.

Congress stated in § 1 of the Recovery Act, that its purpose was to promote interstate commerce. The national economic emergency, hereinafter referred to, has made interstate commerce more sensitive than normally to unfair trade practices. Trade practices which in normal times would have had only an indirect and incidental effect upon interstate commerce, may substantially burden interstate commerce during a period of over production, unfair competition, and a reduced purchasing power. And, as pointed out, emergency does not create the power, but it may furnish the occasion for the exercise of the power conferred by the Constitution. *Home Bldg. & Loan Asso. v. Blaisdell*, 290 U. S. 398; *Wilson v. New*, 243 U. S. 332. The prohibition of the sale of unfit poultry in the state of destination when that state is the major market of the nation is an [fol. 1655] especially direct and appropriate means to protect interstate commerce from deception or spread of disease affecting it. *Colorado v. United States*, 271 U. S. 153; *R. R. Comm. of Wisc. v. Chicago, B. & Q. Ry. Co.*, 257 U. S. 563.

Appellants contend that the Act as a whole, and § 3 thereof particularly, is unconstitutional in that it is an invalid delegation of legislative power by Congress to the President.

The Constitution provides that:

“All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.” (Art. I, § 1.)

And further it provides that the Congress is empowered

“To make all laws which shall be necessary and proper for carrying into execution” all its general powers (Art. I, Sec. 8, (18)).

By the Recovery Act, Congress delegated to the President the power to approve various Codes of Fair Competition. The constitutional validity of this delegation of power is brought into question. Sec. 1, Title I of the Act contains a “Declaration of Policy”, reading:

“A national emergency productive of widespread unemployment and disorganization of industry, which burdens interstate and foreign commerce, affects the public welfare, and undermines the standards of living of the American people, is hereby declared to exist. It is hereby declared to be the policy of Congress to remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; and to provide for the general welfare by promoting the organization of industry for [fol. 1656] the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, and to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources.”

Section 3 (a) (b) provides for Codes of Fair Competition, and their approval by the President, their conditions, restrictions and exemptions, and for the approval of the

Codes to have the effect of establishing standards of fair competition, as found in the margin.*

[fol. 1657] We think this was a lawful exercise of a lawfully delegated power. In *Buttfield v. Stranahan* (192 U. S. 470) the court said:

"We may say of the legislation in this case, as was said of the legislation considered in *Field v. Clark*, that it does not, in any real sense, invest administrative officials with power of legislation. Congress legislated on the subject

* "(a) Upon the application to the President by one or more trade or industrial associations or groups, the President may approve a code or codes of fair competition for the trade or industry or subdivision thereof, represented by the applicant or applicants, if the President finds (1) that such associations or groups impose no inequitable restrictions on admission to membership therein and are truly representative of such trades or industries or subdivisions thereof, and (2) that such code or codes are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of this title: Provided, That such code or codes shall not permit monopolies or monopolistic practices: Provided further, That where such code or codes affect the services and welfare of persons engaged in other steps of the economic process, nothing in this section shall deprive such persons of the right to be heard prior to approval by the President of such code or codes. The President may, as a condition of his approval of any such code, impose such conditions (including requirements for the making of reports and the keeping of accounts) for the protection of consumers, competitors, employees, and others, and in furtherance of the public interest, and may provide such exceptions to and exemptions from the provisions of such code, as the President in his discretion deems necessary to effectuate the policy herein declared.

"(b) After the President shall have approved any such code, the provisions of such code shall be the standards of fair competition for such trade or industry or subdivision thereof. Any violation of such standards in any transaction in or affecting interstate or foreign commerce shall be deemed an unfair method of competition in commerce * * *."

as far as was reasonably practicable, and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the Statute. To deny the power of Congress to delegate such a duty would, in effect, amount but to declaring that the plenary power vested in Congress to regulate foreign commerce could not be efficaciously exerted."

[fol. 1658] It has been often stated that the legislative powers vested in Congress by the Constitution must be exercised by Congress alone, and cannot be delegated to any other branch of the government. This proposition has been reannounced in *Panama Refining Co. v. Ryan* (U. S. Supreme Court, Jan. 7, 1935). It was there said:

"The Congress manifestly is not permitted to abdicate, or to transfer to others, the essential legislative functions with which it is thus vested."

