

# FEDERAL REGISTER

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TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 49044]

ROPE GYM SETS, ALSO KNOWN AS INDOOR GYM SETS OR COMBINATION SWING SETS DUTIABLE AT THE RATE OF 45% AD VALOREM UNDER PARAGRAPH 397 OF THE TARIFF ACT OF 1930

COMPLAINT OF A DOMESTIC MANUFACTURER UNDER SECTION 516 (B) OF THE TARIFF ACT OF 1930

JUNE 23, 1937.

To Collectors of Customs and Others Concerned:

Under date of February 26, 1937, Mr. E. J. Mordt, 78 Mackey Avenue, Port Washington, L. I., N. Y., a domestic manufacturer of rope gym sets, also known as indoor gym sets or combination swing sets, requested that he be advised under the provisions of section 516 (b) of the Tariff Act of 1930 (U. S. C., title 19, sec. 1516) as to the rate of duty which is assessed on rope gym sets, also known as indoor gym sets or combination swing sets, suitable for the use of children.

The Bureau in a letter dated April 24, 1937, advised Mr. E. J. Mordt that articles of the class or kind described by him are, when imported into the United States, assessed with duty under paragraph 397 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1001, par. 397) at the rate of 45% ad valorem as articles or wares composed wholly or in chief value of metal.

Following the receipt of the Bureau's letter Mr. Mordt filed with the Bureau a complaint against the classification of the above-mentioned articles under paragraph 397 and claimed that as the articles are for the use of children they are, therefore, toys, and are properly dutiable under paragraph 1513 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1001, par. 1513) at the rate of 70% ad valorem.

In (1933) Abstract 25835 the Customs Court held that similar merchandise which had been assessed with duty as toys, or articles chiefly used for the amusement of children, at 70% ad valorem under paragraph 1513 of the Tariff Act of 1930, was not toys and was dutiable under paragraph 397 of the tariff act at the rate of 45% ad valorem.

In view of the decision cited, the Bureau is of the opinion that the rope gym sets, also known as indoor gym sets or combination sets, now under consideration are properly dutiable under paragraph 397 of the Tariff Act of 1930 at the rate of 45% ad valorem.

In view of the foregoing, and in accordance with the provisions of section 516 (b) of the Tariff Act of 1930, notice is hereby given that the classification of and the rate of duty on merchandise of the character described imported or withdrawn from warehouse after the expiration of 30 days after the date of the publication of this letter in the weekly Treasury Decisions will be subject to the decision of the United

States Customs Court in the event that a protest is filed under the provisions of that subsection.

Very truly yours,

[SEAL]

J. H. MOYLE,  
Commissioner of Customs.

Approved: June 23, 1937.

STEPHEN B. GIBBONS,  
Acting Secretary of the Treasury.

[F. R. Doc. 37-1965; Filed, June 28, 1937; 3:00 p. m.]

[T. D. 49046]

CUSTOMS REGULATIONS AMENDED—INFORMATION AS TO VALUES IN RESPONSE TO ORAL OR WRITTEN REQUEST MADE BY IMPORTER

To Collectors of Customs and others concerned:

Pursuant to the authority contained in sections 487 and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1487 and 1624), article 782 of the Customs Regulations of 1931, as amended by T. D. 48234,<sup>1</sup> is hereby further amended to read as follows:

ART. 782. *Furnishing information as to values.*—The appraiser may, in his discretion, furnish to importers the latest information as to values in his possession, subject to the following conditions:

(a) Information shall be given only in response to a specific request therefor by an importer, and in no circumstances shall be volunteered by a customs employee.

(b) Information shall be given only on merchandise to be entered at his port, and after its arrival, or upon satisfactory evidence that it has been exported and is en route to the United States, and then only on presentation of invoices and all papers, documents, or other information in the possession of the importer or available to him relative to the value of the merchandise.

(c) The request for information may be made orally or in writing (if in writing it shall be in duplicate on such form as the appraiser may prescribe) and the information shall be given only if the appraiser is satisfied that the importer is unable to obtain any definite information as to market value on the date of exportation due to unusual conditions, and with the understanding and agreement that the information, if given, is in no sense an appraisement nor binding upon the appraiser's action on appraisement, as appraisement of merchandise must be made at the market value prevailing on the date of exportation, in accordance with the law, irrespective of any information given before the invoice or the merchandise has come under the observation of the appraiser for the purpose of appraisement.

(d) The privilege of securing information from the appraiser before the invoice or the merchandise has come under his observation for the purpose of appraisement is predicated on cooperation by the importer. When the appraiser suspects that the importer is withholding information in his possession, or that the importer has not exercised due diligence to obtain the information requested, or otherwise questions the importer's good faith, he shall, prior to furnishing any information, request the importer to call at his office for questioning. If, after such questioning, and after such other investigation as he deems necessary, the appraiser is still not satisfied as to the importer's good faith, he shall refuse to give any information to such importer.

(e) Upon receipt of a request for information, the examiner shall give the latest information in his possession effective on the

<sup>1</sup> F. R. 135.



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date of exportation, stating also the basis of his conclusion, or, in the absence of information as to values on or about the date of exportation of the shipment, shall advise the importer to that effect. If the request is in writing, a copy containing the conclusion of the examiner, if approved by the appraiser, or such other officer as he may designate for that purpose, shall be retained in the appraiser's files for consideration by the examiner when examining the merchandise, and the other copy given to the importer.

(f) If the appraiser does not have the information requested, he may, if the importer so desires, refer the request to the Customs Information Exchange for advice.

[SEAL]

JAMES H. MOYLE,  
Commissioner of Customs.

Approved: June 24, 1937.

STEPHEN B. GIBBONS,

Acting Secretary of the Treasury.

[F. R. Doc. 37-1966; Filed, June 28, 1937; 3:00 p. m.]

(T. D. 49048)

## REGULATIONS FOR ENTRY OF ARTICLES FOR THE GREAT LAKES EXHIBITION TO BE HELD AT CLEVELAND, OHIO, IN 1937

JUNE 24, 1937.

### To Collectors of Customs and others concerned:

Attention is invited to the provisions of Public Resolution no. 37 of the Seventy-fifth Congress, approved May 28, 1937, which read as follows:

That all articles which shall be imported from foreign countries for the purpose of exhibition at the international exposition to be held at Cleveland, Ohio, beginning in May 1937, by Great Lakes Exposition, or for use in constructing, installing, or maintaining foreign buildings, or exhibits at the said exhibition, upon which articles there shall be a tariff or customs duty shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said exposition to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the exposition any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That Great Lakes Exposition shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this Act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisal, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for articles imported under the provisions of this Act, shall be reimbursed by Great Lakes Exposition to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930.

