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Washington, Tuesday, July 19, 1938

The President

EXECUTIVE ORDER

FOREIGN SERVICE REGULATIONS OF THE UNITED STATES

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes of the United States (U. S. C., title 22, sec. 132), and in conformity with the act of May 24, 1924 (43 Stat. 140), as amended by the act of February 23, 1931, 46 Stat. 1207, establishing the Foreign Service of the United States, it is ordered as follows:

1. The "Instructions to Diplomatic Officers of the United States," and the "Consular Regulations of the United States," as now prescribed by Executive orders, and all notes thereto by the Secretary of State, are hereby consolidated into one set of regulations which shall be known as the "Foreign Service Regulations of the United States."

2. The said Instructions to Diplomatic Officers of the United States and notes thereto shall constitute "Part I" of the Foreign Service Regulations of the United States, and the said Consular Regulations of the United States and notes thereto shall constitute "Part II" of the Foreign Service Regulations of the United States.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
July 14, 1938.

[No. 7927]

[F. R. Doc. 38-2044; Filed, July 16, 1938;
12:28 p. m.]

EXECUTIVE ORDER

DESIGNATING ST. PETERSBURG, FLORIDA, AS A CUSTOMS PORT OF ENTRY

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 the port of St. Petersburg, Florida, be, and it is

hereby, designated as a customs port of entry in Customs Collection District No. 18 (Florida), with headquarters at Tampa, Florida.

This order shall become effective thirty days from the date hereof.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
July 14, 1938.

[No. 7928]

[F. R. Doc. 38-2043; Filed, July 16, 1938;
12:28 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE AGRICULTURAL ADJUSTMENT ADMINISTRATION

[38 A. A. A.—2]

REGULATIONS COVERING (A) APPLICATIONS AND HEARINGS RELATIVE TO ADMINISTRATIVE REVIEW OF MARKETING QUOTAS FOR TOBACCO, CORN, WHEAT, COTTON, AND RICE AND (B) THE PUBLICATION AND NOTICE OF SUCH QUOTAS

¹ Sections 362, 363, Public No. 430, 75th Congress (52 Stat. 31), as amended.

(Review Regulations)

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act of 1938, I, Henry A. Wallace, Secretary of Agriculture, do hereby make, prescribe, publish, and give public notice of the following regulations, to be in force and effect from the date hereof until amended or superseded by regulations hereafter made by the Secretary of Agriculture under the authority of said act.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed hereto in the City of Washington, this 13th day of July, 1938.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

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ARTICLE I.—DEFINITIONS

SEC. 100. As used in these regulations:

(a) The term "act" means the Agricultural Adjustment Act of 1938 and any amendments thereto.

(b) The term "Secretary of Agriculture" means the Secretary of Agriculture of the United States.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "Hearing Clerk" means the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C.

(e) The term "review committee" means the review committee whose appointment by the Secretary of Agriculture is provided for by section 363 of title III of the act.

(f) The term "committee", except when referring to review committee, means a committee utilized under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act.

(g) The term "quota" means a marketing quota established for a farm, in the case of tobacco, corn, wheat, and cotton, and for a producer, in the case of rice, under title III of the act.

(h) The term "acreage allotment" means an acreage allotment established for a farm, in the case of corn, wheat and cotton, and for a producer, in the case of rice, under title III of the act.

(i) The term "application" means an application for review of a marketing quota, the filing of which is provided for by section 363 of title III of the act.

ARTICLE II.—PUBLICATION OF ACREAGE ALLOTMENTS AND MARKETING QUOTAS AND NOTICE OF QUOTAS.

SEC. 200. Publication.—(a) Immediately upon the establishment of acreage allotments and of quotas for any commodity, the county committee shall prepare a list containing the information specified in sections 201 and 202 of this article.

(b) A copy of the list so prepared shall be permanently kept freely available for public inspection in the office of the county committee, and a copy of the list shall be posted for not less than thirty days in a conspicuous place in the county (or in the case of cotton in each local administrative area in the county if the county is divided into two or more local administrative areas for the purpose of the cotton marketing quota provisions of the act). Another copy of the list shall be furnished to the County Agricultural Extension Agent who shall keep the list permanently available for public inspection in his office.

SEC. 201. List of acreage allotments.—The list shall contain the following information relating to acreage allotments:

(a) the allotment for each farm or, in the case of rice, for each producer;

(b) the identification of the farm by giving the name of the owner or operator and the legal description of the farm, the location of the farm, or the name by which the farm is commonly known; in the case of rice, the name of the producer shall be given;

(c) the serial number for each farm or, in the case of rice, for each producer;

(d) the calendar year for which such acreage allotment is made.

SEC. 202. *List of marketing quotas.*—The list shall contain the following information relating to marketing quotas:

(a) the acreage allotment, if any, for each farm or, in the case of rice, for each producer;

(b) the marketing percentage of the acreage allotment in the case of corn and wheat;

(c) the normal yield per acre for each farm in the case of corn, wheat, and cotton;

(d) the storage amount for each farm in the case of corn;

(e) the marketing quota for each farm or, in the case of rice, for each producer, expressed insofar as practicable in applicable units, such as pounds, bales, barrels or bushels;

(f) the identification of the farm by giving the name of the owner or operator and the legal description of the farm, the location of the farm, or the name by which the farm is commonly known; in the case of rice, the name of the producer shall be given;

(g) the serial number for each farm, or, in the case of rice, for each producer;

(h) the marketing year or, in the case of corn, the crop, for which such marketing quota is effective.

SEC. 203. *Notice of quotas.*—(a) Immediately upon the establishment of quotas for any commodity, the county committee shall mail a written notice of the quota to the producer, in the case of rice, and to the operator of the farm, in the case of tobacco, corn, wheat, or cotton. A notice to the operator of the farm shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant or sharecropper are interested in the farm for which this quota is established", and such notice shall constitute notice to all such persons. The notice shall contain the information required by section 202 of this article to be contained in the list of marketing quotas for publication. The notice shall contain also, on the face or back thereof, a brief reference to, or statement of, the procedure whereby application for review of the quota may be made.

(b) A copy of each notice, containing a notation thereon, of the date of mailing, shall be kept among the records of the county committee, and, upon request, a copy of such notice, certified by the secretary of the county committee as true and correct, shall be furnished without charge to any person interested in the farm in respect to which the quota is established.

SEC. 204. *Other regulations.*—The provisions of this article may be supplemented by regulations issued by the Secretary of Agriculture in respect to acreage allotments or marketing quotas for any specific commodity.

ARTICLE III.—APPLICATIONS FOR REVIEW OF QUOTAS

SEC. 300. *Manner and time of filing application.*—An application shall be in writing and addressed to, and filed with, the secretary of the county committee through which the quota sought to be reviewed was established. The application shall be filed within fifteen days after the date of mailing of the notice of such quota.

SEC. 301. *Contents of application.*—The application shall be accompanied by the original mailed notice of the quota sought to be reviewed, or by a copy of such notice certified as true and correct by the secretary of the county committee, and shall contain:

(a) the date of the application;

(b) the correct full name and full address of the applicant;

(c) a statement of the amount of quota which it is claimed should have been made;

(d) a brief statement of each ground upon which the application is based;

(e) the signature of the applicant.

SEC. 302. *Record of application.*—The secretary of the county committee shall make a notation on each application of the date of the receipt thereof by him and give such application an identification number.

SEC. 303. *Insufficient and untimely applications.*—If the secretary of the county committee finds that any application filed (a) is not in substantial compliance with the provisions of section 301 of this article, or (b) is not made within the period fixed for the filing of applications, he shall so notify the applicant in writing by depositing the writing, accompanied by a copy of these regulations, in the United States mails, registered and addressed to the applicant at his last known address. In the case of an insufficient application filed within the period fixed for the filing of applications, the applicant may, within fifteen days after the date of mailing of the notification aforesaid, file with such secretary an amended application containing the matter specified in section 301 of this article.

SEC. 304. *Clerk to review committee.*—The secretary of the county committee shall act as clerk to the review committee, unless and until some other person shall have been designated by the county committee as clerk to the review committee. The county committee may designate a person other than the secretary of the county committee to act as clerk to the review committee. If not already an employee, the person so designated shall thereby become an employee of such county committee. Immediately upon such designation, the county committee shall notify the State committee thereof. In the event of such designation, the secretary of the county committee shall transmit to the person so designated any and all applications re-

ceived by him and all papers and information relating thereto.

SEC. 305. *Transmission of information.*—The clerk to the review committee shall furnish to the State committee such information pertaining to applications filed with him as the State committee may require.

ARTICLE IV. THE REVIEW COMMITTEE

SEC. 400. *Eligibility.*—Any farmer who now is, who may hereafter become, or who is eligible to become a member of any county or community committee shall be eligible to serve on review committees to hear applications for review of quotas established in counties or communities which are adjacent to or near-by the county or community, as the case may be, for which he is a committeeman or eligible to become a committeeman. The eligibility hereby declared shall be subject at all times to the provisions of the following sections of this article. No farmer who is a member of a county or community committee of, or whose legal residence is in, one State shall be eligible to serve on a review committee in any other State.

SEC. 401. *Establishment.*—Three eligible farmers shall be designated to serve on a review committee for a county, a group of counties, a community, or group of communities, and of the farmers so designated one shall be named chairman, and another vice-chairman, of such committee. The vice-chairman shall perform the duties, and exercise the powers, of the chairman in the absence of the chairman. No review committee shall include any member of the county or community committee through which was determined any matter relating to any quota for the review of which the review committee is established. Subject to the provisions of this section and of section 400 of this article, the same farmer may be designated to serve on more than one review committee. An eligible farmer may be designated as alternate member of the committee to serve in the event of the absence of any regular member thereof, or in case of a vacancy in the committee.

