

**B. The regulations are neither unreasonable nor burdensome; they involve no infringement of the rights guaranteed to petitioners by the due process clause of the Fifth Amendment**

We think it clear that what has been stated as to the necessity of reports and inspection also demonstrates that the regulations are reasonably adapted to attain the ends sought to be achieved by Section 9(c) of the Act and that they are not arbitrary or capricious. See *Bartlett Frazier Co. v. Hyde*, *supra*, p. 352.

No evidence was offered by petitioners that the regulations imposed any hardship or inconvenience. On behalf of the respondents a large number of persons engaged in the producing and refining branches of the industry, and who were themselves subject to these very regulations, testified that the reports imposed no burden or inconvenience upon them (No. 135, R. 58, 62-63, 64, 65, 66; No. 260, R. 120, 122, 123, 125, 126). They require but a nominal amount of time for preparation (No. 135, R. 62, 65). They demand information which must be known to those reporting in the successful operation of their business (No. 135, R. 62, 130; No. 260, R. 118-19, 123, 125, 126) and in making State and Federal tax reports (No. 135, R. 130; No. 260, R. 118). The reports required from producers<sup>97</sup> are identical with those which they must file with the

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<sup>97</sup> At the present time refiners are also required to file reports with the Railroad Commission of Texas giving substantially the information required under the Federal regulations.

Railroad Commission of Texas (No. 135, R. 130; No. 260, R. 118, 123).

**C. The regulations do not exceed the power of Congress under the commerce clause even though they apply to persons not engaged in interstate commerce**

The power to regulate interstate commerce necessarily carries with it the power to make the control effective. Thus, if the regulations are necessary to the enforcement of Section 9 (c), a valid commerce statute, it follows that they are within the Federal commerce power.

Reports have been recognized as legitimate devices for aiding in the enforcement of other commerce laws. *Baltimore & Ohio Railroad v. Interstate Commerce Commission*, 221 U. S. 612; *Interstate Commerce Commission v. Goodrich Transit Company*, 224 U. S. 194; *Chicago Board of Trade v. Olsen*, 262 U. S. 1, 42; *Bartlett Frazier Co. v. Hyde*, *supra*.

As has previously been pointed out, reports from all producers and refiners are essential to the enforcement of Section 9 (c) (*supra*, pp. 177-183). Under these circumstances, reports from intrastate operators may be required as "necessary and proper for carrying into effect" the regulation of interstate commerce.<sup>98</sup> In the *Goodrich* case, *supra*, arising under the Interstate Commerce Act,

<sup>98</sup> The general principles applicable to the control of intrastate activities under the commerce clause have been set forth above (pp. 44-47, 108-128, *supra*).

and in the *Olsen* and *Bartlett Frazier Co.* cases, *supra*, under the Grain Futures Act, it has been held that reports of intrastate activities could be required where necessary to make the regulation of interstate commerce effective. In the *Goodrich* case the defendant was required to file reports as to an amusement park, as well as for its interstate business.

**D. The regulations do not violate the constitutional prohibitions against unreasonable searches and seizures and compulsory self-incrimination**

The prohibition against unreasonable searches and seizures in the Fourth Amendment and the privilege against self-incrimination embodied in the Fifth Amendment may conveniently be considered together. As this Court said in the famous *Boyd* case (116 U. S. 616, 630, 633), the two Amendments "run almost into each other" and "throw great light on each other."

The language of the Amendments demonstrates that they were not intended to prohibit regulations of the character here in question.

FOURTH AMENDMENT

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## FIFTH AMENDMENT

No person \* \* \* shall be compelled  
in any criminal case to be a witness against  
himself \* \* \*.

It would seem clear from the wording of the Fifth Amendment that it applies only to a witness in a judicial or quasi judicial proceeding or investigation, not to such matters as the filing of reports or the keeping of records for inspection for regulatory purposes. *Consolidated Rendering Co. v. Vermont*, 207 U. S. 541; *Hale v. Henkel*, 201 U. S. 43, 67; *Burdeau v. McDowell*, 256 U. S. 465, 475; *Counselman v. Hitchcock*, 142 U. S. 547; *Matter of Harris*, 221 U. S. 274.<sup>99</sup> The Amendment merely incorporates into our constitutional structure a rule of evidence.

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<sup>99</sup> *Counselman v. Hitchcock*, 142 U. S. 547, 562: "The object [of the Amendment] was to insure that a person should not be compelled, *when acting as a witness in any investigation*, to give testimony which might tend to show that he himself had committed a crime." *Hale v. Henkel*, 201 U. S. 43, 67: "The interdiction of the Fifth Amendment operates only where a witness is asked to incriminate himself—in other words, *to give testimony* which may possibly expose him to a criminal charge." *Burdeau v. McDowell*, 256 U. S. 465, 475: "The Fifth Amendment, *as its terms import*, is intended to secure the citizen from compulsory *testimony* against himself. It protects from extorted confessions, or examinations *in court proceedings* by compulsory methods." (Italics supplied.)

The privilege in any event cannot apply to the corporate petitioners. *Hale v. Henkel*, 201 U. S. 43; *Hammond Packing Co. v. Arkansas*, 212 U. S. 322; *Wilson v. United States*, 221 U. S. 361; *Essgee Co. v. United States*, 262 U. S. 151.

The Fourth Amendment denounces “unreasonable searches and seizures.” *Carroll v. United States*, 267 U. S. 132, 147. The compulsory filing of reports is obviously neither a “search” nor a “seizure.” Nor can the inspection of records be regarded as a “seizure.” The inspection might be deemed a “search”—but examination of specific business records required by law to be kept would clearly not be an “unreasonable” search within the accepted meaning of the word. See *Olmstead v. United States*, 277 U. S. 438, 464; *Carroll v. United States*, *supra*, p. 147.

In the *Olmstead* case the Court described the scope of the Fourth Amendment as follows (p. 466):

Neither the cases we have cited nor any of the many federal decisions brought to our attention hold the Fourth Amendment to have been violated as against a defendant unless there has been an official search and seizure of his person, or such a seizure of his papers or his tangible material effects, or an actual physical invasion of his house “or curtilage” for the purpose of making a seizure.

The history of the Amendments indicates that their purpose was the prevention of unreasonably violent enforcement of the criminal law. See *Weeks v. United States*, 232 U. S. 383, 390, and *Twining v. New Jersey*, 211 U. S. 78, 102. In no case has it been held that ~~they~~ they limited the

power of Congress to require reports and the keeping of business records open to inspection as an incident to the enforcement of a valid regulatory statute.<sup>100</sup> Such provisions have uniformly been sustained by this Court, and with a minimum of discussion. See *Flint v. Stone Tracy Co.*, 220 U. S. 107; *Baltimore & Ohio R. R. Co. v. Interstate Commerce Commission*, 221 U. S. 612; *Interstate Commerce Commission v. Goodrich Transit Co.*, 224 U. S. 194; *Chicago Board of Trade v. Olsen*, 262 U. S. 1; *United States v. Katz*, 271 U. S. 354. See also *Bartlett Frazier Co. v. Hyde*, 65 F. (2d) 350 (C. C. A. 7th), certiorari denied, 290 U. S. 654.