(1) All packages containing imported merchandise to be entered under the provisions of the joint resolution shall be plainly marked "Great Lakes Exposition" and with the name of the country of origin and shall bear separate serial numbers.

(2) All importations of articles of a class requiring a consular invoice, intended for exhibition under the provisions of the joint resolution and valued at more than \$100, must be covered by consular invoices certified as provided in article 271 of the Customs Regulations of 1931. Such invoices shall contain the information prescribed under section 481 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1481) and shall show that the articles covered thereby are destined to the port of Cleveland and are intended for exhibition or use at the Great Lakes Exposition, Cleveland, Ohio.

(3) The Great Lakes Exposition shall give to the collector of customs at Cleveland, Ohio, such security for compliance with the joint resolution and these regulations as may be approved by the Commissioner of Customs.

(4) The collector of customs at Cleveland shall detail an officer to act as her representative at the Great Lakes Exposition and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary to properly protect the revenue.

(5) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the Great Lakes Exposition or transferred thereto for exhibition, shall be reimbursed by the Great Lakes Exposition to the Government, payment to be made monthly to the collector of customs, Cleveland, Ohio, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the revenue from customs".

(6) Articles to be entered under these regulations which arrive at ports other than Cleveland shall be entered for immediate transportation without appraisement to the latter port in the manner provided by the general customs regulations.

(7) Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the Great Lakes Exposition in the manner prescribed in article 446 (c) of the Customs Regulations of 1931, except that in each case an entry under paragraph (8) of these regulations shall be filed, which shall supersede any previous entry, and no new bond other than that specified in paragraph (3) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the Great Lakes Exposition in the manner prescribed in article 318 of the Customs Regulations of 1931, as amended by (1934) T. D. 47021 and (1936) T. D. 48505.

(8) Upon the arrival at the port of Cleveland of articles to be entered under these regulations the same should be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION ENTRY NO. \_\_\_\_\_

Entry at the port of Cleveland of articles consigned or transferred to the Great Lakes Exposition under \_\_\_\_\_ I. T. No. \_\_\_\_\_ ex S. S. \_\_\_\_\_ from \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 1937, for exhibition purposes under Public Resolution No. 37 of the Seventy-fifth Congress, approved May 28, 1937.

Mark	Number	Package and contents	Quantity	Invoice	Value

GREAT LAKES EXPOSITION  
By \_\_\_\_\_

(9) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. Upon the receipt of the articles at such buildings or at the appraiser's stores, the same shall be given a tentative appraisal prior to their exhibition or use. All imported exhibits so received in such buildings shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with paragraph (11) of these regulations.

(10) If for any reason articles imported for entry under these regulations are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such

articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided, or under the general tariff law, or for exportation. If not so entered within such a period they will be regarded as abandoned to the Government.

(11) Any articles entered under these regulations may be withdrawn for exportation, for abandonment to the Government, destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time during or within three months after the close of the exposition. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the exposition in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisal, as provided in section 501 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal.

(12) At any time during or within three months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in article 810 of the Customs Regulations of 1931, as amended by (1936) T. D. 48099.

(13) Any articles entered under these regulations which have not been withdrawn for consumption, entry under the general tariff law, exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the exposition, shall be regarded as abandoned to the Government.

(14) All entries under these regulations shall be made in the name of the Great Lakes Exposition, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and/or charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under these regulations, an entry under the general tariff law, in the name of any person duly authorized in writing by the Great Lakes Exposition to make such entry, may be accepted by the collector, and the bond of the Great Lakes Exposition shall thereafter be considered as collateral security for any duties and/or charges accruing on the merchandise covered by any such entry, unless the entry is for permanent exhibition, in which case the liability of the Great Lakes Exposition under its bond with respect to the articles covered by such entry, shall be terminated when the security required by the general tariff law has been given.

(15) The marking requirements of the Tariff Act of 1930 and the regulations promulgated thereunder will not apply to articles imported under these regulations except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act and the regulations promulgated thereunder. No additional duty shall be assessed because such articles were not properly marked when imported into the United States.

[SEAL]

STEPHEN B. GIBBONS,  
Acting Secretary of the Treasury.

[F. E. Doc. 37-1968; Filed, June 29, 1937; 11:20 a. m.]

## DEPARTMENT OF THE INTERIOR.

## National Bituminous Coal Commission.

## RULES OF PRACTICE AND PROCEDURE BEFORE THE COMMISSION

Promulgated June 23, 1937

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## AUTHORITY

By virtue of the authority vested in it by the Bituminous Coal Act of 1937, (Public, No. 48, 75th Cong., 1st sess.), hereinafter referred to as the Act, the National Bituminous Coal Commission, hereinafter referred to as the Commission, has adopted and hereby issues the following Rules of Practice and Procedure Before the Commission, which it deems reasonable and necessary for carrying out the provisions of the Act:

## I. OFFICE AND ADDRESS OF THE COMMISSION; OFFICE HOURS

All communications to the Commission must be addressed to the Secretary of the Commission, Washington, D. C., unless otherwise specifically directed. Pleadings and other papers required to be filed with the Commission may be transmitted by mail or express or otherwise delivered, but must be received for filing at its office within the time limit, if any, for such filing.

The office is open from 8:30 A. M. until 4:30 P. M. of each business day except Saturday upon which day it is open from 8:30 A. M. to 12:30 P. M., unless otherwise ordered by the Commission.

## II. PUBLIC SESSIONS AND HEARINGS; NOTICE

Public sessions of the Commission or divisions thereof for hearing evidence or oral arguments or for public conferences, investigations and hearings before any commissioners, examiners, or other representatives of the Commission, will be held as set upon notice by the Commission, subject to change upon such notice as may be practicable. All matters requiring formal hearing will be given a place upon the Commission's calendar in their regular order of filing unless the Commission shall otherwise expressly order.

## III. APPEARANCES

*Appearances by Individual Parties, Partnerships, Officers, Attorneys, or Practitioners Other Than Attorneys.*—Any individual or a member of a partnership which is a party to any proceeding may appear for himself or such partnership

upon adequate identification. Any corporation or association may be represented by a duly designated officer thereof. Any person or party to any proceeding may appear and be represented by an attorney or other practitioner who is qualified and admitted to practice before the Commission. Any agency of the Federal government or of any State or political subdivision thereof, and any district board created under the Act may appear through a duly accredited representative.