SEC. 402. *Vacancies.*—Subject to the requirements of eligibility set forth in sections 400 and 401 of this article, a farmer shall be designated to fill any vacancy occurring in any review committee. Where a single vacancy occurs after a hearing is begun and before the final determination, the remaining two members of the committee shall thenceforth constitute an entire committee for the purposes of such hearing. If more than one such vacancy occurs, or if the two remaining members of the committee cannot agree upon a determination, there shall be a new hearing, after the filling of the vacancy, by the entire committee of three members.

SEC. 403. *Manner of designation.*—The designations mentioned in sections 401 and 402 of this article with respect to a

review committee and the area for which the committee shall serve, shall be made in writing by the Secretary of Agriculture and notice of such designation shall be sent to (a) the farmer so designated, (b) the clerk to the review committee, and (c) the State committee.

SEC. 404. Time of designation.—Any designation may be made before, during, or after the period during which applications are required to be filed.

SEC. 405. Period of designation.—A review committee shall hear applications for review of any quota established in the area for which, and becoming effective during the calendar year in which, the committee is established.

SEC. 406. Reservation of powers of secretary of Agriculture.—Notwithstanding any of the foregoing provisions of this article, the Secretary of Agriculture shall have the continuing power to revoke or suspend any designation made pursuant to the provisions of this article, and, subject to the provisions of the act, to make such other designation as he may deem proper.

SEC. 407. Effect of changes in review committee.—Nothing contained in the foregoing provisions of this article relating to any vacancy or revocation or suspension of designation, and nothing done pursuant to such provisions, shall be construed as affecting the validity of any prior hearing conducted or determination made in accordance with these regulations, in which the member of the review committee, whose place has become vacant, participated, or as affecting in any way any court proceeding which may be instituted, pursuant to the provisions of the act, for the review of such determination.

SEC. 408. Compensation.—The members of a review committee designated in accordance with the provisions of this article shall receive the same compensation as that received by the members of the county committee through which were established the quotas sought to be reviewed. The payment of such compensation shall be governed by instructions issued by the Agricultural Adjustment Administration. The members of a review committee shall not be entitled to receive compensation for services as members of such committee for more than thirty days in any one year. Reimbursement for travel expenses shall be made at such rates and under such conditions as may be prescribed by the Agricultural Adjustment Administration.

ARTICLE V.—HEARINGS

SEC. 500. Place of hearing.—The place of hearing shall be in the office of the county committee through which the quota sought to be reviewed was established, or such other appropriate place in the county as may be designated by the review committee.

SEC. 501. Notice of hearing.—As soon as practicable after its establishment, the review committee shall arrange with

the clerk to the committee for the appointment of the time and the designation of the place for hearing on applications. Notice of the hearing shall be given by such clerk. The notice shall be in writing and shall specify the time, place and purpose of the hearing. Such notice shall be given to the applicant by depositing the same, at least ten days prior to the time appointed for the hearing, in the United States mails, registered and addressed to the applicant at his last known address. The State committee shall also be notified in writing of such hearing. A copy of all such notices shall be kept and recorded by such clerk.

SEC. 502. Time and place of hearing.—Such hearing shall be held at the time and place set forth in the notice of hearing, or in any subsequent notice amending or superseding the prior notice, and also may, without notice other than an announcement at the hearing by the chairman of the review committee, in the exercise of the discretion of the committee, be continued from day to day, or adjourned to a different place in the county or to a later date, or to a date and place to be fixed in a subsequent notice to be issued in the manner provided in sections 500 and 501 of this article. In the temporary absence of any member of the committee, the member or members present shall postpone the hearing to a later date and place. In the absence of the entire committee, the postponement shall be made by the clerk.

SEC. 503. Conduct and scope of hearing.—Except as provided in section 402 of article IV of these regulations, every such hearing shall take place before the entire review committee and shall be presided over by the chairman thereof. The hearing shall be publicly conducted. The committee shall provide for the taking of such notes at the hearing as will enable it to make a written summary of the relevant evidence received at the hearing. A stenographic transcript of the testimony received shall be made if (a) the applicant requests such transcript and provides for the making thereof and for the payment of the expense therefor, or (b) the State committee requests that such transcript be made. Immediately upon the completion of any such transcript made at the request of the applicant, three legible copies thereof shall be furnished to the review committee without charge. The committee shall consider only such matters as, under the applicable provisions of the act and regulations of the Secretary of Agriculture thereunder, are required to be considered by the county committee in the establishment of the quota sought to be reviewed. The review committee shall not give consideration to any evidence which is irrelevant to the determination of the quota for the applicant. The hearing shall be conducted in a manner determined by the com-

mittee to be conducive to the proper dispatch of business and the attainment of justice.

SEC. 504. Representation.—The applicant and the Secretary of Agriculture may be represented at the hearing.

SEC. 505. Withdrawal of applications.—An application may be withdrawn upon the written request of the applicant. Any application so withdrawn shall be endorsed "Dismissed at the Request of the Applicant". This endorsement shall be made by the clerk to the review committee if the withdrawal takes place before the hearing and by the chairman of the committee if the withdrawal takes place after the hearing has begun.

SEC. 506. Non-appearance of applicant.—If at the time of such hearing, the applicant is absent and no appearance is made on his behalf, the review committee shall, after a lapse of such period of time as it may consider proper and reasonable, have the name of such absent applicant called in the hearing room. If, upon such call, there is no response, and no appearance on behalf of such applicant, the committee may thereupon close the hearing as to such applicant, and, without further proceedings in the case, make an order dismissing the application, or continue the hearing to a later date.

SEC. 507. Evidence.—(a) The review committee shall permit the applicant, members of the appropriate county and community committees, and appropriate officers and agents of the Department, and all persons appearing on behalf of such parties, respectively, to give and produce relevant testimony and evidence, to cross-examine witnesses and to present argument on the testimony and evidence adduced at the hearing. The facts relating to any quota under review shall be ascertained in a simple and direct manner, and rules of evidence prevailing in courts of law or equity shall not be controlling. The chairman of the review committee shall administer an oath or affirmation to each person so testifying.

(b) Subject to the right of any requested cross-examination of the affiant, affidavits of general economic facts relating to the commodity in question shall be received and made part of the record of the proceedings for the purpose only of any applicable court review.

SEC. 508. Burden of proof.—Upon all issues of fact raised by the application, the burden of proof shall be upon the applicant.

SEC. 509. Time consumed by hearing; briefs.—(a) Full opportunity to be heard upon the issues raised by the application shall be afforded the applicant, the county committee, and appropriate officers and agents of the Department. The hearing, however, shall be concluded within such reasonable time as shall be determined by the review committee.

(b) Written briefs in triplicate for the consideration of the review committee

may be filed with the clerk to the committee within such reasonable time after the conclusion of the hearing as shall be prescribed by the chairman of the committee.

SEC. 510. Consolidation of hearings.—Wherever practicable, two or more applications relating to the same commodity and the same farm shall be consolidated, and heard at the same time on the same record.

SEC. 511. Amendments.—Upon due application, and within the discretion of the review committee, the right of amendment of the application and of all procedural documents in connection with any hearing, shall be granted upon such reasonable terms as the committee may deem right and proper.

SEC. 512. Reopening hearing.—The review committee (a) on its own motion, or upon due application therefor, may, within fifteen days from the date of mailing to the applicant of a copy of the determination of the committee, reopen the hearing for the purpose of taking additional evidence or of adding any relevant matter or document, and (b) upon application by or on behalf of the Secretary of Agriculture made for any purpose within a period of thirty days from the date of mailing to the applicant of a copy of the determination of the committee, shall reopen the hearing.

SEC. 513. Determination by review committee.—(a) The committee shall make an order dismissing without further hearing any insufficient application or any application which was not filed within the period required for the filing of applications.

(b) As soon as practicable after hearing on any sufficient application filed within the period required for the filing of applications, the committee shall make a determination upon the application. If it is determined by the committee that the application should be denied, the committee shall make an order dismissing the application. If it is determined that the application should be granted in whole or in part, the committee shall establish the quota which it finds to be proper. Each determination made by the committee shall be in writing and shall contain specific findings of fact and conclusions, which shall be based solely upon the testimony and evidence adduced at or in connection with the hearing. The concurrence of the two members of the committee shall be sufficient to make a determination. The written determination shall contain such subscription by each member of the committee as will indicate his concurrence therein or his dissent therefrom.

SEC. 514. Service of determination.—A copy of such determination, or of any order dismissing the application, as provided in section 506 or 513 of this article, certified by the clerk to the review committee as a true and correct copy of the signed original, shall be served upon the

applicant by depositing the same in the United States mails, registered and addressed to the applicant at his last known address. The copy of the determination or order shall contain at the top thereof the following statement: "To all persons who as operator, landlord, tenant or sharecropper are interested in the farm for which this quota is established", and such statement shall constitute notice to all such persons. The clerk shall make a notation on the original determination or order of the date and place of such mailing. The clerk forthwith shall forward a copy of such determination or order to the Hearing Clerk, to the chairman of the State committee, and to the chairman of the county committee.

SEC. 515. The record.—The record of the proceedings shall be prepared by the clerk to the review committee and shall consist of the following:

(a) All procedural documents in the case under review, including the application and written notice of hearing and any other written notice in connection with the application.

(b) Copies of such pertinent proclamations, announcements, general regulations, and apportionments, national, State, or county, issued by the Secretary of Agriculture in respect to acreage allotments and marketing quotas for the commodity in question, as may be presented at the hearing by or on behalf of the Secretary of Agriculture.