Petitioners' contention that the provision for the filing of reports and inspection of books vio-

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<sup>100</sup> None of the cases in which the Amendments have been held to be violated involved this kind of statute. See *Boyd v. United States*, 116 U. S. 616; *Counselman v. Hitchcock*, 142 U. S. 547; *Weeks v. United States*, 232 U. S. 383; *Harriman v. Interstate Commerce Commission*, 211 U. S. 407; *Ellis v. Interstate Commerce Commission*, 237 U. S. 434; *Federal Trade Commission v. American Tobacco Company*, 264 U. S. 298. In the *Boyd* case, *supra*, the Court said (pp. 623-624):

So, also, the supervision authorized to be exercised by officers of the revenue over the manufacture or custody of excisable articles, and the entries thereof in books required by law to be kept for their inspection, are necessarily excepted out of the category of unreasonable searches and seizures.

These cases applied the Amendments to the use of evidentiary material in judicial and quasi judicial proceedings. In the *Harriman* and *American Tobacco Co.* cases, it was the unlimited scope of the demands for information which raised a question as to their validity.

lates the Fifth Amendment, because the reports and inspections may furnish evidence that the person subject to these requirements has violated Section 9 (c) of the Act is disposed of by these decisions. In all of them the disclosure of information would likewise have operated to reveal violations of law by the persons from whom information was compelled.

Provisions similar to those of Regulation VII, that books must be kept subject to governmental inspection, were upheld in *Chicago Board of Trade v. Olsen, supra*, and *United States v. Katz, supra*. In *Bartlett Frazier Co. v. Hyde, supra*, which involved the validity of the provision for reports and inspections under the Grain Futures Act, the Circuit Court of Appeals stated (p. 351) :

Appellants invoke the Fourth Amendment as a shield against the requirement that they subject their books and records to the inspection of the Department, and the making of the reports. The Amendment, \* \* \* cannot be applied to regulations which require reports and disclosures in respect to a business which is affected with a public interest, so far as such disclosures may be reasonably necessary for the due protection of the public. Were it otherwise, railroads and public utilities generally could not be required to make reports or to subject their records to inspection by agents of the government. Indeed, where public interest requires it, the right of visitation and

disclosure has been extended even to business not charged with a public interest, as witness the taxing power, where the requirement of income reports and the right to inspect private books and papers have been definitely upheld.

The reports required from producers and refiners have other uses than the disclosure of violations of law by the persons reporting. As has previously been pointed out, reports from all producers and refiners are integral parts of a comprehensive reporting system which is essential in order that oil moving in interstate commerce may be traced to its source and the legality of its transportation determined. The reports of those complying with the law aid in detecting violations by others without, of course, in any way incriminating the former. It would hardly be feasible to require reports only from those who obey the law. Manifestly the reports and inspections provided for under the regulations here in question are not merely preliminary steps in the preparation of court action against the persons subject to them.

The validity of the regulations is supported not only by the decisions of this Court but by every sound consideration of policy. The need for reports and the inspection of records is much greater in the enforcement of a statute regulating business than in the enforcement of the traditional criminal law. And the burden on the citizen is neither heavy nor novel. "Pawnbrokers, express companies, liq-



uor vendors, and many other kinds of businesses have long since been subject to just that sort of public scrutiny." *Karr v. Baldwin*, 57 F. (2d) 252, 255. The internal revenue regulations contain many similar provisions. The citizen unquestionably is entitled to a decent privacy in his personal affairs, but when he engages in business activities which may harm others, he may not properly insist upon concealing such activities from the Government.

#### CONCLUSION

It is submitted that:

1. The production-control provisions of the Petroleum Code are within the commerce power of Congress and do not violate the due process clause of the Fifth Amendment; that the authorization of the President in the Recovery Act to approve codes of fair competition is not an unconstitutional delegation of legislative power; and that the production-control provisions of the Petroleum Code are authorized by the Recovery Act.

2. Section 9 (c) of the Recovery Act is within the commerce power of Congress and does not invalidly delegate legislative power to the President.

3. The Regulations are authorized by the Recovery Act, are within the Federal commerce power, and do not violate the due process clause of the Fifth Amendment nor the constitutional guarantees against unreasonable searches and seizures and compulsory self-incrimination.

It is respectfully submitted, therefore, that the judgments below should be affirmed.

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*Of Counsel.*

DECEMBER 1934.

## APPENDIX A

1. Title I of the National Industrial Recovery Act, approved June 16, 1933, c. 90, 48 Stat. 195 (U. S .C. Sup. VII, Title 15, Secs. 701-710), reads as follows :

AN ACT To encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I—INDUSTRIAL RECOVERY

#### DECLARATION OF POLICY

SECTION 1. A national emergency productive of wide-spread unemployment and disorganization of industry, which burdens interstate and foreign commerce, affects the public welfare, and undermines the standards of living of the American people, is hereby declared to exist. It is hereby declared to be the policy of Congress to remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof; and to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair

competitive practices, to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources.

#### ADMINISTRATIVE AGENCIES

SEC. 2. (a) To effectuate the policy of this title, the President is hereby authorized to establish such agencies, to accept and utilize such voluntary and uncompensated services, to appoint, without regard to the provisions of the civil service laws, such officers and employees, and to utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees, as he may find necessary, to prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed.

(b) The President may delegate any of his functions and powers under this title to such officers, agents, and employees as he may designate or appoint, and may establish an industrial planning and research agency to aid in carrying out his functions under this title.

(c) This title shall cease to be in effect and any agencies established hereunder shall cease to exist at the expiration of two years after the date of enactment of this Act, or sooner if the President shall by proclama-

tion or the Congress shall by joint resolution declare that the emergency recognized by section 1 has ended.

#### CODES OF FAIR COMPETITION

SEC. 3. (a) Upon the application to the President by one or more trade or industrial associations or groups, the President may approve a code or codes of fair competition for the trade or industry or subdivision thereof, represented by the applicant or applicants, if the President finds (1) that such associations or groups impose no inequitable restrictions on admission to membership therein and are truly representative of such trades or industries or subdivisions thereof, and (2) that such code or codes are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of this title: *Provided*, That such code or codes shall not permit monopolies or monopolistic practices: *Provided further*, That where such code or codes affect the services and welfare of persons engaged in other steps of the economic process, nothing in this section shall deprive such persons of the right to be heard prior to approval by the President of such code or codes. The President may, as a condition of his approval of any such code, impose such conditions (including requirements for the making of reports and the keeping of accounts) for the protection of consumers, competitors, employees, and others, and in furtherance of the public interest, and may provide such exceptions to and exemptions from the provisions of such code, as the President in his discretion

deems necessary to effectuate the policy herein declared.

(b) After the President shall have approved any such code, the provisions of such code shall be the standards of fair competition for such trade or industry or subdivision thereof. Any violation of such standards in any transaction in or affecting interstate or foreign commerce shall be deemed an unfair method of competition in commerce within the meaning of the Federal Trade Commission Act, as amended; but nothing in this title shall be construed to impair the powers of the Federal Trade Commission under such Act, as amended.