#### IV. ADMISSION TO PRACTICE

**1. Registration of Practitioners.**—The Commission will maintain a register in which will be entered the names of all persons entitled to represent parties and to practice before the Commission.

**2. Classes of Persons Who May Be Admitted to Practice Before the Commission.**—The following classes of persons whom the Commission finds upon their applications to be of good moral character and to possess the requisite qualifications to represent others may be admitted to practice before the Commission:

(a) *Attorneys at law and persons not attorneys, possessing legal or technical qualifications.*—Attorneys at law who are admitted to practice before the Supreme Court of the United States or the highest court of any State or Territory or the District of Columbia. Any person not an attorney at law who is a citizen or a resident of the United States and who shall file proof to the satisfaction of the Commission that he is possessed of the necessary legal and technical qualifications to enable him to render valuable service before the Commission and is otherwise competent to advise and assist in the presentation of matters before the Commission.

(b) *Applications for admission; certificates as to qualifications.*—An application under oath for admission to practice shall be addressed to the Secretary of the Commission, Washington, D. C., and must state the name, residence address, and business address of the applicant, and the time and place of his admission to the bar, and the nature of his qualifications. Such application of attorneys shall also state whether the applicant has ever been suspended or disbarred as an attorney in any court, or his right to practice suspended or revoked in any jurisdiction. Such applications shall be accompanied by a certificate of the clerk of the court in which the applicant is admitted to practice to the effect that he has been so admitted and is in good standing. In the case of applications from persons not attorneys, the application should contain recommendations to the effect that the applicant possesses the necessary legal or technical qualifications under this rule.

(3) *Oath.*—Upon being admitted, each applicant shall subscribe to an oath or affirmation that he will demean himself, as a practitioner before this Commission, uprightly, and according to law; and that he will support the Constitution of the United States.

(4) *Denial of Admission, Suspension, or Disbarment.*—The Commission may, in its discretion, deny admission, suspend or disbar any member who, it finds, does not possess the legal qualifications to represent others, or is lacking in proper professional conduct. Any person who has been admitted to practice may be disbarred only after he is afforded an opportunity to be heard.

#### V. PARTIES

(a) Any person, partnership, corporation, public officer, labor organization or association or other entity entitled under the Act to invoke the exercise by the Commission of any of its powers may do so by instituting a proceeding as provided herein and not otherwise.

(b) The parties to proceedings before the Commission are classified as complainants, applicants, consumers' counsel, petitioners, defendants, interveners, protestants, and respondents, according to the nature of the proceedings and their relation thereto.

(c) *Complainants.*—Persons entitled by the Act or Code (promulgated June 21, 1937) so to do, who complain to the Commission of anything done or omitted to be done in

violation of the provisions of the Act or Code by any person subject to the Act are styled "complainants", except that the consumers' counsel in any proceeding shall appear as the consumers' counsel of the National Bituminous Coal Commission in accordance with the Act.

(d) *Applicants.*—Producers seeking exemption in accordance with the second paragraph of section 4-A of the Act are styled "applicants."

(e) *Petitioners.*—Persons seeking relief, not otherwise designated herein, are styled "petitioners."

(f) *Defendants.*—Persons subject to the Act against whom any complaint is filed are styled "defendants".

(g) *Interveners.*—Persons permitted to intervene as hereinafter provided are styled "interveners".

(h) *Protestants.*—Persons other than the consumers' counsel objecting on the ground of personal or public interest to any action which the Commission is authorized to take under proceedings pending before it are styled "protestants". (See Rule X.)

(i) *Respondents.*—Persons subject to the Act, to whom an order or notice is issued by the Commission in a proceeding or investigation instituted by it or others as enumerated in first paragraph of Section 4-A of said Act, are styled "respondents".

#### VI. COMPLAINTS

(a) Complaints may be informal or formal and shall be submitted to the Commission at its office in Washington, D. C., addressed to the Secretary.

(b) *Informal Complaints.*—Informal complaints may be made by letter or other writing and will be filed as received. Matters informally presented will, if their nature so warrants, be taken up by correspondence or conference with the persons complained of in an endeavor to bring about satisfaction of the complaint without formal hearing.

(c) *Substance of Informal Complaints.*—No form of informal complaint is prescribed, but in substance the letter or other writing must contain the essential elements of the complaint, including name and address of complainant, the name of the party against whom the complaint is made and his place of doing business, a statement of the specific provisions of the Act violated, a brief statement of the facts claimed to constitute such violation, and the specific relief sought. While the filing of an informal complaint is without prejudice to complainant's right to file formal complaint, only formal complaints submitted and prosecuted in the manner hereinafter prescribed will entitle any person, natural or artificial, to initiate formal proceedings or to become a party to any proceedings already initiated, and only formal complaints will be admitted to the record of formal proceedings. It is desirable that the informal complaint be accompanied by sufficient copies to enable the Commission to transmit one to each party complained of and retain twelve (12) for its own use. The informal complaint may be accompanied by supporting papers.

(d) *Formal complaints, form and style, number of copies.*—Formal complaints must conform to the requirements of rules XII and XIII. The names of all parties complainant and defendant must be stated in full without abbreviations and the address of the complainant with the name and address of his attorney or other authorized agent, if any, must appear. The complaint must set out the name and place of doing business and the person, corporation, or organization against whom complaint is made. Each formal complaint must be accompanied by twelve (12) copies for the use of the Commission and the Consumers' Counsel, and in addition thereto, a sufficient number to enable the Commission to serve one upon each defendant complained of.

(e) *Joiner of complaints or complainants.*—Two or more grounds of complaint involving the same purpose, subject, or state of facts may be included in one complaint. Each ground should be separately stated and numbered. Two or more complainants may join in one complaint if their respective causes of complaint are against the same defendant or defendants and involves substantially the same purpose, subject, and a like state of facts.

*f. Substance of formal complaints.*—Formal complaints should be so drawn as to fully and completely advise the parties defendant and the Commission wherein the provisions of the Act or of the Code or of any order of the Commission have been or are violated by acts or omissions complained of, or will be violated by future acts or omissions intended by the defendant or defendants or by a continuance thereof, and should set forth briefly and in plain language the facts claimed to constitute such violations, wherein the complainant is or will be injured thereby and the relief sought. In case of violation of two or more sections or parts thereof of the Act or Code, or a general order is alleged, the facts claimed to constitute violations of each should be stated separately.

