

the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than April 27, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission,

[SEAL] FRANCIS P. BRASSOR, *Secretary*:

[F. R. Doc. 340—Filed, April 16, 1936; 11:53 a. m.]

VETERANS' ADMINISTRATION

REVISION OF REGULATIONS

SECTION 31, PUBLIC 141, 73D CONGRESS

2085. See R. & P. R. 1121 to R. 1123. Misconduct, whether willful or otherwise, is a bar (April 16, 1936.)

RATES—SPANISH-AMERICAN WAR, PHILIPPINE INSURRECTION, AND BOXER REBELLION SERVICE

2087. In claims of veterans with Spanish American War, Philippine Insurrection, or Boxer Rebellion service, as defined in Public, No. 2 or Public, No. 141, 73d Congress, and regulations issued pursuant thereto, the pension to be awarded will be in accordance with the rates provided in Veterans Regulation No. 1 (a), Part I, and the Schedule for Rating Disabilities, 1933, or Section 30, Title III, Public, No. 141, 73d Congress, whichever is the greater monetary benefit. (April 16, 1936.)

SECTION 30, PUBLIC, NO. 141, 73D CONGRESS; PUBLIC, NO. 269, 74TH CONGRESS; HINDIÁN WARS; CIVIL WAR; AND PEACE-TIME PRIOR TO APRIL 21, 1893

2135. (B) The Act of December 21, 1893, does not apply where the claimant is shown to be without entitlement to pension before the delivery of the initial check in payment under the award, nor to suspensions, reductions, or terminations which would normally be effected upon the happening of a contingency which in itself under existing law affects or terminates pension rights, such as death, re-entry into the active military or naval service, remarriage of a widow or mother, forfeiture (including O. N. A. C.) admission into a Veterans' Administration facility, or State or United States soldiers' home, nor to temporary suspensions to guardians or others in connection with any guardianship action.

(C) Notice of reduction, suspension, or termination will be given the pensioner by registered letter containing a full and true statement of the reasons necessitating such action: It will be stated in the letter that the pensioner will be given a period of thirty days (sixty days to pensioners in foreign countries) from the date of receipt of the letter by him within which to show cause why the action contemplated should not be taken. The pensioner will be informed that any evidence submitted must be duly sworn to before some officer authorized to administer oaths for general purposes. If reply is not received within the period designated in the notice, as shown by the date appearing on the returned registered receipt, the pension will be reduced, suspended, or terminated as the case may be, effective on the day following the date of expiration of the designated period. If reply is received within the designated period, it will be carefully considered to determine whether cause has been shown for receding from the contemplated action. If the contemplated

action is not receded from, the pension will be reduced, suspended, or terminated as in cases where no reply is received. In any event the pensioner will be informed of the action taken. (April 16, 1936.)

TRANSPORTATION FOR OUT-PATIENT MEDICAL AND DENTAL TREATMENT AND PHYSICAL EXAMINATION

6103. (A) *Out-patient treatment of veterans.*—Veterans of war time (including those receiving pension under paragraph III, Part I, Veterans Regulation No. 1 (a) or peace time service suffering from service-connected diseases or injuries determined to need out-patient treatment, or suffering from a nonservice-connected condition for which adjunct treatment has been authorized by the medical director will, when authorized to report for out-patient treatment, including fitting of prosthetic appliances, be furnished transportation and the necessary meal and lodging requests, except:

(1) Where the beneficiary resides in the town or city where the out-patient treatment is to be rendered, or in the vicinity thereof so that the said town or city may be considered his place of residence.

(2) Veterans comprehended under subparagraph (1) hereof may, however, be supplied station transportation (bus, etc.) or expenses of transportation by common carriers where the fare exceeds ten cents each way, when reporting for out-patient treatment, where such special authority has been granted certain stations by the Administrator, because of exceptional conditions.

(B) *Out-patient physical examinations.*—

(1) In physical examinations to determine need for out-patient treatment, whether made by a designated physician or designated dentist, or at a field station of the Veterans' Administration, transportation and incidental expenses may be supplied by the government at the discretion of the chief medical officer. This authority may be exercised either as to determining need of such treatment before it is begun, or its continuance in cases where a beneficiary has been for a comparatively extended period under treatment by a designated physician, and a chief medical officer considers it advisable to have the beneficiary report at the field station to note his progress and decide whether hospital treatment is indicated, or whether any further treatment is necessary. (April 16, 1936.)

(Section 6, Public, No. 2, 73d Congress, as amended by Public, No. 78 and Public, No. 141, 73d Congress; Public, No. 312, 74th Congress, and Veterans Regulation No. 7 (a).)

[F. R. Doc. 336—Filed, April 16, 1936; 11:13 a. m.]

