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CODE AUTHORITY MEETING

NEW YORK, N. Y.

JUNE 18, 1934.

A meeting of the Code Authority for the Lead Industry was held on Monday, June 18, 1934, at 10:00 A.M., in the Board Room of the National Lead Company, 111 Broadway, New York, N. Y.

PresentMembers

Clinton H. Crane, Chairman
 F. H. Brownell
 F. M. Carter
 G. W. Lambourne
 John A. McCarthy
 F. T. Robertson
 R. M. Roosevelt

Alternates

H. M. Brush
 I. H. Cornell
 R. G. McKay
 H. T. Walker

A. O. Mackenzie

G. W. Farny, Administration Member
 F. E. Wormser, Secretary, Treasurer.

The minutes of the first meeting of June 14 were approved.

The Chairman requested the Secretary to report the balloting for alternates of the Executive Committee members of the Lead Industries Association to serve on the Code Authority. The Secretary stated that he had polled the Board of Directors of the Lead Industries Association by letter ballot and that the following had been unanimously elected with two ballots not having been received.

Members

Clinton H. Crane

F. H. Brownell

F. M. Carter

Alternates

1. I. H. Cornell 2. A. Fletcher
 3. G. M. Chapin Jr. 3. E. V. Peters

1. H. A. Cress 2. R. W. Strauss
 3. H. T. Walker 4. H. M. Brush
 5. G. Earl 6. K. O. Brownell
 7. E. A. Behr

1. W. C. Beschorman 2. Harold Rowe

Members

F. Y. Robertson

James F. McCarthy

Alternates

1. C.A. Night

3. F.S. Bullock

1. D.A. Callahan

3. L.E. Hanley

2. D.D. Muir

4. F.F. Colcord

2. S.A. Easton

4. I.H. Cornell

The Chairman then requested the Secretary to report the status of the election for alternates to serve, respectively, for the five Division Chairmen represented on the Code Authority. The Secretary stated that ballots were still in the mail for Divisions 1, 2 and 4 but that Division 5, the Foll Division, had elected Mr. R. C. McKay alternate for Mr. W. Y. C. Hunt. Balloting had not yet taken place for Division 3, Pigments.

The Chair ruled that

1. If both alternates and principal attended Code Authority meetings, only the principal would be entitled to vote.
2. That if two or more alternates were present at a Code Authority meeting to represent a member, only the senior alternate as shown by the election record would be recognized as to voting, and
3. That only one vote per member of the Code Authority would be recorded.

The Chair inquired if there were any objection to permitting Mr. I. H. Cornell to serve as alternate for both the Chairman and for Mr. James F. McCarthy, and there being none, Mr. Cornell's status as alternate for both Code Authority members was accepted.

The Treasurer was authorized to deposit Code Authority funds in the Chemical Bank and Trust Company, pursuant to the following resolution which was unanimously carried:

RESOLVED THAT the officers of the Code Authority for the Lead Industry be and they are hereby, and each of them is, authorized to deposit any of the funds of this Code Authority from time to time with the Chemical Bank and Trust Company and/or any of the branches of the said Bank, which is hereby designated as a depository of this Code Authority, and until further order of the Code Authority to withdraw the same from time to time upon

checks or drafts or other instruments or orders for the payment of money, drawn against the account or in the name or in behalf of this Code Authority, and made or signed by the Treasurer and/or member of the Code Authority.

AND BE IT FURTHER RESOLVED THAT the Chemical Bank and Trust Company be and it hereby is authorized and requested to accept, honor cash and pay without limit as to amount, without further inquiry and until written notice of the revocation of the authority hereby granted is actually received by said Bank, all checks, drafts and other instruments and orders for the payment of money then drawn, made, signed or endorsed as by the foregoing Resolution, provided, whether the same be drawn against an account standing in the name of this Code Authority, or in the name of any such officer or agent of this Code Authority as such, including all such instruments payable or endorsed to the order of this Code Authority and/or payable or endorsed to the personal order of the officer or officers or agent or agents signing on behalf of this Code Authority or any other officer or officers or agent or agents of this Code Authority, or otherwise, whether tendered in payment of the individual obligation or deposited to the personal account of any such officer or officers or agent or agents or otherwise.

The Treasurer was requested to furnish bond in the sum of \$10,000, said bond to remain in the custody of the Chairman of the Code Authority for the Lead Industry while in force.