(c) The several district courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of any code of fair competition approved under this title; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations.

(d) Upon his own motion, or if complaint is made to the President that abuses inimical to the public interest and contrary to the policy herein declared are prevalent in any trade or industry or subdivision thereof, and if no code of fair competition therefor has theretofore been approved by the President, the President, after such public notice and hearing as he shall specify, may prescribe and approve a code of fair competition for such trade or industry or subdivision thereof, which shall have the same effect as a code of fair competition approved by the President under subsection (a) of this section.

(e) On his own motion, or if any labor organization, or any trade or industrial organization, association, or group, which has complied with the provisions of this title, shall make complaint to the President that any article or articles are being imported into the United States in substantial quantities or increasing ratio to domestic production of any competitive article or articles and on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of any code or agreement under this title, the President may cause an immediate investigation to be made by the United States Tariff Commission, which shall give precedence to investigations under this subsection, and if, after such investigation and such public notice and hearing as he shall specify, the President shall find the existence of such facts, he shall, in order to effectuate the policy of this title, direct that the article or articles concerned shall be permitted entry into the United States only upon such terms and conditions and subject to the payment of such fees and to such limitations in the total quantity which may be imported (in the course of any specified period or periods) as he shall find it necessary to prescribe in order that the entry thereof shall not render or tend to render ineffective any code or agreement made under this title. In order to enforce any limitations imposed on the total quantity of imports, in any specified period or periods, of any article or articles under this subsection, the President may forbid the importation of such article or articles unless the importer shall have first obtained from the Secretary of the Treasury a license pursuant to such regulations as the President may prescribe.

Upon information of any action by the President under this subsection the Secretary of the Treasury shall, through the proper officers, permit entry of the article or articles specified only upon such terms and conditions and subject to such fees, to such limitations in the quantity which may be imported, and to such requirements of license, as the President shall have directed. The decision of the President as to facts shall be conclusive. Any condition or limitation of entry under this subsection shall continue in effect until the President shall find and inform the Secretary of the Treasury that the conditions which led to the imposition of such condition or limitation upon entry no longer exists.

(f) When a code of fair competition has been approved or prescribed by the President under this title, any violation of any provision thereof in any transaction in or affecting interstate or foreign commerce shall be a misdemeanor and upon conviction thereof an offender shall be fined not more than \$500 for each offense, and each day such violation continues shall be deemed a separate offense.

#### AGREEMENTS AND LICENSES

SEC. 4. (a) The President is authorized to enter into agreements with, and to approve voluntary agreements between and among, persons engaged in a trade or industry, labor organizations, and trade or industrial organizations, associations, or groups, relating to any trade or industry, if in his judgment such agreements will aid in effectuating the policy of this title with respect to transactions in or affecting interstate or foreign commerce, and will be con-



sistent with the requirements of clause (2) of subsection (a) of section 3 for a code of fair competition.

(b) Whenever the President shall find that destructive wage or price cutting or other activities contrary to the policy of this title are being practiced in any trade or industry or any subdivision thereof, and, after such public notice and hearing as he shall specify, shall find it essential to license business enterprises in order to make effective a code of fair competition or an agreement under this title or otherwise to effectuate the policy of this title, and shall publicly so announce, no person shall, after a date fixed in such announcement, engage in or carry on any business, in or affecting interstate or foreign commerce, specified in such announcement, unless he shall have first obtained a license issued pursuant to such regulations as the President shall prescribe. The President may suspend or revoke any such license, after due notice and opportunity for hearing, for violations of the terms or conditions thereof. Any order of the President suspending or revoking any such license shall be final if in accordance with law. Any person who, without such a license or in violation of any condition thereof, carries on any such business for which a license is so required, shall, upon conviction thereof, be fined not more than \$500, or imprisoned not more than six months, or both, and each day such violation continues shall be deemed a separate offense. Notwithstanding the provisions of section 2 (c), this subsection shall cease to be in effect at the expiration of one year after the date of enactment of this Act or sooner if the President shall by proclamation or the Con-

gress shall by joint resolution declare that the emergency recognized by section 1 has ended.

SEC. 5. While this title is in effect (or in the case of a license, while section 4 (a) is in effect) and for sixty days thereafter, any code, agreement, or license approved, prescribed, or issued and in effect under this title, and any action complying with the provisions thereof taken during such period, shall be exempt from the provisions of the antitrust laws of the United States.

Nothing in this Act, and no regulation thereunder, shall prevent an individual from pursuing the vocation of manual labor and selling or trading the products thereof; nor shall anything in this Act, or regulation thereunder, prevent anyone from marketing or trading the produce of his farm.

#### LIMITATIONS UPON APPLICATION OF TITLE

SEC. 6. (a) No trade or industrial association or group shall be eligible to receive the benefit of the provisions of this title until it files with the President a statement containing such information relating to the activities of the association or group as the President shall by regulation prescribe.

(b) The President is authorized to prescribe rules and regulations designed to insure that any organization availing itself of the benefits of this title shall be truly representative of the trade or industry or subdivision thereof represented by such organization. Any organization violating any such rule or regulation shall cease to be entitled to the benefits of this title.

(c) Upon the request of the President, the Federal Trade Commission shall make such investigations as may be necessary to

enable the President to carry out the provisions of this title, and for such purposes the Commission shall have all the powers vested in it with respect of investigations under the Federal Trade Commission Act, as amended.

SEC. 7. (a) Every code of fair competition, agreement, and license approved, prescribed, or issued under this title shall contain the following conditions: (1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.

(b) The President shall, so far as practicable, afford every opportunity to employers and employees in any trade or industry or subdivision thereof with respect to which the conditions referred to in clauses (1) and (2) of subsection (a) prevail, to establish by mutual agreement, the standards as to the maximum hours of labor, minimum rates of pay, and such other conditions of employment as may be necessary in such trade or industry or subdivision thereof to effectuate the policy of this title; and the standards established in such agreements, when approved by the President, shall have the same

effect as a code of fair competition, approved by the President under subsection (a) of section 3.

(c) Where no such mutual agreement has been approved by the President he may investigate the labor practices, policies, wages, hours of labor, and conditions of employment in such trade or industry or subdivision thereof; and upon the basis of such investigations, and after such hearings as the President finds advisable, he is authorized to prescribe a limited code of fair competition fixing such maximum hours of labor, minimum rates of pay, and other conditions of employment in the trade or industry or subdivision thereof investigated as he finds to be necessary to effectuate the policy of this title, which shall have the same effect as a code of fair competition approved by the President under subsection (a) of section 3. The President may differentiate according to experience and skill of the employees affected and according to the locality of employment; but no attempt shall be made to introduce any classification according to the nature of the work involved which might tend to set a maximum as well as a minimum wage.

(d) As used in this title, the term "person" includes any individual, partnership, association, trust, or corporation; and the terms "interstate and foreign commerce" and "interstate or foreign commerce" include, except where otherwise indicated, trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any

such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States.