Saturday, April 18, 1936 No. 26

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

AUTHORIZING THE SECRETARY OF AGRICULTURE TO ACQUIRE LAND FOR WILDLIFE CONSERVATION PURPOSES

By virtue of and pursuant to the authority vested in me by the Emergency Relief Appropriation Act of 1935 (49 Stat. 115) and Title V of the act of June 15, 1935, 49 Stat. 378, 383, the Secretary of Agriculture is hereby authorized, with funds allocated to him under the said Title V of the act of June 15, 1935, to acquire real property or any interest therein by purchase, condemnation, or otherwise, as he may deem necessary or advisable for game bird and animal refuges and for migratory bird sanctuaries and refuges.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE, April 15, 1936.

[No. 7345]

[F. R. Doc. 345—Filed, April 16, 1936; 2:33 p. m.]

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NO. 7083 OF JUNE 24, 1935, PRESCRIBING RULES AND REGULATIONS RELATING TO METHODS OF PROSECUTING PROJECTS UNDER THE EMERGENCY RELIEF APPROPRIATION ACT OF 1935

Amendment to Regulation No. 3

By virtue of and pursuant to the authority vested in me by the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), the provisions of sections 4 (b), 5 (c), and 6 (c) of Regulation No. 3, issued as Executive Order No. 7083 of June 24, 1935, are hereby modified and amended to the extent that as to separate contracts let for foundations on housing projects being carried on under the supervision of the Federal Emergency Administration of Public Works and financed from funds appropriated by the Emergency Relief Appropriation Act of 1935, the contractor constructing the superstructure shall be obligated to perform, directly and without subcontracting, not less than fifteen per centum (15%) of the project, to be calculated on the same basis as the twenty-five per centum (25%) heretofore specified in the said sections 4 (b), 5 (c), and 6 (c).

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

April 15, 1936.

[No. 7347]

[F. R. Doc. 347—Filed, April 16, 1936; 2:33 p. m.]

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

ORDER REVOKING THE ORDER OF SEPTEMBER 20, 1919, AND ALL SUBSEQUENT ORDERS OPENING UNALLOTTED INDIAN LANDS TO EXPLORATION, LOCATION, AND LEASE FOR MINING PURPOSES.

MAR. 25, 1936.

The order of September 20, 1919, and all subsequent orders opening unallotted Indian lands to exploration, location, and lease for the mining of metalliferous and nonmetalliferous minerals other than oil and gas, pursuant to the provisions of section 26 of the act of June 30, 1919 (41 Stat. 31), as amended by the acts of March 3, 1921 (41 Stat. 1231), and December 16, 1926 (44 Stat. 922-923), are hereby revoked, and the lands so opened are hereby withdrawn and closed to exploration, location, and leasing under the said acts until further orders. Where valid locations have already been made, however, they may be followed by application for lease under the regulations heretofore prescribed by the Department for the granting of such leases; and existing leases in good standing now shall not be disturbed hereby.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 350—Filed, April 17, 1936; 10:22 a. m.]

INTERSTATE COMMERCE COMMISSION.

ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 9th day of April A. D. 1936.

[No. 27366]

EXPORT AND IMPORT RATES TO AND FROM ATLANTIC AND GULF PORTS

The rates and charges of carriers by railroad subject to the Interstate Commerce Act applicable on export and import traffic from and to central territory to and from Atlantic, Gulf, and Canadian ports being under consideration:

It is ordered, That an investigation be, and it is hereby, instituted, to determine whether and to what extent, if any,

the rates and charges of carriers by railroad, or by railroad and water, applicable to the transportation of export and import traffic from and to central territory to and from United States ports on the Atlantic and Gulf coasts and the Canadian ports of Montreal, Quebec, Saint John, New Brunswick, and Halifax, Nova Scotia, Canada, are unduly prejudicial to any of said United States ports, to traffic moving through said ports, to persons interested in the movement of traffic through said ports, or to carriers serving said ports or participating in the movement of traffic through said ports, and unduly preferential of either of the said Canadian ports, of traffic moving through said Canadian ports, of persons interested in the movement of traffic through said Canadian ports, or of carriers participating in the movement of traffic through said Canadian ports, and what, if any, revision of such rates may and should be required by order or orders of the Commission under the provisions of the Interstate Commerce Act to remove the undue prejudice and preference, if any, found to exist.

It is further ordered, That all carriers by railroad and by water subject to the Interstate Commerce Act and participating in the transportation referred to in the next preceding paragraph hereof be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each respondent; and that notice of this proceeding be given to the public by depositing a copy of this order in the office of the secretary of the Commission at Washington, D. C.

It is further ordered, That Investigation and Suspension Docket No. 3718, *Export and Import Rates to and from Southern Ports*, insofar as it relates to matters within the scope of this proceeding, be, and it is hereby, reopened for further hearing and consolidated with, and made a part of, this proceeding.

And it is further ordered, That this proceeding be assigned for hearing at such times and places as may hereafter be designated.

By the Commission.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 344—Filed, April 16, 1936; 2:25 p. m.]

NATIONAL LABOR RELATIONS BOARD.

