

THE NATIONAL ARCHIVES  
LITTERA SCRIPTA MANET  
OF THE UNITED STATES

# FEDERAL REGISTER

1934

VOLUME I NUMBER 5

Washington, Friday, March 20, 1936

**PRESIDENT OF THE UNITED STATES.**

**CONTRIBUTIONS TO AMERICAN RED CROSS FOR FLOOD RELIEF**

By the President of the United States of America

**A PROCLAMATION**

Flood waters raging throughout eleven states have driven 200,000 people from their homes, with every indication that this number may be materially increased within the next twenty-four hours. In this grave emergency the homeless are turning to our great national relief agency, the American Red Cross, for food, clothing, shelter and medical care.

To enable the Red Cross to meet this immediate obligation and to continue to carry the burden of caring for these unfortunate men, women and children until their homes are restored and they can return to normal living conditions, it is necessary that a minimum relief fund of three million dollars be raised as promptly as possible.

As President of the United States and as President of the American Red Cross, I am, therefore, urging our people to contribute promptly and most generously so that sufficient funds may be available for the relief of these thousands of our homeless fellow citizens. I am confident that in the face of this great need your response will be as immediate and as generous as has always been the case when the Red Cross has acted as your agent in the relief of human suffering.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 19 day of March, in the year of our Lord nineteen hundred and thirty-six [SEAL] and of the Independence of the United States of America the one hundred and sixtieth.

FRANKLIN D. ROOSEVELT.

[No. 2161]

By the President:

WILLIAM PHILLIPS,

*Acting Secretary of State.*

[Filed, March 19, 1936; 3:33 p. m.]

**EXECUTIVE ORDER**

AMENDMENT OF EXECUTIVE ORDER NO. 7164, OF AUGUST 29, 1935, PRESCRIBING RULES AND REGULATIONS RELATING TO STUDENT-AID PROJECTS AND TO EMPLOYMENT OF YOUTH ON OTHER PROJECTS UNDER THE EMERGENCY RELIEF APPROPRIATION ACT OF 1935

*Amendment to Regulation No. 7*

By virtue of and pursuant to the authority vested in me by the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (Public Res. 11, 74th Cong.), sections 1 and 3 of regulation no. 7, prescribed by Executive Order No. 7164, of August 29, 1935, are hereby amended to read as follows:

1. *Definition of student-aid projects.* Student-aid projects are hereby defined to be projects financed, in whole or in part, from

funds appropriated by the Emergency Relief Appropriation Act of 1935, which provide financial assistance to needy young people in amounts which will permit them to continue their education in primary schools, high schools, colleges, or graduate schools, in exchange for part-time work upon useful projects.

3. *Amount of aid.* Disbursement of student-aid funds shall conform to the following requirements:

(a) No primary-school or high-school student shall be paid more than \$6 per month for the school year.

(b) No college student shall be paid more than \$20 per month for the school year, and the average of all payments made to college students during the school year shall not exceed \$15 per month per student.

(c) No graduate student shall be paid more than \$40 per month for the school year, and the average of all payments made to graduate students during the school year shall not exceed \$30 per month per student.

FRANKLIN D. ROOSEVELT

[No. 7319]

THE WHITE HOUSE,

March 18, 1936.

[Filed, March 19, 1936; 2:32 p. m.]

**DEPARTMENT OF THE INTERIOR.**

**National Bituminous Coal Commission.**

**GENERAL ORDER NO. 16**

AN ORDER REQUIRING ALL PRODUCERS OF COAL TO SUBMIT COST AND PRICE REALIZATION DATA FOR THE LAST QUARTER OF 1935

Pursuant to authority contained in an Act of Congress entitled "Bituminous Coal Conservation Act of 1935," the Commission in regular meeting assembled hereby orders as follows:

1. Each producer having any mine within any District as defined in the Bituminous Coal Conservation Act of 1935 or by General Order No. 15 issued by the Commission February 8, 1936, shall within fifteen (15) days from the date of this Order file with the Statistical Bureau of said District Board, acting herein as an agent of the Commission, complete reports showing cost of production of coal at such mine as defined in said Act, and realization prices derived from the sale of said coal, all as more fully set forth and specified in Cost Forms Nos. 1a and 2a heretofore approved by the said Commission, such reports to include all coal produced during the period from October 1, 1935, to December 31, 1935, both dates inclusive. Such reports shall be filed in duplicate and shall be received and held by said Statistical Bureau as confidential information of the producer upon the conditions and for the purposes specified in said Act. Upon receipt of such reports, such Statistical Bureau shall forthwith assemble the data as to cost of production and price realization therein set forth and shall make compilations thereof, and shall, on or before the 6th day of April 1936, submit such compilations to said District Board which shall thereupon, on or before the 11th day of April 1936, file such compilations with the Commission in Washington, D. C.



