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Washington, Wednesday, May 26, 1937

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

POWER SITE RESTORATION NO. 484 REVOCATION OF EXECUTIVE ORDER OF JUNE 8, 1909, CREATING TEMPORARY POWER SITE WITHDRAWAL NO. 17, AND PARTIAL REVOCATION OF EXECUTIVE ORDER OF JULY 2, 1910, CREATING POWER SITE RESERVE NO. 17

Montana

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, the Executive Order of June 8, 1909, withdrawing land for Temporary Power Site Withdrawal No. 17, is hereby revoked, and the Executive Order of July 2, 1910, withdrawing lands for power site reserves, is hereby revoked as to the following-described land withdrawn for Power Site Reserve No. 17:

PRINCIPAL MERIDIAN

T. 9 S., R. 10 W., sec. 2, E $\frac{1}{2}$ SE $\frac{1}{4}$.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
May 24, 1937.

[No. 7620]

[F. R. Doc. 37-1523; Filed, May 25, 1937; 11:47 a. m.]

EXECUTIVE ORDER

POWER SITE RESTORATION NO. 485. PARTIAL REVOCATION OF EXECUTIVE ORDER OF MARCH 31, 1911, CREATING POWER SITE RESERVE NO. 178

Utah

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, the Executive Order of March 31, 1911, withdrawing lands for Power Site Reserve No. 178, is hereby revoked as to the following-described lands:

SALT LAKE MERIDIAN

T. 5 S., R. 3 E.,
sec. 26, lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$;
sec. 33, lot 3 (SE $\frac{1}{4}$ SW $\frac{1}{4}$).

T. 6 S., R. 3 E.,
sec. 4, lots 3 and 4;
sec. 5, lots 3 and 4;
sec. 6, lots 4 and 5.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
May 24, 1937.

[No. 7621]

[F. R. Doc. 37-1524; Filed, May 25, 1937; 11:47 a. m.]

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48980]

PORT OF ENTRY

ABOLITION OF VINEYARD HAVEN, MASSACHUSETTS, AS A CUSTOMS PORT OF ENTRY

To Collectors of Customs and Others Concerned:

There is published below for the information of customs officers and others concerned the following Executive Order, dated May 18, 1937, abolishing Vineyard Haven, Massachusetts, as a customs port of entry in Customs Collection District No. 4 (Massachusetts), with headquarters at Boston, Massachusetts, effective as of the date of the order.

[SEAL]

JAMES H. MOYLE,
Commissioner of Customs.

EXECUTIVE ORDER

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, 38 Stat. 609, 623 (U. S. C., title 19, sec. 2), it is ordered that Vineyard Haven, Massachusetts, be, and it is hereby, abolished as a customs port of entry in Customs Collection District No. 4 (Massachusetts), effective immediately.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
May 18, 1937.

[F. R. Doc. 37-1518; Filed, May 24, 1937; 4:11 p. m.]

Bureau of Internal Revenue.

[T. D. 4739]

INSPECTION OF RETURNS UNDER TITLE VIII OF THE SOCIAL SECURITY ACT

To Collectors of Internal Revenue and Others Concerned:

Returns required to be filed with the Commissioner of Internal Revenue under Title VIII of the Social Security Act, or under regulations made pursuant thereto, shall, at such time or times and in such manner as the Commissioner may determine, be made available to the Social Security Board, or to any officer or employee of the said Board duly designated by it, for use in connection with the performance of the duties imposed on the Social Security Board by the Social Security Act.

This Treasury Decision is prescribed under the authority contained in Sections 808 and 1102 of the Social Security Act.

[SEAL]

GUY T. HELVERING,
Commissioner of Internal Revenue.

May 24, 1937.
Adopted and Approved:

ROSWELL MAGILL,
Acting Secretary of the Treasury.

[F. R. Doc. 37-1521; Filed, May 25, 1937; 10:49 a. m.]



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REGULATIONS No. 13

UNDER THE PROVISIONS OF JOINT RESOLUTION APPROVED JUNE 18, 1934, ENTITLED "JOINT RESOLUTION TO PROTECT THE REVENUE BY REGULATION OF THE TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS", REVISED MAY, 1937

The following regulations are prescribed under the provisions of the joint resolution approved June 18, 1934, entitled "Joint resolution to protect the revenue by regulation of the traffic in containers of distilled spirits":

ARTICLE 1. *Definitions.*—In these regulations the following words and phrases shall, unless otherwise stated, be considered as having the meaning herein defined:

(a) "Act" shall mean the joint resolution of Congress approved June 18, 1934, entitled "Joint resolution to protect the revenue by regulation of the traffic in containers of distilled spirits."

(b) "Supervisor" shall mean the district supervisor of the Alcohol Tax Unit of the Bureau of Internal Revenue.

(c) "Distilled spirits" shall mean (a) ethyl alcohol, hydrated oxide of ethyl, and spirits of wine, from whatever source derived or by whatever process produced, and (b) any alcoholic distillate fit for beverage purposes, such as whisky, brandy, gin, rum, liqueurs, cordials, and bitters, and all compounds, by whatever name called, containing distilled spirits and fit for beverage purposes, but shall not include wine containing 24 per centum or less of alcohol by volume: *Provided*, That this definition shall not apply to or include anhydrous alcohol, and alcohol withdrawn for tax-free purposes, pursuant to Title III of the National Prohibition Act and regulations thereunder.

(d) "Commissioner" shall mean the Commissioner of Internal Revenue.

(e) "Liquor bottle" shall mean any glass container for packaging distilled spirits for sale at retail, of a capacity of one-half pint or greater, conforming to these regulations and to the regulations prescribed by the Federal Alcohol Administration, the regulations in that regard heretofore promulgated by the Federal Alcohol Administration being hereby adopted as a part of these regulations.¹

(f) "Application" shall mean a formal written request for a permit for one or more of the privileges authorized by these regulations, verified under oath or supported by a verified statement of facts.

(g) "Permit" shall mean a written authorization signed by the supervisor, describing the acts permitted to be performed.

(h) "Person" shall mean and include natural persons, associations, copartnerships, and corporations.

(i) "Distiller" shall mean any person operating a registered distillery under the internal revenue laws, and shall include the proprietor of an industrial alcohol plant engaged in bottling, for nonindustrial use,² ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source derived or by whatever process produced.

(j) "Rectifier" shall mean any person required to pay special tax as such, pursuant to section 3244, Revised Statutes, and who is authorized to obtain distilled spirits in bulk containers.

¹ Digest of pertinent portions of the regulations of the Federal Alcohol Administration will be found in Appendix B.

² See Federal Alcohol Administration regulations relating to nonindustrial use of distilled spirits and wine, Regulations No. 2, approved December 20, 1935.

(k) "Importer" shall mean any person authorized to import distilled spirits into the United States.

(l) "Wholesale liquor dealer" shall mean any person required to pay special tax as such, pursuant to section 3244, Revised Statutes, and who is authorized to bottle distilled spirits.

(m) "Vintage spirits" shall mean all imported distilled spirits which are not less than 10 years old and which were bottled prior to the effective date of these regulations.

(n) "United States" shall mean the continental United States and its outlying possessions to which the internal revenue laws apply; and all other possessions of the United States shall be deemed to be foreign countries for the purposes of these regulations.

(o) Effective November 1, 1937, "age" shall have the meaning given to such term by definition (j) of Article I of Regulations 5, Relating to labeling and advertising of distilled spirits, heretofore promulgated by the Federal Alcohol Administration, and shall be stated as required by section 29 of Article III of Regulations 5, Relating to labeling and advertising of distilled spirits, heretofore promulgated by the Federal Alcohol Administration.

(p) Effective November 1, 1937, "kind" shall mean the "Standards of identity for distilled spirits" set forth in Article II of Regulations 5, Relating to labeling and advertising of distilled spirits, heretofore promulgated by the Federal Alcohol Administration, and shall be stated as required by section 34 of Article III of Regulations 5, Relating to labeling and advertising of distilled spirits, heretofore promulgated by the Federal Alcohol Administration.

ART. 2. *Manufacture and sale of bottles for packaging distilled spirits.*—(1) Any person intending to engage in the manufacture of liquor bottles shall apply to the supervisor of the district in which his principal place of business is situated for an appropriate permit authorizing him to engage in such manufacture, and, except as may otherwise be provided herein, no person may hereafter manufacture, ship, consign, or deliver liquor bottles unless in accordance with the terms of such a permit.

(2) No person may ship, consign, or deliver liquor bottles except to such distillers, rectifiers, importers, or wholesale liquor dealers as may be certified in writing by the supervisor to be entitled under these regulations to receive shipment or delivery.