[Rules and Regulations—Series 1—As Amended]

GENERAL RULES AND REGULATIONS

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following Rules and Regulations—Series 1—as amended (General Rules and Regulations), which it finds necessary to carry out the provisions of said Act. Said Rules and Regulations—Series 1—as amended shall become effective upon the signing of the original by the members of the Board and upon the publication thereof in the Federal Register, and shall supersede the Rules and Regulations—Series 1 (General Rules and Regulations) signed by the Board on September 14, 1935, which are hereby rescinded, and the Rules and Regulations signed by the Board on October 16, 1935, which are hereby rescinded. The Rules and Regulations—Series 1—as amended (General Rules and Regulations) shall be in force and effect until amended or rescinded by rules and regulations hereafter made and published by the Board.

Signed at Washington, D. C., this 15th day of April, 1936.

J. WARREN MADDEN, Chairman.

JOHN M. CARMODY, Member.

EDWIN S. SMITH, Member.

ARTICLE I. DEFINITIONS

SECTION 1. The terms "person", "employer", "employee", "representatives", "labor organization", "commerce", "affect-

¹ Public, No. 198, 74th Congress; 49 Stat. 449.

ing commerce", and "unfair labor practice", as used herein, shall have the meanings set forth in Section 2 of the National Labor Relations Act, a copy of which Act is appended hereto.

SECTION 2. The term "Act" as used herein shall mean the National Labor Relations Act, and the term "Board" shall mean the National Labor Relations Board.

SECTION 3. The term "Region" as used herein shall mean that part of the United States or any Territory thereof fixed by the Board as a particular Region.

SECTION 4. The term "Regional Director" as used herein shall mean the agent designated by the Board as Regional Director for a particular Region.

SECTION 5. The term "Trial Examiner" as used herein shall mean the Board, its member, agent, or agency conducting the hearing.

SECTION 6. The term "State" as used herein shall include all States, territories, and possessions of the United States and the District of Columbia.

ARTICLE II. PROCEDURE UNDER SECTION 10 OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES

Charge

SECTION 1. A charge that any person has engaged in or is engaging in any unfair labor practice affecting commerce may be made by any person or labor organization.² A charge may be withdrawn only with the consent of the Regional Director with whom such charge was filed or of the Board. Upon withdrawal of any charge, the Regional Director shall dismiss any complaint based thereon.

SECTION 2. Except as provided in Section 35 of this Article, such charge shall be filed with the Regional Director for the Region in which the alleged unfair practice has occurred or is occurring. A charge alleging that an unfair labor practice has occurred or is occurring in two or more Regions may be filed with the Regional Director for any of such Regions.

SECTION 3. Such charge shall be in writing, the original being signed and sworn to before any notary public or any agent of the Board authorized to administer oaths or acknowledgments. Three additional copies of such charge shall be filed. A blank form for making a charge will be supplied by the Regional Director upon request.

SECTION 4. Such charge shall contain the following:

- (a) The full name and address of the person or labor organization making the charge.
- (b) The full name and address of the person against whom the charge is made (hereinafter referred to as the "respondent").
- (c) A clear and concise statement of the facts constituting the alleged unfair labor practice affecting commerce, particularly stating the names of the individuals involved and the time and place of occurrence.

Complaint

SECTION 5. After a charge has been filed, if it appears to the Regional Director that a proceeding in respect thereto should be instituted, he shall issue and cause to be served upon the respondent and the person or labor organization making the charge (hereinafter referred to as the "parties to the proceeding") a formal complaint in the name of the Board stating the charges and containing a notice of hearing before a Trial Examiner at a place therein fixed and at a time not less than five days after the serving of said complaint. A copy of the charge shall be attached to the complaint.

SECTION 6. Upon his own motion or upon proper cause shown by any of the parties to the proceeding the Regional Director issuing the complaint may extend the date of such hearing.

² "Person" is defined in the Act as including "one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers."

"Labor organization" is defined in the Act as meaning "any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work." (Sec. 2; 49 Stat. 450.)

SECTION 7. Any such complaint may be amended by the Trial Examiner or the Board in his or its discretion at any time prior to the issuance of an order based thereon, upon such terms as may be deemed just.

SECTION 8. Any such complaint may be withdrawn before the hearing by the Regional Director on his own motion.

SECTION 9. If, after the charge has been filed, the Regional Director declines to issue and cause to be served a complaint, the person or labor organization making the charge may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the Regional Director.

Answer

SECTION 10. The respondent shall have the right, within five days from the service of the complaint, to file an answer thereto. Such answer shall contain a short and simple statement of the facts which constitute the grounds of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge; in which case respondent shall so state, such statement operating as a denial. Any allegation in the complaint not specifically denied in the answer, unless respondent shall state in the answer that respondent is without knowledge, shall be deemed to be admitted to be true and may be so found by the Board.

