



FEDERAL REGISTER

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Washington, Friday, December 31, 1937

PRESIDENT OF THE UNITED STATES.

MERCHANDISE IN BONDED WAREHOUSE

By the President of the United States of America

A PROCLAMATION

WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 696; U. S. C. title 19, sec. 1318) provides:

"Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act * * *";

AND WHEREAS section 557 of the said act (46 Stat. 744; U. S. C. title 19, sec. 1557) provides:

"Any merchandise subject to duty, with the exception of perishable articles and explosive substances other than fire-crackers, may be entered for warehousing and be deposited in a bonded warehouse at the expense and risk of the owner, importer, or consignee. Such merchandise may be withdrawn, at any time within three years (or ten months in the case of grain) from the date of importation, for consumption upon payment of the duties and charges accruing thereon at the rate of duty imposed by law upon such merchandise at the date of withdrawal * * * *Provided*, That the total period of time for which such merchandise may remain in bonded warehouse shall not exceed three years (or ten months in the case of grain) from the date of importation * * *";

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 318 of the Tariff Act of 1930, do by this proclamation declare an emergency to exist.

And I do hereby authorize the Secretary of the Treasury, until further notice:

(1) In the case of merchandise (except grain) imported during the calendar year 1934 and entered for warehousing under section 557 of the Tariff Act of 1930, to extend the warehousing period for not more than one year from and after the expiration of the three-year period prescribed in sections 557 and 559 of the Tariff Act of 1930, as extended for one year under the authority of Proclamation No. 2214,¹ dated December 29, 1936.

(2) In the case of merchandise (except grain) imported during the calendar year 1935 and entered for warehousing under section 557 of the Tariff Act of 1930, to extend the warehousing period for not more than one year from and after the expiration of the three-year period prescribed in sections 557 and 559 of the Tariff Act of 1930.

Provided, however, That in each and every case the Secretary of the Treasury shall require that the principal on the

warehouse-entry bond, in order to obtain the benefits under the extension granted, shall either furnish to the collector of customs for the district in which the merchandise is warehoused the agreement of the sureties on such bond to remain bound under the terms and provisions of the bond to the same extent as if no extension were granted, or furnish an additional bond with acceptable sureties to cover the period of extension: *And provided further*, That the extensions of one year herein authorized shall not apply to any merchandise imported during the year 1934 as to which the period of extension authorized by Proclamation No. 2214, dated December 29, 1936, has expired, or to any merchandise imported during the calendar year 1935 as to which the three-year period prescribed in sections 557 and 559 of the Tariff Act of 1930 has expired.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 29th day of December in the year of our Lord nineteen hundred and [SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

[No. 2265]

[F. R. Doc. 37-3814; Filed, December 30, 1937; 11:58 a. m.]

EXTENDING THE PERIOD FOR EXPORTATION OF MERCHANDISE FOR DRAWBACK PURPOSES

By the President of the United States of America

A PROCLAMATION

WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 696; U. S. C. title 19, sec. 1318) provides:

"Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act * * *";

AND WHEREAS section 313 (h) of the said act (46 Stat. 694; U. S. C. title 19, sec. 1313 (h)) provides:

"No drawback shall be allowed under the provisions of this section or of section 6 of the Act entitled 'An Act temporarily to provide revenue for the Philippine Islands, and for other purposes,' approved March 8, 1902 (relating to drawback on shipments to the Philippine Islands), unless the completed article is exported, or shipped to the Philippine Islands, within three years after importation of the imported merchandise.

¹ 2 F. R. 1 (DI).



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NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 318 of the Tariff Act of 1930, do by this proclamation declare an emergency to exist.

And I do hereby authorize the Secretary of the Treasury:

(1) In the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported during the calendar year 1934, to extend the period for exportation, or shipment to the Philippine Islands, of the completed article for not more than one year from and after the expiration of the three-year period prescribed in the said section 313 (h), as ex-

tended for one year under the authority of Proclamation No. 2215,¹ dated December 29, 1936.

(2) In the case of articles manufactured or produced in the United States with the use of imported or substituted merchandise for drawback purposes where the imported merchandise involved was imported during the calendar year 1935, to extend the period for exportation, or shipment to the Philippine Islands, of the completed article for not more than one year from and after the expiration of the three-year period prescribed in the said section 313 (h).