(c) Any stenographic transcript or written summary of the evidence made in accordance with these regulations, to which shall be annexed any documentary evidence received at the hearing. The review committee shall make such corrections in any stenographic transcript made as will make the text conform to the correct meaning. The corrections shall be made in such manner as will not obscure the original text of the transcript. In each case which is followed by the institution by the applicant of proceedings in court for a review of the determination of the review committee, (1) the committee, in the absence of any stenographic transcript of the testimony, shall prepare a written summary of the evidence, and (2) in addition to the items mentioned in (a) and (b) above, the record shall include a copy of the notice of the designation of the members of the review committee, and a copy of these regulations.

(d) The written determination of the review committee.

(e) A list of all papers included in the record, and a certificate by the clerk to the review committee, stating that such record is true, correct and complete.

ARTICLE VI.—COURT PROCEEDINGS

SEC. 600. Duty of review committee.—(a) The committee is required, by section 365 of title III of the act, upon the institution of any suit against the committee for the purpose of reviewing its

determination upon any application for review of a quota, to certify and file in court a transcript of the record upon which the determination was made, together with the findings of fact made by the committee. Any suit for review is required to be instituted by the applicant within fifteen days after a notice of the committee's determination is mailed to him by registered mail. Such suit may be instituted in the United States District Court or in any court of record of the State having general jurisdiction, sitting in the county or the district in which the applicant's farm is located. A bill of complaint in such proceeding may be served by delivering a copy thereof to any member of the committee.

(b) Upon the institution of such suit, the clerk to the review committee shall immediately send a telegram addressed to the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C. The telegram shall state the name of the plaintiff, the name of the court in which the suit is instituted, and the time within which appearances must be made in such suit in behalf of the committee. Any member of the committee served with papers in such suit shall forward such papers to the clerk of the committee, who shall in turn forward them to the Hearing Clerk. No member of the committee shall appear or permit any appearance in his behalf or in behalf of the committee, or take any action in respect to the defense of such suit, except in accordance with the instructions from or on behalf of the Secretary of Agriculture.

ARTICLE VII.—FORMS AND CUSTODY AND INSPECTION OF RECORDS

SEC. 700. Forms.—The forms required in connection with the publication, notice and review of quotas shall be prescribed by the Secretary of Agriculture.

SEC. 701. Custody.—The clerk to the review committee shall carefully keep and preserve a record of all applications and of all proceedings relating to the review of such applications.

SEC. 702. Filing of papers by Hearing Clerk.—The Hearing Clerk shall maintain a file of all records, documents and papers specifically required by these regulations to be sent to such clerk.

SEC. 703. Inspection.—All records, documents, and papers filed with the clerk to the review committee or the Hearing Clerk shall be available for public inspection at the respective places of filing.

ARTICLE VIII.—CONSTRUCTION

SEC. 800. Nothing contained in these regulations shall be, or shall be construed to be, in derogation or modification of the rights of the Secretary of Agriculture or of the United States (a) to exercise any jurisdiction or powers granted by title III of the act or otherwise, or (b) to act in the premises in accordance with

such jurisdiction and powers whenever such action is deemed advisable.

ARTICLE IX.—PUBLIC NOTICE OF FOREGOING REGULATIONS

SEC. 900. Public notice of the issuance of the foregoing regulations shall be given by (a) publishing the regulations in the *FEDERAL REGISTER*; and (b) posting a copy of the regulations on the official bulletin board of the Department at Washington, D. C.

[F. R. Doc. 38-2024; Filed, July 14, 1938; 12:34 p. m.]

NATIONAL ACREAGE ALLOTMENT FOR 1939 CROP OF WHEAT

By the Secretary of Agriculture of the United States of America

A PROCLAMATION

Whereas, the Agricultural Adjustment Act of 1938, as amended, provides:

Sec. 332. Not later than July 15 of each marketing year for wheat, the Secretary shall ascertain and proclaim the total supply and the normal supply of wheat for such marketing year, and the national acreage allotment for the next crop of wheat.

Sec. 333. The national acreage allotment for any crop of wheat shall be that acreage which the Secretary determines will, on the basis of the national average yield for wheat, produce an amount thereof adequate, together with the estimated carryover at the beginning of the marketing year for such crop, to make available a supply for such marketing year equal to a normal year's domestic consumption and exports plus 30 per centum thereof. The national acreage allotment for wheat for 1938 shall be sixty-two million five hundred thousand acres. The national acreage allotment for wheat for 1939 shall be not less than fifty-five million acres.

Whereas said act contains, in section 301 (b), the following definitions of terms here pertinent:

"Carry-over" of wheat, for any marketing year shall be the quantity of wheat on hand in the United States at the beginning of such marketing year, not including any wheat which was produced in the United States during the calendar year then current, and not including any wheat held by the Federal Crop Insurance Corporation under Title V.

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

Wheat, July 1-June 30.

"Normal supply" in the case of . . . wheat shall be a normal year's domestic consumption and exports of the commodity, plus . . . 15 per centum in the case of wheat, of a normal year's domestic consumption and exports, as an allowance for a normal carry-over.

"Normal year's domestic consumption" in the case of . . . wheat shall be the yearly average quantity of the commodity, wherever produced, that was consumed [consumed] in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of . . . wheat shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years . . . immediately preceding the marketing year in which such exports are

determined, adjusted for current trends in such exports.

"Total supply" of . . . wheat for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins.

Whereas said act provides, in section 301 (c), that "The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act.":

Now therefore, be it known that I, M. L. Wilson, Acting Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of the authority vested in me by the Agricultural Adjustment Act of 1938, as amended, upon the basis of latest available statistics of the Federal Government do hereby find, determine, and proclaim under sections 332 and 333 of said act:

(1) That the "total supply" of wheat for the marketing year commencing July 1, 1938, is 1147 million bushels;

(2) That the "normal supply" of wheat for the marketing year commencing July 1, 1938, is 866 million bushels;

(3) That the national acreage allotment for the 1939 crop of wheat, if the act did not specify a minimum national acreage allotment for such crop of 55,000,000 acres, would have been less than such amount; and

(4) That the national acreage allotment for the 1939 crop of wheat is 55,000,000 acres.

Done at Washington, D. C., this 15th day of July, 1938. Witness my hand and seal of the Department of Agriculture.

[SEAL]

M. L. WILSON,

Acting Secretary of Agriculture.

[F. R. Doc. 38-2042; Filed, July 16, 1938; 12:06 p. m.]

REGULATIONS WITH RESPECT TO RETIREMENT OF COTTON POOL PARTICIPATION TRUST CERTIFICATES, FORM C-5-I

By virtue of the authority vested in the Secretary of Agriculture by Title IV, "Cotton Pool Participation Trust Certificates", of the Agricultural Adjustment Act of 1938, as amended, Public No. 430, 75th Congress, approved February 16, 1938, and the item entitled "Retirement of Cotton Pool Participation Trust Certificates" contained in Title I of the Department of Agriculture Appropriation Act, 1939, Public No. 644, 75th Congress, approved June 16, 1938, I hereby prescribe the following regulations with respect to the retirement of Cotton Pool Participation Trust Certificates, Form C-5-I:

SECTION I. Subsequent to December 31, 1938, no Participation Trust Certificate, Form C-5-I, shall be issued.

SEC. II. The calculation of the interest payment provided for in Section 401 of

Title IV of the Agricultural Adjustment Act of 1938, shall be made from the date of purchase of the Participation Trust Certificate, Form C-5-I, to the date of approval for payment by the manager of the cotton pool.

SEC. III. In case the holder of record of a Participation Trust Certificate, Form C-5-I, has lost or misplaced the same, he may receive payment upon the execution of an affidavit on Form C-5-M, "Affidavit of Loss of Participation Trust Certificate, Form C-5-I," accompanied by Form C-5-L, "Offer of Sale of Participation Trust Certificate, Form C-5-I," by Original Holder, or by Holder to whom Transferred as shown by the Records of the Department of Agriculture on or before May 1, 1937." If application for payment is made by one not shown by the records of the Department of Agriculture to be a holder of record of a certificate which has been lost or misplaced, such application must be accompanied by affidavits on Form C-5-N, "Affidavit of Assignment by Holder of Record of Participation Trust Certificate, Form C-5-I," and Form C-5-O, "Affidavit by Assignee of Lost Participation Trust Certificate, Form C-5-I."

SEC. IV. The tender of Participation Trust Certificates, Form C-5-I, to the manager of the cotton pool must be postmarked not later than December 31, 1938.

SEC. V. In case any person who is entitled to payment on a Participation Trust Certificate, Form C-5-I, dies, becomes incompetent, or disappears before receiving such payment, or before offering such certificate for sale, where the amount due is \$500 or more, payment may only be made to the duly appointed legal representative, and where the amount is less than \$500 and there is no duly appointed legal representative, application for payment may be executed by and payment may be made to the spouse or next of kin of the holder of record of the certificate in the following order of precedence: (1) to the spouse; (2) to the children or their issue per stirpes; (3) to the father and mother jointly, provided the father has not abandoned the support of his family, in which case, to the mother, alone; (4) if either the father or mother be dead, then to the survivor; (5) to the brothers and sisters per stirpes: *Provided*, that where the application for payment is based upon the disappearance of a person who has not offered the certificate for sale, payment thereon shall not be made until subsequent to December 31, 1938, and shall be approved only in the event an offer of sale is not made on or before December 31, 1938, by the person who has disappeared; *Provided further*, that no payment may be made to creditors of the holder of record other than the United States.

(a) A person shall be deemed to be incompetent when proof is presented in the form of a certificate from the clerk

of a court of competent jurisdiction of the State wherein the person resides, to the effect that the person has been adjudged incompetent by that court.

(b) A person shall be deemed to have disappeared when proof is presented in the form of an affidavit executed by the person making application for payment, to the effect that the holder of record has been missing for a period of more than three months and that diligent search has failed to reveal his whereabouts, substantiated by an affidavit of a disinterested person.