(3) There shall be blown legibly either in the bottom or in the body of each liquor bottle the permit number of the manufacturer, the year of manufacture (which may be indicated by the last numeral), and a symbol assigned by the supervisor to represent the name of the distiller, rectifier, importer, or wholesale liquor dealer procuring the same, and there shall be blown legibly on the shoulder of each such bottle the words "Federal Law Forbids Sale or Reuse of This Bottle": *Provided*, That liquor bottles of distinctive shape or design for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner, may be manufactured and shipped, consigned, or delivered without indicia representing the name of the distiller, rectifier, importer, or wholesale liquor dealer procuring the same.

(4) Liquor bottles, and other containers, authorized by this article, in which distilled spirits are packaged for sale at retail shall also bear labels with the following brands and marks thereon:

(a) Brand name, kind, and alcoholic content of the distilled spirits, by proof, except that the alcoholic content may be stated in percentage, by volume, in the case of liqueurs, cordials, bitters, cocktails, gin fizzes, or other such specialties.

(b) Net contents of such bottles or containers, unless the statement of the net contents is legibly blown therein.

(c) Name and address of the distiller or rectifier, by or for whom the spirits are bottled, except that the name and address of a dealer may be substituted for the name and address of the distiller or rectifier, if such name and address are preceded by the words "Bottled for -----" or "Bottled expressly for -----"

(d) If whisky, not blended or rectified, the age thereof, but this statement shall not be required as to Scotch, Irish, or Canadian whisky, or whisky bottled in bond.

(e) If blended or rectified whisky, the age of the youngest whisky therein, but this statement shall not be required as to Scotch, Irish, or Canadian whisky; and the respective percentage, by volume, of whisky, or whiskies, and neutral spirits.

(f) A statement of the percentage, by volume, of coloring matter, if such coloring matter is present in the distilled spirits in excess of 2½ per cent by volume, except that this requirement shall not apply to liqueurs, cordials, bitters, cocktails, gin fizzes, or other such specialties.

ART. 3. *Use of bottles for packaging distilled spirits.*—(1) The use for packaging distilled spirits for sale at retail of containers of one-half pint capacity or greater, other than liquor bottles as herein defined and otherwise conforming to these regulations, is prohibited: *Provided*, That upon application by any rectifier or wholesale liquor dealer the supervisor of the district in which the plant of such rectifier or wholesale liquor dealer is situated may, in his discretion, by the issuance of an appropriate permit, authorize the procurement and use by such rectifier or wholesale liquor dealer of other containers for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner: *Provided further*, That upon application by any distiller, rectifier, or wholesale liquor dealer the supervisor of the district in which the plant of such distiller, rectifier, or wholesale liquor dealer is situated may, in his discretion, by the issuance of an appropriate permit, authorize the procurement and use, for packaging distilled spirits generally, of earthenware containers of distinctive design, marked legibly, by underglaze coloring, (a) either on the bottom or on the body with a symbol assigned by the supervisor to represent the name of the distiller, rectifier, or wholesale liquor dealer procuring the same, and (b) on the shoulder or body with the words "Federal Law Forbids Sale or Reuse of This Bottle."

(2) No distiller, rectifier, importer, or wholesale liquor dealer shall accept shipment or delivery of liquor bottles except from persons holding permits under the provisions of paragraph 1 of article 2 of these regulations.

(3) No distiller, rectifier, importer, or wholesale liquor dealer shall use any liquor bottle except for packaging distilled spirits or resell any liquor bottle except in connection with the sale of its contents, or divert any liquor bottle from his own use except upon application to and authorization by the Commissioner.

ART. 4. *Reports and inventories.*—(1) A certified copy of each order for the shipment or delivery of liquor bottles, showing the name of the manufacturer-consignor, the date of the order, the shipping or delivery destination, the name and address of the consignee, the method of forwarding, and the shipment or delivery date requested by the consignee, shall be forwarded by the distiller, rectifier, importer, or wholesale liquor dealer placing the order, to the supervisor of the district in which the consignee's place of business is situated, at the time the order is placed.

(2) A certified report showing the name of the manufacturer-consignor, the date of the order, the shipping or delivery destination, the name and address of the consignee, the method of forwarding the number of packages, and the size, quantity, and description of bottles furnished, shall be forwarded by the manufacturer-consignor to the supervisor of the district in which the consignee's place of business is situated when any shipment or delivery of liquor bottles is made, and a certified copy of such report shall accompany the shipment or delivery.

(3) A notice of the receipt of shipment or delivery, showing the name of the manufacturer-consignor, the date of the order, the date of shipment or delivery, the date of receipt, the method of forwarding, the destination, the number of packages, and the size, quantity and description of bottles received, shall be forwarded by the consignee to the

supervisor of the district in which the consignee's place of business is situated, upon receipt of any shipment or delivery of liquor bottles.

(4) All persons authorized by any supervisor to engage in the manufacture of liquor bottles, and all distillers, rectifiers, importers and wholesale liquor dealers shall furnish to the supervisor of the district in which their principal places of business are situated such inventories and reports, and they shall keep such records, relating to the manufacture, shipment, delivery, purchase, use, or sale of all bottles designed or intended for the packaging of distilled spirits, as the Commissioner may from time to time require.

(5) The records required to be kept under the provisions of this article, and all stocks of bottles in the hands of liquor-bottle manufacturers, distillers, rectifiers, importers, and wholesale liquor dealers shall at all times be available for inspection by the Commissioner or his assistants, agents, and inspectors.

ART. 5. *Imports and exports.*—(1) The importation into the United States of containers of one-half pint capacity or greater for use in packaging distilled spirits for sale at retail, except in connection with the importation of the liquor contained therein, is prohibited: *Provided*, That upon application by any importer the supervisor of the district in which the port of entry is situated may in his discretion, by the issuance of an appropriate permit, authorize the importation of empty liquor bottles, or other containers, for packaging distilled spirits imported by him. There shall be blown legibly either in the bottom or in the body of all empty bottles imported under the provisions of this paragraph, the name, and the name of the city of address, of the importer thereof, and there shall be blown legibly in the shoulder of each bottle the words "Federal Law Forbids Sale or Reuse of This Bottle."

(2) No distilled spirits for sale at retail may be imported into the United States in containers of one-half pint capacity or greater, other than liquor bottles as defined herein, unless in accordance with the terms of a permit issued, upon proper application, by the supervisor of the district in which the port of entry is situated, expressly authorizing importation in containers other than liquor bottles. The provisions of this paragraph shall not apply to the importation of distilled spirits in bulk containers of a capacity of 5 wine gallons or greater.

(3) There shall be blown legibly either in the bottom or in the body of all liquor bottles containing distilled spirits imported from foreign countries the name, and the name of the city or country of address, of the manufacturer of the spirits, or of the exporter abroad, or the name, and the name of the city of address, of the importer in the United States, and there shall be blown legibly on the shoulder of each such bottle the words "Federal Law Forbids Sale or Reuse of This Bottle": *Provided*, That upon proper application the supervisor of the district in which the port of entry is situated may, in his discretion, issue a permit authorizing (a) the importation, in bottles not so marked, of vintage spirits, if accompanied by authenticated certificates of origin establishing such spirits to be as defined in these regulations, and (b) the importation of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner in bottles of distinctive shape or design, not marked as herein required.

(4) Containers, whether filled or empty, imported in violation of the provisions of this article shall be denied entry into the United States.

(5) Containers of distilled spirits exported in bond shall not be subject to these regulations, and the manufacture, and the shipment or delivery, of containers for packaging such spirits, as well as the manufacture for exportation, and the exportation to foreign countries, of empty containers for packaging distilled spirits for sale at retail may, upon application, in the discretion of the supervisor of the district in which such manufacture is carried on, be authorized under permit.

(6) Wherever in these regulations the name of any city or country is required to be blown in any bottle, the name may be either in the language of such country or in English.

(7) Liquor bottles, and other containers, authorized by this article, in which distilled spirits are imported for sale at retail shall also bear labels with the following marks and brands thereon:

(a) Brand name, kind, and alcoholic content of the distilled spirits, by proof, except that the alcoholic content may be stated in percentage, by volume, in the case of liqueurs, cordials, bitters, cocktails, gin fizzes, or other such specialties.

(b) Net contents of such bottles or containers, unless the statement of the net contents is legibly blown therein.

(c) Name and address of the importer, or exclusive agent, or sole distributor, or other person responsible for the importation.

(d) If whisky, not blended or rectified, the age thereof, but this statement shall not be required as to Scotch, Irish, or Canadian whisky.

(e) If blended or rectified whisky, the age of the youngest whisky therein, but this statement shall not be required as to Scotch, Irish, or Canadian whisky; and the respective percentage, by volume, of whisky, or whiskies, and neutral spirits.

(f) A statement of the percentage, by volume, of coloring matter, if such coloring matter is present in the distilled spirits in excess of 2½ per cent by volume, except that this requirement shall not apply to liqueurs, cordials, bitters, cocktails, gin fizzes, or other such specialties.