APPLICATION OF AGRICULTURAL ADJUSTMENT  
ACT

SEC. 8. (a) This title shall not be construed to repeal or modify any of the provisions of title I of the Act entitled "An Act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", approved May 12, 1933; and such title I of said Act approved May 12, 1933, may for all purposes be hereafter referred to as the "Agricultural Adjustment Act."

(b) The President may, in his discretion, in order to avoid conflicts in the administration of the Agricultural Adjustment Act and this title, delegate any of his functions and powers under this title with respect to trades, industries, or subdivisions thereof which are engaged in the handling of any agricultural commodity or product thereof, or of any competing commodity or product thereof, to the Secretary of Agriculture.

OIL REGULATION

SEC. 9. (a) The President is further authorized to initiate before the Interstate

Commerce Commission proceedings necessary to prescribe regulations to control the operations of oil pipe lines and to fix reasonable, compensatory rates for the transportation of petroleum and its products by pipe lines, and the Interstate Commerce Commission shall grant preference to the hearings and determination of such cases.

(b) The President is authorized to institute proceedings to divorce from any holding company any pipe-line company controlled by such holding company which pipe-line company by unfair practices or by exorbitant rates in the transportation of petroleum or its products tends to create a monopoly.

(c) The President is authorized to prohibit the transportation in interstate and foreign commerce of petroleum and the products thereof produced or withdrawn from storage in excess of the amount permitted to be produced or withdrawn from storage by any State law or valid regulation or order prescribed thereunder, by any board, commission, officer, or other duly authorized agency of a State. Any violation of any order of the President issued under the provisions of this subsection shall be punishable by fine of not to exceed \$1,000, or imprisonment for not to exceed six months, or both.

#### RULES AND REGULATIONS

SEC. 10. (a) The President is authorized to prescribe such rules and regulations as may be necessary to carry out the purposes of this title, and fees for licenses and for filing codes of fair competition and agreements, and any violation of any such rule or regulation shall be punishable by fine of

not to exceed \$500, or imprisonment for not to exceed six months, or both.

(b) The President may from time to time cancel or modify any order, approval, license, rule, or regulation issued under this title; and each agreement, code of fair competition, or license approved, prescribed, or issued under this title shall contain an express provision to that effect.

Title III, Section 303, of the National Industrial Recovery Act (U. S. C. Sup. VII, Title 15, Sec. 711), reads as follows:

#### SEPARABILITY CLAUSE

SEC. 303. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

2. Executive Orders relating to the Petroleum Code.

A. Executive Order approving Code.

#### EXECUTIVE ORDER

##### CODE OF FAIR COMPETITION FOR THE PETROLEUM INDUSTRY

An application having been duly made, pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for my approval of a Code of Fair Competition for the Petroleum Industry, and hearings having been held thereon and the Administrator having rendered his report together with his recommendations and findings with respect thereto, and the Adminis-

trator having found that the said Code of Fair Competition complies in all respects with the pertinent provisions of Title I of said Act and that the requirements of clauses (1) and (2) of subsection (a) of Section 3 of the said Act have been met:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States, pursuant to the authority vested in me by Title I of the National Industrial Recovery Act, approved June 16, 1933, and otherwise, do adopt and approve the report, recommendations, and findings of the Administrator and do order that the said Code of Fair Competition be and it is hereby approved.

FRANKLIN D. ROOSEVELT.

Approval Recommended:

HUGH S. JOHNSON,  
*Administrator.*

THE WHITE HOUSE, *August 19, 1933.*

B. Executive Order designating the Secretary of the Interior as Administrator of the Petroleum Code and the Department of the Interior as the Federal Agency.

#### EXECUTIVE ORDER

##### ADMINISTRATION OF THE PETROLEUM INDUSTRY

Pursuant to the authority vested in me by Section 2 (b) of Title I of the Act of June 16, 1933, known as the "National Industrial Recovery Act" (Public No. 67, 73d Congress), and in accordance with Section 2 of Article I and Section 1 (b) of Article VII of the Code of Fair Competition adopted by the petroleum industry and approved by me August 19, 1933, I hereby designate and ap-



point, for the petroleum industry, the Secretary of the Interior to be Administrator and the Department of the Interior to be the Federal Agency, as provided by the aforesaid Act and Code of Fair Competition, to exercise on my behalf and in my stead all the functions and powers vested in me, or in any Federal Agency, by such Act and such Code of Fair Competition.

FRANKLIN D. ROOSEVELT.

The WHITE HOUSE,  
*Aug. 28, 1933.*

3. Pertinent provisions of the Petroleum Code (as amended September 13, 1933, and September 25, 1934).

PREAMBLE

To meet the emergency in the petroleum industry; to increase employment, establish fair and adequate wages, enlarge the purchasing power of persons related to this industry and improve standards of labor; to conserve the Nation's petroleum resources and to prevent physical and economic wastes which demoralize the national market to the detriment of consumers and producers and to restrain and avoid recurring abuses in the production, transportation and marketing of petroleum and its products which directly obstruct the free flow of interstate and foreign commerce by causing abnormal and disturbing temporary fluctuations in the supply of petroleum or its products that are not responsive to actual demand and prices and disrupt the normal flow of interstate commerce in petroleum and its products; and to prevent the growth of monopoly resulting from unfair competitive practices; and to protect the Nation from an unnecessarily wasteful depletion of this natural re-

source essential for the national defense and safety and the continued functioning of the Nation's transportation facilities that are dependent for operation on an adequate and economic supply of petroleum and its products and to accomplish and effectuate the policies set forth in the National Industrial Recovery Act, this code of fair competition governing the petroleum industry is adopted.

#### ARTICLE III. PRODUCTION

SECTION 1. The President is hereby requested, after such investigation and hearing as is prescribed by, and subject to the limitations contained in, Title 1 of the National Industrial Recovery Act, to limit imports of crude petroleum and petroleum products for domestic consumption to volumes bearing such ratio to the estimated volume of domestic production as will effectuate the purposes of this Code and the National Industrial Recovery Act.

SECTION 2. Withdrawals of crude oil from storage shall be subject to approval by the Planning and Coordination Committee but for the remainder of 1933 shall be limited in the aggregate to an average not in excess of 100,000 barrels daily. Additions to storage beyond the necessary limits of fluctuations in working stocks shall be made only with the approval of the Planning and Coordinating Committee.

SECTION 3. Required production of crude oil to balance consumer demand for petroleum products shall be estimated at intervals by a Federal Agency designated by the President. In estimating such required production, due account shall be taken of probable withdrawals from storage and of anticipated

imports. The required production shall be equitably allocated among the several States by the Federal Agency. The estimates of required production and the allocations among the States shall be submitted to the President for approval, and, when approved by him, shall be deemed to be the net reasonable market demand, and may be so certified by the Federal Agency. The allocations when approved by the President shall be recommended as the operating schedule for the producing States and for the industry and thereupon Section 4 of this Article shall apply. In any States where oil is produced on account of back allowables, total current allowables shall be reduced accordingly.