SECTION 11. Such answer shall be filed with the Regional Director issuing the complaint. Such answer shall be in writing, the original being signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affixed, and shall contain the post office address of the respondent. The respondent shall file three additional copies of the answer for the use of the Board. Immediately upon filing his answer the respondent shall serve a copy thereof upon each of the other parties to the proceeding.

SECTION 12. Upon his own motion or upon proper cause shown by respondent the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.

SECTION 13. In any case where a complaint has been amended the respondent shall have an opportunity to amend his answer within such period as may be fixed by the Trial Examiner, if he amends the complaint, or by the Board, if it amends the complaint.

Motions

SECTION 14. All motions made previous to or subsequent to the hearing shall be filed in writing with the Regional Director issuing the complaint, and shall briefly state the order or relief applied for and the grounds for such motion. The moving party shall file an original and three additional copies of all such motions for the use of the Board. Immediately upon the filing of such motion, the moving party shall serve a copy thereof upon each of the other parties to the proceeding. All motions made at the hearing (except motions to intervene, as provided in Section 19 of this Article) shall be stated orally and included in the stenographic report of the hearing.

SECTION 15. The Trial Examiner designated to conduct the hearing shall rule upon all motions (except as provided in Sections 6, 12, and 19 of this Article). The Trial Examiner may, before the hearing, rule on motions filed previous to the hearing, and shall file his ruling, and any order in connection therewith, with the Regional Director issuing the complaint. The Regional Director shall cause copies thereof to be served upon the parties to the proceeding. Rulings on motions, and any orders in connection therewith, if announced at the hearing, shall be stated orally and included in the stenographic report of the hearing; in all other cases they shall be issued in writing and filed with the Regional Director, who shall cause a copy of the same to be served upon each of the parties to the proceeding, or shall be contained in the Intermediate Report. Whenever the Trial Examiner has reserved his ruling on any motion, and the

proceeding is thereafter transferred to and continued before the Board pursuant to Section 37 of this Article; the Board shall rule on such motion.

SECTION 16. All motions, rulings, and orders shall become part of the record in the proceeding and rulings and orders claimed to be substantially prejudicial shall be reviewed by the Board, upon request made for such review, in conjunction with the Board's consideration of the intermediate report provided for hereinafter in this Article.

SECTION 17. If any motion in the nature of a motion to dismiss the complaint is granted by the Trial Examiner, the party making the charge may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., stating the grounds for review, and filing a copy of such request with the Regional Director and the other parties to the proceeding. Unless such request for review is filed within ten days from the date of the order of dismissal, the case shall be considered closed. The Board may, upon motion made within a reasonable period and for good cause shown, reopen the record for further proceedings.

SECTION 18. The right to make motions or to make objection to rulings upon motions shall not be deemed waived by the filing of an answer or by other participation in the proceedings before the Trial Examiner or the Board.

Intervention

SECTION 19. Any person or labor organization desiring to intervene in any proceeding shall file a motion in writing with the Regional Director issuing the complaint setting out the grounds upon which such person or organization claims to be interested. The original of such motion shall be signed and sworn to by the person or labor organization filing the motion, who shall file three additional copies of such motion for the use of the Board. Immediately upon filing such motion, the moving party shall serve a copy thereof upon each of the other parties to the proceeding. The Regional Director shall rule upon all such motions filed prior to the hearing, and the Trial Examiner shall rule upon all such motions filed at the hearing, in the manner set forth in Section 15 of this Article. The Regional Director or the Trial Examiner, as the case may be, may by order permit intervention in person or by counsel to such extent and upon such terms as he shall deem just. The Regional Director shall cause a copy of said ruling to be served upon each of the parties to the proceeding.

Witnesses and Subpoenas

SECTION 20. Witnesses shall be examined orally under oath, except that for good and exceptional cause the Trial Examiner may permit their testimony to be taken by deposition under oath. Any such deposition shall be taken in accordance with the procedural requirements for the taking of depositions provided by the law of the State in which the hearing is pending.

SECTION 21. Any member of the Board may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, or documents that relate to any matter under investigation or in question, before the Board, its member, agent, or agency, conducting the hearing or investigation. Applications for the issuance of such subpoenas may be filed by any party to the proceedings with the Regional Director, or, during the hearing, with the Trial Examiner. Such applications shall be timely and shall specify the name of the witness and the nature of the facts to be proved by him, and must specify the documents, the production of which is desired, with such particularity as will enable them to be identified for purposes of production.

SECTION 22. Witnesses summoned before the Trial Examiner shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the

witnesses appear and the person taking the deposition shall be paid by the party at whose instance the deposition is taken.

Hearing

SECTION 23. Hearings for the purpose of taking evidence upon a complaint shall be conducted by a Trial Examiner, specifically designated by the Board, by the Chief Trial Examiner, or by the Regional Director. At any time a Trial Examiner may be designated to take the place of the Trial Examiner previously designated to conduct the hearing. Such hearings shall be public, unless otherwise ordered by the Trial Examiner.