ART. 6. *Permits, revocation proceedings.*—(1) Permits shall be issued only upon application therefor, filed with the supervisor in such form and in accordance with such rules as may be prescribed by the Commissioner.

(2) The supervisor shall make a thorough investigation of each application and all material facts ascertained shall be taken into account by him in acting thereon.

(3) (a) If, after considering an application, together with all material facts ascertained by investigation, the supervisor is of the opinion that the applicant is entitled to a permit under the law and regulations, the supervisor shall issue the permit as applied for.

(b) If the applicant is not entitled under subsection (a) to a permit, the supervisor shall disapprove the application and shall forthwith advise the applicant of such disapproval and of the grounds therefor.

(4) (a) Within 15 days after notice of disapproval, the applicant may file with the supervisor a request, in writing, for a hearing upon the application. If no request for hearing is received within such period, the disapproval shall be final. If request for hearing is received within such period, the supervisor shall designate a place and date of hearing and shall notify the applicant thereof. Notice of place and date of hearing shall be given not less than 15 days in advance of the date of hearing. Following the hearing, which may be held by the supervisor or his duly authorized agent, the supervisor shall make findings on the basis of the record, and shall thereupon, in accordance with the findings, affirm or reverse the disapproval of the application. If the original disapproval is reversed, the supervisor shall promptly issue the permit applied for. If the original disapproval is affirmed, the supervisor shall forthwith notify the applicant, who may, within 15 days of such notification, file with the supervisor a request for review of the record by the Commissioner. The supervisor shall forward such request to the Commissioner, together with a copy of the record.

(b) If the Commissioner shall grant such review and shall, upon the record of the hearing before the supervisor, reverse the findings of the supervisor, he shall remand the record for further proceedings in accordance with his findings. If he affirms the findings of the supervisor, he shall so notify the applicant and his action thereon shall be final.

(c) Should the supervisor or Commissioner deem a rehearing necessary he may, upon application by the permittee, or

on his own motion, order the same, and such rehearing shall be held before the supervisor, or his duly authorized agent, and shall otherwise conform to the requirements of this section, including findings and decision by the supervisor and review by the Commissioner. The testimony of the previous hearing may be made a part of the rehearing record.

(5) (a) All applicable provisions of these regulations, and all statements, conditions, and stipulations contained in an application for a permit, and all statements, evidence, affidavits, and other documents filed in support thereof, shall be considered as part of the terms and conditions of the permit.

(b) Each permit will specifically designate and limit the acts authorized by it and the time and place where such acts may be performed. Such permit may be issued for any specified period of time, not exceeding one year.

(6) If the supervisor has reason to believe that the permittee has violated, or is violating, any of the provisions of the Act, the regulations thereunder, or any of the terms or conditions of the permit, he shall serve a citation upon such permittee, ordering him to appear at a time and place designated in the citation, and show cause why his permit should not be suspended or revoked. The hearing date shall not be earlier than 15 days after the date of service of the citation. The permittee may appear at such hearing in person, or by attorney, and he and the attorney for the Government may offer such evidence, including affidavits, and submit such arguments and briefs with respect to the permit as may be deemed appropriate. The supervisor shall cause the testimony to be duly recorded, and, upon completion of the hearing, shall make a finding and order suspending or revoking the permit, or dismissing the proceedings, as in his judgment the evidence may warrant. He shall then promptly notify the permittee of his action. Should the permittee desire a review of the finding and order by the Commissioner, the procedure in such case shall conform to that prescribed in section 4 hereof for applicants for permits, except that the order of the Commissioner shall be for a rehearing or for the reversal and remanding of the proceeding or for the final revocation of the permit.

(7) The citation in revocation and suspension proceedings shall contain a statement of the acts charged as having been committed by the permittee and constituting grounds upon which suspension or revocation of his permit is sought. Service of such citation shall be made by mailing an original copy thereof to the permittee, by registered mail (with request for registry return receipt card), at the address stated in the permit, or by delivery of such original copy to such permittee personally by an officer or agent of the Commissioner. A certificate of mailing and the registry return card, or certificate of the officer or agent making personal service shall be filed as part of the record in the case and shall be prima facie evidence of valid service of the citation.

(8) When any permit is suspended, revoked, or surrendered, stocks of liquor bottles on hand or in process may be disposed of by the permittee in accordance with directions of the Commissioner. If such stocks are not so disposed of, they shall be seized and forfeited as provided in the Act.

ART. 7. *Purchase, sale, and possession of used bottles.*—

(1) The purchase or sale of used liquor bottles, except as herein provided, and the reuse thereof for packaging distilled spirits, are prohibited.

(2) The possession of used liquor bottles by any person other than the person who empties the contents thereof is prohibited. This shall not prevent the owner or occupant of any premises upon which such bottles may lawfully be emptied from assembling the same in reasonable quantities upon such premises for the purposes of destruction.

ART. 8. *General provisions.*—The Deputy Commissioner in Charge of the Alcohol Tax Unit, Bureau of Internal Revenue, and his assistants, agents, and inspectors, are, under the direction of the Commissioner, charged with the administration and enforcement of the Act and these regulations.

ART. 9. *Regulations 13 superseded; application of new regulations.*—These regulations shall, on and after the date

upon which they take effect, supersede Regulations 13 of the Bureau of Internal Revenue, and all amendments and modifications thereof. But these regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause or proceeding prior to such date, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability, or forfeiture incurred prior to such date.

Approved: May 24, 1937.

[SEAL]

ROSSELL MAGILL,
Acting Secretary of the Treasury.

APPENDIX A

H. J. Res. 370. Public Resolution No. 40, Seventy-third Congress, approved June 18, 1934.¹

APPENDIX B

Digest of certain portions of regulations of the Federal Alcohol Administration relating to standard bottles for distilled spirits, effective August 15, 1936.²

[F. R. Doc. 37-1522; Filed, May 25, 1937; 10:49 a. m.]

DEPARTMENT OF THE INTERIOR.

Division of Grazing.

MONTANA GRAZING DISTRICT No. 5

MODIFICATION

MAY 18, 1937.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Departmental order of November 3, 1936, establishing Montana Grazing District No. 5, is hereby modified to include within its exterior boundaries the following described lands:

MONTANA

PRINCIPAL MERIDIAN

- T. 1 N., Rs. 4 and 5 W., those parts in Jefferson County;
- T. 2 N., R. 4 W.,
secs. 2 to 36 inclusive;
- T. 3 N., R. 4 W.,
secs. 3 to 10, 15 to 22, and 26 to 35 inclusive;
- T. 4 N., R. 4 W.,
secs. 4, 5, 8, 9, 16, 17, 20, 21, and secs. 28 to 34 inclusive;
- T. 2 N., R. 5 W.,
secs. 1, 2, 5, and secs. 7 to 36 inclusive;
- T. 3 N., R. 5 W.,
secs. 25, 26, 35, and 36;
- T. 1 N., R. 6 W.,
secs. 1 to 4, 9 to 16 inclusive;
secs. 20 and 21, those parts in Jefferson County;
secs. 22 to 25 inclusive;
secs. 26, 27, 28, 35, and 36, those parts in Jefferson County;
- T. 2 N., R. 6 W.,
secs. 11 to 14, 23 to 26, 35 and 36;
- T. 1 S., R. 4 W.,
secs. 6 and 7, those parts in Jefferson County;
- T. 1 S., R. 5 W., that part in Jefferson County;
- T. 5 S., R. 10 W.,
sec. 24, S½;
secs. 25 and 36.

Rules and regulations for the administration of grazing districts issued by the Secretary of the Interior March 2, 1936, and subsequently amended, shall be effective as to the lands embraced within this addition from and after the date of the publication of this order in the FEDERAL REGISTER.

CHARLES WEST,
Acting Secretary of the Interior.

[F. R. Doc. 37-1519; Filed, May 25, 1937; 9:51 a. m.]

¹ 48 Stat. L. 1020.

² Treasury Decision 4641, 1 F. R. 431.

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

WR—B-101, Montana, Part X

Issued May 24, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—MONTANA, PART X

Western Region Bulletin No. 101—Montana is hereby supplemented by adding thereto the following Part X.