(c) For purposes of this section V the use of Form C-5-P, "Application for Payment of Amounts Due Cotton Pool Participation Trust Certificate (Form C-5-I) Holders who have Died, been declared Incompetent, or have Disappeared", will be adequate.

In witness whereof, I, Harry L. Brown, Acting Secretary of Agriculture, have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 18th day of July, 1938.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.

[P. R. Doc. 38-2048; Filed, July 18, 1938;
11:42 a. m.]

OFFICE OF THE SECRETARY

[Administrative Order]

RULES AND REGULATIONS GOVERNING PROTECTION, OCCUPANCY, USE, AND ADMINISTRATION OF LAND UTILIZATION PROJECTS BY THE FOREST SERVICE

Whereas certain land utilization projects in the States of Colorado, New Mexico, Oregon and Washington were established by the Resettlement Administration and lands therein were vested in the ownership of the United States by purchase to withdraw them from submarginal farm use, and

Whereas administrative jurisdiction over said lands was vested in the Secretary of Agriculture by Executive Order No. 7530 of December 31, 1936, as amended by Executive Order No. 7557, of February 19, 1937 (2 F. R. 7, 343), and

Whereas by Executive Order No. 7908 of June 9, 1938,¹ said lands were made subject to the provisions of Title III of the Farm Tenant Act, approved July 22, 1937 (50 Stat. 526), and

Whereas the adjacency of said lands to existing national forests makes it desirable as a matter of economy and efficiency that they be administered by the Forest Service of the Department of Agriculture, to which they therefore have been assigned for administration by the Secretary of Agriculture, and

Whereas the Acts of March 4, 1907 (34 Stat. 1271), and of June 15, 1936 (44 Stat. 745), prohibit the creation or en-

largement of national forests in said States except by or under authority of Act of Congress, and

Whereas it is necessary to prescribe rules and regulations for the protection and administration of said lands, and the Secretary of Agriculture is empowered by section 32, paragraph (f) of said Act of July 22, 1937, to prescribe such rules and regulations as may be necessary to protect said lands and control their use and management, and

Whereas the requirements of protection, use and management of said lands are identical to those of the adjoining and related national forest lands.

Now, therefore, I, M. L. Wilson, Acting Secretary of Agriculture, do hereby direct that until said lands shall have been added to and made parts of the related national forests by Acts of Congress, the rules and regulations providing for the protection, occupancy, use and administration of the national forests, as approved by the Acting Secretary of Agriculture August 12, 1936 (1 F. R. 1090), are herewith adopted and promulgated as rules and regulations for the protection, occupancy, use and administration of such land utilization projects administered by the Forest Service in so far as is practical and consistent with the Acts of Congress under which said lands were or are being acquired.

In testimony whereof I have hereunto set my hand and the official seal of the U. S. Department of Agriculture at the City of Washington, District of Columbia, this 15th day of July, 1938.

[SEAL] M. L. WILSON,
Acting Secretary of Agriculture.

[P. R. Doc. 38-2047; Filed, July 18, 1938;
10:40 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

BUREAU OF ANIMAL INDUSTRY

[Amendment 21 to Declaration No. 12]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

JULY 1, 1938.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936,¹ the following named counties in States named are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

California: Mariposa, July 1, 1941; Solano, July 1, 1941; Tuolumne, July 1, 1941.

South Dakota: Clay, July 1, 1941; Turner, July 1, 1941; Union, July 1, 1941.

Puerto Rico: Barceloneta, July 1, 1941; Ciales, July 1, 1941; Manati, July 1, 1941; Morovis, July 1, 1941; Vega

Alta, July 1, 1941; Vega Baja, July 1, 1941.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties in the States named having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Alabama: Bullock, July 1, 1941; Hale, July 1, 1941; Lauderdale, July 1, 1941; Lee, July 1, 1941; Madison, July 1, 1941.

Arizona: Greenlee, July 1, 1941; Yuma, July 1, 1941.

Arkansas: Ashley, July 1, 1941; Bradley, July 1, 1941; Calhoun, July 1, 1941; Cleveland, July 1, 1941; Dallas, July 1, 1941; Drew, July 1, 1941; Little River, July 1, 1941; Ouachita, July 1, 1941; Union, July 1, 1941.

Colorado: Bent, July 1, 1941; Custer, July 1, 1941; Grand, July 1, 1941; Kit Carson, July 1, 1941; Larimer, July 1, 1941; Lincoln, July 1, 1941; Mineral, July 1, 1941; Prowers, July 1, 1941; Saguache, July 1, 1941; Teller, July 1, 1941; Washington, July 1, 1941.

Florida: Clay, July 1, 1941; Escambia, July 1, 1941; Holmes, July 1, 1941; Levy, July 1, 1941; Okaloosa, July 1, 1941; Santa Rosa, July 1, 1941; Walton, July 1, 1941.

Georgia: Barrow, July 1, 1941; Brantley, July 1, 1941; Butts, July 1, 1941; Charlton, July 1, 1941; Cook, July 1, 1941; Dodge, July 1, 1941; Habersham, July 1, 1941; Jasper, July 1, 1941; Monroe, July 1, 1941; Stewart, July 1, 1941; Sumter, July 1, 1941; Tattnall, July 1, 1941; Toombs, July 1, 1941; Towns, July 1, 1941; Union, July 1, 1941; White, July 1, 1941.

Idaho: Benewah, July 1, 1941; Oneida, July 1, 1941.

Illinois: Adams, July 1, 1941; LaSalle, July 1, 1941; Macon, July 1, 1941; Morgan, July 1, 1941; Sangamon, July 1, 1941; Shelby, July 1, 1941.

Indiana: Greene, July 1, 1941; Harrison, July 1, 1941.

Iowa: Des Moines, July 1, 1941; Lyon, July 1, 1941; Pottawattamie, July 1, 1941; Sioux, July 1, 1941.

Kansas: Greeley, July 1, 1941; Hodge, July 1, 1941; Jackson, July 1, 1941; Lane, July 1, 1941; Logan, July 1, 1941; Scott, July 1, 1941; Thomas, July 1, 1941; Trego, July 1, 1941; Wallace, July 1, 1941; Wichita, July 1, 1941.

Kentucky: Allen, July 1, 1941; Bourbon, July 1, 1941; Lawrence, July 1, 1941; Pulaski, July 1, 1941; Woodford, July 1, 1941.

Maine: York, July 1, 1941.

Minnesota: Carlton, July 1, 1941.

Mississippi: Panola, July 1, 1941.

Missouri: Camden, July 1, 1941; Clark, July 1, 1941; Pike, July 1, 1941; Pulaski, July 1, 1941; Scotland, July 1, 1941; Sullivan, July 1, 1941; Wright, July 1, 1941.

Montana: Dawson, July 1, 1941; Glacier, July 1, 1941; Petroleum, July 1,

¹ 3 F. R. 1889 DI.

¹ 1 F. R. 1338.

1941; Roosevelt, July 1, 1941; Silverbow, July 1, 1941; Teton, July 1, 1941; Valley, July 1, 1941.

New Jersey: Cape May, July 1, 1940; Ocean, July 1, 1940.

New Mexico: Catron, July 1, 1941; Chaves, July 1, 1941; Curry, July 1, 1941; Eddy, July 1, 1941; Grant, July 1, 1941; Hidalgo, July 1, 1941; Luna, July 1, 1941; Otero, July 1, 1941; Sandoval, July 1, 1941; San Juan, July 1, 1941; Socorro, July 1, 1941; Valencia, July 1, 1941.

North Carolina: Columbus, July 1, 1941; Orange, July 1, 1941; Vance, July 1, 1941.

North Dakota: Bowman, July 1, 1944; Sargent, July 1, 1944; Steele, July 1, 1944.

Ohio: Mahoning, July 1, 1941; Portage, July 1, 1941.

Oklahoma: Jefferson, July 1, 1941; Kingfisher, July 1, 1941; Pontotoc, July 1, 1941; Pottawatomie, July 1, 1941; Seminole, July 1, 1941; Stephens, July 1, 1941.

Pennsylvania: Clearfield, July 1, 1941; Delaware, July 1, 1941.

South Carolina: Newberry, July 1, 1941; Sumter, July 1, 1941.

Tennessee: Humphreys, July 1, 1941; Madison, July 1, 1941; Maury, July 1, 1941; McMinn, July 1, 1941; McNairy, July 1, 1941; Wilson, July 1, 1941.

Texas: Cottle, July 1, 1941; Hall, July 1, 1941; Moore, July 1, 1941; Washington, July 1, 1941.

Utah: Cache, July 1, 1941.

Virginia: Caroline, July 1, 1941; Elizabeth City, July 1, 1941; Nottoway, July 1, 1941; Shenandoah, July 1, 1941; Sussex, July 1, 1941.

Washington: Kitsap, July 1, 1941.

West Virginia: Boone, July 1, 1941; Wyoming, July 1, 1941.

Wyoming: Albany, July 1, 1941; Campbell, July 1, 1941; Converse, July 1, 1941; Hot Springs, July 1, 1941; Johnson, July 1, 1941.

Declaration No. 12, dated October 1, 1936,¹ as amended, is hereby further amended accordingly.

[SEAL]

A. W. MILLER,
Acting-Chief of Bureau.

[F. R. Doc. 38-2041; Filed July 16, 1938; 12:06 p. m.]