SECTION 24. It shall be the duty of the Trial Examiner to inquire fully into the facts as to whether the respondent has engaged or is engaging in an unfair labor practice affecting commerce as set forth in the complaint or amended complaint. Counsel for the Board, and the Trial Examiner, shall have power to call, examine, and cross-examine witnesses and to introduce into the record documentary or other evidence.

SECTION 25. Any party to the proceeding shall have the right to appear at such hearing in person, by counsel or otherwise, to call, examine, and cross-examine witnesses, and to introduce into the record documentary or other evidence.

SECTION 26. In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.

SECTION 27. In any such proceeding stipulations of fact may be introduced in evidence with respect to any issue.

SECTION 28. Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, shall be stated orally, together with a short statement of the grounds of such objection, and included in the stenographic report of the hearing. No such objection shall be deemed waived by further participation in the proceeding.

SECTION 29. Any party to the proceeding shall be entitled to a reasonable period at the close of the hearing for oral argument, which shall not be included in the stenographic report of the hearing unless the Trial Examiner so directs. The parties shall be entitled to file briefs or written statements only with permission of the Trial Examiner.

SECTION 30. In the discretion of the Trial Examiner, the hearing may be continued from day to day, or adjourned to a later date or to a different place, by announcement thereof at the hearing by the Trial Examiner, or by other appropriate notice.

SECTION 31. Contemptuous conduct at any hearing before a Trial Examiner or before the Board shall be ground for exclusion from the hearing. The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall be ground for the striking out of all testimony previously given by such witness on related matters.

Intermediate Report and Transmission of Case to the Board

SECTION 32. After a hearing for the purpose of taking evidence upon a complaint the Trial Examiner shall prepare an intermediate report, which he shall file with the Regional Director issuing the complaint, who will thereafter transmit the original of said report to the Board in Washington, D. C., and cause a copy thereof to be served upon each of the parties to the proceeding. Such report shall contain (a) findings of fact, separately stated and numbered, and (b) recommendations as to what disposition of the case should be made, which may include, if it be found that respondent has engaged or is engaging in the alleged unfair labor practice, a recommendation as to what affirmative action should be taken by respondent to bring about a condition in harmony with the law.

SECTION 33. Thereafter the Regional Director issuing the complaint shall forward to the Board in Washington, D. C., the charge, complaint, amended complaint, notice of hearing, answer, amended answer, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, doc-

umentary evidence, and depositions, all of which, together with the intermediate report and exceptions, shall constitute the record in the case.

Exceptions to the Record and Intermediate Report

SECTION 34. If any party desires to take an exception to the intermediate report or to any other part of the record (including rulings upon all motions or objections) he shall within ten days from the date of service of said report file with the Board at Washington, D. C., four copies of a statement in writing setting forth such exceptions. Immediately upon the filing of such statement of exceptions the party filing the same shall serve a copy thereof upon each of the other parties to the proceeding. Extension of the period within which to file such statement of exceptions may be granted only by the Board.

SECTION 35. No matter not included in such statement of exceptions may thereafter be objected to before the Board, and failure to file a statement of exceptions shall operate as submission of the case to the Board on the record and the report.

Procedure Before the Board

SECTION 36. Where the Trial Examiner has found in his Intermediate Report that the respondent has engaged in or is engaging in unfair labor practices affecting commerce, the Board may, upon the expiration of the period for filing a statement of exceptions, as provided in Section 34 of this Article, decide the matter forthwith upon the record, or after the filing of briefs, or oral argument, or may reopen the record and receive further evidence or require the taking of further evidence before a member of the Board or other agent or agency, or may make other disposition of the case. The Board shall notify the parties of the time and place for any such submission of briefs, oral argument, or taking of further evidence.

Where the Trial Examiner has found in his Intermediate Report that the respondent has not engaged in and is not engaging in unfair labor practices affecting commerce, and no exceptions have been filed within the period for filing a statement of exceptions, as provided in Section 34 of this Article, the case shall be considered closed. The Board may upon motion made within a reasonable period and for good cause shown, reopen the record for further proceedings in accordance with this Section.

SECTION 37. Whenever the Board deems it necessary in order to effectuate the purposes of the Act, it may permit a charge to be filed with it, in Washington, D. C., or may, at any time after a charge has been filed with a Regional Director pursuant to Section 2 of this Article, order that such charge, and any proceeding which may have been instituted in respect thereto

(a) be transferred to and continued before it, for the purpose of consolidation with any proceeding which may have been instituted by the Board, or for any other purpose; or

(b) be consolidated for the purpose of hearing, or for any other purpose, with any other proceeding which may have been instituted in the same Region; or

(c) be transferred to and continued in any other Region, for the purpose of consolidation with any proceeding which may have been instituted in or transferred to such other Region, or for any other purpose.