Provided, however, That the extensions of one year herein authorized shall not apply in any case involving merchandise imported in 1934 where the one-year period of extension authorized in the said proclamation of December 29, 1936, has expired, or in any case involving merchandise imported in 1935 where the one-year period prescribed in the said section 313 (h) has expired.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 29 day of December in the year of our Lord nineteen hundred and [SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
Secretary of State.

[No. 2266]

[F. R. Doc. 37-3816; Filed, December 30, 1937; 11:58 a. m.]

EXTENDING THE PERIOD FOR FURNISHING PROOF OF USE IN MANUFACTURE OF BONDED WOOL AND CAMEL HAIR

By the President of the United States of America

A PROCLAMATION

WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 695; U. S. C. title 19, sec. 1318) provides:

"Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act * * *";

AND WHEREAS paragraph 1101 of the said act (46 Stat. 646; U. S. C. title 19, sec. 1001, par. 1101) provides that wools of certain kinds and hair of the camel

"* * * may be imported under bond in an amount to be fixed by the Secretary of the Treasury and under such regulations as he shall prescribe; and if within three years from the date of importation or withdrawal from bonded warehouse satisfactory proof is furnished that the wools or hair have been used in the manufacture of yarns which have been used in the manufacture of press cloth, camel's hair belting, rugs, carpets, or any other floor covering, or in the manufacture of knit or felt boots or heavy fulled lumbermen's socks, the duties shall be remitted or refunded * * *";

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 318 of the Tariff Act of 1930, do by this proclamation declare an emergency to exist.

And I do hereby authorize the Secretary of the Treasury, until further notice:

(1) In the case of wools or hair of the camel imported or withdrawn from bonded warehouse during the calendar year 1934, under bond, under the provisions of paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more

than one year from and after the expiration of the three-year period prescribed in the said paragraph as extended for one year under the authority of Proclamation No. 2217,¹ dated December 30, 1936.

(2) In the case of wools or hair of the camel imported or withdrawn from bonded warehouse during the calendar year 1935, under bond, under the provisions of paragraph 1101 of the Tariff Act of 1930, to extend the period during which proof of use in manufacture may be furnished for not more than one year from and after the expiration of the three-year period prescribed in the said paragraph.

Provided, however, That in each and every case the Secretary of the Treasury shall require that the principal on the bond, in order to obtain the benefits under the extension granted, shall either furnish to the collector of customs for the district in which the bond was given the agreement of the sureties on such bond to remain bound under the terms and provisions of the bond to the same extent as if no extension were granted, or furnish an additional bond with acceptable sureties to cover the period of extension: *And provided further,* That the extensions of one year herein authorized shall not apply to any wools or hair of the camel imported or withdrawn from bonded warehouse under bond during the calendar year 1934 on which the one-year period of extension authorized in the aforesaid proclamation of December 30, 1936, has expired, or to any wools or hair of the camel imported or withdrawn from bonded warehouse under bond during the calendar year 1935 on which the three-year period prescribed in paragraph 1101 of the Tariff Act of 1930 has expired.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 29th day of December in the year of our Lord nineteen hundred and [SEAL] thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

[No. 2267]

[F. R. Doc. 37-3815; Filed, December 30, 1937; 11:58 a. m.]

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Order No. 162]

ORDER PROVIDING FOR HEARING TO DETERMINE NATURE AND EXTENT OF INTRASTATE COMMERCE IN BITUMINOUS COAL IN STATE OF COLORADO AND EFFECT OF SUCH COMMERCE UPON INTERSTATE COMMERCE IN SUCH COAL, TO BE HELD AT DENVER, COLORADO, ON JANUARY 13, 1938, BEFORE AN EXAMINER, AND NOTICE THEREOF

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission, upon being advised that substantially all transactions in bituminous coal in intrastate commerce within the State of Colorado directly affect interstate commerce in such coal and will cause undue and unreasonable advantage, preference or prejudice as between such commerce in Colorado, on the one hand, and interstate commerce in such coal on the other hand as such interstate commerce is provided to be regulated by the Bituminous Coal Act of 1937, and that a hearing to determine the effect of intrastate transactions in bituminous coal upon interstate transactions in bituminous coal in the State of Colorado would be desirable, and upon investigation hereby orders:

¹2 F. R. 27 (D).