Published by the Division of the FEDERAL REGISTER, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 5 cents; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the FEDERAL REGISTER, The National Archives, Washington, D. C.

## TABLE OF CONTENTS

	Page
Department of Interior:	
National Bituminous Coal Commission:	
General Order No. 16 requiring all producers of coal to submit cost and price realization data for the last quarter of 1935.....	43
President of the United States:	
Executive Order:	
Amendment of Executive Order No. 7164 of August 29, 1935 (Regulation No. 7), prescribing rules and regulations relating to Student-Aid projects and to employment of youth on other projects under the Emergency Relief Appropriation Act of 1935.....	43
Proclamation:	
Contributions to American Red Cross for flood relief.....	43
Securities and Exchange Commission:	
Amendment of Rule NB2 concerning exemption from section 16 (b) of certain distributing and underwriting transactions.....	44
Order authorizing hearing in the matter of the application of the Montana-Dakota Utilities Co., and designating officer to conduct proceedings.....	44

2. The Secretary of the Commission shall forthwith mail a copy of this Order to the Secretary of each District Board who shall immediately prepare copies of said Order and make distribution thereof to each known producer having any mine within said District, and shall thereafter make proof of such distribution by affidavit duly filed with the Commission at Washington, D. C. It shall be the further duty of the Secretary of each of said Boards to mail or cause to be mailed to each such known producer copies of Cost Forms Nos. 1a and 2a as approved by this Commission to enable such producer to comply with the requirements of this Order.

Dated this 17th day of March 1936.

[SEAL] NATIONAL BITUMINOUS COAL COMMISSION.  
C. F. HOSFORD, Jr., *Chairman*.  
GEORGE EDWARD ACRET,  
WALTER H. MALONEY,  
C. E. SMITH,  
PERCY TETLOW,  
*Commissioners*.

[Filed, March 19, 1936; 12:42 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

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 19th day of March, A. D., 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews; Robert E. Healy; J. D. Ross; William O. Douglas.

File No. 30-2

In the Matter of the Application of Montana-Dakota Utilities Co. (Pursuant to Section 5 (d) of the Public Utility Holding Company Act of 1935).

### ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application having been duly filed with this Commission, by Montana-Dakota Utilities Co., pursuant to Section 5 (d) of the Public Utility Holding Company Act of 1935.

It is ordered, that the matter be set down for hearing on the 26th day of March, 1936, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C.; and

It is further ordered, that Edward C. Johnson, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require 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 March 24, 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*.

[Filed, March 19, 1936; 12:53 p. m.]

[For immediate release Thursday, March 19, 1936]

## SECURITIES EXCHANGE ACT OF 1934

Release No. 535 (Class A)

The Securities and Exchange Commission, finding that the transactions described in Rule NB2, as hereinafter amended, are not comprehended within the purpose of subsection (b) of Section 16 as set forth in said subsection, hereby amends said Rule by:

1. Inserting immediately after the word "partner", in clause (2) of paragraph (c), the words "employee, appointee, nominee, or representative";
2. Inserting immediately before the words "or beneficial owner" in clause (3) of paragraph (c), the words "employee, appointee, nominee, representative"; and
3. Inserting a new paragraph immediately following paragraph (c), to read as follows:

As used in paragraph (a) of this rule, the term "issuer" shall include, in addition to an "issuer" within the meaning of Section 3 (a) (8), any person directly or indirectly controlling or controlled by the issuer, or any person under direct or indirect common control with the issuer. As used in this rule, the term "issue" shall include, in addition to an issue of securities issued by an issuer within the meaning of Section 3 (a) (8), securities purchased with a view to distribution by the participants in any single distribution from any person directly or indirectly controlling or controlled by the issuer thereof, or from any person under direct or indirect common control with the issuer.

The Rule, as amended, reads as follows:

**RULE NB2. Exemption from Section 16 (b) of Certain Distributing and Underwriting Transactions.**—Any transaction of purchase and sale of a security shall be exempt from the provisions of Section 16 (b), to the extent prescribed in this rule, as not comprehended within the purpose of said subsection, upon condition that:

(a) The person effecting such transaction purchases such security with a view to the distribution thereof, from a person (1) who is the issuer thereof, or (2) who is participating in good faith in the distribution of the same issue of securities and whose ownership of such security has been acquired within six months, directly or solely through other such participants, from the issuer;

(b) Such transaction is effected by a person who is otherwise engaged in the business of buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business; and

(c) If the person effecting such transaction is either (1) an officer or director of the issuer, (2) a firm of which such officer or director is a partner, employee, appointee, nominee, or representative, or (3) a corporation or other person in respect of which such officer or director is an officer, director, employee, appointee, nominee, representative, or beneficial owner, directly or indirectly, of more than 10 per centum of any class of equity security, then other persons who are not specified in clauses (1), (2), or (3) of this paragraph (c) must have participated in the purchase of such security (or other securities of the same issue) with a view to the distribution thereof, on terms identical with those on which such specified persons have participated and to an extent at least equal to the aggregate participation of all such specified persons.