The Secretary was asked by the Chair to read two changes in the proposed By-Laws for the Code Authority, as recommended by the National Recovery Administration, to make them acceptable to the Administrator, as noted in Memorandum No. 5 of the Code Authority. These changes were as follows:

Article II, Section 4, add the following:
"provided that such alternate shall have been elected to his office in the same manner as his principal."

Article III, Section 3, first line, after the word "Authority" change "or" to "and".

The Chair then maintained a motion to approve the By-Laws containing the recommended changes, as above and re-submitting the By-Laws to the National Recovery Administration, at the same time revoking the resolution carried at the meeting on June 7, submitting a draft of the By-Laws of the same date. The revised By-Laws are attached as Exhibit A.

Motion carried.

In order that the Code Authority might procure the necessary labor statistics and other data essential for the proper administration of the Code,

It was regularly moved, seconded and carried that the Secretary of the Code Authority be empowered to collect the labor data and other statistical information and reports required for the administration of the Code as in Article VI, Section 6 (c) of the Code.

A telegram having been received from Utah, requesting the allowance of an averaging provision as in the Copper Code, together with some changes in the Lead Code as per copy of telegram attached to Memorandum No. 1 of the Code Authority and requesting a method of approach to obtain these privileges,

It was regularly moved, seconded and carried that the Utah members be recommended to make a formal petition to the National Recovery Administration, to be submitted through the Code Authority, requesting the exceptions or relief they desired from the labor provisions of the Lead Code, together with specific reasons therefor.

The Chairman noted the receipt of a telegram from Mr. James F. McCarthy endorsing the views of the Utah operators.

The Code Authority then considered the petition of the Texas Mining and Smelting Company, addressed to the National Recovery Administration, a copy of which was attached to Memorandum No. 1 of the Code Authority, and Mr. Farny was asked to ascertain the views of the National Recovery Administration, with respect to this matter.

The meeting then considered a proposal from the American Smelting and Refining Company, previously circulated to Code Authority members in Memorandum No. 3, suggested a change in the Lead Code and giving the reasons why it was desirable and necessary from the standpoint of the American Smelting and Refining Company to be permitted to average hours at its Federal, El Paso and East Helena Smelters and proposing an amendment to Article III of the Code.

It was regularly noted, appended to the communication from the American Smelting and Refining Company, dated June 18, 1934, from W. H. F. Walker, Vice President, referred to above, be transmitted to the National Industry Administration, carrying the endorsement of the Code Authority for the Lead Industry with respect to the approval of an awarding of bonus provision at the New York, El Paso and East Hill Plants of the American Smelting and Refining Company with no action taken on the proposed challenge to Article III of the Code of Fair Competition for the Lead Industry.

Without objection, discussion of the Lead Sales Allocation Plan was deferred until the next meeting.

The Chairman proposed that as one of the first steps necessary to proceed with a plan for a National Industrial Relations Board, as provided for in the Code, the Secretary be requested to communicate with each Division Chairman, asking them in what locality or localities they desired regional labor boards to be established, to serve their Divisions.

It was therefore resolved that the Division Chairmen, on request, report promptly to the Code Authority where, in their opinion, regional labor boards should be located, the Division Chairmen making an effort to inquire as to the sentiment in each Division respectively.

To carry out the Code provision for determining Standards of Safety and Health in Article V, Section 4, the Chairman appointed the Division Chairmen, a Committee on Standards of Safety and Health, each member with power to appoint and assemble his own sub-committee for his particular Division to proceed with the compilation of the necessary data or to cooperate with other non-ferrous metal industries having a similar problem.

The Chairman stated that a communication had been received from the American Metal Co. Ltd., with reference to an interpretation of a fair trade practice for the Metallic Lead Products Division.

It was resolved that any correspondence referring to fair trade practices be referred by the Secretary to the Division interested or affected for its attention and that the action, if any, of that Division be referred back to the Code Authority.

Meeting adjourned at 11:45 A.M.

Secretary.

Continued on June 1, 1941.

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BY-LAWS OF THE CODE AUTHORITY FOR THE LEAD INDUSTRY

(Submitted by the Code Authority for the Lead Industry, for the purpose of amending the By-Laws.)