SECTION 4. The subdivision into pool and/or lease and/or well quotas of the production allocated to each State is to be made within the State. Should quotas allocated in conformity with the provisions of this Section and/or Section 3 or ARTICLE III of this Code not be made within the State or if the production of petroleum within any State exceeds the quota allocated to said State, the President may regulate the shipment of petroleum or petroleum products in or affecting interstate commerce out of said State to the extent necessary to effectuate the purposes of the National Industrial Recovery Act and/or he may compile such quotas and recommend them to the State Regulatory Body in such State, in which event it is hereby agreed that such quotas shall become operating schedules for that State.

If any subdivision into quotas of production allocated to any State shall be made within a State any production by any person, as person is defined in Article I, Section 2 of this Code, in excess of any such quota assigned to him, shall be deemed an unfair trade practice and in violation of this Code.

SECTION 5. In any State in which no regulatory body or officer charged with the duty of allocating quotas within said State exists, and under the laws of which any person in any trade or industry within said State is required to comply with the terms of any Code of Fair Competition for such trade or industry approved under Title I of the National Industrial Recovery Act, the President may designate an agency within such State to compile quotas within said State. Such compilations, upon approval by the President, shall become operating schedules for the petroleum industry within said State. If any subdivision into quotas of production allocated to any such State shall be made within the State, any production by any person, as person is defined in Article I, Section 3 of this code in excess of any such quota assigned to him shall be deemed an unfair trade practice and in violation of this code; and, further, persons engaged in the petroleum industry or any branch thereof in any State may adopt a supplemental code, for that State to be effective when approved by the President, covering any matter relating to the petroleum industry not in conflict with the provisions of this code.

4. Allocations of Crude Oil Production among the Producing States.

A. Allocation for September, 1933.

ORDER UNDER CODE OF FAIR COMPETITION FOR  
THE PETROLEUM INDUSTRY AS APPROVED BY  
THE PRESIDENT AUGUST 19 1933

Pursuant to the provisions of Sections 3 and 4 of Article III of the Code of Fair Competition for the Petroleum Industry approved by the President, August 19, 1933,

under the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, the current estimate of required daily production of crude oil to balance consumer demand for petroleum products has been found by the Department of the Interior to be 2,409,700 barrels and the allocations among the several petroleum producing States are hereby certified to be as follows:

Arkansas.....	29,000
California.....	480,000
Kansas.....	111,000
Louisiana.....	70,000
Texas.....	975,200
Oklahoma.....	540,000
New Mexico.....	41,400
Rocky Mountain States.....	38,900
Appalachian States.....	94,200
Michigan.....	30,000
<b>Total.....</b>	<b>2,409,700</b>

The foregoing allocations shall be effective under the aforesaid Code of Fair Competition as of 7 a. m., September 8, 1933.

It is hereby ordered that in accordance with Section 2 of Article III of the aforesaid code, until further notice there shall be no net withdrawals from storage without the approval of the Planning and Coordination Committee and upon order of the Administrator.

It is hereby further ordered that in accordance with Section 1 of Article III of the aforesaid Code, until further notice, imports of crude petroleum and petroleum products shall be limited to an amount not exceeding the average daily imports of petroleum and petroleum products during the last six months of 1932.

DEPARTMENT OF THE INTERIOR,  
By HAROLD L. ICKES,  
*Secretary of the Interior.*  
SEPTEMBER 2, 1933.

## B. Allocation for October 1933.

ORDER UNDER CODE OF FAIR COMPETITION FOR  
THE PETROLEUM INDUSTRY AS APPROVED BY  
THE PRESIDENT

Pursuant to the provisions of Sections 3 and 4 of Article III of the Code of Fair Competition for the Petroleum Industry approved by the President, August 19, 1933, under the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, and on the recommendation of the Petroleum Administrative Board and the facts submitted in support thereof, the current estimate of required daily production of crude oil to balance consumer demand for petroleum products has been found by the Department of the Interior to be 2,338,500 barrels, and the allocations among the several petroleum-producing States are hereby certified to be as follows:

Arkansas .....	33,000
California .....	455,000
Kansas .....	116,000
Louisiana .....	70,000
Texas .....	965,000
Oklahoma .....	495,000
New Mexico .....	41,400
Rocky Mountain States .....	38,900
Appalachian States .....	94,200
Michigan .....	30,000
Total .....	2,338,500

The foregoing allocations shall be effective under the aforesaid Code of Fair Competition as of 7 a. m., October 1, 1933.

It is hereby further ordered that in accordance with Section 2 of Article II of the aforesaid Code, until further notice, the following States may allocate part of their allowable to withdrawals from crude oil storage not to exceed the following amounts:

	<i>Bbl. per day</i>
Oklahoma .....	25,000
Texas .....	40,000
California .....	15,000
Kansas .....	10,000
Louisiana .....	5,000

Such withdrawals from storage shall be assigned by the appropriate State regulatory body to such persons as have received permission from the Planning and Coordination Committee and the approval of the Petroleum Administrator to make the withdrawals.

It is hereby further ordered in accordance with Sections 3 and 4 of Article II of the aforesaid Code that excess production or withdrawals in any State during September shall be charged against the allowable of that State for October and the same policy rigorously adhered to during subsequent months.

It is hereby further ordered that in accordance with Section 1 of Article III of the aforesaid Code, until further notice, imports of crude petroleum and petroleum products shall be limited to an amount not exceeding the average daily imports of petroleum and petroleum products during the last six months of 1932.

HAROLD L. ICKES,  
*Petroleum Administrator.*

SEPTEMBER 28, 1933.

5. Executive Orders under Section 9 (c) of the National Industrial Recovery Act.

A. Order Prohibiting Transportation of Oil Produced in Violation of State Law.

## EXECUTIVE ORDER

PROHIBITION OF TRANSPORTATION IN INTER-  
STATE AND FOREIGN COMMERCE OF PETROLEUM  
AND THE PRODUCTS THEREOF UNLAWFULLY  
PRODUCED OR WITHDRAWN FROM STORAGE

By virtue of the authority vested in me by the Act of Congress entitled "AN ACT To encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes", approved June 16, 1933, (Public No. 67, 73d Congress), the transportation in interstate and foreign commerce of petroleum and the products thereof produced or withdrawn from storage in excess of the amount permitted to be produced or withdrawn from storage by any State law or valid regulation or order prescribed thereunder, by any board, commission, officer, or other duly authorized agency of a State, is hereby prohibited.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*July 11, 1933.*

[No. 6199]

B. Order Authorizing Secretary of the Interior  
to Issue Rules and Regulations under Section 9 (c).

## EXECUTIVE ORDER

PROHIBITION OF TRANSPORTATION IN INTER-  
STATE AND FOREIGN COMMERCE OF PETROLEUM  
AND THE PRODUCTS THEREOF UNLAWFULLY  
PRODUCED OR WITHDRAWN FROM STORAGE

By virtue of the authority vested in me by the Act of Congress, entitled "AN ACT To encourage national industrial recovery, to foster fair competition, and to provide for



the construction of certain useful public works, and for other purposes", approved June 16, 1933 (Public No. 67, 73d Congress), in order to effectuate the intent and purpose of the Congress as expressed in Section 9 (c) thereof, and for the purpose of securing the enforcement of my order of July 11, 1933, issued pursuant to said act, I hereby authorize the Secretary of the Interior to exercise all the powers vested in me, for the purpose of enforcing Section 9 (c) of said act and said order, including full authority to designate and appoint such agents and to set up such boards and agencies as he may see fit, and to promulgate such rules and regulations as he may deem necessary.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,  
*July 14, 1933.*

[No. 6204]

6. Regulations and Orders Issued by the Secretary of the Interior under Sections 10 (a) and 9 (c) of the Recovery Act.

A. Regulations IV, V, and VII, as they read when these suits were instituted. (Order of July 15, 1933, as amended July 25, 1933, and August 21, 1933.)