*g. Subscription and Verification.*—Every formal complaint must be personally subscribed and verified under oath either (1) by the complainant, or by each of the complainants if there be more than one; or (2) by a duly designated officer, if it be a corporation, an association or other organization; or (3) for the complainant by its or their attorney or registered practitioner. If subscription and verification be by other than the complainant, the power of attorney or authority authorizing such affiant to prosecute the complaint or make the verification must be filed with the complaint.

*h. Supplemental Complaints.*—Supplemental complaints may be submitted for filing by the parties complainant against the parties defendant in the original complaint, setting forth any causes of action alleged to have accrued in favor of the complainants and against the defendants since the filing of the original complaint. Upon leave granted in the discretion of the Commission such supplemental complaint will be filed and heard, considered and disposed of therewith in the same proceedings if practicable.

*i. Amended Complaints.*—Formal complaints may be amended in the discretion of the Commission upon good cause shown.

#### VII. APPLICATIONS FOR EXEMPTION; SUBSCRIPTION AND VERIFICATION

Applicants seeking exemption in accordance with the second paragraph of Section 4-A of the Act must file with the Commission an application setting forth the facts upon which claim is based. This application should be so drawn as to fully and completely advise the Commission of the facts upon which such claim is based. The form of such application should be in the same order as a formal complaint and should contain the facts for each ground for relief in a separate paragraph. Such application shall be subscribed and verified by oath or affirmation in the same manner as provided for formal complaints in Rule VI, subsection g.

#### VIII. PETITIONS

*a. Petitions seeking relief (other than application for exemption under Section 4-A) within the powers of the Commission should state clearly and concisely the interest of the petitioner and the subject matter of the petition and the relief sought, and cite by appropriate references, provisions of the Act, Code or orders relied upon for relief, and must conform to the requirements of Rules XII and XIII.*

*b. Intervening petitions.*—Anyone entitled under the Act to complain to the Commission and having an interest in any pending procedure may petition to intervene therein, prior to or at the time it is called for hearing, and such petition may be granted in the discretion of the Commission. If such petition to intervene is submitted to the Commission after the time said proceeding has been called for hearing, permission to intervene will not be granted except for good cause shown. Petitions for intervention must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding and, if affirmative relief is sought, must conform to the requirements of a formal complaint and must be subscribed and verified in the same manner as a formal complaint. If leave is granted, the petitioner thereby becomes an intervenor and a party to the proceeding.

#### IX. ANSWERS

*a. Answers to Formal Complaints.*—Answers to formal complaints must be filed with the Commission within twenty (20) days after the date on which such complaint was served. The period so fixed may be shortened or extended by the Commission when it deems advisable. Any defendant failing to file answer within such period will be deemed in default, and issue as to such defendant will be thereby joined. All answers should be so drawn as to fully and completely advise the parties and the Commission of the nature of the defense, and should admit or deny specifically and in detail, each material allegation of the pleading answered and must conform to the requirements of Rules XII and XIII. Answers shall conform to the requirements of Rule VI, subsection g as to subscription and verification.

*b. Answers to Petitions in Intervention, and Amended Complaints.*—Answers to petition in intervention may be filed and served upon leave granted. Answers to amended complaints may be filed and served if the defendants so elect. If amended answers are not filed all new matter set forth in the amended complaint shall be deemed denied by the defendant or defendants.

*c. Satisfaction of Complaints.*—If the defendant satisfies a formal complaint either before or after answering, a statement to that effect, signed by the opposing parties, must be filed, setting forth when and how the complaint has been satisfied. The Commission may notwithstanding such statement retain jurisdiction of the complaint and make such order thereon as it deems appropriate.

#### X. PROTEST

*a. Contents.*—Protests must set forth the position and interest of the protestant in the proceeding and must be so drawn as to fully and completely advise the parties and the Commission of the acts or omissions complained of and should in other respects conform to the requirements of complaints.

*b. Form and Style, Service.*—Protests must conform to the requirements of Rules XII and XIII.

#### XI. AMENDMENTS

*a. Allowance or Refusal Discretionary.*—Amendments to any pleading will be allowed or refused by the Commission in its discretion.

*b. Subscription and Verification.*—Whenever by these rules a principal pleading is required to be subscribed and verified, an amendment thereto must be similarly subscribed and verified, in conformity with Rule VI, subsection g.

*c. Directed amendments.*—The Commission may direct a party to state by way of amendment his case with greater particularity.

#### XII. SPECIFICATIONS AS TO COMPLAINTS, APPLICATIONS, PETITIONS, ANSWERS, PROTEST BRIEFS, ETC.

*a. Typewritten or Printed Only.*—All papers filed under these rules must be typewritten or printed.

*b. Size and Legibility.*—Except as to informal complaints, if typewritten, they must, unless otherwise specifically provided, be on paper not more than 8½ inches wide by 11 inches long, weighing not less than 16 pounds to the ream, with left hand margin not less than 1½ inches wide. The impression must be on only one side of the paper and must be double spaced, except that long quotations should be single spaced and indented. Mimeographed, multigraphed, planographed or photographed or carbon copies will be accepted as typewritten, but hectographed copies or white line blue prints or copies prepared by similar processes, will not be accepted. All copies must be clearly legible.

*c. Sizes of Printed Papers.*—If printed, they must be not less than 10 point type on good unglazed paper 5½ inches wide by 9 inches long, with inside margin not less than one inch wide and with double leaded text and single leaded citations.

*d. Signature.*—Applications, complaints, answers, petitions, protests and notices must be signed in ink by the

party in interest, by a duly designated officer thereof or by his or its duly authorized attorney and must show the office and post office address of the same.

### XIII. SERVICE, NUMBER OF COPIES

a. Formal complaints, petitions in intervention, supplemental complaints, amended complaints, protests, answers, briefs, notice and all other papers in proceedings must show and prove service upon all other parties to the proceeding. Such service in all cases other than formal complaints filed pursuant to section 5 (b) of the Act shall be made by delivering in person or by mailing, properly addressed with postage prepaid, one copy to each party. Proof shall be by affidavit of the person making service. In the case of formal complaints filed pursuant to section 5 (b) of the Act, service must be made by delivery in person to the party against whom complaint is made, and the affidavit of service shall be made by the person making such service.

b. *Service upon Attorneys or Practitioners other than Attorneys.*—Whenever any party has appeared in a proceeding by attorney or practitioner, service upon such attorney or practitioner will be deemed service upon the party.

c. *Number of Copies.*—Except as to informal complaints, twelve (12) copies of all papers shall be filed with the Commission.