1. That on January 13, 1938, commencing at the hour of ten (10) o'clock A. M., at the Hearing Room of the Commission in the Shirley-Savoy Hotel, Denver, Colorado, a public hearing will be held to determine the nature and extent of intrastate commerce in bituminous coal in the State of Colorado, and the effect of such commerce upon interstate commerce in such coal and to determine what, if any, undue or unreasonable advantage, preference or prejudice, will exist between localities in Colorado in such commerce on the one hand and interstate commerce as regulated by the Bituminous Coal Act of 1937 on the other hand and what, if any, undue, unreasonable or unjust discriminations against interstate commerce in coal have occurred or will occur under the administration of Section 4 of said Act to the end that the Commission may, after hearing, take such action as is necessary to give effect to the Bituminous Coal Code and to the provisions of Section 4-A of said Act.

2. That said hearing will be conducted by an Examiner designated by the Commission.

3. That interested parties may appear and present evidence at such hearing.

4. That any producer believing that particular transactions in intrastate commerce in bituminous coal are not subject to the provisions of the first paragraph of Section 4-A will, subsequent to the final order of the Commission in the proceeding herein noticed, be afforded full opportunity to file an application for exemption as provided in said section, upon which application a hearing will thereafter be held by the Commission upon proper notice given.

5. That failure of any producer to appear and present evidence at the hearing herein noticed to be held in Denver, Colorado, on January 13, 1938, will not prejudice the case of any producer to be heard upon such application.

6. That the Secretary of the Commission shall forthwith mail a copy of this notice to the Consumers' Counsel, to each known producer of bituminous coal in the State of Colorado, and to the secretaries of all of the district boards, and shall cause to be published at the expense of the Commission copy of this order and notice for three (3) days in newspapers of general circulation in the counties of Colorado in which bituminous coal is produced.

By order of the Commission.

Dated this 21st day of December, 1937.

[SEAL]

F. W. McCULLOUGH, Secretary.

[F. R. Doc. 37-3817; Filed, December 30, 1937; 12:03 p. m.]

FARM CREDIT ADMINISTRATION.

[FCA 68]

FEDERAL LAND BANK OF NEW ORLEANS

CHARGES FOR APPRAISAL OF LAND AND DETERMINATION OF TITLE

Pursuant to Paragraph "Ninth" Section 13 of the Federal Farm Loan Act, as amended (12 U. S. C. 781 "Ninth"), and the "Association and Bank Fee Regulations" prescribed by the Land Bank Commissioner thereunder, effective January 1, 1936 (FLB 1001, LB EXAM 548, NFLA EXAM 238; December 14, 1935; Chapter II, Section 6 "b," FEDERAL REGISTER Compilation); and by action of the Executive Committee of The Federal Land Bank of New Orleans, with the approval of the Land Bank Commissioner, the following fees shall be charged to cover costs of appraisal, and remittance for such charges shall accompany each application:

Applications for loans of \$0 to \$999	\$10.00
Applications for loans of \$1,000 to \$2,999	12.50
Applications for loans of \$3,000 to \$4,999	17.50
Applications for loans of \$5,000 to \$6,999	25.00
Applications for loans of \$7,000 to \$8,999	32.50
Applications for loans of \$9,000 to \$10,999	40.00
Applications for loans of \$11,000 to \$24,999	50.00
Applications for loans of \$25,000 and over	75.00

An additional appraisal fee of \$7.50 will be charged and shall accompany each application where the applicant resides outside the Fifth Farm Credit District.

Additional charges to apply on cost of determination of title will be deducted from the proceeds of the loan as follows:

Loans of \$0 to \$999.....	\$10.00
Loans of \$1,000 to \$2,999.....	12.50
Loans of \$3,000 to \$4,999.....	17.50
Loans of \$5,000 to \$6,999.....	25.00
Loans of \$7,000 to \$8,999.....	32.50
Loans of \$9,000 to \$10,999.....	40.00
Loans of \$11,000 to \$24,999.....	50.00
Loans of \$25,000 and over.....	75.00

The total title determination fee for joint Federal Land Bank and Land Bank Commissioner loans is to be computed on the basis of the aggregate amount of the loans, with the addition of \$5.00 as an additional closing or title determination fee.