REGULATION IV. Every producer of petroleum shall file a statement under oath, sworn to before any duly authorized State or Federal officer, not later than the fifteenth day of each and every calendar month, beginning with August 15, 1933, with the Division of Investigations of the Department of the Interior, unless otherwise ordered to report at more frequent intervals by the Division, which statement shall contain the following

information for the given field involved covering the preceding calendar month:

(1) The residence and post-office address of the producer.

(2) The location of his producing properties and wells, the allowable production for each property and well as prescribed by the proper State agency for both property and wells.

(3) The daily production in barrels produced from each property and well.

(4) A report of all deliveries of petroleum showing the names and places of business of all persons to whom such petroleum was delivered whether purchasers, consignees or transporting agencies, and the quantity involved in each delivery, transportation or other disposition thereof, together with a report of all petroleum in storage, wherever located, at the beginning and at the end of said calendar month, the place of storage and the amount in storage at each place.

(5) A declaration that no part of the petroleum or the products thereof produced and shipped has been produced or withdrawn from storage in excess of the amount permitted to be produced or withdrawn from storage by any State law or valid regulation or order prescribed thereunder by any Board, Commission, Officer, or other duly authorized agency of the State in which the petroleum was produced.

**REGULATION V.** Every purchaser of petroleum, shipper (other than a producer) of petroleum, and refiner of petroleum (including all persons engaged in the processing of petroleum in any manner), shall file a statement under oath sworn to before any duly authorized State or Federal officer, not later

than the fifteenth day of each and every calendar month beginning with August 15, 1933, with the Division of Investigations of the Department of the Interior, unless otherwise ordered to report at more frequent intervals by the Division, which statement shall contain the following information for the preceding calendar month:

(1) The residence and post-office address of the purchaser, shipper, refiner or processor.

(2) The place and date of the receipt, the names and business addresses of the producers and/or other parties from whom the petroleum was received, the amount received of such petroleum and the amount of petroleum held in storage or otherwise on the last day of the calendar month next preceding the period covered by the report.

(3) The disposition of said petroleum, including the place and date of delivery, the amount delivered, the names and business addresses of the consignees to whom delivered, the transporting agencies, and the amount of petroleum held in storage or otherwise at the end of said calendar month.

(4) A declaration that to the best of the information and belief of the affiant, none of the petroleum received and/or disposed of was produced or withdrawn from storage in excess of the amount permitted to be produced or withdrawn from storage by any State law or valid regulation or order prescribed thereunder by any Board, Commission, Officer, or duly authorized agency of the State in which the petroleum was produced.

(5) Such other detailed information, necessary to identify properly the source of the petroleum or its products received, as may

be required from time to time by the Division of Investigations of the Department of the Interior for the proper enforcement of these rules and regulations.

REGULATION VII. All persons, natural or artificial, embraced within the terms of Section 9 (c) of the National Industrial Recovery Act (Public No. 67, 73d Congress) and the Executive orders and regulations issued thereunder, shall keep and maintain available for inspection by the Division of Investigations of the Department of the Interior adequate books and records of all transactions involving the production and transportation of petroleum and the products thereof.

**B. Other Pertinent Regulations in the Order of July 15, 1933.**

REGULATION III. Because of the interrelation of interstate and intrastate commerce in petroleum and the products thereof and the direct effect upon interstate and foreign commerce of petroleum and the products thereof moving in intrastate commerce, it is essential and hereby required for the proper enforcement of the provisions of Section 9 (c) of the National Industrial Recovery Act (Public No. 67, 73d Congress) and the orders and regulations issued thereunder, that there shall be furnished the Division of Investigations of the Department of the Interior such information as respects production, purchases and shipments as is hereinafter required, regardless of whether such production, purchases, and shipments are in interstate and foreign commerce or in intrastate commerce.

REGULATION X. These regulations may be suspended in whole or in part by the Secretary of the Interior in any region, area, field,

pool, or as applied to any particular properties or wells whenever, in his discretion, he deems their application unnecessary for the proper enforcement of the said act or orders issued thereunder, but no such suspension shall relieve any person, natural or artificial, from the duty of complying with the aforesaid act and orders; these regulations may be by him at any time amended or changed in whole or in part.

C. Order of August 2, 1933, Suspending the Application of the Regulations in Certain Areas.

Having determined that the enforcement of the Executive orders of July 11 and July 14, 1933, prohibiting the transportation in interstate and foreign commerce of petroleum and the products thereof illegally produced or withdrawn from storage, does not require the complete application of the regulations prescribed July 15, as amended July 25, 1933, pursuant to such orders, except in certain regions, the operation of such regulations is hereby limited and extended as follows:

\* \* \* \* \*

5. Regulation IV is hereby suspended except in States, fields or areas in which reports are required each month from producers of petroleum under a regulation or regulations issued by any Board, Commission, Officer, or other duly authorized agency of the State acting under a State proration law.

6. Regulation V is hereby suspended except in so far as it affects purchasers, shippers, and refiners of petroleum, deriving such petroleum in whole or in part from the East Texas and Oklahoma City areas.

D. Pertinent Provisions in the Revised Regulations Issued July 20, 1934.

By virtue of and pursuant to the authority vested in me by Sections 9 (c) and 10 (a) of Title I of the Act of Congress entitled "The National Industrial Recovery Act" approved June 16, 1933 (48 Stat. 195) and the executive orders of the President of the United States No. 6199 (July 11, 1933) and No. 6204 (July 14, 1933) issued pursuant to such legislation, the regulations and amendments thereto promulgated by me on July 15, 1933, July 25, 1933, August 2, 1933, August 21, 1933, April 6, 1934, and May 21, 1934, pursuant to said authority are hereby amended by substituting therefore the following regulations in so far as future transactions thereby or hereby regulated are concerned:

\* \* \* \* \*

REGULATION II. Because of the interrelation of interstate and intrastate commerce in petroleum and the products thereof and the direct effect upon interstate and foreign commerce of petroleum and the products thereof moving in intrastate commerce, it is essential for the proper enforcement of the provisions of Section 9 (c) of the National Industrial Recovery Act (48 Stat. 195) and the orders and regulations issued thereunder that records be kept and reports be furnished the Division of Investigations of the Department of the Interior fully covering such information as respects producing, refining, reclaiming, shipping, storing, transporting, buying and selling, or otherwise dealing in or handling petroleum or petroleum products as is hereinafter required, regardless of whether such transactions are in interstate

or foreign commerce or in intrastate commerce.