As used in paragraph (a) of this rule, the term "issuer" shall include, in addition to an "issuer" within the meaning of Section 3 (a) (8), any person directly or indirectly controlling or controlled by the issuer, or any person under direct or indirect common control with the issuer. As used in this rule, the term "issue" shall include, in addition to an issue of securities issued by an issuer within the meaning of Section 3 (a) (8), securities purchased with a view to distribution by the participants in any single distribution from any person directly or indirectly controlling or controlled by the issuer thereof, or from any person under direct or indirect common control with the issuer.

The exemption of a transaction pursuant to this rule with respect to the participation therein of one party thereto shall not render such transaction exempt with respect to participation of any other party therein unless such other party also meets the requirements of paragraphs (a), (b), and (c) of this rule.

Paragraphs numbered 1 and 2 of the above amendment shall become effective upon April 20, 1936, but shall not apply to distributions begun prior to that date.

Paragraph numbered 3 of the above amendment shall become effective immediately.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[Filed, March 19, 1936; 12:53 p. m.]

#### EXECUTIVE ORDER

##### REGULATIONS GOVERNING THE PREPARATION, PRESENTATION, FILING, AND DISTRIBUTION OF EXECUTIVE ORDERS AND PROCLAMATIONS

By virtue of and pursuant to the authority vested in me by the Federal Register Act, approved July 26, 1935 (49 Stat. 500), and as President of the United States, I hereby prescribe the following regulations governing the preparation, presentation, filing, and distribution of Executive orders and proclamations:

1. Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

(a) A suitable title for the order or proclamation shall be provided.

(b) The authority under which the order or proclamation is promulgated shall be cited in the body thereof.

(c) Punctuation, capitalization, orthography, and other matters of style shall conform to the most recent edition of the Style Manual of the United States Government Printing Office.

(d) The spelling of geographic names shall conform to the most recent official decisions made pursuant to Executive Orders No. 27-A, of September 4, 1890, No. 399, of January 23, 1906, and No. 6680, of April 17, 1934.

(e) Descriptions of tracts of lands shall conform, so far as practicable, with the most recent edition of the Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations, published by the Federal Board of Surveys and Maps.

(f) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 by 12½ inches, shall have a left-hand margin of approximately 2 inches and a right-hand margin of approximately 1 inch, and shall be double-spaced, except that quotations, tabulations, or descriptions of land may be single-spaced.

2. The proposed Executive order or proclamation shall first be submitted to the Director of the Bureau of the Budget. If the Director of the Bureau of the Budget approves it, he shall transmit it to the Attorney General for his consideration as to both form and legality. If the Attorney General approves it, he shall transmit it to the Director of the Division of the Federal Register, the National Archives. If it conforms to the requirements of paragraph 1 hereof, the Director of the Division of the Federal Register shall transmit it and three copies thereof to the President. If it is disapproved by the Director of the Bureau of the Budget or the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by the statement of the reasons for such disapproval.

3. If the order or proclamation is signed by the President, the original and two copies thereof shall be forwarded to the Director of the Division of the Federal Register for appropriate action in conformity with the provisions of the Federal Register Act: *Provided, however,* That the seal of the United States shall be affixed to the originals of all proclamations prior to such forwarding. The Division of the Federal Register shall cause to be placed upon the copies of all Executive orders and proclamations the following notation, to be signed by the Director or by some person authorized by him: "Certified to be a true copy of the original." The Division of the Federal Register shall number and shall supervise the promulgation, publication, and distribution of all Executive orders and proclamations.

4. The Division of the Federal Register shall cause a limited number of copies of the Executive orders and proclamations not required or authorized to be filed and published under the provisions of the Federal Register Act to be made available in slip form to the appropriate agencies of the Government.

5. The Division of the Federal Register shall file in the National Archives the originals of all Executive orders and proclamations.

6. The signed originals and copies of all Executive orders and proclamations heretofore promulgated and now in the custody of the Department of State shall be transferred to the National Archives.

7. Nothing in this order shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

8. This order shall become effective on March 12, 1936, and shall thereupon supersede Executive Order No. 6247, of August 10, 1933.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

February 18, 1936.

[No. 7298]