Part X. County Average Rates

SECTION 1. County Average Rates for Computing Diversion Payments and Soil-Building Allowances.—The county average rates per acre for computing diversion payments, and the county average rates per acre to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, shall be as follows for the respective counties in the State of Montana:

County	Average Rate Per Acre for Diversion from Soil-Depleting Base ¹	Average Soil-Building Allowance Rate Per Acre on Acreage Diverted for Payment ²	Average Soil-Building Allowance Rate Per Acre on all Cropland on Non-Diversion Farms and Commercial Orchard Land on Diversion Farms ³
Beaverhead.....	\$7.00	\$4.65	\$0.93
Big Horn.....	4.30	2.85	.57
Blaine.....	3.80	2.55	.51
Broadwater.....	4.20	2.75	.55
Carbon.....	5.70	3.80	.76
Carter.....	4.00	2.65	.53
Cascade.....	3.90	2.60	.52
Chouteau.....	3.60	2.35	.47
Custer.....	3.30	2.20	.44
Daniels.....	3.80	2.50	.50
Dawson.....	3.40	2.30	.46
Deer Lodge.....	5.90	3.90	.78
Fallon.....	3.90	2.60	.52
Fergus.....	3.80	2.55	.51
Flathead.....	5.50	3.70	.74
Gallatin.....	4.80	3.15	.63
Garfield.....	3.20	2.15	.43
Glacier.....	3.20	2.10	.42
Golden Valley.....	2.80	1.90	.38
Granite.....	4.50	3.00	.60
Hill.....	3.10	2.05	.41
Jefferson.....	4.40	2.95	.59
Judith Basin.....	3.50	2.35	.47
Lake.....	4.90	3.25	.65
Lewis and Clark.....	3.50	2.35	.47
Liberty.....	2.40	1.65	.33
Lincoln.....	5.00	3.35	.67
McCone.....	3.20	2.20	.44
Madison.....	5.40	3.55	.71
Meagher.....	3.10	2.05	.41
Mineral.....	4.20	2.80	.56
Missoula.....	4.20	2.80	.56
Musselshell.....	2.70	1.80	.36
Park.....	3.90	2.60	.52
Petroleum.....	2.50	1.65	.33
Phillips.....	3.30	2.20	.44
Pondera.....	3.80	2.55	.51
Powder River.....	3.40	2.30	.46
Powell.....	4.40	2.95	.59
Prairie.....	3.30	2.20	.44
Ravalli.....	6.50	4.35	.87
Richland.....	4.00	2.65	.53
Roosevelt.....	3.80	2.55	.51
Rosebud.....	3.40	2.30	.46
Sanders.....	4.30	2.90	.58
Sheridan.....	3.80	2.55	.51
Silver Bow.....	6.40	4.25	.85
Stillwater.....	3.80	2.55	.51
Sweet Grass.....	4.40	2.95	.59
Teton.....	3.90	2.60	.52
Toole.....	2.70	1.80	.36
Treasure.....	4.10	2.75	.55
Valley.....	3.40	2.25	.45
Wheatland.....	2.50	1.70	.34
Wibaux.....	3.90	2.60	.52
Yellowstone.....	4.10	2.70	.54

¹ Pursuant to section 1, part II of W. R. Bulletin 101—Montana.
² Pursuant to subsection A-2, section 2, part III of W. R. Bulletin 101—Montana.
³ Pursuant to subsections A-3 and B-1 of section 2, part III of W. R. Bulletin 101—Montana.

SEC. 2. Rates as Applied to Individual Farms.—For any individual farm the rate of payment for diversion from the soil-depleting base and the rates to be used in computing those portions of the soil-building allowance which vary as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States shall be those rates determined by multiplying the applicable average rate per acre for the county in which the farm is located by the productivity index established for the farm and by dividing the result by 100.

The productivity index for the farm shall be determined on the basis of the farm yield as compared with the county yield of a crop which is generally grown throughout the county or, on such other basis as the Director of the Western Division may authorize for the purpose of obtaining an accurate reflection of the productivity of the cropland on the farm. The average of the productivity indexes for all farms for which work sheets are filed in a county, weighted by the respective crop acreages for such farms, shall not exceed 100, unless a variance therefrom is recommended by the State Committee and approved by the Agricultural Adjustment Administration.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 24th day of May, 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-1526; Filed, May 25, 1937; 12:39 p. m.]

Bureau of Animal Industry.

[Amendment 3 to B. A. I. Order 357]

RULES AND REGULATIONS WITH RESPECT TO STOCKYARD OWNERS, MARKET AGENCIES, DEALERS, AND LICENSEES

[Effective on and after May 18, 1937]

MAY 25, 1937.

Under authority of the act of Congress approved August 15, 1921 (U. S. C., title 7, secs. 181-229), as amended by the act approved August 14, 1935 (U. S. C., sup. I, title 7, secs. 218-218d), amendment 3 to B. A. I. Order 357, effective May 18, 1937, amending the general rules and regulations of the Secretary of Agriculture with respect to stockyard owners, market agencies, dealers, and licensees, is hereby corrected as follows:

I

In order to correct a clerical error that part of amendment 3 reading as follows:

Amendment 2 to B. A. I. Order 357 is hereby revoked and in lieu thereof the following regulation to be designated as regulation 3 is prescribed:

3. (a) Registration (sec. 303, title III) by market agencies and dealers shall be accomplished by properly filling out and delivering to the Bureau of Animal Industry at Washington, D. C., by mail or otherwise, a form which will be furnished on request for the purpose.

is stricken out and in lieu thereof the following is inserted:

Amendment 2 to B. A. I. Order 357 is hereby revoked and in lieu thereof the following regulation to be designated as regulation 2 is prescribed:

2. (a) Registration (sec. 303, title III) by market agencies and dealers shall be accomplished by properly filling out and delivering to the Bureau of Animal Industry at Washington, D. C., by mail or otherwise, a form which will be furnished on request for the purpose.

Done at Washington, D. C., this 25th day of May, 1937. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-1527; Filed, May 25, 1937; 12:39 p. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

APPROVAL OF MISCELLANEOUS ITEMS OF EQUIPMENT

MAY 10, 1937.

Pursuant to call under authority of Section 4405 of the Revised Statutes by the Honorable Daniel C. Roper, Secretary of Commerce, a special meeting of the Executive Committee of the Board of Supervising Inspectors, consisting of H. C. Shephard, Acting Director; George Fried, and Eugene Carlson, was held in the office of the Director, Washington, D. C. on May 6, 1937. The following Resolution No. 1511-89 was unanimously adopted.

[Resolution No. 1511-89]

Resolved, That under authority of Sections 4405 and 4491, R. S., the following equipment be and hereby is approved for use on vessels subject to inspection:

FIRE EXTINGUISHERS FOR USE ON TANK BARGES

4092. "No. 4 Fire Gun", 1-gallon carbon tetrachloride fire extinguisher, American La France and Foamite Industries, Inc., of Elmira, N. Y.

4039. "Phister No. 3 1/2", 3 1/2-gallon carbon tetrachloride fire extinguisher, The Phister Manufacturing Co., of Cincinnati, Ohio.

4065. "Captain Duplex Pump Fyr-Fyter", 1-gallon carbon tetrachloride fire extinguisher, The Fyr-Fyter Company, of Dayton, Ohio.

4065-1. "Central Station Fyr-Fyter", 2-gallon carbon tetrachloride fire extinguisher, The Fyr-Fyter Company, of Dayton, Ohio.

APPARATUS FOR EXTINGUISHMENT OF FIRE IN COMPARTMENTS OF VESSELS

3826-1. "National Foam Generator", Model "S-3", National Foam System, Inc., of Philadelphia, Pa. (Approved for tank barges where not less than 20 gallons of water per minute at a pressure of not less than 50 pounds per square inch is available at the generator. Generator equipped with not more than 100 feet of hose.)

3826. "Model 11 Foam Generator", American La France and Foamite Industries, Inc., of Elmira, N. Y. (Approved for tank barges where not less than 20 gallons of water per minute at a pressure of not less than 50 pounds per square inch is available at the generator. Generator equipped with not more than 100 feet of hose.)

2937-2. "Minute Man" Marine Type, 40-gallon foam fire extinguisher, Pyrene Manufacturing Co., of Newark, N. J.

BUOYANT APPARATUS

3822. "5-person Balsa-wood Buoyant Apparatus", C. C. Galbraith and Son, Inc., of New York, N. Y.

3822. "11-person Balsa-wood Buoyant Apparatus", C. C. Galbraith and Son, Inc., of New York, N. Y.

3894. "6-person Balsa-wood Buoyant Apparatus", Atlantic-Pacific Manufacturing Corporation, of Brooklyn, N. Y.

3894-1. "8-person Balsa-wood Buoyant Apparatus", Atlantic-Pacific Manufacturing Corporation, of Brooklyn, N. Y.

LIFEBOATS

3132. "26-foot, 46 Person, Aluminum Alloy Lifeboat", United Fruit Company, Pier 9, North River, New York, N. Y.

LIFEBOAT LOWERING GEAR

3825. "Inter-Island Lifeboat Lowering Gear", Inter-Island Steam Navigation Company, Honolulu, Hawaii. (Approved for use with wooden lifeboats only.)

WATCHMAN'S SUPERVISORY CLOCK

3513. "Marine Watchman's Supervisory Clock", Chapman and Moore Company, Baltimore, Md.

LIFE-PRESERVERS

3096-1. "Adult's Combination Kapok and Block Cork Life Preserver", Atlantic-Pacific Manufacturing Corp., 124-130 Atlantic Avenue, Brooklyn, N. Y.