REGULATION IV. All persons engaged in producing, refining, reclaiming, shipping, storing, transporting, buying or selling, or otherwise dealing in or handling petroleum or the products thereof shall permit any officer, agent, or employee of the Division of Investigations of the Department of the Interior to enter upon their properties, plants, or facilities and to examine all of the books and records kept or required to be kept in accordance with these Regulations and all other books, papers, records, vouchers, run tickets, bills of lading, way-bills, charts, memoranda or other documents which are used by them in the process of producing, storing, refining, reclaiming, transporting, handling or otherwise dealing with petroleum or the products thereof, and to inspect such plants, facilities and properties and to gauge tanks and to examine wells, pipe lines, gathering systems, flow lines, pipe connections, storage tanks, loading racks, separators, pumps, meters or other measuring devices and any other equipment or instruments.

Every initial producer of petroleum and every initial manufacturer of every product of petroleum, shall accurately gauge and measure all petroleum and all products thereof before any part thereof leaves his possession or control. No means or device which prevents such accurate measurement shall be used. Complete and accurate records of all such measurements shall be kept up to date and preserved, and shall be open to the inspection of any duly authorized agent of the Division of Investigations of the Department of the Interior at all reasonable times.

REGULATION V. From the date of approval of these Regulations the following records shall be kept and preserved accurately and completely, showing the complete details of each transaction as follows:

A. By Producers:

(1) The location of the producing properties, the number and location of wells thereon, and the allowable production for each property and well as prescribed by the proper State agency.

(2) The names and addresses of all persons having any interest in or title to the petroleum at the time of its production, including those owning royalty or overriding royalty interests.

(3) An opening and closing inventory of the crude petroleum on hand each 24 hour day.

(4) The daily production in barrels of petroleum produced from each lease and well (estimated as to wells which are produced into common tankage and of which no separate gauge is made) with a notation of the allowance made for basic sediment and water, and the tanks, identified by number, into which the petroleum was produced.

(5) The amount of crude petroleum consumed, refined or processed upon the property daily.

(6) A daily record of all deliveries of crude petroleum or products thereof, showing the names and places of business of all persons to whom such petroleum or products thereof was delivered, whether purchasers, consignees or transporting agencies, the quantity involved in each delivery, transportation or other disposition, the identity of the means of transportation by which the petroleum or products thereof was removed, and the identifying numbers of tenders



where tenders may be required by State regulatory bodies or by orders issued under these Regulations.

(9) For properties capable of producing in excess of an average of 20 barrels per producing well per day, a diagram of the producing properties which shall accurately and completely show to scale the location and identifying number of each well on the properties, the location, capacity and identifying numbers of all tanks into which oil produced from said properties is run under the control of the producer prior to delivery to trunk pipe lines, the location and size of all pipe lines, flow lines, gathering systems or other outlets, and every method by which oil is delivered from said properties.

(10) True and complete copies of all reports and communications filed or required to be filed under these Regulations or orders issued under these Regulations.

(11) Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate or tax the production of petroleum.

B. By Every Purchaser, Refiner, Storer, Shipper, or Consignor of Petroleum or Petroleum Products, and by Every Person dealing in Petroleum or Petroleum Products as a Factor, Broker, Buyer or Seller.

(1) An opening and closing inventory of crude petroleum and petroleum products on hand each 24 hour day.

(2) The daily receipts of crude petroleum and the products thereof showing the amount received, the place and date of each receipt, the tanks identified by number into which received, the names and addresses of all producers or other persons from whom the crude petroleum and the products

thereof were received, and a description identifying the transporting agency by which received.

(3) The amount of crude petroleum and the products thereof used or otherwise disposed of daily showing the amount run to stills and the amount and type of petroleum products produced.

(4) A daily record of all deliveries of petroleum and the products thereof including the names and addresses of purchasers and a description identifying the transporting agency delivering such petroleum and petroleum products, and the identifying numbers of tenders where tenders may be required by State regulatory bodies or by orders issued under these Regulations.

(5) True and complete copies of all reports and communications filed or required to be filed under these regulations or orders issued under these Regulations.

(6) Such other records as may now be required under the rules and regulations of other governmental agencies, State or Federal, which supervise, regulate or tax purchasing, refining, storing, shipping or consigning or otherwise dealing in as a factor, broker, buyer or seller of petroleum and petroleum products.

\* \* \* \* \*

REGULATION VI. From time to time or periodically as called for by the Secretary of the Interior sworn reports on forms approved by the Secretary of the Interior shall be filed by producers, purchasers, refiners, reclamation plants, transporting agencies, shippers, or other persons dealing in or handling petroleum or its products. Each such report when called for shall show the full and accurate data required completely

to fill out such form, accurately and fully reporting the data called for from the records required to be kept under Regulation V above.

E. Order Issued July 20, 1934, Requiring Reports, Pursuant to Regulation VI of the Regulations issued July 20, 1934 (with forms "OES-3" and "OES-5" attached):

\* \* \* \* \*

(2) Every refinery, reclamation plant, treating plant, gasoline plant, and every shipper of petroleum products in the East Texas area as defined in Regulation III promulgated by me on July 20th, 1934, pursuant to the aforesaid authority, shall file at the office of the Division of Investigations of the Department of the Interior in Dallas, Texas, not later than the fifteenth day of each and every calendar month beginning with the period ending August 15, 1934, for the preceding calendar month, a sworn statement on the form entitled "OES-3" which is attached hereto and is hereby approved by me, fully and accurately giving the data required to fill out such form.

(4) Every producer of petroleum in the East Texas area as above defined, shall file at the office of the Division of Investigations of the Department of the Interior in Dallas, Texas, not later than the fifteenth day of each and every calendar month beginning with the period ending August 15, 1934, for the preceding calendar month, a sworn statement on the form entitled "OES-5" which is attached hereto and is hereby approved by me, fully and accurately giving the data required to fill out such form.

UNITED STATES DEPARTMENT OF THE INTERIOR, DIVISION OF INVESTIGATIONS

Report required under Interior Regulation VI of section 9-C

Monthly report of \_\_\_\_\_ at \_\_\_\_\_  
(Name of refinery, reclamation, treating, gasoline plant or shipper) (Location of plant or loading rack) (P. O. address)

Refiner's monthly report in barrels (42's) for \_\_\_\_\_, 193--  
(Month)

RECEIPTS—CRUDE OIL

Tank no.	Tank capacity	Tank height	Stock on hand first of month (barrels)	From whom purchased or received		Lease	County	Pipeline, gathering system, railroad or trucks delivering oil				Received (barrels)
				Name	Address			Name	Address	Car initials and number	Truck license number	
Totals.												