### XIV. HEARINGS

a. None other than a party who has become such in conformity with these rules will be heard.

b. *How Ordered.*—Hearings may be heard by the Commission in its discretion, either upon its own motion or upon the motion of any party to the proceeding. Witnesses will be examined orally unless the testimony is taken by deposition as provided in Rule XVI or the facts are stipulated in the manner provided in Rule XVIII.

c. *Notice of Hearings.*—Appropriate notice of hearing shall be given. The notice shall state the nature of the matters to be heard, the time and place of the hearing, and, if designated, the name of the Commissioner, examiner, or other representative before whom the testimony is to be taken or the evidence adduced. Such notice in the case of the institution of an action pursuant to section 5 (b) of the Act against individuals, partnerships, associations, or corporations shall be by personal service. All other notices will be served by mail or otherwise, as prescribed by the Commission. Notice shall be served upon all the parties to the proceeding, including the consumers' counsel, state or other governmental authorities having official interest in the proceedings, and such other persons as may be deemed to have a substantial interest therein.

d. The presiding commissioner, examiner, or other representative of the Commission before whom the hearing is held shall enter upon the record all appearances with a notation in whose behalf the appearance is made.

e. *Order of Procedure.*—At hearings on formal complaints the complainant or complainants shall open and close; at hearings on petitions the petitioner shall open and close; interveners shall follow the parties in whose behalf the intervention is made, and in all cases where the intervention is not in support of either original party, the presiding commissioner, examiner, or other representative of the Commission shall designate at what stage of the proceeding such intervenor shall be heard. At hearings in all other cases the presiding commissioner, examiner, or other representative shall direct who shall open and close.

f. *Calling for Further Evidence.*—In any case, at or after the close of testimony, or at any stage of the hearing the presiding commissioner, examiner, or other representative of the Commission may call for further evidence upon any issue and require such evidence to be presented by any party concerned or by the staff of the Commission either at that hearing or at a further hearing. At the hearing the presiding officer may require any party to the proceeding to file specific and documentary evidence as a part of the record within a time to be fixed by him, but which shall

expire not less than ten (10) days before the date fixed for filing and serving briefs.

g. *Closing of Record.*—Except as provided in "f" above, the presiding officer will not receive in evidence or consider as part of the record any testimony, document, letter or other writing submitted after the close of the hearing and arguments.

### XV. CONTINUANCES, EXTENSIONS OF TIME

a. *Application for continuance; contents; time of filing.*—Applications for continuances or for the extension of time in which to file any pleadings or briefs shall be by petition in writing, stating the facts on which the request rests, and must be filed with the Commission at least seven (7) days before the date set for hearing or the time fixed for filing such pleadings or briefs and must conform to the requirements of Rules XII and XIII.

b. *Discretion in Granting or Denying.*—Continuances and extensions of time will be granted or denied at the discretion of the Commission.

### XVI. DEPOSITIONS

a. *When Permissible.*—The testimony of any witness may be taken by deposition, at the instance of a party to any proceeding pending before the Commission, at any time before the hearing is closed, upon approval by the Commission in compliance with these rules but not otherwise.

b. *Officer Before Whom Taken.*—Such depositions may be taken before a commissioner, examiner, or other authorized representative of the Commission; any judge, commissioner or clerk of any Court of the United States; any chancellor, judge or justice of a State Court; mayor or chief magistrate of a city; or any notary public not being of counsel or attorney to either of the parties, or interested in the proceeding or investigation, according to such designation as the Commission may make in its order in the premises. Where such deposition is taken in a foreign country, it may be taken before an officer or person designated by the Commission or agreed upon by the parties by stipulation in writing to be filed with the Commission. The magistrate, person, or officer so designated in this rule will be referred to as the officer.

c. *Notice of Application; Service; Order for Taking.*—Reasonable notice of not less than 10 days, and when the deposition is to be taken in a foreign country, of not less than 20 days, must first be given in writing by the party or his attorney proposing to take such deposition to the opposing party or his attorney of record and to the Commission. In such notice, there should be stated the name and post-office address of the witness; the subject matter concerning which the witness is expected to testify; the time and place of taking the deposition and the name and post-office address of the officer before whom it is desired that the deposition be taken. The opposing party may within the time stated above make any appropriate response to such notice. Thereupon, if the application so warrants, the Commission will make and serve upon the parties or their attorneys an order wherein the Commission will name the witness whose deposition is to be taken and specify the time, place, and the officer before whom the witness is to testify, but such time and place and the officer before whom the deposition is to be taken, so specified in the Commission's order, may or may not be the same as those named in said notice to the Commission.

d. *Oath; Reduction to Writing.*—Every person whose deposition is so taken shall be sworn (or affirmed if he so requests) to testify the whole truth and nothing but the truth concerning the matter about which he shall testify and shall be carefully examined. His testimony shall be reduced to typewriting by the officer before whom the deposition is taken, or under his direction, after which the deposition shall be subscribed by the witness and certified in usual form by the officer. After the deposition has been so subscribed and certified it shall, together with two copies thereof made by such officer or under his direction, be forwarded by such officer, under seal, in an envelope addressed

to the Secretary of the Commission at its office in Washington, D. C. Upon receipt of the deposition and copies, the Commission will file the deposition in the record in said proceeding and forward one copy to the party at whose instance the deposition has been taken or his attorney, and the other copy to the opposing party or his attorney. When the deposition is taken at the instance of more than one party or there is more than one opposing party, the copies will be forwarded by the Commission to the parties or their attorneys designated for that purpose in advance.

e. *Fees of Officers and Witnesses.*—Witnesses whose depositions are taken and the officers taking same shall be entitled to the same fees as are paid for like services in the courts of the United States, which fees shall be paid by the party at whose instance the depositions are taken.