TITLE 26—INTERNAL REVENUE BUREAU OF INTERNAL REVENUE [T. D. 4827]

TAXES ON ADMISSION, DUES AND INITIATION FEES

REGULATIONS 43, ARTICLE 1, AMENDED

To Collectors of Internal Revenue and Others Concerned:

In conformity with the provisions of section 712 of the Revenue Act of 1938, Regulations 43, approved June 14, 1932, as amended by Treasury Decision 4379, approved August 9, 1933, are further amended as follows:

Immediately after the quotation of section 500 (c) of the Revenue Act of 1926, as amended, which precedes article 1, as amended by Treasury Decision 4379, the following subtitle and quotation of section 712 of the Revenue Act of 1938 are inserted:

REVENUE ACT OF 1938

SEC. 712. Tax on admissions to theaters.—

(a) Section 500 (a) (1) of the Revenue Act of 1926, as amended, is amended by inserting before the period at the end of the second sentence the following: “, and except that in the case of tickets or cards of admission to any such spoken play sold at the ticket office of theaters at reduced rates the tax shall be based upon the price for which sold”.

(b) The amendment made by subsection (a) shall apply with respect to sales made after June 30, 1938.

The first paragraph of article 1, as amended, is further amended to read as follows:

“Except as specifically amended by the Revenue Act of 1932, section 219 of the National Industrial Recovery Act and section 712 of the Revenue Act of 1938, the provisions of the Revenue Act of 1926, as amended by the Revenue Act of 1928, with respect to the tax on admissions are still in full force and effect. The amendment to section 500 (a) (1) made by section 711 (a) of the Revenue Act of 1932 was effective June 21, 1932, the amendment made by section 219 of the National Industrial Recovery Act was effective June 16, 1933, and the amendment made by section 712 of the Revenue Act of 1938 is effective July 1, 1938.”

Article 1 is also amended by amending the seventh paragraph to read as follows:

“In the case of a person admitted free or at a reduced rate to any place at a time when and under circumstances under which an admission charge is made to other persons, the person so admitted free or at a reduced rate is liable to tax, except as otherwise provided in this paragraph, in an amount equivalent to the tax on the amount paid by such other persons for the same or similar accommodations. A bona fide employee of the management of the place, a municipal officer who is acting in his official capacity, or a child under twelve years of age, is not liable to tax if admitted free; and if admitted at a reduced rate is liable to tax on the reduced price, provided such price is 41 cents or more. No tax attaches to free admissions to a spoken play (not a mechanical reproduction) whether or not set to music or with musical parts or accompaniments, which is a consecutive narrative interpreted by a single set of characters, all necessary to the development of the plot, in two or more acts, the performance consuming more than 1 hour and 45 minutes of time. In case tickets or cards of admission to such spoken play are sold at the ticket office

of theaters at reduced rates for more than 40 cents on and after July 1, 1938, the tax shall be based upon the price for which such tickets are sold. In any case where tickets or cards of admission are issued the tax due should be collected at the time of the issuance of such tickets or cards, while if no tickets or cards are used, tax should be collected when the persons are admitted.”

This Treasury decision shall be effective as of July 1, 1938.

This Treasury decision is issued under authority prescribed in section 1101 of the Revenue Act of 1926.

[SEAL]

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, July 15, 1938.

ROSWELL MAGILL,
Acting Secretary of the
Treasury.

[F. R. Doc. 38-2058; Filed, July 18, 1938; 1:00 p. m.]

TITLE 27—INTOXICATING LIQUORS FEDERAL ALCOHOL ADMINISTRATION DIVISION

REVISION OF CAUTION NOTICE ON BOTTLED IN BOND DISTILLED SPIRITS

JULY 18, 1938.

To All Bottlers of Distilled Spirits:

It is understood that under the terms of Regulations No. 6,¹ Relating to Bottling of Distilled Spirits in Bond, issued by the Bureau of Internal Revenue, effective July 1, 1938, every person bottling distilled spirits in bond, except for export, is required to attach to each bottle filled by him a revised caution notice, reading as follows:

“This bottle has been filled and stamped under the provisions of the Act of Congress entitled ‘An Act to allow the bottling of distilled spirits in bond’, approved March 3, 1897, as amended. Any person who shall reuse the stamp affixed to this bottle, or remove the contents of this bottle without so destroying the stamp affixed thereto as to prevent reuse, or who shall sell this bottle, or reuse it for distilled spirits, will be liable to the penalties prescribed by law.”

This Administration has issued a number of certificates of approval for labels of domestically bottled distilled spirits covering sets of labels which include, on the back label, the old caution notice previously required by Regulations No. 6. In revising the caution notice it is not believed that bottlers should be required to secure new certificates of label approval. This circular letter, therefore, constitutes a certificate of label approval for all labels, covered by certificates of label approval heretofore issued, when so revised. It does not, however, authorize

¹ F. R. 2024.

¹ F. R. 1348 DL.

any change other than the revision of the caution notice to be made on such labels.

[SEAL] W. S. ALEXANDER,
Administrator.

[P. R. Doc. 38-2057; Filed, July 18, 1938;
1:00 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

ACCOUNTS AND DEPOSITS

[1938—Department Circular No. 589]

REGULATIONS GOVERNING PAYMENTS ON ACCOUNT OF AWARDS OF THE SPECIAL MEXICAN CLAIMS COMMISSION

JULY 14, 1938.

SEC. 1. GENERAL PROVISIONS

(a) *Authority for and scope of regulations.*—The following regulations governing payments in respect of the awards of the Special Mexican Claims Commission are issued under authority contained in section 161 of the Revised Statutes (U. S. C. title 5, sec. 22), the Act of April 10, 1935 (49 Stat. 149), hereinafter referred to as "the Act", and the Joint Resolution of August 25, 1937 (50 Stat. 783), hereinafter referred to as "the Joint Resolution."

(b) *Pro-rata payments.*—Pursuant to the provisions of the Convention between the United States and Mexico, signed on April 24, 1934, the amount agreed to be paid by the Government of Mexico to the Government of the United States is to be paid at the rate of \$500,000.00 (five hundred thousand dollars) per annum, beginning January 1, 1935. Accordingly payments on awards, in accordance with the Act and the Joint Resolution, will be made in ratable proportions as payments are received from the Government of Mexico.

(c) *Expenditures of the Commission.*—Before payment on any awards, the amount of the expenditures of the Special Mexican Claims Commission will be deducted from the payments made by the Government of Mexico.

(d) *Forms to be used.*—Forms of vouchers, affidavits and certificates prescribed by the Secretary of the Treasury should be used in connection with payments of awards hereunder. Copies of such forms may be obtained from the Commissioner of Accounts and Deposits, Room 376, Treasury Department, Washington, D. C.

(e) *Authentication of documents.*—All copies of records and documents submitted in connection with the execution of vouchers must be properly authenticated.

SEC. 2. EXECUTION OF VOUCHERS

(a) *Necessity for signature of vouchers.*—No payment of any part of the amount due in respect of an award will be made unless a voucher therefor properly executed (preferably in ink or in

delible pencil) is received by the Secretary of the Treasury. A single voucher for each part of an award as funds become available for payment must be signed by each person (including each member of a partnership or association whether or not dissolved) in whose favor the award was made. Each such person must sign the voucher and verify it by affidavit sworn to before any officer authorized by law to administer oaths or, if executed abroad, before a diplomatic or consular officer of the United States. In the case of a corporation, the voucher must be signed by the appropriate officer or officers thereof having authority to do so, which officer or officers shall verify the voucher by affidavit sworn to as above prescribed, and the voucher must also be accompanied by a duly executed certificate, under the seal of the corporation, certifying to the authority of such officer or officers to execute such voucher and affidavit on behalf of the corporation.

(b) *Method of signature.*—The voucher must be signed by each person exactly as his name appears as "payee" therein. If any difference occurs between the name of the "payee" in the voucher and the signature to the voucher, appropriate evidence explaining the discrepancy must be furnished. Affidavits of two other persons in position to know the facts, stating of their own knowledge that the person signing the voucher is the person designated therein as "payee", and indicating the reasons for the discrepancy, will ordinarily be sufficient.

A signature by mark (x) must be witnessed by two persons in addition to the officer before whom the affidavit is executed and the signature and address of each such witness should appear on the voucher and the affidavit.

SEC. 3. ADDITIONAL PROVISIONS CONCERNING EXECUTION OF VOUCHERS BY PERSONS OTHER THAN THOSE IN WHOSE FAVOR AWARDS HAVE BEEN MADE

(a) *Legal representative of deceased person or person under legal disability.*—Where a voucher is drawn to a deceased person or person under legal disability as payee the legal representative of such person shall execute such voucher. In lieu of the affidavit prescribed in section 2 (a) herein, the legal representative should verify the voucher by an appropriate affidavit. In addition there should be submitted with the voucher a copy of the order or letters of appointment of such legal representative and a certificate of the clerk of the appointing court, dated not more than six months prior to the date of execution of the voucher, to the effect that such legal representative has not been discharged.

(b) *Where legal representative of decedent has been discharged.*—Where the legal representative of a decedent has been discharged and the estate closed, there should be submitted with the

voucher a copy of the order of distribution or any other pertinent orders in probate proceedings sufficient to prove the authority and interest of the person or persons executing the voucher, together with an appropriate affidavit verifying that the person executing the affidavit is the person who signed the voucher and is entitled under such order to receive the payment described in the voucher.

(c) *Where estate of decedent is not administered.*—If a voucher is drawn to the estate of a decedent as payee, or if the person designated in a voucher as payee is deceased, and an executor or administrator has not and will not be appointed and the total amount of the final award due the estate of the decedent is not in excess of \$500, the voucher may be signed by the person or persons who under the laws of the domicile of the decedent would be entitled to receive payment on the award. Evidence should be submitted to establish that administration of the estate of the decedent is not required under the laws of the decedent's domicile, that the debts of the decedent and of his estate have been paid or provided for, and that the person or persons who signed the voucher are entitled to receive payment on the award. Such evidence will, in general, include affidavits of the person or persons claiming to be entitled to the award setting forth the facts in detail, supported by affidavits of at least two other persons having personal knowledge of such facts, and by the official certificate or other proof of the death of the decedent. Wherever possible such supporting affidavits should be executed by public officers of the United States, or executive officers of incorporated banks or trust companies, and where this is not possible the affidavits of the person or persons claiming to be entitled to payment should so state. Upon request there must also be submitted an affidavit or certificate from a practicing attorney or judicial officer of the state of the decedent's domicile, showing that administration of the estate of the decedent is not required under the laws of the decedent's domicile and that the person or persons signing the voucher are entitled to receive payment on the award, and referring specifically to any pertinent statutes and judicial decisions of the courts of such state.