4042. "Adult's Block Cork Life Preserver", Sea-Lite Manufacturing Corp., 791 Tremont Street, Boston, Mass.

AUTOMATIC SPRINKLER EQUIPMENT

4055. "Issue 'A' Automatic Sprinkler Heads", C. S. B. Sprinkler Company, Laconia, N. H.

[SEAL]

H. C. SHEPHEARD,

Acting Director.

GEO. FRIED,

Supervising Inspector, Second District.

EUGENE CARLSON,

Supervising Inspector, Third District.

Approved:

DANIEL C. ROPER,

Secretary of Commerce.

[F. R. Doc. 37-1525; Filed, May 25, 1937; 12:07 p. m.]

FEDERAL HOME LOAN BANK BOARD.

Home Owners' Loan Corporation.

[Manual Amendment]

SALE OR RENTAL TO EMPLOYEE OR SPOUSE OF EMPLOYEE

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by Sections 4-a and 4-k of said Act as amended, Section 1 b (1) of Chapter V of the Regional Manual and Chapter XIX of the State Manual, be amended by the addition of a new subsection to be designated (h), which new subsection shall read as follows:

To review all cases where the Regional Manager recommends the approval of the purchase by any officer or employee of the Corporation from a home owner of property on which the Corporation holds a mortgage or other security instrument, or where the Regional Manager recommends the sale of a property owned by the Corporation, directly or indirectly, to an employee of the Corporation or to the spouse of such employee, and to submit such cases with its recommendations to the General Manager for final action; and

Be it further resolved, That pursuant to said authority, Section 10-n of Chapter V of the Regional Manual and Chapter XIX of the State Manual be amended to read as follows:

The Corporation shall not sell its acquired property either directly or indirectly to an employee of the Corporation or to a spouse of such employee unless and until the transaction has been submitted to the Property Committee in Washington and the approval of the General Manager obtained; and

Be it further resolved, That pursuant to said authority, the third paragraph of Section 11-g of Chapter V of the Regional Manual and Chapter XIX of the State Manual be amended to read as follows:

The Corporation shall not rent any property under the jurisdiction of the Property Management Division to an employee of the Corporation or to a spouse of such employee either directly or indirectly unless and until the approval of the Regional Manager has been obtained. This restriction shall not, however, affect tenancies existing on September 2, 1936.

Adopted by the Federal Home Loan Bank Board on May 24, 1937.

[SEAL]

R. L. NAGLE, Secretary.

[F. R. Doc. 37-1520; Filed, May 25, 1937; 10:25 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

ADOPTION OF PRINTED COMPILATION OF GENERAL RULES AND REGULATIONS UNDER THE SECURITIES ACT OF 1933¹

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933,

¹The printed Compilation of General Rules and Regulations was filed with the Division of the Federal Register, The National Archives; requests for copies should be addressed to the Securities and Exchange Commission, Washington, D. C.

as amended, particularly Section 19 (a) thereof, and deeming such action necessary to carry out the provisions of the Act and necessary and appropriate in the public interest and for the protection of investors, hereby adopts the General Rules and Regulations under the Securities Act of 1933 as contained in the printed compilation dated April 30, 1937, attached hereto.

The above-mentioned General Rules and Regulations shall become effective immediately upon publication, with the exception of Regulation B thereof, which shall become effective June 1, 1937. Regulation B as heretofore in effect shall cease to be in effect June 1, 1937.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1516; Filed, May 24, 1937; 1: 22 p. m.]

RESCISSION OF EXISTING REGULATION B AND ADOPTION OF WHOLLY NEW REGULATION B RELATING TO EXEMPTION OF FRACTIONAL UNDIVIDED INTERESTS IN OIL OR GAS RIGHTS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, and particularly Sections 3 (b) and 19 (a) thereof, finding (a) that registration of fractional undivided interests in oil or gas rights is not necessary in the public interest, or for the protection of investors, by reason of the small amounts involved and the limited character of the public offerings thereof, if such securities are sold in conformity with the terms and conditions of Regulation B, as hereinafter adopted; (b) that it is, however, necessary in the public interest and for the protection of investors that such exemption from registration be conditioned upon compliance with the provisions of Regulation B, as hereinafter adopted; and (c) that such action is necessary to carry out the provisions of the Act, hereby takes the following action:

I. The articles and rules now comprising Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, are hereby rescinded, such rescission to become and be effective June 1, 1937; and

II. There is hereby adopted, to become and be effective June 1, 1937, a new Regulation B, consisting of the following articles and rules:

REGULATION B

EXEMPTIONS RELATING TO FRACTIONAL UNDIVIDED INTERESTS IN OIL OR GAS RIGHTS

Article 1. Definitions

Rule 300. Definitions of Terms Used in Regulation B.

When used in Regulation B:

(a) The term "fractional undivided interests in oil or gas rights" includes landowners' royalty interests, overriding royalty interests, working interests, participating royalty interests, oil payments, gas payments, and oil and gas payments, as defined in Subdivisions (b) to (f), inclusive, of this rule.

(b) The term "landowners' royalty interests" means fractional undivided landowners' oil or gas royalty interests.

(c) The term "overriding royalty interests" means fractional undivided interests in an oil or gas leasehold, or fractional undivided rights of participation in the oil or gas, or in the proceeds of the sale of the oil or gas, produced from specified tracts of land (excluding landowners' royalty interests), which interests or rights are unlimited as to the amount ultimately to be received, but which do not share in any part of the expense of development, operation, or production.

(d) The term "working interests" means fractional undivided interests in an oil or gas leasehold, the holder of which interests shares in any part of the expense of development, operation, or production.

(e) The term "participating royalty interests" means fractional undivided rights of participation in the oil or gas,

or in the proceeds of the sale of the oil or gas, produced from specified tracts of land (excluding landowners' royalty interests and working interests), which interests or rights are unlimited as to the amount ultimately to be received, but which share in any part of the expense of development, operation, or production.

(f) The terms "oil payments", "gas payments", and "oil and gas payments", mean fractional undivided interests in, or rights of participation in, the oil or gas, or in the proceeds of the sale of oil or gas, produced by another (excluding landowners' royalty interests), which are limited to the amount fixed in barrels of oil, cubic feet of gas, or dollars.

(g) The term "offeror" means any issuer of, underwriter of, or dealer in, any of the interests or rights defined in Subdivisions (b) to (f), inclusive, of this rule, or any other person who issues, offers, or sells, any such interests or rights.

(h) The term "offering sheet" means any of the schedules from A to F, inclusive, the form of which is prescribed by the Commission, when appropriately completed so as to comply with the requirements of Regulation B, and particularly Rule 330 thereof.

Article 2. Exemptions Available to Fractional Undivided Interests in Oil or Gas Rights Under Section 3 (b) of the Act

Rule 310. Limitation upon Exemption.

Pursuant to Section 3 (b) of the Securities Act of 1933, as amended, but subject to the terms and conditions prescribed by Regulation B and the rules contained therein, fractional undivided interests in oil or gas rights, as defined in Rule 300, are added to the classes of securities exempted as provided in Section 3 (a) of such Act; but no issue or offering, of which any interests sought to be exempted hereunder is a part, shall be exempted under Regulation B where the aggregate amount at which such issue or offering is issued, offered, or sold, exceeds \$100,000.

Rule 312. Exemption not Available to Offeror, if Unregistered Dealer.

If any offeror of any of the fractional undivided interests in oil or gas rights defined in Rule 300 is, in fact, a "dealer", as such term is defined in the Securities Exchange Act of 1934, the exemption provided by Regulation B shall not be available, and, such offeror shall not be relieved from the liability which, in the absence of the exemption provided by Regulation B, would be imposed upon him because the security offered for sale, or sold, was unregistered, unless such offeror is, at the time of each offer to sell, and at the time of each sale, duly registered as a dealer under Section 15 of said Act.

Rule 314. Exception to Availability of Exemption.

Notwithstanding any provision of Regulation B, or any rule thereunder, no exemption shall be available for any issue, offering, or sale, of overriding royalty interests, working interests, participating royalty interests, oil payments, gas payments, or oil and gas payments, if the operating lessee or lessees then own, unencumbered, or if it appears that the operating lessee or lessees will own, unencumbered, in his, or their, name, or names, upon completion of the sale of the issue or offering sought to be exempted hereunder, less than a 40 per cent working interest in the tract, or tracts, of land involved, or less than 40 per cent of 100 per cent of all oil, gas, and other hydrocarbon substances produced, or to be produced, from the tract, or tracts, of land involved.

As used in this rule, the term "operating lessee or lessees" shall include the lessee of record actually engaged in developing and operating the tract, or tracts, involved, and all other owners of working interests who are regularly engaged in the business of exploring for, or producing, oil or gas, and who have consented in writing to the development and operation of said tract, or tracts, by such lessee of record.