#### XVII. DOCUMENTARY EVIDENCE

a. *Designation.*—When relevant and material matter offered in evidence by any party is embraced in a book, paper or document containing other matter not material or relevant, the party offering the same must plainly designate the matter so offered. If other matter is in such volume as would necessarily cumber the record, such book, or document will not be received in evidence but may be marked for identification, and, if properly authenticated, the relevant or material matter may be read into the record, or, if the presiding commissioner, examiner, or other representative so directs, a true copy of such matter, in proper form, shall be received as an exhibit, and like copies delivered by the party offering the same to opposing parties or their attorneys appearing at the hearing who shall be afforded an opportunity to examine the book, paper, or document, and to offer in evidence in like manner other portions thereof if found to be material and relevant.

b. *Commission's Files.*—In case any matter contained in a report or other document on file with the Commission is offered in evidence, such report or other document need not be produced or marked for identification, but in other respects the provisions of the foregoing subdivision a of this Rule will apply.

c. *Records in Other Proceedings.*—In case any portion of the record in any proceeding other than the one on hearing is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(1) The party offering the same agrees to supply such copies later at his own expense, if and when required by the Commission; and

(2) The portion is specified with particularity in such manner as to be readily identified; and

(3) The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any portion offered by any other party may be incorporated by like reference subject to (1) and (2); and

(4) The presiding commissioner, examiner or other representative directs such incorporation.

d. *Objections.*—Any documentary evidence offered, whether in the form of exhibit or by reference, shall be subject to appropriate objection.

e. *Copies to Opposing Counsel.*—When exhibits of a documentary character are offered in evidence, copies must be furnished to opposing counsel unless the presiding commissioner, examiner, or other representative otherwise directs.

f. *Size, Form.*—Whenever practicable, all exhibits of a documentary character received in evidence must be on paper of good quality and so prepared as to be plainly legible and durable, whether printed or typewritten; if typewritten, they must conform to the requirements of Rule XII.

g. *Copies for the Commission.*—Unless the presiding commissioner, examiner, or other representative of the Commission shall otherwise direct, three copies of each exhibit of a document must be furnished for the use of the Commission, in addition to the copies provided for under "e" hereof.

#### XVIII. STIPULATIONS

a. *Subpoenas, Who May Issue.*—Subpoenas requiring the writing, filed with the Commission or presented at the hearing, agree upon any facts involved in the proceeding; but such stipulation between the parties shall not bind the Commission as to such facts unless expressly approved by the Commission.

b. *Form and Style, Service.*—Stipulations must conform to the requirements of Rules XII and XIII.

#### XIX. WITNESSES AND SUBPOENAS

a. *Subpoenas, Who May Issue.*—Subpoenas requiring the attendance of witnesses from any place in the United States at any designated place of hearing may be issued by any member of the Commission.

b. *Subpoenas duces tecum.*—Subpoenas for the production of books, papers, or documents unless directed by the Commission upon its own motion will issue only upon application in writing. Applications to compel witnesses to produce documentary evidence must be verified and must specify, as nearly as may be, the books, papers or documents desired and the facts to be proved by them.

c. *Fees of Witnesses.*—Witnesses who are summoned are entitled to the same fees as are paid for like services in the Courts of the United States, such fees to be paid by the party at whose instance the testimony is taken, and the Commission before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

d. *Subpoenas, Service, Return.*—If service of subpoena is made by a United States Marshal or his deputy, such service shall be evidenced by his return thereon. If made by any other persons such person shall make affidavit thereof, describing the manner in which service is made and return such affidavit on or with the original subpoena. In case of failure to make service, the reason for the failure shall be stated on the original subpoena. In making service, the original subpoena shall be exhibited and read to the person served and a copy thereof shall be left with him. Original subpoena, bearing or accompanied by the required return, affidavit, or statement, shall be returned forthwith to the Secretary of the Commission, or if so directed on the subpoena, to the presiding commissioner, examiner, or other representative of the Commission before whom the person named in the subpoena is required to appear.

#### XX. PETITIONS FOR FURTHER HEARINGS, REHEARINGS, REARGUMENTS, RECONSIDERATION OR MODIFICATION OF ORDERS

a. *Petition, Filing, Service.*—An application for further hearing in a proceeding before final submission, for reopening a proceeding after final submission, or for rehearing, reargument, or reconsideration after decision must be made by petition stating specifically the grounds relied upon, filed with the Commission and served by the petitioner upon all parties to the proceeding or their attorneys. (See Rule XIII.)

b. *Statement as to New Evidence.*—If the petition be for further hearing before final submission or for reopening the proceeding to take further evidence the nature and purpose of the evidence to be adduced must be briefly stated and it must appear not to be merely cumulative.

c. *Specification of Errors.*—If the petition be for rehearing, reargument, or reconsideration, the matters claimed to have been erroneously decided must be specified and the alleged errors briefly stated. If the order of the Commission is sought to be vacated, reversed, or modified by reason of matters which have arisen since the hearing, or of consequences which would result from compliance therewith, the matters relied upon by the petitioner must be set forth in the petition.

d. *Time of Filing.*—A petition for rehearing, reargument, reconsideration, or modification of an order must be filed within 30 days after service of the order therein.

e. *Form and Style, Service.*—Petitions under this Rule must conform to the requirements of Rules XII and XIII.

## XXI. TRANSCRIPT OF TESTIMONY

*Copies not Furnished by the Commission.*—The Commission will make provisions for a stenographic record of the proceeding and for such copies of the transcript as it requires for its own purposes. The Commission assumes no obligation to furnish copies gratuitously to parties of record or other interested persons.

## XXII. BRIEFS AND ORAL ARGUMENT

a. *Oral Argument.*—If oral argument before the presiding commissioner, examiner, or other representative of the Commission is desired, he should be so notified before or at the hearing and he may arrange to hear the argument at the close of the testimony. He may impose such limits of time on the argument as he may determine, having regard for other assignments for hearing before him. Such argument will be transcribed and bound with the transcript of testimony and will be available to the Commission for consideration in deciding the case.

b. *Forms and Style of Briefs.*—Briefs must comply with the requirements of Rule XII. The date of each brief must appear on the front cover or title page. Each brief should contain an abstract of the evidence relied upon by the party filing it, preferably assembled by subjects with reference to the pages of the record or exhibit where the evidence appears. It should include requests for such specific findings as the party thinks the Commission should make.

c. *Arrangements of Contents.*—The brief should contain a concise statement of the case which should precede the abstract of evidence. The abstract of evidence should precede the argument. Exhibits should not be reproduced in the brief, but if desired may be reproduced in an appendix of the brief. Analysis of such exhibits should be included in the abstract of evidence under the subjects to which they pertain. Every brief of more than twenty pages should contain on its front leaves a subject index with page references, and a list of all cases cited alphabetically arranged with reference to the pages where the citations appear.

d. *Filing, Service, Number of Copies.*—At the close of the testimony in each case, the presiding commissioner, examiner, or other representative of the Commission will within his discretion, fix the time for filing and service of the respective briefs, depending upon the magnitude of the issues involved. All briefs should be filed simultaneously. Only one brief shall be filed by each party. All briefs must be accompanied by notice showing service upon all parties or their attorneys who appeared at the hearing or on brief, and 15 copies of each brief shall be furnished for the use of the Commission.

e. *Reply Briefs.*—The presiding commissioner, examiner, or other representative of the Commission shall fix for all parties the same time within which to file their reply briefs. Parties who fail to file an opening or initial brief as required by this rule will not be permitted, except upon leave granted, to file reply to the brief of an opposing party.