(d) *Receivers and trustees.*—If a receiver or trustee for a person designated as payee in a voucher has been duly appointed by a court of competent jurisdiction, the voucher must be signed by such receiver or trustee, or by a person duly authorized by an order of such court and the voucher must be accompanied by an appropriate affidavit verifying that the person executing the affidavit is the person who signed the voucher and is entitled to receive the payment described in the voucher. In such cases, the voucher should be accompanied by a copy of the order of the court appoint-

ing such receiver or trustee and a certificate of the clerk of such court, dated not more than six months prior to the date of execution of the voucher, to the effect that such receiver or trustee has not been discharged. If a receiver or trustee has been appointed as aforesaid, but the voucher is signed by a person other than such receiver or trustee, there should be submitted, in addition to a copy of the order of the court appointing such receiver or trustee, all orders of court and documents necessary to prove the authority and interest of the person signing the voucher.

(e) *Corporations the existence of which has been terminated.*—In the case of a corporation the existence of which has been terminated, the voucher must be signed by the person or persons authorized by law to wind up the affairs thereof or by a trustee, duly appointed by a court of competent jurisdiction, having authority to sign such voucher and receive payment. The voucher should be accompanied by court orders and other documents sufficient to prove the authority and interest of the person signing the voucher and by an appropriate affidavit verifying that the person executing the affidavit is the person who signed the voucher and is entitled to receive the payment described in the voucher.

SEC. 4. PAYMENTS

(a) *Forwarding of vouchers.*—The voucher and all related papers should be transmitted to the Commissioner of Accounts and Deposits, Room 376, Treasury Department, Washington, D. C.

(b) *Manner of payment.*—Payment will be made by check drawn on the Treasurer of the United States. Checks will be mailed to the payee at the address indicated in the voucher unless subsequent to the execution of the voucher the Treasury Department receives a written request from the person entitled to receive payment to deliver the check to him at some other address. Where the award has been entered in favor of more than one person, only one check will be drawn in making payment, except that if the persons entitled to receive payment specify the share of each, and so request, separate checks will be drawn in accordance therewith.

(c) *Allowances for attorneys' fees.*—Vouchers for allowances made by the Special Mexican Claims Commission in favor of attorneys pursuant to section 8 of the Act must be executed as provided in sections 2 and 3 of these regulations and such allowances will be paid in the same manner as awards entered in favor of claimants.

SEC. 5. POWERS OF ATTORNEY AND ASSIGNMENTS

(a) *Powers of attorney.*—No power of attorney to sign a voucher will be recognized, but a power of attorney, executed subsequent to the submission of the report of the Special Mexican Claims Commission to the Secretary of State on

May 31, 1938, to receive, endorse, and collect a check given in payment on an award, will be recognized. An appropriate form for such a power of attorney may be obtained from the Office of the Treasurer of the United States.

(b) *Assignments.*—Assignments by operation of law and assignments of awards executed subsequent to the submission of the report of the Special Mexican Claims Commission to the Secretary of State on May 31, 1938, will be recognized.

SEC. 6. ADDITIONAL EVIDENCE AND BONDS OF INDEMNITY

The Secretary of the Treasury may in any case require such additional information and evidence as may be deemed necessary and may also require a bond of indemnity with satisfactory sureties.

SEC. 7. RESERVATION OF POWER TO REVOKE OR AMEND

These regulations may be revoked or amended at any time.

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[P. R. Doc. 38-2034; Filed, July 15, 1938;
1:39 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

VETERANS' ADMINISTRATION

PAYMENT OF DEATH PENSION AND COMPENSATION TO DEPENDENTS

PENSIONABLE AND COMPENSABLE SERVICE FOR DEATH PENSION AND COMPENSATION PURPOSES

Death of Veteran Due to Service: General Law

Sec. 2.2520. (A) For the purposes of Sections 4702 and 4707, Revised Statutes, as amended, the widow, child or children, or dependent mother or dependent father of any person embraced within Sections 4692 and 4693, Revised Statutes, or the remarried widow of any such person who served in the Civil War, or in an Indian War, who died of a disability contracted in the service in line of duty, regardless of the character of discharge, shall be entitled to receive pension at the monthly rates specified in Sec. 2.2620, except that in no event shall the rates provided in Sec. 2.2620 (C) be allowed for any period prior to July 1, 1938.

(B) For the purposes of Public No. 758, 75th Congress, (Act of June 28, 1938) persons entitled to pension under the provisions of the General Pension Law, (sections 4702 and 4707 R. S. as amended) for death resulting from service prior to April 21, 1898, shall be entitled to receive pension on and after July 1, 1938, at the monthly rates specified in Sec. 2.2620 (C) provided, that this regulation shall not be so construed

as to reduce any pension under any act, public or private, nor shall it be so construed as to enlarge or abridge conditions of entitlement. (July 1, 1938.) Sec. 1, 48 Stat. 8; 38 U. S. C. 701.

EFFECTIVE DATES OF INCREASE OF DEATH PENSION OR COMPENSATION

General Law

Sec. 2.2581. Where a person was on the rolls July 1, 1938, under the provisions of the General Pension Law, for death resulting from service prior to April 21, 1898, pension at the rate provided in Sec. 2.2620 (C) (Public No. 758, 75th Congress, Act of June 28, 1938) shall be authorized effective July 1, 1938, in any case where such rate exceeds that being paid the beneficiary on June 30, 1938, provided entitlement thereto is otherwise established. (July 1, 1938.)

FORFEITURES

Forfeiture Bars Entitlement Under Public No. 484, 73d Congress, as Amended

Sec. 2.2607. A veteran, whose rights were forfeited under Section 504 of the World War Veterans Act (Act of June 7, 1924) or under section 15 of Public No. 2, 73d Congress, (Act of March 20, 1933) was not at death receiving or entitled to receive pension, compensation, or emergency officers retirement pay. His widow and children are therefore not entitled to compensation under provisions of Public No. 484, 73d Congress, as amended. (A. D. 416) (Sections 11 and 15, 48 Stat. 10 and 11 and 1281; 38 U. S. C. 503, 711 and 715) (July 15, 1938.)

RATES OF DEATH PENSION AND COMPENSATION FOR WIDOWS, REMARRIED WIDOWS, CHILDREN AND DEPENDENT PARENTS

General Law—Veteran's Death Due to Service

Sec. 2.2620. The following rates of pension are payable under the General Law, subject to the conditions and limitations set forth in Regulations. (R. S. 4695 as amended) (Public No. 758, 75th Congress, Act of June 28, 1938.)

(A) Widows of officers and enlisted men of the Army:

	Per month
Lieutenant colonel and all officers of higher rank.....	\$30.00
Major, surgeon, and paymaster.....	25.00
Captain, provost marshal, and chaplain.....	20.00
First lieutenant, assistant surgeon, deputy provost marshal, and quartermaster.....	17.00
Second lieutenant and enrolling officer.....	15.00
All enlisted men.....	8.00
With \$2 additional for each child	

(B) Widows of officers and enlisted men of the Navy and Marine Corps:

Captain and all officers of higher rank, commander, lieutenant commanding, and master commanding, surgeon, paymaster, and chief engineer ranking with commander by law, lieutenant colonel, and all of higher rank in Marine Corps.....	30.00
Lieutenant, passed assistant surgeon, surgeon, paymaster, and chief engi-	

neer ranking with lieutenant by law, and major in Marine Corps.	25.00
Master (now lieutenant, junior grade), professor of mathematics, assistant surgeon, assistant paymaster, and chaplain, and captain in Marine Corps.	30.00
First lieutenant in Marine Corps.	17.00
First assistant engineer, ensign, and pilot and second lieutenant in Marine Corps.	15.00
Cadet midshipmen, passed midshipmen, midshipmen, clerks of admirals, of paymasters, and of officers commanding vessels, second and third assistant engineers, master's mate, and warrant officers.	10.00
All enlisted men except warrant officers.	8.00
With \$2 additional for each child	

(C) Rates on and after July 1, 1938, for persons entitled under the General Pension Law for death resulting from service prior to April 21, 1898:

Widow under 50 years of age.	\$22.00
Widow 50 years to 65 years of age.	26.00
Widow over 65 years of age.	30.00
Widow with one child, \$7 additional for such child up to 10 years of age, increased to \$11 from age 10 (with \$6 for each additional child up to 10 years of age, increased to \$9 from age 10)	
No widow but one child.	\$15.00
No widow but two children.	24.00
No widow but three children.	34.00
(with \$6 for each additional child; total amount to be equally divided)	
Dependent mother or father.	15.00
The total pension payable under this paragraph shall not exceed \$56.	

(D) Remarried widows of Civil War veterans. The rates payable are the same as those provided in paragraphs (A) and (B) or (C) above.