*Article 3. Requirements for Offeror Seeking Exemption**Rule 320. Conditions to Exemption and Relief from Liability for Non-registration.*

The exemption provided by Regulation B shall be available, and, an offeror of any of the fractional undivided interests in oil or gas rights defined in Rule 300 shall be relieved from the liability which, in the absence of the exemption provided by Regulation B, would be imposed upon him because the security offered for sale, or sold, was unregistered, only upon condition:

(a) That prior to any offer to sell any security sought to be exempted hereunder, the offeror, or some person acting on his behalf, shall file with the Commission four copies of an offering sheet accurately describing such security and complying with the requirements of Rule 330.

(b) That the offeror, at the time of the initial offer to sell any security sought to be exempted hereunder, shall deliver, or cause to be delivered, to every person solicited to buy, a copy of the offering sheet then on file with the Commission (as amended, if amended) accurately describing such security and complying with the requirements of Rule 330.

The term "offer to sell", as used in Subdivision (b) of this rule, shall not be deemed to include a notice, circular, advertisement, letter, or communication published in any newspaper, or sent through the mails, or by means of any instrument of transportation, or communication in interstate commerce, or broadcast by radio, if such notice, circular, advertisement, letter, communication, or radio broadcast states only from whom an offering sheet may be obtained, and, in addition, does no more than identify the security, state the price thereof, and state by whom orders will be executed.

(c) That the offering sheet referred to in Subdivisions (a) and (b) of this rule is fully effective in all respects at the time of each initial offer to sell and at the time of the making of each contract for the sale of any security described therein.

(d) That prior to the making of each contract of sale with, and prior to the payment of any part of the consideration by, the purchaser of any security sought to be exempted hereunder, the offeror shall deliver to each purchaser evidence satisfactory to each such purchaser of the validity of the title which he is to receive and upon which the value of his interest depends.

(e) That not later than fifteen days after the making of each contract for the sale of any interest sought to be exempted hereunder, the offeror making such sale shall file with the Commission a written report of such sale on Form 1-G,¹ which shall be kept confidential, unless the Commission shall order otherwise.

Rule 322. Transactions Conditionally Excepted.

Compliance with Rule 320 shall not be required in any of the following types of transactions, provided exact copies of any prospectus, notice, circular letter, or circular communication sent through the mails, or by means of any instrument of transportation or communication in interstate commerce, to any of the persons, corporations, or trusts designated in Subdivisions (b), (c), and (d) of this rule, preliminary to the delivery of, or in lieu of, an offering sheet, or designed to communicate any of the information required in any offering sheet, are simultaneously filed with the Commission:

(a) Offers or sales to a person regularly engaged in the business of exploring for, or producing, oil or gas.

(b) Offers or sales to a person duly registered as a dealer under Section 15 of the Securities Exchange Act of 1934, as amended, who is resident, or, if a partnership or corporation, maintains a bona fide place of business within the same

¹ Forms 1-G and 2-G were filed with the Division of the Federal Register, The National Archives; requests for copies should be addressed to Securities and Exchange Commission, Washington, D. C.

state or territory within which the oil or gas property involved in such sale is located.

(c) Offers or sales to a person duly registered as a dealer under Section 15 of the Securities Exchange Act of 1934, as amended, who is not resident, or, if a partnership or corporation, does not maintain a bona fide place of business within the same state or territory within which the oil or gas property involved in such sale is located, provided and upon condition that the offeror making the sale in question shall, not later than fifteen days after making the sale of the interest, file with the Commission a written report of such sale on Form 2-G,¹ which shall be kept confidential unless the Commission shall order otherwise.

(d) Offers or sales to a corporation or trust, not registered as a dealer under Section 15 of the Securities Exchange Act of 1934, as amended, the assets of which consist principally of oil or gas rights, and stock of which, or certificates of interest or participation in which, are at the time registered under the Securities Act of 1933, as amended, provided and upon condition that the offeror making the sale in question shall, not later than fifteen days after making the sale of the interest, file with the Commission a written report of such sale on Form 2-G, which shall be kept confidential unless the Commission shall order otherwise.

Rule 324. Filing of Offering Sheets on Behalf of Other Persons.

An offering sheet may be filed with the Commission for, and on behalf of, other persons, provided all such other persons are duly registered as dealers under Section 15 of the Securities Exchange Act of 1934, as amended, and upon condition that signed lists containing the names and addresses of all such persons are filed with the Commission in duplicate prior to any use of such offering sheet by such other persons; and the Commission may refuse to accept for filing any list which contains the name of any person who is not so registered.

Rule 326. Liability for Unauthorized Use of Offering Sheet.

Any person using an offering sheet in connection with an offer to sell any security described therein shall not be entitled to the exemption provided by Regulation B, and, shall not be relieved from any liability which, in the absence of the exemption provided by Regulation B, would be imposed upon such person because such security was unregistered, unless such offering sheet has previously been filed with the Commission by, or for, and on behalf of, such person, and is at the time of its use fully effective.

Rule 328. Restricting Use of Estimations not Included in Offering Sheets.

A person using any estimation of the amount of oil or gas recoverable from the tract involved, or from any other tract for comparative purposes, in connection with an offer to sell any fractional undivided interest in oil or gas rights, defined in Rule 300, shall not be entitled to the exemption provided by Regulation B, and, shall not be relieved from any liability which, in the absence of the exemption provided by Regulation B, would be imposed upon such person because such security was unregistered, unless such estimation is included in, and furnished as part of, an offering sheet accurately describing such security: *Provided, however,* That the provisions of this rule shall not be applicable in the case of a sale to a person regularly engaged in the business of exploring for, or producing, oil or gas.

*Article 4. Form of Offering Sheets**Rule 330. Form and Contents of Offering Sheets.*

The offering sheets required by Regulation B, and particularly Rule 320 thereof, shall be filed with the Commission substantially in the form prescribed by the Commission in the schedules specifically enumerated in Subdivision (g) of this rule, which schedules are, by reference, hereby incorporated in, and made a part of, this rule.

(a) The offering sheet shall contain in substance, in the prescribed sequence, the statements, information, and factual

data required by the appropriate schedule and shall be responsive to the requirements of each and every item and exhibit of the appropriate schedule.

(b) If an item of required information cannot be furnished, or there is reason to doubt the accuracy of all the information which has been acquired with regard thereto, the answer to the item may be omitted, but a full explanation of the reason for the omission must be given. In no case, however, may there be omitted on this ground information which is a matter of public record in the state or territory in which the tract is located.

(c) All information contained in an offering sheet, including exhibits, shall be as of a date not more than 110 days prior to the delivery of the offering sheet to the purchaser, and also as of a date not more than 110 days prior to the making of each contract for the sale of any security described therein.

(d) Each offering sheet filed with the Commission shall be executed in the manner prescribed by the Commission and shall bear the original signature of the person making the filing.

(e) Each offering sheet used, distributed, or delivered by the person making the filing shall be a copy of the offering sheet filed with the Commission (as amended, if amended).

(f) Each offering sheet used, distributed, or delivered by a person other than the person filing same with the Commission shall be a copy of the offering sheet filed with the Commission (as amended, if amended). It shall also be executed in the manner prescribed by the Commission, and shall bear the original signature of the person so using, distributing, or delivering same.

(g) The schedules hereinbefore referred to, and which are, by reference, hereby incorporated in, and made a part of, this rule, are as follows:

(1) *Schedule A.*—If the interests offered are producing landowners' royalty interests.

(2) *Schedule B.*—If the interests offered are non-producing landowners' royalty interests.

(3) *Schedule C.*—If the interests offered are producing overriding royalty interests, working interests, or participating royalty interests.

(4) *Schedule D.*—If the interests offered are non-producing overriding royalty interests, working interests, or participating royalty interests.

(5) *Schedule E.*—If the interests offered are oil payments, gas payments, or oil and gas payments to be made from tracts represented to be producing at the time of the offering.

(6) *Schedule F.*—If the interests offered are oil payments, gas payments, or oil and gas payments to be made from tracts represented to be non-producing at the time of the offering.

Specimen copies of Schedules A to F, inclusive, may be procured from the Securities and Exchange Commission, Washington, D. C., upon request.

Rule 332. Representations in Offering Sheets.

Every offering sheet, whether it does, or does not, comply with the requirements of Rule 330, shall be deemed to have been filed or used or distributed or delivered upon the express condition that:

(a) All statements or information contained in Divisions I and II of any offering sheet, or in any exhibit attached thereto or incorporated therein, shall constitute continuing representations, by the person filing such offering sheet to any person who may, in reliance upon a copy of such offering sheet, purchase any interest described therein, that the statements contained in Divisions I and II thereof and in the exhibits attached thereto are substantially correct and that no material fact has been omitted, the inclusion of which would reasonably appear necessary, in the light of the circumstances, to make the information contained therein not misleading to the purchaser.