DELIVERIES—CRUDE OIL

To stills (bbls.)	Kind of carrier	To pipe lines, gathering systems, railroads and trucks				Destination	Barrels delivered	Total deliveries and runs to stills (bbls.)	Over and short (bbls.)	Stock on hand last of month (bbls.)
		Name of carrier	Address of carrier	Consignee	Address of consignee					
Total										

State of \_\_\_\_\_ }  
 County of \_\_\_\_\_ } (Owner, officer or agent)

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the above instrument, who, being by me duly sworn, on oath states that he is (owner, officer, or agent) operating or employed by \_\_\_\_\_, in the capacity of \_\_\_\_\_, that he made or caused to be made the above report, including the reverse side hereof, that he has knowledge of all the facts therein, that said report is true and correct, and that no pertinent matter inquired about in said report and within his knowledge has been omitted from said report.

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 193--.

Notary Public in and for \_\_\_\_\_ County \_\_\_\_\_ State.

INSTRUCTIONS: This report to be submitted to the Department of the Interior, Division of Investigations, Oil Enforcement, Dallas, Texas, on or before the 15th day of each calendar month, and should show complete data for the preceding calendar month. Include in crude receipts all crude run from own wells. Include in deliveries of refined products, deliveries to own retail stations.

PENALTY FOR FALSE CERTIFICATION

Section 35 of the Criminal Code, as amended, provides a penalty of not more than \$10,000 or imprisonment of not more than ten years, or both, for knowingly and wilfully making or causing to be made "any false or fraudulent statements or use or cause to be made or used any false \* \* \* certificate, affidavit or deposition, knowing the same to contain any fraudulent or fictitious statement \* \* \*" relating to any matter within the jurisdiction of any Governmental department or agency.

[Reverse side follows]

Stocks, receipts and deliveries of products of petroleum (Regulation VI, Section 9 C)

RECEIPTS

Kind of product	Tank number	Tank capacity	Stock on hand first of month		From own stills		From other sources		Kind of carrier	Name of carrier	Address of carrier	Total receipts from other sources	
			Barrels	Gallons	Barrels	Gallons	Name	Address				Barrels	Gallons
Total													

DELIVERIES (TO PIPE LINES, GATHERING SYSTEMS, RAILROADS OR TRUCKS)

Kind of product	Kind of carrier	Name of carrier	Address of carrier	License nos. of trucks	Tank car initial and no.	Consignee	Address of consignee	Destination	Quantity delivered		Over & short		Stock on hand last of month	
									Barrels	Gallons	Barrels	Gallons	Barrels	Gallons
Total														

INSTRUCTIONS: Casinghead plants shall give the information requested above, showing origin of gas received at plant, and execute the affidavit provided on the reverse side hereof.

Detailed report of production by days—This report shall be filed separately as to each lease

(See reverse side)

UNITED STATES DEPARTMENT OF THE INTERIOR, OFFICE OF THE SECRETARY, DIVISION OF INVESTIGATIONS

Oil enforcement

[This report shall be filed separately as to each lease]

Producer's monthly report for month of \_\_\_\_\_, 19\_\_

Report of \_\_\_\_\_ (Company or operator) \_\_\_\_\_ (Principal place of business—town) \_\_\_\_\_ (Post-office address—P. O. box, office building, or street number)

\_\_\_\_\_ (Residence address—P. O. box or street address) \_\_\_\_\_ (Field office address) Total number of leases operated by you \_\_\_\_\_

Lease _____		Total current allowable for month _____		Barrels
Survey _____		Back allowable scheduled to be produced during month _____		
County _____		Back allowable permits Nos. _____		
Acres _____		Total oil on hand at beginning of month _____		
NEW WELLS COMPLETED		Current production for month _____		
Well No. _____ Date _____	Well No. _____ Date _____	Back allowable actually produced during month _____		
Well No. _____ Date _____	Well No. _____ Date _____	Total oil available for deliveries (amount on hand plus production) _____		
Wells flowing _____		DELIVERIES DURING MONTH		Barrels
Wells agitating and pumping _____		Pipe-line runs _____		
Wells dead _____		Name and address of company gathering oil _____		
Total number wells on lease _____		Name and address of purchaser or consignee _____		
LIST TANKS BY NUMBERS TO WHICH LEASE IS CONNECTED:		Deliveries to railroad tank cars _____		
_____		Name of railroad _____ Station _____ Loading rack _____		
Total barrels capacity of tanks _____		Deliveries to trucks _____		
LOCATION OF ALL TANKS TO WHICH LEASE IS CONNECTED, NOT ON THIS LEASE:		License Nos. of trucks _____		
_____		Truck movement permit Nos. _____		
_____		Other disposition of fuel and tank bottoms _____		
Is lease connected to casinghead plant? _____ (Yes or No)		Tank-bottom permits (allowable oil): Date _____ barrels _____		
Give name of casinghead plant, if so connected _____		Date _____ barrels _____ Date _____ barrels _____		
		Total deliveries of oil during month _____		
		Total oil on hand at end of month _____		

No other oil was produced or permitted to be produced from any well on said above-described property, nor was any oil delivered to any person, pipe line, railroad, truck, or purchaser from the above-described property during the period covered by this report except as is fully shown on said report.

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_ (Owner, officer, or agent)

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me, who, being by me duly sworn, on oath states that he is (owner, officer, agent) operating or employed by \_\_\_\_\_ in the capacity of \_\_\_\_\_, that he made or caused to be made the above report, including the reverse side hereof, that he has knowledge of all the facts therein, that said report is true and correct, and that no pertinent matter inquired about in said report and within his knowledge has been omitted from said report.

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

Notary Public in and for \_\_\_\_\_ County, \_\_\_\_\_ State

PENALTY—FOR FALSE CERTIFICATION

Section 35 of the Criminal Code, as amended, provides a penalty of not more than \$10,000 or imprisonment of not more than 10 years, or both, for knowingly and willfully making or causing to be made "any false or fraudulent statements or use or cause to be made or used any false \* \* \* certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement \* \* \*" relating to any matter within the jurisdiction of any governmental department or agency.

INSTRUCTIONS

The original of this form shall be filed with the Department of the Interior, Division of Investigations, Oil Enforcement, Dallas, Tex., on or before the 15th day of each calendar month, and shall be complete as to data covering the calendar month next preceding the date of filing. The affidavits required before this report may be filed shall be complete and shall cover the data contained on all parts of said report.

(See reverse side)  
[Reverse side follows]

If the production from any well is run and gaged separately the appropriate data with respect thereto shall be shown. The appropriate data shall likewise be shown for each well separately during the test period. Where more than one well are produced into common tankage, indicate such fact on the report, bracketing such wells, showing which wells are produced into common tankage and showing the data daily as to the aggregate production of such wells so producing into common tankage, reporting separately for each battery of common tankage where different groups of wells produce separately into different common tankage.

BARRELS PRODUCED

Day of month	Well No.	Well No.	Well No.	Well No.	Well No.	Well No.	Well No.	Well No.	Well No.	Well No.	Well No.	Well No.	Well No.	Well No.	Well No.	Well No.	Well No.	Well No.	Well No.	Total for day	
1																					
2																					
3																					
4																					
5																					
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