The Court held that § 9(c) of the National Industrial Recovery Act which authorized the President to prohibit the transportation in interstate and foreign commerce of petroleum and the products thereof produced or withdrawn in excess of state quotas, constituted an unconstitutional delegation of legislative power, and was, therefore, void. This decision was based upon the absence of any declaration of policy or standard of action and the fact that Congress required no findings to be made by the President in the exercise of the authority given him. The delegated authority was unconditional, the course of the President's action was governed by no criterion. So far as § 9(c) was

"In pursuance of the authority vested in him by Congress through the above section, the President, on April 13, 1934, approved the Live Poultry Code. This was done after joint hearings conducted by the A. A. A. and the I. R. A. The Secretary of Agriculture, the Industrial Recovery Administrator and the President found that the provisions of the Code complied with all the standards set up by the N. I. R. A. The President, in his Executive Order of Approval of the Code, made special findings that the Code complied with all the provisions of Sec. 2(a) and the other pertinent sections, and that the Code "will tend to effectuate the policy of Congress as declared in section 1 of title I of the Act."

concerned, the court found that the policy was subject to the will of the President. The declaration of the policy, in § 1 of the act, contained no standard of action for § 9(c) and § 1 was "simply an introduction of the Act, leaving the legislative policy as to particular subjects to be declared and defined, if at all, by the subsequent sections."

But § 3(a) and (b) here considered is not subject to the same deficiencies. In *Buttfield v. Stranahan* (*supra*), an [fol. 1659] Act authorized the Secretary of the Treasury, upon the recommendation of a board, to "establish uniform standards of purity, quality, and fitness for the consumption of all kinds of teas imported into the United States." It was held constitutional because the court found that Congress had fixed a "primary standard", delegating to the Secretary of the Treasury only the duty to effectuate the declared legislative policy. In *The Brig Aurora* (7 Cranch. 382), it was held that Congress might make the revival of an Act depend upon an Executive Proclamation showing that the President had made certain findings. In *Field v. Clark* (143 U. S. 649), the court found that the "suspension of an act upon a contingency to be ascertained by the President, and made known by his proclamation", the suspension being "absolutely required when the President ascertained the existence of a particular fact", was not law making on the part of the President. The will of Congress was expressed, its exercise being dependent upon the declaration of the existence of a fact. In *Mahler v. Eby* (264 U. S. 32), an Act of Congress providing for the deportation of aliens found by the Secretary of Labor to be "undesirable residents", was held a constitutional delegation of legislative power. "Undesirable residents" was there found to have set up an adequate standard of action. In *Hampton & Co. v. United States* (276 U. S. 394), the President's authority to increase or decrease tariff duties when such action would serve "the public interest", was held constitutional. The court expressed the philosophy behind such delegation:

[fol. 1660] "Congress may feel itself unable conveniently to determine exactly when its exercise of the legislative power should become effective, because dependent on future conditions, and it may leave the determination of such time to the discretion of the executive."

In *Radio Comm. v. Nelson Bros. Co.* (289 U. S. 266), the Radio Act of 1927, which gave the Radio Commission authority to grant licenses "as public convenience, interest, or necessity requires", was considered. The court found a declaration of policy and the establishment of a standard by Congress, and that consequently the authority granted was not unlimited but was to be exercised in conformance with this standard.

The principle of these decisions is that without delegation the powers conferred upon Congress by the Constitution would often be incapable of exercise. Congress would be factually impotent. To deny the right to delegate, would be "to stop the wheels of government and bring about confusion, if not paralysis, in the conduct of the public business." *Union Bridge Co. v. United States*, 204 U. S. 364. This principle was reannounced in the *Panama Refining Co.* case (*supra*), the court saying:

"Undoubtedly legislation must often be adapted to complex conditions involving a host of details with which the national legislature cannot deal directly. The Constitution has never been regarded as denying to the Congress the necessary resources of flexibility and practicability, which will enable it to perform its function in laying down policies and establishing standards, while leaving to selected instrumentalities the making of subordinate rules within pre-
[fol. 1661] scribed limits and the determination of facts to which the policy as declared by the legislature is to apply."

To be sure "there are limits of delegation which there is no constitutional authority to transcend". *Panama Refining Co.* case, *supra*. The limits are that Congress, and Congress alone, can declare the legislative policy, that it alone can point out the result to be accomplished. If such is done, it cannot be said that the delegation is unlawful. *Hampton v. United States*, *supra*. The delegated power, if confined within proper limits, if the circumstances calling for its exercise and restraint are adequately confined, is lawful. *United States v. Shreveport Grain Elevator Co.*, 287 U. S. 77; *Home Bldg. & Loan Co. v. Blaisdell*, 290 U. S. 398. It was the absence of this necessary declaration of policy, the erection of a standard and criterion, which rendered the attempted delegation of power in § 9 (c) of the National Industrial Recovery Act invalid in the *Panama Refining Co.* case, *supra*.