## XXIII. COMPUTATION OF TIME

When the time prescribed by these rules for doing any act expires on a Sunday or legal holiday, such time shall extend to and include the next succeeding day that is not a Sunday or legal holiday.

## XXIV. CHANGE IN AND WAIVER OF RULES

*Change.*—The rules of procedure adopted by the Commission are subject to be changed by order of the Commission without notice to any person. The Secretary shall publish the rules of practice and procedure from time to time as they shall then exist and shall furnish a reasonable number of copies thereof to any interested person upon application to him without charge therefor.

*Waiver.*—The Commission may waive conformance with these rules or any of them by any person in its discretion

either upon its own motion or upon petition by such person.

By order of the Commission.  
Dated this 23rd day of June, 1937.

[SEAL] F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 37-1969; Filed, June 29, 1937; 11:54 a. m.]

## FARM CREDIT ADMINISTRATION.

[FCA 44]

PRODUCTION CREDIT CORPORATION OF LOUISVILLE  
(Fourth District: Ohio-Indiana-Kentucky-Tennessee; Louisville, Kentucky)

PCA BULLETIN # 218: CLASS A STOCK CONVERSIONS AND TRANSFERS

JUNE 10, 1937.

1. Your attention is invited to the first paragraph of Section 104 J (1) of the revised Rules and Regulations for Production Credit Associations, which reads as follows:

*Class A Stock.*—Upon the authorization of a loan to a holder of class A stock, the board of directors may permit the conversion of any or all such class A stock at the fair book value thereof (not to exceed par) into class B stock, in accordance with such terms and conditions as may be prescribed by the corporation so long as it is the holder of any stock of the associations.

2. In instances where a class A stockholder desires to convert his class A stockholdings into class B stock for the purpose of obtaining a loan, the association should, after approval by the executive committee or the board of directors, convert the necessary number of shares of class A stock into class B stock to enable the holder to own sufficient class B stock for the approved loan. The association may, however, convert a sufficient number of shares of class A stock into Class B stock to provide also for additional advances which may later be required by the borrower. One conversion may be made to cover both transactions, but should be limited to an excess of not more than ten shares over the number required for the original approved loan.

3. If the application of the above procedure would result in the ownership of only one or a fractional share of class A stock, the association may allow the conversion of the full amount of class A stock.

4. In cases where a class A stockholder arranges to sell and transfer his stock to another individual who intends to convert it into class B stock for use in obtaining an association loan, it is only necessary for the transferee of the class A stock certificate to submit it to the association from which he desires to obtain a loan, with a request to convert it into class B stock of the association, whereupon the association, after approval by its executive committee or its board of directors, will forward such request to the Corporation on a properly prepared Advice of Stock Transfer, Retirement and/or Conversion (PCA 112-B) with the class A stock certificate. The Corporation will, as transfer agent of class A stock, record the transaction on its records, and the Secretary-Treasurer of the association will record the ownership of class B stock.

5. Nothing contained herein alters or amends the current Rules and Regulations for Production Credit Associations.

W. F. GAHM, President.

[F. R. Doc. 37-1978; Filed, June 29, 1937; 12:43 p. m.]

[FCA 45]

PRODUCTION CREDIT CORPORATION OF BALTIMORE  
CAPITAL STOCK, CLASS A

To all production credit associations in the States of Pennsylvania, Delaware, Virginia, West Virginia, Maryland and Puerto Rico:

The following regulation is prescribed pursuant to Section 26 (d) of the bylaws adopted by the production credit

associations of this district, and to the first paragraph of Section 104 (j) 1 of the Rules and Regulations for Production Credit Associations:

In instances where a class A stockholder arranges to sell and transfer his stock to another individual who intends to convert it into class B stock for use in obtaining an association loan, it is necessary only for the transferee of the original class A stock certificate to submit it to the association from which he desires to obtain a loan, with an order to convert it into class B stock of the association, whereupon the association will forward such order and certificate to the Production Credit Corporation, with a request on form PCA-112-B for conversion, after approval by the Board of Directors of the conversion.

The secretary-treasurer will then issue the class B stock in the name of the stockholder and record the transaction on the books of the association.

In the event that a holder of class A stock desires to convert his class A stock to class B stock for use in obtaining a loan, the association should give approval to the conversion of only the number of shares necessary to enable the holder to obtain sufficient class B stock.

There may be cases in which proper compliance with this principle would result in the ownership by the stockholder-borrower of only one or a fractional share of class A stock, and in instances of this kind, we would recommend that the association allow the conversion of the full amount of his class A stock holdings.

[SEAL]

PRODUCTION CREDIT CORPORATION  
OF BALTIMORE,

By M. O. WILSON, President.

[F. R. Doc. 37-1979; Filed, June 29, 1937; 12:44 p. m.]

#### FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of June, A. D. 1937.

Commissioners: William A. Ayres, Chairman, Garland S. Ferguson, Jr., Charles H. March, Ewin L. Davis, Robert E. Freer.

[Docket No. 3051]

IN THE MATTER OF LANTEEN LABORATORIES, INC., A CORPORATION, LANTEEN MEDICAL LABORATORIES, INC., A CORPORATION, ALSO TRADING AS MEDICAL BUREAUS OF INFORMATION, AND RUFUS RIDDLESBARGER, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS AN OFFICER OF SAID RESPONDENTS

#### ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Thursday, July 15, 1937, at one o'clock in the afternoon of that day (eastern standard time), in room 500, 45 Broadway, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 37-1967; Filed, June 29, 1937; 9:59 a. m.]

#### INTERSTATE COMMERCE COMMISSION.

[Corrected Order]

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 14th day of June, A. D., 1937.