(b) All statements or information contained in any offering sheet, or in any exhibit attached thereto or incorporated therein, shall constitute continuing representations by any

offeror who shall deliver, or cause such offering sheet to be delivered, to any person who may, in reliance upon a copy of such offering sheet, purchase any interest described therein from, or through, such offeror, that such offering sheet is a true copy of an offering sheet filed with the Securities and Exchange Commission in compliance with the Rules and Regulations of the Commission on behalf of such offeror, that such offeror has reasonable grounds to believe, and does believe, that the statements contained therein are substantially correct, and, that no material fact known to the offeror has been omitted, the inclusion of which would reasonably appear necessary, in the light of the circumstances, to make the information contained therein not misleading to the purchaser.

(c) If an estimation of recoverable oil or gas, or a geological report made by someone other than the person filing the offering sheet, is included in the offering sheet, the contents thereof shall not be regarded as a representation by the person filing the offering sheet, provided the person filing the offering sheet has reason to believe, and does believe, that the author of such estimation or report possesses the qualifications and integrity necessary to make such estimation or report, and provided the person filing the offering sheet does not know or believe the estimation or report to be untrue or misleading in any respect.

Rule 334. Interests Involving Non-contiguous Tracts.

Oil or gas interests involving non-contiguous tracts of land may be included in the same offering sheet only upon condition that:

(a) All interests hereby offered for sale are producing landowners' royalty interests.

(b) All tracts so involved are currently producing oil or gas and are located wholly within the limits of the same oil or gas pool.

(c) All tracts so involved are being currently operated by the same operator under an oil and gas lease executed by one or more landowners, each of whom was, at the time of the execution of said oil and gas lease, the owner of a fee or mineral interest in each of the tracts involved.

(d) The purchaser of any such interest is entitled to the same fractional portion of the oil and gas produced from each tract covered by said lease, irrespective of the specific tract to which such purchaser may receive a conveyance and irrespective of the specific tract from which such production may be obtained.

Article V. Suspension Orders and Their Effect

Rule 340. Suspension Orders.

(a) If, at any time within seven days after the date upon which an offering sheet is received by the Commission for filing, the Commission has reasonable grounds to believe that such offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any of the requirements of Regulation B, the Commission may enter an order temporarily suspending the effectiveness of the filing of such offering sheet pending a final hearing thereon. The Commission shall, promptly upon the entry of any such order, give notice to the person filing such offering sheet: (1) that such order has been entered, and (2) that the Commission will, upon receipt of a written request from the person filing such offering sheet, set the matter for hearing, within twenty days after the receipt of such request, at a place to be designated by the Commission. Upon receipt of any such request the Commission will forthwith set the matter for hearing accordingly, and will promptly give notice of the time and place thereof. If the Commission does not set the matter for hearing upon a date within such twenty-day period, the order for suspension then in effect shall, upon expiration of said twenty-day period, expire and be of no further force or effect. Such hearing may be continued from time to time for cause, but if the Commission does not enter an order permanently suspending the effectiveness of such offering sheet within sixty days after such hearing is finally closed,

the suspension order then in effect shall, upon expiration of said sixty-day period, likewise expire and be of no further force or effect.

(b) If, at any time after notice and opportunity for hearing, either at the written request of a person filing an offering sheet or upon motion of the Commission, the Commission finds that an offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any of the requirements of Regulation B, the Commission may enter an order permanently suspending the effectiveness of the filing of such offering sheet, or, if an order has been entered pursuant to Subdivision (a) of this rule, and is still in effect, may make the suspension effected by such order permanent.

(c) If, before the hearing with respect thereto is finally closed, the Commission finds that an offering sheet has been amended to cure the objections specified in any temporary suspension order entered pursuant to Subdivision (a) of this rule, or specified in any notice given pursuant to Subdivision (b) of this rule, the Commission will thereupon terminate the proceeding which may have been instituted by any such temporary suspension order, or by any such notice, and give notice of such action to the person who filed the offering sheet.

(d) All notices required by this rule shall be given to the person who filed the offering sheet, and shall be given either by personal service, or by registered mail, or confirmed telegraphic notice, addressed to such person at the address given in the offering sheet.

Rule 342. Effect of Suspension Order.

An offering sheet complying with the requirements of Regulation B, and particularly Rule 330, shall become effective on the eighth day after the day upon which it is received by the Commission for filing, except that:

(a) If the Commission shall enter an order under Rule 340 (a) suspending the effectiveness of the filing of such offering sheet within seven days after the date upon which it is received by the Commission for filing, the filing thereof shall not become effective for any purpose whatever until such proceeding is terminated, or such order for suspension expires.

(b) If the Commission shall at any time give notice of a hearing or enter an order under Rule 340 (b) suspending the effectiveness of the filing of such offering sheet, said offering sheet shall not be effective for any purpose whatever subsequent to the giving of such notice or during the period of such suspension.

Article 6. Withdrawal, Amendment, and Termination of Offering Sheets

Rule 350. Withdrawal of Offering Sheet.

Any person who has filed an offering sheet may apply to the Commission for an order consenting to the withdrawal of same, provided none of the securities described in said offering sheet have been sold, and such person shall so represent to the Commission in writing. The Commission will enter an order consenting thereto unless it shall find that sales of the securities described in said offering sheet have, in fact, been made.

Rule 352. When Offering Sheet may be Amended.

Any person who has filed an offering sheet may, subject to the provisions of Rule 354, file amendments thereto, but only under the following conditions and in the following instances:

(a) In the event none of the securities referred to in said offering sheet have been sold and the person filing the offering sheet shall so represent to the Commission in writing.

(b) In the event a suspension order is in effect and the hearing with respect thereto has not been finally closed.

(c) In the event no suspension order is in effect, but notice has been given by the Commission pursuant to Rule 340 (b), and the hearing with respect thereto has not been finally closed.

Rule 354. How Offering Sheet may be Amended.

Any amendment to an offering sheet shall be filed in accordance with this rule and shall become and be effective only as hereinafter provided:

(a) The amendment shall be filed with the Commission, in quadruplicate, and each copy shall bear the signature of the person who filed the offering sheet as well as every other person whose estimations or statements are modified or affected by such amendment.

(b) An amendment shall be made either by filing or substituting a wholly corrected offering sheet, or by filing or substituting entire exhibits or pages, as amended.

(c) Any amendment complying with the requirements of this rule shall become effective at such time as the Commission may order.

Rule 356. Voluntary Termination of Effectiveness of Offering Sheet.

Any person who has filed an offering sheet may apply to the Commission for an order terminating the effectiveness of the filing thereof, provided such person shall file with the Commission an affidavit that all persons on whose behalf said offering sheet has been filed, to whom copies thereof have been delivered (naming all such persons), have been notified in writing of the intention to terminate the effectiveness of said offering sheet. The Commission will enter an order terminating the effectiveness of such offering sheet unless it shall find that such affidavit is insufficient, or that such notice of intention has not been given, as required, or it is not appropriate in the public interest so to do.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1517; Filed, May 24, 1937; 1: 22 p. m.]

RESCISSION OF EXISTING FORMS 1-G AND 2-G AND ADOPTION OF WHOLLY NEW FORMS 1-G AND 2-G REFERRED TO IN REGULATION B

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, and particularly Sections 3 (b) and 19 (a) thereof, finding that the requirements of Forms 1-G and 2-G are necessary to carry out the provisions of Section 3 (b) of the Securities Act of 1933, as amended, and Regulation B of the General Rules and Regulations promulgated by the Commission thereunder, hereby takes the following action:

1. The existing forms designated as Forms 1-G and 2-G,¹ heretofore adopted by the Commission and now in effect, are hereby rescinded, such rescission to become and be effective June 1, 1937;

2. There are hereby adopted, to become and be effective June 1, 1937, two new forms designated as Forms 1-G and 2-G respectively.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1536; Filed, May 25, 1937; 12:52 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1937.

[File No. 43-58]

IN THE MATTER OF DEERFIELD RIVER ELECTRIC COMPANY NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Deerfield River Electric Company, a subsidiary of New England Power Association, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding corporate action by de-

¹ See footnote on page 1077.

clarant entitling New England Power Association, its sole stockholder, to receive, upon consolidation of declarant with Northern Berkshire Gas Company and in exchange for 2,000 shares of \$25 par value capital stock of declarant, one share of \$100 par value capital stock of Northern Berkshire Gas Company.

It is ordered that a hearing on such matter be held on June 2, 1937, 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

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 1, 1937.

It is further ordered that Charles S. Moore, 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, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

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

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1530; Filed, May 25, 1937; 12:50 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1937.