The provisions of Sections 3 to 31, inclusive, of this Article shall, insofar as applicable, apply to proceedings before the Board pursuant to this Section, and the powers granted to Regional Directors in such provisions shall, for the purpose of this Section, be reserved to and exercised by the Board. After the transfer of any charge and any proceeding which may have been instituted in respect thereto from one Region to another pursuant to this Section, the provisions of Sections 3 to 36, inclusive, of this Article, shall apply to such charge and such proceeding as if the charge had originally been filed in the Region to which the transfer is made.

SECTION 38. After a hearing for the purpose of taking evidence upon the complaint in any proceeding over which the

Board has assumed jurisdiction in accordance with Section 37 of this Article, the Board may

(a) direct that the Trial Examiner prepare an intermediate report, in which case the provisions of Sections 32 to 36, inclusive, of this Article shall insofar as applicable govern subsequent procedure, and the powers granted to Regional Directors in such provisions shall for the purpose of this Section be reserved to and exercised by the Board; or

(b) decide the matter forthwith upon the record, or after the filing of briefs or oral argument; or

(c) reopen the record and receive further evidence before the Board, or a member, agent, or agency; or

(d) make other disposition of the case.

The Board shall notify the parties of the time and place of any such submission of briefs, oral argument, or taking of further evidence.

ARTICLE III. PROCEDURE UNDER SECTION 9 (C) OF THE ACT FOR THE INVESTIGATION AND CERTIFICATION OF REPRESENTATIVES

SECTION 1. A petition requesting the Board to investigate and certify under Section 9 (c) of the Act the name or names of the representatives designated or selected for the purpose of collective bargaining may be filed by any employee or any person or labor organization acting on his behalf (hereinafter referred to as the "petitioner") Except as provided in Section 11 of this Article, such petition shall be filed with the Regional Director for the Region wherein the contemplated bargaining unit exists, or, if the contemplated bargaining unit exists in two or more Regions, with the Regional Director for any of such Regions. Such petition shall be in writing, the original being signed and sworn to before any notary public or any agent of the Board authorized to administer oaths or acknowledgments. Three additional copies of the petition shall be filed. A blank form for filing such a petition will be supplied by the Regional Director upon request.

SECTION 2. Such petition shall contain the following:

(a) The name and address of the petitioner,

(b) The name and address of the employer or employers involved, the general nature of their businesses, and the approximate number of their employees.

(c) A description of the bargaining unit claimed to be appropriate, the approximate number of employees therein, the number and classifications of employees which the representatives on whose behalf the petition is filed claim to represent, the names of any other known individuals or labor organizations who claim to represent any of the employees in the alleged bargaining unit.

(d) A brief statement setting forth the nature of the question or controversy affecting commerce that has arisen concerning representation.

(e) Any other relevant facts.

SECTION 3. If it appears to the Board that an investigation should be instituted it shall so direct and (except as provided in Section 11 of this Article) shall authorize the Regional Director to undertake such investigation, and to provide for an appropriate hearing upon due notice, either in conjunction with a proceeding instituted pursuant to Section 5 of Article II of these Rules and Regulations, or otherwise. The Regional Director shall thereupon proceed with such investigation and in connection therewith shall prepare and cause to be served upon the petitioners, upon the employer or employers involved, and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation (all of whom are hereinafter referred to as the "parties to the proceeding") a notice of hearing upon the question of representation before a Trial Examiner at a time and place fixed therein. A copy of the petition shall be served with such notice of hearing.

SECTION 4. All matters relating to motions, interventions, witnesses, and subpoenas shall be governed by the provisions of Sections 14 to 22, inclusive, of Article II above.

SECTION 5. Hearings upon the question of representation shall be conducted by a Trial Examiner specially designated

by the Board, by the Chief Trial Examiner, or by the Regional Director, and shall be open to the public unless otherwise ordered by the Trial Examiner. At any time a Trial Examiner may be designated to take the place of the Trial Examiner previously designated to conduct the hearing. It shall be the duty of the Trial Examiner to inquire fully into the question of representation. Counsel for the Board, and the Trial Examiner, shall have power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence.

SECTION 6. The introduction of evidence at the hearing and the rights of the parties to the proceedings shall be governed by Sections 25 to 31, inclusive, of Article II above.

SECTION 7. Upon the close of the hearing the Regional Director shall forward to the Board in Washington, D. C., the petition, notice of hearing, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which shall constitute the record in the proceeding.

SECTION 8. The Board shall thereupon proceed, either forthwith upon the record, or after oral argument or the submission of briefs, or after further hearing, as it may determine, to certify to the parties to the proceeding the name or names of the representatives that have been designated or selected, or to direct a secret ballot of the employees in order to complete the investigation, or to make other disposition of the matter.