[Ex Parte No. MC 13]

#### MOTOR CARRIER SAFETY REGULATIONS

#### IN THE MATTER OF REGULATIONS GOVERNING THE TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES BY MOTOR VEHICLE

Section 204 (a), sub-paragraphs (1), (2), and (3) of the Motor Carrier Act, 1935, and the Transportation of Explosives Act, approved March 4, 1921 (c. 172, 41 Stat. 1445), being under consideration:

*It is ordered*, That an investigation be, and it is hereby, instituted by the Commission on its own motion concerning:

(a) The matter of the modification of regulations prescribed November 6, 1934, under the Transportation of Explosives Act, insofar as such regulations pertain to qualifications and maximum hours of service of employees and safety of operation and equipment by common carriers by motor vehicle;

(b) The matter of the establishment of reasonable requirements governing the transportation of explosives and other dangerous articles by contract carriers by motor vehicle in interstate or foreign commerce;

(c) The need for the establishment, and if need therefor be found, the establishment of requirements governing the transportation of explosives and other dangerous articles by private carriers by motor vehicle in interstate or foreign commerce;

*It is further ordered*, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter specify;

*It is further ordered*, That such Motor Carrier Associations and such other interested persons as are known to this Commission, and all State Commissions having jurisdiction to regulate the business of transportation by motor vehicle, be notified of this proceeding by mailing copies of this Order to each thereof; and that notice of this proceeding be given to the general public by depositing a copy of this Order and posting the same in the office of the Secretary of this Commission at Washington, D. C.

*And it is further ordered*, That any party desiring to be served with further orders and notices in this proceeding shall advise the Interstate Commerce Commission, Washington, D. C. to that effect by notice which must reach the Commission within thirty days from the date of service hereof.

By the Commission.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 37-1970; Filed, June 29, 1937; 12:36 p. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

#### SECURITIES EXCHANGE ACT OF 1934

#### AMENDMENT TO RULE AN21

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 3 (a) (12), 10 (b) and 23 (a) thereof, hereby amends paragraph (a) of RULE AN21 by deleting the words "four hundred and sixth" and inserting in lieu thereof the words "four hundred and ninety-eighth."

Paragraph (a), as amended, reads as follows:

(a) Evidences of indebtedness (i) which have been issued by any foreign state that is presently governed by an interim government which is holding office temporarily and which is to continue to hold such office only until the assumption thereof by a regular government which has been elected and (ii) as to which temporary

exemption from the operation of Section 12 (a) shall expire pursuant to the terms of Rule AN7 on May 15, 1936, and as to which registration shall not be effective on that date, shall be exempt from the operation of said Section 12 (a) to and including the four hundred and ninety-eighth day following the assumption of office by such elected regular government.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1971; Filed, June 29, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of June, A. D., 1937.

**IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE HOLLENBACK ET AL.-NORMAN TRACT, FILED ON JUNE 4, 1937, BY ALEX MACDONALD, RESPONDENT**

**ORDER CONSENTING TO WITHDRAWAL OF OFFERING SHEET AND TERMINATING PROCEEDING**

The Securities and Exchange Commission, having received from respondent an application for an order consenting to withdrawal of the offering sheet described in the title hereof, and respondent having represented to the Commission in writing that none of the securities described in said offering sheet have been sold, and it appearing in view of such representation that withdrawal of said offering sheet is not inconsistent with the public interest.

It is ordered that consent of the Commission to withdrawal of such offering sheet be, and hereby is, granted, but the Commission does not consent to removal of said offering sheet or any papers relating thereto from the files of the Commission, and

It is further ordered that the Temporary Suspension Order heretofore entered<sup>1</sup> in this proceeding be, and hereby is, revoked, and said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1977; Filed, June 29, 1937; 12:40 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of June, A. D., 1937.

[File No. 2-3082]

**IN THE MATTER OF NAYBOB GOLD MINES, LIMITED**

**STOP ORDER**

This matter coming on to be heard by the Commission on the registration statement of registrant Naybob Gold Mines, Limited, of Toronto, Province of Ontario, Canada, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said regis-

tration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Trial Examiner's report in this matter which is hereby adopted as the Commission's Findings of Fact herein, and being now fully advised in the premises, and the registrant having consented to the entry of a stop order,

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Naybob Gold Mines, Limited, of Toronto, Province of Ontario, Canada, be and the same hereby is suspended.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1972; Filed, June 29, 1937; 12:37 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of June, A. D., 1937.

**IN THE MATTER OF PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE PAT HILL-CLEMENTS TRACT, FILED ON JUNE 21, 1937, BY P. R. KNICKERBOCKER, RESPONDENT**

**TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING**

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

In that the offering sheet, as filed, is not in the form prescribed by Rule 330 of the General Rules and Regulations of the Commission, which Rule became effective June 1, 1937;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1973; Filed, June 29, 1937; 12:38 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of June, A. D., 1937.

**IN THE MATTER OF AN OFFERING SHEET OF NON-PRODUCING LANDOWNERS' ROYALTY INTERESTS IN THE BIG WEST-ENGLE TRACT, FILED ON JUNE 21, 1937, BY LANDOWNERS ROYALTIES COMPANY, RESPONDENT**

**TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING**

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the second paragraph of representations, required to be included as a part of the offering sheet, is omitted;

(2) In that the information contained in the plat attached to the offering sheet as "Exhibit A", is not believed to be correct by reason of the fact that said plat shows a producing well adjacent to the tract involved, whereas from information disclosed by Division II, Item 11 (e), it appears that said well is now abandoned;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1975; Filed, June 29, 1937; 12:39 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of June, A. D., 1937.

**IN THE MATTER OF AN OFFERING SHEET OF PRODUCING OVER-RIDING ROYALTY INTERESTS IN THE OHIO-KYLE LEASE, FILED ON JUNE 21, 1937, BY P. H. LOWRIE, RESPONDENT**

**TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING**

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

In that the offering sheet, as filed, is not in the form prescribed by Rule 330 of the General Rules and Regulations of the Commission, which Rule became effective June 1, 1937, nor are any of the copies of the offering sheet, as filed, properly executed;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1976; Filed, June 29, 1937; 12:40 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of June, A. D., 1937.

**IN THE MATTER OF AN OFFERING SHEET OF PRODUCING LAND-OWNERS' ROYALTY INTERESTS IN THE UNION OIL COMPANY—MAHONEY TRACT, FILED ON JUNE 23, 1937, BY ROYALTY GROUP CORPORATION, RESPONDENT**

**TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING**

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of

the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that the offering sheet, as filed, is not in the form prescribed by Rule 330 of the General Rules and Regulations of the Commission, which Rule became effective June 1, 1937;

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any re-

quirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1974; Filed, June 29, 1937; 12:38 p. m.]