(E) Children of officers and enlisted men of the Army, Navy and Marine Corps.—The rates for children, except as provided in paragraph (C) hereof, are the same as the widow's rates in paragraphs (A) and (B) hereof, plus \$2.00 per month additional for each child, equally divided. Children are not entitled to the \$25 rate awarded only to widows of veterans of the Civil War, War with Spain and Philippine Insurrection by the Act of October 6, 1917. (4703 R. S. and 40 Stat. 408)

(F) Dependent mother or father of officer or enlisted man in the Army, Navy or Marine Corps.—The rate for a dependent mother or father, except as provided in paragraph (C) hereof, is the same as for the widow as shown in paragraphs (A) and (B) hereof, except that the minimum rate was increased by the Act of September 1, 1922, to a dependent mother or father of a veteran who served during the War with Spain, Boxer Rebellion or Philippine Insurrection, to \$20 per month. (4707 R. S. and 42 Stat. 834)

¹ The minimum rate to widows of veterans of the Civil War, War with Spain, and Philippine Insurrection was increased to \$25 per month October 6, 1917, the minimum rate for a widow of a veteran of the Boxer Rebellion remaining at \$12 per month. (40 Stat. 408)

² The minimum rate to widows, children and dependent parents, was increased to \$12 per month commencing March 19, 1898, by Act of that date (24 Stat. 5)

³ Equally divided.

(G) Repeal and reinstatement of Spanish American War Pension Laws.

All public laws granting pensions to veterans and dependents of veterans of the War with Spain, Boxer Rebellion and Philippine Insurrection were repealed March 20, 1933, by act of that date, but persons then on the rolls were continued thereon to include June 30, 1933. Seventy-five percent of the rates formerly being paid was restored by provisions of Section 30, Title III, Public No. 141, 73d Congress, (Act of March 28, 1934) from the date of the Act to August 13, 1935. On February 8, 1935, under Sec. 8.015, seventy-five per centum of the rates formerly payable was restored to widows and dependents of veterans who left the continental United States for service in Cuba, Puerto Rico or Guam, between August 13, 1898, and July 4, 1902, both dates inclusive. The full rates formerly payable were restored from August 13, 1935, by Act of that date. (July 1, 1938.) Sec. 1, 48 Stat. 8; 38 U. S. C. 701.

[SEAL]

FRANK T. HINES,

Administrator.

[F. R. Doc. 38-2035; Filed, July 15, 1938; 3:00 p. m.]

TITLE 42—PUBLIC HEALTH, WELFARE AND EDUCATION

CIVILIAN CONSERVATION CORPS

PART 3. REGULATIONS RELATIVE TO ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH AND BURIAL OF ENROLLEES OF THE CIVILIAN CONSERVATION CORPS

SEC. 3.02. Classes of enrollees.

(b) Senior leaders, mess stewards, cooks, and project assistants.—Not to exceed one leader, one mess steward, three cooks, and five project assistants per junior work company may be selected and enrolled without regard to age and marital status. In making reports to the War Department these men will be included in the junior classification except that veterans transferred to position of cook, mess steward, or project assistant in a junior company will be charged against the veterans quota.

(50 Stat. 319) [C. C. C. Regs., W. D., Dec. 1, 1937; C 6, May 31, 1938.]

SEC. 3.04. Eligibility for enrollment and reenrollment.

(c) Reenrollment.—To qualify for reenrollment a present member of the Civilian Conservation Corps must be physically qualified for ordinary labor and free from active disease, honorably discharged from the immediately preceding period of service, considered worthy of

reenrollment, unmarried, if a junior, unless exempted as one of ten excepted men per company, under 24 years of age, if a junior (i. e., must not have passed his 24th birthday), unless exempted as one of ten excepted men per company, and with not more than 18 months previous enrolled service if a junior. Enrolled service prior to July 1, 1937, will not be computed in determining eligibility under this qualification.

An enrollee who in the opinion of both the company commander and the project superintendent is unworthy of the privilege of reenrollment, because of unsatisfactory performance of duties or other substantial reasons, will not be reenrolled. He will be informed by his company commander of that decision not less than 20 days prior to the prospective date of final departure from his camp.

An enrollee advised of the adverse decision of noneligibility for reenrollment may appeal therefrom to the corps area commander. The appeal will be in writing and submitted or mailed to the company commander not later than 24 hours from the time of receipt of notice by him of the decision. It will be forwarded through the district commander to the corps area commander who will cause a thorough investigation to be made by a disinterested officer not belonging to the appellant's organization. The investigation will be in the form of a hearing. The record of the hearing, concluding with the investigating officer's finding and recommendation, will be in duplicate. Upon review, the action of the corps area commander will be noted thereon, one copy returned to the company commander for use in informing the appellant of the result of his appeal and for file. The decision of the corps area commander will be final.

The discharge certificate of an enrollee denied the privilege of reenrollment after having been found to be unworthy of that privilege, as provided above, will contain under "Remarks" the notation: "Not considered worthy of reenrollment". The notation will be immediately followed by the authenticating signatures of the company commander and the project superintendent. (50 Stat. 319) [C. C. C. Regs., W. D., Dec. 1, 1937; C 6, May 31, 1938.]

SEC. 3.07. Enrollment.—Certified selectees who pass the required physical examination upon subscribing to the oath on C. C. C. Form No. 1 will be enrolled, for periods of not less than 6 months, at place of acceptance, when the physical examination is given at that place and the corps area commander deems it expedient to direct such action, or at, reconditioning or work camps designated by the corps area commander.

An applicant rejected by reason of falsification of qualifications is not entitled to transportation in kind nor subsistence en route to place of selection or to his home.

Persons in any of the classifications listed in section 3.03, paragraph a, ante, if enrolled or reenrolled fraudulently, will be dishonorably discharged by the company commander for "fraudulent enrollment". Such persons who have been enrolled *without fraud* will be forthwith administratively discharged, except that members of the National Guard and civil law enforcement officers may, in such cases, be honorably discharged. It will be the duty of the company commander upon discovering that an enrollee has become a member of the Civilian Conservation Corps through falsification of qualifications for selection to report the facts to the appropriate State selecting agency whose field agents originally certified the individual for enrollment. Except as noted above, discharge from the Civilian Conservation Corps is not mandatory in cases of revealed falsification of qualification. Corps area commanders will determine the final disposition of each case, considering the recommendation received from the State selecting agency, and discharge under the provision of this subparagraph will be the exception rather than the rule. In all cases of discharge under the foregoing provisions due to deceit or error in establishing eligibility for selection and enrollment, the individual will be paid his full accumulated cash allowance to date of discharge and provided with the subsistence allowance and transportation as herein provided for all other discharged personnel. (50 Stat. 319) [C. C. C. Regs., W. D., Dec. 1, 1937; C 8, June 29, 1938.]

Sec. 3.12a. *Claims for amounts due deceased or insane enrollees.*—Company commanders will furnish claimants with Standard Form No. 1055 (Application for Payment of Amounts Due Deceased or Incompetent Civilian Employees, Officers and Enlisted Men in the Military Service, and Public Creditors of the United States) and assist such claimants in the preparation of this form in connection with claims for amounts due deceased or insane enrollees. Claims for amounts due deceased enrollees as stated on Standard Form No. 1055 will be forwarded directly to the General Accounting Office, Claims Division. If an enrollee is not mentally competent to sign commercial papers and no guardian has legally been appointed, Standard Form No. 1055 will be forwarded to the disbursing officer for his action. If an enrollee is mentally competent to sign commercial papers, or if a guardian has legally been appointed, no Standard Form No. 1055 is required. (50 Stat. 319) [C. C. C. Regs., W. D., Dec. 1, 1937; C 5, May 27, 1938.]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 38-2036; Filed, July 16, 1938;
10:09 a. m.]

TITLE 46—SHIPPING

UNITED STATES MARITIME COMMISSION

[General Order No. 25]

ESTABLISHING THE UNITED STATES MARITIME SERVICE

At a regular session of the United States Maritime Commission held at its office in Washington, D. C., on the 14th day of July, 1938.

There is hereby established, pursuant to the authority vested in the Commission by section 216 of the Merchant Marine Act, 1936, as amended, a voluntary organization to be known as the United States Maritime Service which shall consist of such licensed and unlicensed personnel of the United States merchant marine as may be enrolled under the provisions of said section, this order, and such rules and regulations as may be prescribed by the Commission for the government of said Service.

The number of persons to be enrolled in said Service, the rates of pay of such persons, and the courses and periods of training shall be determined, fixed, and prescribed by the Commission in such manner and form as may appear to it to be necessary to maintain a trained and efficient merchant-marine personnel. The ranks, grades, and ratings for the personnel of the said Service shall be the same as are now or shall hereafter be prescribed for the personnel of the Coast Guard.

In the administration and conduct of the said Service the Commission shall, subject to the consent and approval of the Secretary of the Treasury, avail itself of the use of such information, services, facilities, officers, and employees of the Coast Guard and the Public Health Service as may be necessary for the operation of said Service, such use to be at the expense of the Commission.

Enrollment and training in the United States Maritime Service shall be voluntary and shall be open to all licensed and unlicensed personnel of the United States merchant marine who comply with the requirements prescribed by the Commission. In the selection of applicants for enrollment no discrimination shall be practiced because of the applicant's race or creed, or because of membership or nonmembership in any organization. Eligibility for enrollment shall be determined by the Commandant of the Coast Guard in accordance with rules and regulations prescribed by the Commission.

Nothing in this Order shall be construed to affect the cadet system established by the Commission's General Order No. 23, as amended.

This regulation shall become effective as of July 14, 1938.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, JR.,
Secretary.

[F. R. Doc. 38-2054; Filed, July 18, 1938;
12:24 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Division of Territories and Island Possessions.

[Supp. 4 to I. C. C. No. 128.]

THE ALASKA RAILROAD

In connection with Alaska Steamship Company (FX 5 No. 5), American Yukon Navigation Company (FX 2 No. 1), Puget Sound Freight Lines (FX 5 No. 16).

SUPPLEMENT NO. 4 TO JOINT FREIGHT TARIFF NO. 5-E

Supplement to joint freight tariff naming class and commodity rates between Seattle and Tacoma, Wash. and points on The Alaska Railroad and American Yukon Navigation Company in Alaska. Issued, June 7, 1938. Effective, July 15, 1938.