[File No. 46-56]

IN THE MATTER OF KENTUCKY UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Kentucky Utilities Company, a subsidiary of a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of the following securities:

- \$245,250 principal amount of First Mortgage 5% Bonds, Series A, dated January 1, 1937, due January 1, 1957, with Special Bond Coupons, aggregating \$4,905 and payable without interest on or before January 1, 1940, attached thereto,
- 1,635 shares of 6% Cumulative Preferred Stock, having a par value of \$50 per share,
- 1,962 shares of Common Stock, having a par value of \$1 per share, and
- \$17,331 principal amount of Cash Scrip,

to be issued by Arkansas-Missouri Power Corporation, a registered holding company, as successor to Arkansas-Missouri Power Company, pursuant to a Plan of Reorganization approved and confirmed by the United States District Court for the Northern District of Illinois, Eastern Division, in proceedings for the reorganization of Arkansas-Missouri Power Company under Section 77-B of the Bankruptcy Act, as amended; said Arkansas-Missouri Power Corporation having filed a declaration with this Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and disposition of the aforesaid securities; and it appearing to the Commission that the

aforesaid application and declaration are related matters and should be heard concurrently:

It is ordered that a hearing on such application be held on June 2, 1937, at two o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Ave. NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State Commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 1, 1937.

It is further ordered that Robert P. Reeder, 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, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

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

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1528; Filed, May 25, 1937; 12:50 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1937.

[File No. 46-55]

IN THE MATTER OF NEW ENGLAND POWER ASSOCIATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by New England Power Association, a registered holding company, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of one share of \$100 par value capital stock of Northern Berkshire Gas Company which it will become entitled to receive upon consolidation of Deerfield River Electric Company with Northern Berkshire Gas Company and in exchange for 2,000 shares of \$25 par value capital stock of Deerfield River Electric Company owned by applicant and which it will upon payment to it of \$115.59 direct Northern Berkshire Gas Company to issue to Massachusetts Lighting Companies, owner of all the outstanding stock of such issuer.

It is ordered that a hearing on such matter be held on June 2, 1937, 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

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 1, 1937.

It is further ordered that Charles S. Moore, 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, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

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

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1529; Filed, May 25, 1937; 12:50 p. m.]

United States of America—Before the Securities and Exchange Commission

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

[File No. 41-5]

IN THE MATTER OF UNION ELECTRIC LIGHT AND POWER COMPANY OF ILLINOIS

ORDER AUTHORIZING INCREASE OF PERCENTAGE OF SHORT-TERM INDEBTEDNESS PURSUANT TO CLAUSE (3) OF THE FIRST SENTENCE OF SECTION 6 (B) OF PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Union Electric Light and Power Company of Illinois, a subsidiary company of The North American Company, a registered holding company, having filed with the Commission an application with respect to the issue at private sale of certain short-term promissory notes in an aggregate amount not to exceed \$14,750,000, but which will aggregate more than five per centum of the principal amount and par value of the other securities of applicant now outstanding; the applicant having requested pursuant to the provisions of the first sentence of Section 6 (b) of the Public Utility Holding Company Act of 1935, that the Commission shall authorize such increase or enlargement of said five per centum as may be necessary to permit it to issue such notes; a hearing having been held on said application, as amended, after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its Findings herein:

It is ordered that if the applicant, for the purposes set forth in said application, shall issue its promissory notes having an aggregate principal amount not exceeding \$14,750,000, bearing interest at a rate not exceeding two per cent per annum and maturing in not more than nine months from the date or dates thereof, then and in that case the aggregate amount of outstanding notes and drafts having a maturity of nine months or less, exclusive of days of grace, as to which the applicant is primarily or secondarily liable, may exceed five per centum of the principal amount and par value of the other securities which the applicant will then have outstanding by such amount as may be necessary to permit the issuance of such notes as aforesaid, *provided, however,* that such enlargement of said percentage shall be only for the purpose of permitting the issue of such notes as aforesaid and shall not be applicable to the issue, renewal or guaranty by the applicant of any other or further notes, drafts or other obligations.

It is further ordered that within ten days after issue of any of said notes, the applicant shall file with this Commission a certificate of notification showing that the proceeds of said notes have been used for the purposes represented by said application.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1537; Filed, May 25, 1937; 12:52 p. m.]

United States of America—Before the Securities and Exchange Commission

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

[File No. 43-49]

IN THE MATTER OF EAST ST. LOUIS LIGHT & POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

East St. Louis Light & Power Co., a subsidiary company of The North American Company, a registered holding company, having filed with the Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by it of \$2,335,000 aggregate principal amount of promissory notes and the assumption by it of \$14,750,000 of promissory notes of Union Electric Light and Power Company of Illinois; a hearing having been held upon the declaration, as amended, after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its Findings herein:

It is ordered that said declaration be and the same hereby is permitted to become effective forthwith, subject to the terms and for the purposes represented therein, upon condition, however, that declarant shall file with this Commission within ten days after the issue or assumption of any of said notes, its certificate of notification showing that the proceeds of said notes have been used for the purposes represented by said declaration.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1534; Filed, May 25, 1937; 12:51 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE ARCADIA-ANDERSON FARM, FILED ON MAY 4, 1937, BY T. S. HOSE, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding,¹ be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1513; Filed, May 24, 1937; 1:18 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D., 1937.

¹ 2 F. R. 980.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GENERAL-BABCOCK-L. GRAVES FARM FILED ON MAY 4, 1937, BY T. S. HOSE, RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding,¹ be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1512; Filed, May 24, 1937; 1:17 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SINCLAIR ET AL-SMITH FARM, FILED ON APRIL 29, 1937, BY L. H. WITWER, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;²

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 19, 1937, be effective as of May 19, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1515; Filed, May 24, 1937; 1:18 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of May, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-YOUNG FARM, FILED ON MAY 5, 1937, BY T. G. WYLIE & Co., INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as

¹ 2 F. R. 980.

² 2 F. R. 952.

necessary, in accordance with the Suspension Order previously entered in this proceeding;¹

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on May 18, 1937, be effective as of May 18, 1937; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1514; Filed, May 24, 1937; 1:18 p. m.]

United States of America—Before the Securities and Exchange Commission

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

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SUNRAY-PHILLIPS-STATE COMMUNITY LEASE, FILED ON MAY 10, 1937, BY LOUIS BERNSTEIN, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the legend contained in Exhibit A is incomplete by reason of the fact that the symbols for abandoned wells and junked holes are omitted;

(2) In that the legal description contained in Exhibit B is not correct;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 23rd day of June, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, 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 the taking of testimony in this proceeding commence on the 8th day of June, 1937, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1533; Filed, May 25, 1937; 12:51 p. m.]

¹ 2 F. R. 988.

United States of America—Before the Securities and Exchange Commission

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

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE TRANSWESTERN-MORAN FARM, FILED ON MAY 17, 1937, BY J. E. GRATTAN, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, Paragraph 8, is not correct.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 23rd day of June, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, 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 the taking of testimony in this proceeding commence on the 8th day of June, 1937, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1532; Filed, May 25, 1937; 12:51 p. m.]

United States of America—Before the Securities and Exchange Commission

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

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE REPOLLO-BYRD FARM, FILED ON MAY 17, 1937, BY L. H. WITWER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the date upon which the information contained in the offering sheet will be out of date, as set forth in Division I, Paragraph 8, is not correct;

(2) In that from the information disclosed by Division II, Item 16 (e), it appears that the present price per barrel for oil, as set forth in Division II, Item 1, is not correct.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 23rd day of June, 1937, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, 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 the taking of testimony in this proceeding commence on the 8th day of June, 1937, at 10:30 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-1531; Filed, May 25, 1937; 12:51 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D., 1937.

[File No. 20-422A1-2]

IN THE MATTER OF AN OFFERING SHEET OF LANDOWNER'S PRODUCING ROYALTY INTERESTS IN THE CENTRAL PETROLEUM CO.—BENSO "A" FARM, FILED ON JANUARY 14, 1937, BY KENT K. KIMBALL, RESPONDENT.

PERMANENT SUSPENSION ORDER

The Securities and Exchange Commission initiated this proceeding pursuant to the provisions of Rule 340 of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, to determine whether an order should be entered suspending the effectiveness of the filing of an offering sheet of landowner's producing royalty interests in the "Central Petroleum Co.-Benso 'A' Farm", located in Russell County, Kansas, which offering sheet was filed with the Commission on January 14, 1937, by Kent K. Kimball, of Tulsa, Oklahoma, the respondent herein.

This matter having come on regularly for hearing before the Commission at Washington, D. C., on February 19, 1937, and due notice thereof having been given to the said respondent, and the said respondent having failed to appear, and oral and documentary evidence having been introduced, and the hearing having been closed and the Commission having found upon the evidence that said offering sheet is incomplete and inaccurate in material respects, and omits to state material facts required to be stated therein, and fails to comply with certain material requirements of the Rules and Regulations of the Commission, all as set forth in the Findings and Opinion of the Commission filed in

this proceeding, and it appearing appropriate in the public interest so to do;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations promulgated under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be and the same hereby is permanently suspended.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-1535; Filed, May 25, 1937; 12:52 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]