The Code Authority for the Lead Industry, having been organized in accordance with the provisions of the Code of Fair Competition for each industry, hereby adopts the following by-laws:

ARTICLE I

MEMBERS AND TERM OF OFFICE

Section 1. The Code Authority shall consist of the members of the Executive Committee of the Lead Industries Association, the Secretary of said Association, and such Division Chairmen who have been elected to such offices in such Divisions in an equitable manner, approved by the Administrator, so as to be truly representative of such Divisions respectively, and who are not members of the Executive Committee. In addition to the membership, as above provided, there may be one to three members, without vote and without compensation by the Industry, to be appointed by the Administrator to serve for such terms from the date he may specify.

Section 2. The Industry members of the Code Authority shall hold office for twelve (12) months, or until their successors have been selected and qualified. Such terms shall begin on the first Thursday in June of each year.

Section 3. Any vacancy in the Industry membership of the Code Authority shall be filled for the unexpired term in the same manner as the retiring member was chosen.

Section 4. The Administrator shall be the judge of the qualifications and term of office of the National Recovery Administration Member or Members and shall have the power of appointment.

ARTICLE II

OFFICERS

Section 1. The Code Authority shall choose a Chairman who shall preside at meetings and exercise such functions as may be assigned to him by the Code Authority. The Code Authority may also choose one or more Vice Chairmen to perform the duties of the Chairman in his absence.

Section 2. The Secretary shall keep the minutes and records of the Code Authority and shall be in charge of the business offices of the Code Authority and shall otherwise assist in the administration of the Code.

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Section 3. The Treasurer or other officer or employee to whom may be assigned the duty of safeguarding the funds of the Code Authority shall keep full and accurate record of receipts and disbursements, shall give receipts, if any, on such account as the Code Authority may require and shall perform such other duties as may be assigned to him by the Chairman or by the Code Authority.

Section 4. Any industry member of the Code Authority may be represented by an alternate holding the proxy of the Code Authority member for whom a substitution is made provided that such alternate shall have been elected to his office in the same manner as his principal.

Section 5. The Code Authority may appoint an Executive Committee and such other committees as it may, from time to time, deem necessary, for carrying out its functions and duties, which committees shall operate under the direction of the Code Authority. The members of committees other than the Executive Committee need not be members of the Code Authority.

Section 6. The Code Authority shall have the power to remove from office any member or members of any subordinate agency created by the Code Authority, if such member or members were appointed by it. The Code Authority shall also have the power to modify the functions or to terminate the use of any such agency if, in its judgment such action is necessary for the proper administration of the Code.

Section 7. The principal office of the Code Authority shall be located at 420 Lexington Avenue, New York City. The Code Authority may establish and maintain branches wherever it deems necessary.

ARTICLE III

MEETINGS

Section 1. Meetings of the Code Authority may be called by the Chairman or upon written request of the Administrator, his representative, an Administration member or two industry members. Meetings shall be held, after five (5) days notice, by telegraph or telephone, or upon ten (10) days notice by letter. Such meeting shall be held at the business office of the Code Authority, unless otherwise provided in the notice. Members may waive notice of meetings.

Section 2. A majority of all industry members shall constitute a quorum for the transaction of business. No determination of the Code Authority shall be made without the affirmative vote of a majority of all industry members of the Code Authority, exclusive of the Secretary.

Section 3. The Code Authority and subordinate agencies created by the Code Authority shall keep a complete record of proceedings at all meetings and certified copies of the minutes and other records and data shall be filed as a permanent record in the business office of the Code Authority and with the Administrator of the National Recovery Administration.

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ARTICLE V FINANCIAL PROVISIONS

Section 1. The Code Authority shall include in its expense accounts all necessary and proper expenses of the Code Authority.

Section 2. The Code Authority shall be authorized to collect from the Code Authority against all members of the industry, subject to such rules and regulations as the Administrator may approve.

ARTICLE VI

BY-LAWS AND REGULATIONS OF THE CODE

Section 1. These By-Laws shall become effective when approved by the Administrator.

Section 2. These By-Laws may be altered, amended or repealed at any meeting of the Code Authority by a vote of a majority of the total number of industry members of the Code Authority, provided notice of the meeting shall have been given describing the alteration or amendment proposed, or the By-Law or By-Laws proposed to be repealed, and shall become effective upon approval by the Administrator.

ARTICLE VII

GENERAL PROVISIONS

These By-Laws and all regulations and all amendments shall be made available to all members of the industry.