SECTION 9. Where the Board determines that a secret ballot should be taken it shall direct such ballot to be conducted by a designated agent or agency in accordance with such terms as it may specify. Upon conclusion of such ballot the agent or agency conducting the ballot shall prepare an intermediate report containing a tally of the ballots, its findings and its recommendations, which it shall cause to be served upon the parties to the proceeding. Within five days thereafter the parties to the proceeding may file with the Regional Director any objection to the ballot or the report. If it appears to the Regional Director that any such objection raises a substantial and material issue with respect to the conduct of the ballot he shall issue and cause to be served upon the parties a notice of hearing on said objections before a Trial Examiner. Said Trial Examiner shall consider such objections raised to said ballot and shall prepare and file with the Regional Director a report containing findings and recommendations with respect thereto. Thereafter the Regional Director shall forward to the Board in Washington, D. C., the report of the agency conducting the ballot, the objections filed thereto, the notice of hearing, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which, together with the record previously made, shall constitute the record in the case. The Board shall thereupon proceed as set forth in Section 8 of this Article. If no objection raising a substantial and material issue with respect to the conduct of the ballot is filed to the report of the agency conducting the ballot the Regional Director shall forward directly to the Board in Washington, D. C., said report, which, together with the record previously made, shall constitute the record in the case. The Board shall thereupon proceed as set forth in Section 8 of this Article.

SECTION 10. Any hearing under Section 9 (c) of the Act with respect to the certification of representatives may be held in conjunction with a proceeding on a complaint of an unfair labor practice under Section 10 of the Act.

SECTION 11. Whenever the Board deems it necessary in order to effectuate the purposes of the Act, it may

(a) permit a petition requesting an investigation and certification to be filed with it, and may upon the filing of such petition proceed to conduct an investigation under Section 9 (c) of the Act, or direct any Regional Director, or other agent or agency, to conduct such an investigation; or

(b) upon its own motion conduct, or direct any member, Regional Director, or other agent or agency, to conduct an investigation under Section 9 (c) of the Act; or

(c) at any time after a petition has been filed with a Regional Director pursuant to Section 1 of this Article, order

that such petition, and any proceeding which may have been instituted in respect thereto

(1) be transferred to and continued before it, for the purpose of consolidation with any proceeding which may have been instituted by the Board, or for any other purpose; or

(2) be consolidated, for the purpose of hearing, or for any other purpose, with any other proceeding which may have been instituted in the same Region; or

(3) be transferred to and continued in any other Region, for the purpose of consolidation with any proceeding which may have been instituted in such other Region, or for any other purpose.

The provisions of this Article shall, insofar as applicable, apply to proceedings conducted pursuant to subsections (a), (b), and (c) (1) of this Section, and the powers granted to Regional Directors in such provisions shall for the purpose of this Section be reserved to and exercised by the Board, or by the Regional Director, or other agent or agency, directed to conduct the investigation. After the transfer of any petition and any proceeding which may have been instituted in respect thereto from one Region to another pursuant to subsection (c) (3) of this Section, the provisions of this Article shall apply to such proceeding as if the Board had originally directed that the investigation be conducted in the Region to which the transfer is made.

ARTICLE IV, DESIGNATION OF REGIONAL DIRECTORS, EXAMINERS, AND ATTORNEYS AS AGENTS OF THE BOARD

SECTION 1. All Regional Directors now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with Section 5 of the Act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees) and conduct hearings in connection with such investigations, in accordance with Section 9 (c) of the Act.

(c) To issue and cause to be served complaints, to amend complaints, and to conduct hearings upon such complaints, in accordance with Section 10 (b) of the Act.

(d) To have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses, and to receive evidence, in accordance with Section 11 (1) of the Act.

SECTION 2. All Examiners now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with Section 5 of the Act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees), in accordance with Section 9 (c) of the Act.

(c) To have access to and the right to copy evidence, and to administer oaths and affirmations, in accordance with Section 11 (1) of the Act.

SECTION 3. All Attorneys now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with Section 5 of the Act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees) and conduct hearings in connection with such investigation, in accordance with Section 9 (c) of the Act.

(c) To amend complaints issued under Section 10 (b) of the Act and to conduct hearings upon such complaints, in accordance with said Section.

(d) To have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses, and to receive evidence, in accordance with Section 11 (1) of the Act.

SECTION 4. The foregoing designations shall not be construed to limit the power of the Board to make such special designation of agents as may in its discretion be necessary or proper to effectuate the purposes of the Act.

ARTICLE V. SERVICE OF PAPERS

SECTION 1. Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same.

SECTION 2. Service of papers by a party on other parties shall be made by registered mail or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending. When service is made by registered mail, the return post-office receipt shall be proof of service. When service is made in any manner provided by such law, proof of service shall be made in accordance with such law.

ARTICLE VI. CERTIFICATION AND SIGNATURE OF DOCUMENTS

SECTION 1. The Secretary of the Board, or in the event of his absence or disability, the Assistant Secretary of the Board, shall certify copies of all papers and documents which are a part of any of the files or records of the Board as may be necessary or desirable from time to time.