The foregoing schedule of fees becomes effective on January 1, 1938.

[SEAL] THE FEDERAL LAND BANK OF NEW ORLEANS.
By JNO. L. RYAN, Vice-President.

[F. R. Doc. 37-3813; Filed, December 30, 1937; 11:58 a. m.]

INTERSTATE COMMERCE COMMISSION.

At a General Session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 27th day of December, A. D. 1937.

[No. 24049]

ORDER IN THE MATTER OF A. JOHNSTON, GRAND CHIEF ENGINEER OF THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS, ET AL., V. THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY ET AL.

This case being at issue upon complaint and answers on file, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and the Commission having on the date hereof, made and filed a report containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof:¹

It is ordered, That the rules and instructions for the inspection and testing of steam locomotives and tenders and their appurtenances, approved and established in accordance with the act of February 17, 1911, as amended, be, and they are hereby, amended by the addition of a rule to be numbered 118 (c) which shall provide as follows:

118 (c) *Mechanical Stokers*.—All coal-burning steam locomotives which weigh on driving wheels 160,000 pounds or more to be used in fast or heavy passenger service, built on or after July 1, 1938, shall be equipped with a suitable type of mechanical stoker, and all coal-burning steam locomotives which weight on driving wheels 175,000 pounds or more to be used in fast or heavy freight service, built on or after July 1, 1938, shall be equipped with a suitable type of mechanical stoker and such stokers shall be properly maintained.

Each railroad which operates coal-burning locomotives of the above weights shall file with the Chief Inspector of the Bureau of Locomotive Inspection as of July 1, 1938, a list of all hand-fired coal-burning locomotives of the above weights built prior to July 1, 1938, which will in the future be used in fast or heavy service on its line, and mechanical stokers will be applied each twelve-month period to not less

¹ Report filed as a part of the original document with the Division of the Federal Register, The National Archives.

than 20 percent of the total number so listed, and all locomotives included in said list shall be so equipped before July 1, 1943, and such stokers shall be properly maintained.

And it is further ordered, That for the present this order shall not apply to deckless locomotives equipped with two cabs, which are generally known as the "Mother Hubbard type," built prior to July 1, 1938.

By the Commission.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 37-3818; Filed, December 30, 1937; 12:21 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of December, A. D. 1937.

[File No. 46-85]

IN THE MATTER OF LEXINGTON UTILITIES COMPANY AND KENTUCKY SECURITIES COMPANY

ORDER PURSUANT TO SECTION 10 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Lexington Utilities Company and Kentucky Securities Company, both subsidiaries of The Middle West Corporation, having filed with this Commission a joint application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition by Lexington Utilities Company of 5,488 shares of 6% Convertible Preferred Stocks, \$20 par value, and 23,124 shares of Common Stock, \$10 par value, and for the approval of the acquisition by Kentucky Securities Company of 22,633 shares of 6% Convertible Preferred Stock, \$20 par value, and 95,368 shares of Common Stock, \$10 par value;

A hearing having been held on such application after appropriate notice; ¹ the record in the matter having been duly considered; and the Commission having filed its findings herein;

It is ordered, That the acquisition of the aforesaid securities in the manner set forth in the application be and the same hereby is approved; provided, that the issuance and sale by Southeastern Greyhound Lines of the securities to be acquired is permitted by an order of the Interstate Commerce Commission, and further provided that such acquisition be effected by the applicants within thirty days from the date of this order, but, if not so effected, without prejudice to the right of the applicants to request an extension of time;

It is further ordered, That within ten days after the acquisition of the securities referred to above, the applicants shall file with this Commission a Certificate of Notification showing that such acquisition was effected in accordance with the terms and conditions of and for the purposes represented by such application; and within such period of ten days the applicants shall file with this Commission a copy of the order of the Interstate Commerce Commission permitting the issuance of the securities which were acquired.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-3819; Filed, December 30, 1937; 12:34 p. m.]

¹ 2 F. R. 3250 (DI).