SECTION 2. The Secretary of the Board, or in the event of his absence or disability, the Assistant Secretary of the Board, is hereby authorized to sign all orders of the Board, and sign and issue all complaints authorized to be issued by the Board.

ARTICLE VII. PUBLICATION AND EFFECTIVE DATE

SECTION 1. These rules and regulations shall become effective upon the signing of the original by the members of the Board and upon publication thereof in the FEDERAL REGISTER.

ARTICLE VIII. CONSTRUCTION OF RULES

SECTION 1. These rules and regulations shall be liberally construed to effectuate the purposes and provisions of the Act.

ARTICLE IX. AMENDMENTS

SECTION 1. Any rule or regulation may be amended or rescinded by the Board at any time.

[F. R. Doc. 349—Filed, April 16, 1936; 2:45 p. m.]

Tuesday, April 21, 1936

No. 27

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48252]

CUSTOMS REGULATIONS AMENDED—CUSTOMHOUSE BROKERS

CHAPTER XXVII, CUSTOMS REGULATIONS OF 1931, AMENDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 641, TARIFF ACT OF 1930, AS AMENDED BY THE ACT OF AUGUST 26, 1935 (PUB. NO. 335)

To Collector of Customs and Others Concerned:

Chapter XXVII (Articles 1391 to 1403, inclusive) of the Customs Regulations of 1931 is hereby amended by deleting all matter now appearing therein and inserting, in lieu thereof sections 1 to 14, inclusive, of the regulations relating to customhouse brokers promulgated by the Secretary of the Treasury in Department Circular No. 559, of April 16, 1936 (with redesignation of article numbers), as follows:

CHAPTER XXVII. CUSTOMHOUSE BROKERS

Art.
1391. Licenses for brokers required—Qualifications—Regulations authorized.
1392. Definitions.
1393. Application for license and investigation of application.
1394. Issuance or denial of licenses.

Art.

1395. Other representation by customhouse brokers.
1396. Licenses for more than one customs district.
1397. License, when not required.
1398. Books and papers.
1399. Other duties and obligations of licensed customhouse brokers.
1400. Revocation or suspension of licenses.
1401. Cancellation of licenses.
1402. Licenses issued under prior Acts of Congress.
1403. Appeal from the Secretary's decision.
1403½. Records of the Committee.

[Here follow the rules and regulations relating to customhouse brokers promulgated by the Secretary of the Treasury April 16, 1936; for the text of the regulations see "Rules and Regulations relating to Customhouse Brokers", published in this issue under the heading, "Committee on Enrollment and Disbarment."]

These regulations shall become effective on May 16, 1936.

[SEAL] J. H. MOYLE, Commissioner of Customs.

Approved: Apr. 16, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 373—Filed, April 20, 1936; 12:32 p. m.]

Bureau of Internal Revenue.

[T. D. 4636]

INCOME TAX—MUTUAL INSURANCE COMPANIES OTHER THAN LIFE
EXTENSION OF TIME FOR FILING RETURNS

To Collectors of Internal Revenue and Others Concerned:

Pursuant to the provisions of section 53 of the Revenue Act of 1934, extensions of time for such period as may be necessary, but not later than June 15, 1936, are hereby granted to mutual insurance companies other than life for the filing of income tax returns, Form 1030, for the calendar year 1935.

This document is issued under the authority prescribed by sections 53 and 62 of the Revenue Act of 1934.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, Apr. 15, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 351—Filed, April 18, 1936; 9:34 a. m.]

Committee on Enrollment and Disbarment.

RULES AND REGULATIONS RELATING TO CUSTOMHOUSE BROKERS
[(1936) Department Circular No. 559]

By virtue of and pursuant to the authority vested in me, including the authority conferred by section 641 of the Tariff Act of 1930, as amended, the following regulations are hereby promulgated:

SEC. 1. LICENSES FOR BROKERS REQUIRED—QUALIFICATIONS—REGULATIONS AUTHORIZED.—(a) Tariff Act of 1930, section 641 (a), as amended:

* * * Except as provided in subdivision (c) of this section, no person shall transact business as a customhouse broker without a license granted in accordance with the provisions of this subdivision, but nothing in this section shall be construed to authorize the requiring of a license in the case of any person transacting at a customhouse business pertaining to his own importations (Aug. 26, 1935, ch. 689, sec. 3, 49 Stat. 864).

(b) No representative of the Treasury Department shall recognize or deal with any person transacting the business of a customhouse broker, or any employee, officer, or agent thereof, unless such person is licensed as a customhouse broker in accordance with the provisions of these regulations.

(c) Tariff Act of 1930, section 641 (a):

The Secretary of the Treasury may prescribe rules and regulations governing the licensing as customhouse brokers of citizens of the United States of good moral character, and of corporations, associations, and partnerships, and may require as a condition to the granting of any license, the showing of such facts as he may deem advisable as to the qualifications of the applicant to render valuable service to importers and exporters. No such