SECTION 2—COMMODITY RATES

If the charge accruing under Section 1 of this Tariff is lower than the charge accruing under this Section on the same shipment via the same route, the charge accruing under Section 1, will apply.

Commodities	Stations	Rates in cents per 100 lbs.
Item No. 545-B Cancells 545-A (reduction).— Vehicles, Motor, viz.: Automobiles or motor trucks, including automobile or motor truck chassis, set up, and automobile trailers, subject to a minimum weight of 2,500 lbs. each.	From Seattle, Tacoma, Wash., to— Moose Pass, Alaska ¹ Girdwood, Alaska ¹ Anchorage, Alaska ¹ Matanuska, Alaska ¹ Palmer, Alaska ¹ Wasilla, Alaska ¹ Willow, Alaska ¹ Nenana, Alaska ¹ Marshall, Alaska ¹ Fairbanks, Alaska ¹	500 500 500 544 552 552 584 588 588 588
Any Quantity. NOTE.—Rates named in Item 195, providing for Heavy Freight will not apply.		

¹ No Agent. Freight charges must be prepaid.

Authority: Act, March 12, 1914 and Executive Order No. 3861. Issued by O. F. Ohlson, General Manager, Anchorage, Alaska.

The above is hereby confirmed.

RUTH HAMPTON,
Acting Director.

[F. R. Doc. 38-2037; Filed, July 16, 1938;
10:09 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

IOWA

JULY 14, 1938.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant

¹ Supplements Nos. 3 and 4 contain all changes from the original tariff that are effective on the date hereof.

Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Iowa State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order, for the fiscal year ending June 30, 1939: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1938; and (2) the following additional counties:

Henry, Howard, Plymouth, Taylor, and Wright.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-2040; Filed, July 16, 1938;
12:05 p. m.]

DESIGNATION OF PARISHES FOR TENANT PURCHASE LOANS

LOUISIANA

JULY 14, 1938.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Farm Security Advisory Committee of Louisiana, the following parishes are hereby designated as those in which loans, pursuant to said Title, may be made, under the provisions of said Order, for the fiscal year ending June 30, 1939: (1) those parishes which were designated for the making of loans for the fiscal year ending June 30, 1938; and (2) the following additional parishes:

Acadia, Ascension, Claiborne, De Soto, East Feliciana, Franklin, Grant, Iberia, Livingston, Morehouse, Natchitoches, Ouachita, Red River, St. Landry, Tangipahoa, Tensas, and West Carroll.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-2039; Filed, July 16, 1938;
12:05 p. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

MARYLAND

JULY 14, 1938.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Maryland State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made, under the provisions of said Order, for the fiscal year ending June 30,

1939: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1938; and (2) the following additional counties:

Charles, Frederick, and Worcester.
[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-2038; Filed, July 16, 1938;
12:05 p. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

ALABAMA

JULY 16, 1938.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Alabama State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order, for the fiscal year ending June 30, 1939: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1938; and (2) the following additional counties:

Autauga, Bullock, Calhoun, Chambers, Cherokee, Choctaw, Clarke, Clay, Cleburne, Colbert, Covington, Crenshaw, Cullman, Dale, Escambia, Etowah, Fayette, Franklin, Henry, Houston, Lauderdale, Lamar, Limestone, Lowndes, Macon, Marshall, Perry, Randolph, Russell, Shelby, Sumter, and Tuscaloosa.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 38-2050; Filed, July 18, 1938;
11:42 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

KANSAS

JULY 16, 1938.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Kansas State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1939. (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1938; and (2) the following additional counties:

¹ 3 F. R. 576 DI.
² 2 F. R. 2547 (2965 DI).
² 2 F. R. 2683 (3112 DI).

Franklin, Jefferson, Lyon, and Stafford.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 38-2049; Filed, July 18, 1938;
11:42 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

NEBRASKA

JULY 16, 1938.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Nebraska State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1939: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1938; and (2) the following additional counties:

Burt, Chase, Greeley, and Harlan.

[SEAL] HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 38-2051; Filed, July 18, 1938;
11:43 a. m.]

Office of the Secretary.

[Administrative Order]

MAGAZINE MOUNTAIN PROJECT, ARKANSAS

LOGAN AND YELL COUNTIES, ARKANSAS

Transfer of Lands from the Farm Security Administration to the Forest Service for Administration, Protection and Management

By virtue of and pursuant to the authority vested in me by Executive Order No. 7908, dated June 9, 1938,¹ and Title III of the Bankhead-Jones Farm Tenant Act, approved July 27, 1937 (50 Stat. 522, 525) the lands within the herein-after described area that hitherto have been acquired or are in process of acquisition by the Department of Agriculture, its predecessors or successors, under the provisions of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), and the Emergency Relief Appropriation Act, approved April 8, 1935 (49 Stat. 115), are hereby transferred from the Farm Security Administration to the Forest Service for administration, protection, and management under the laws, rules and regulations applicable to national forest lands insofar as consistent with the powers and authority vested in the Secretary of Agriculture by the aforesaid Executive Order and Title III of the

¹ 2 F. R. 2684 (3112 DI).
² 3 F. R. 1389 DI.

¹ 2 F. R. 2760 (3196 DI).
² 2 F. R. 2683 (3112 DI).

Bankhead-Jones Farm Tenant Act, approved July 27, 1937 (50 Stat. 522, 525).

All lands within the Magazine Mountain Project designated (LA-AK-1) located in Logan and Yell Counties, Arkansas and adjacent to the Ouachita National Forest.

Such lands shall be administered as provided by this Order until such time as they are made a part of a national forest by Proclamation of the President.

[SEAL] M. L. WILSON,
Acting Secretary.

JULY 18, 1938.

[F. R. Doc. 38-2045; Filed, July 18, 1938;
10:38 a. m.]

[Administrative Order]

NORTHEAST GEORGIA PROJECT, GEORGIA

HABERSHAM, STEVENS AND BANKS COUNTIES,
GEORGIA

Transfer of Lands from the Farm Security Administration to the Forest Service for Administration, Protection and Management.

By virtue of and pursuant to the authority vested in me by Executive Order No. 7908, dated June 9, 1938,¹ and Title III of the Bankhead-Jones Farm Tenant Act, approved July 27, 1937 (50 Stat. 522, 525) the lands within the hereinafter described area that hitherto have been acquired or are in process of acquisition by the Department of Agriculture, its predecessors or successors, under the provisions of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195), and the Emergency Relief Appropriation Act, approved April 8, 1935 (49 Stat. 115), are hereby transferred from the Farm Security Administration to the Forest Service for administration, protection, and management under the laws, rules and regulations applicable to national forest lands insofar as consistent with the powers and authority vested in the Secretary of Agriculture by the aforesaid Executive Order and Title III of the Bankhead-Jones Farm Tenant Act, approved July 27, 1937 (50 Stat. 522, 525).

All lands within the Northeast Georgia Project designated (LA-GA-7) located in Habersham, Stevens and Banks Counties, Georgia and adjacent to the Chattahoochee National Forest.

Such lands shall be administered as provided by this Order until such time as they are made a part of a national forest by Proclamation of the President.

[SEAL] M. L. WILSON,
Acting Secretary.

JULY 18, 1938.

[F. R. Doc. 38-2046; Filed, July 18, 1938;
10:38 a. m.]

¹ 3 F. R. 1389 DL.

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. MC-24]

CALIFORNIA MOTOR CARRIER RATES

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 2nd day of July, A. D. 1938.

Division 5 having under consideration the subject of the rates, charges, classifications, rules, regulations, and practices applicable to the transportation of property in interstate or foreign commerce by common carriers and contract carriers by motor vehicle within the State of California:

It is ordered, That an investigation be, and it is hereby, instituted by the Division, on its own motion, into and concerning the lawfulness of the maximum, minimum, and precise basis of all rates, charges, and classifications, and the rules, regulations, and practices relating thereto, applicable to the transportation by all common carriers by motor vehicle subject to the Motor Carrier Act, 1935, and into and concerning the minimum charges, and the rules, regulations, or practices affecting such charges and the value of the service thereunder, applicable to the transportation by all contract carriers by motor vehicle subject to the Motor Carrier Act, 1935, of all property, except household goods, livestock, automobiles, petroleum products in tank trucks, and articles of unusual size and value, in interstate or foreign commerce between all points within the State of California, with a view to determining whether the rates, charges, and classifications, and the rules, regulations, and practices relating thereto, of the respondent common carriers or any of them, and the minimum charges, and the rules, regulations, or practices affecting such charges and the value of the service thereunder, of the respondent contract carriers, or any of them, applicable to such transportation, are in any respects in violation of the law, and of making such findings and entering such order or orders in the premises, and of taking such other and further action, as the facts and circumstances may appear to warrant.

It is further ordered, That all common carriers and contract carriers of property by motor vehicle subject to the Motor Carrier Act, 1935, operating between the points and participating in the transportation described in the next preceding paragraph hereof be, and they are hereby, made respondents to this proceeding, that this order be served upon said respondents, and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission.

And it is further ordered, That the said proceeding be, and it is hereby as-

signed for hearing on the 7th day of September, A. D. 1938, at 9:00 o'clock A. M. (Standard Time, at the Empire Hotel, San Francisco, Calif., before Commissioner Wm. E. Lee.

By the Commission, division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 38-2053; Filed, July 18, 1938;
12:14 p. m.]

[Ex Parte No. MC 23]

IOWA - ILLINOIS - EASTERN KANSAS - MISSOURI - EASTERN NEBRASKA MOTOR CARRIER RATES

No. MC C-14, *Mid-Western Motor Freight Tariff Bureau, Inc., v. Frank Eichholz, doing business as Riteway Motor Service et al.*; No. MC C-84, *Mid-Western Motor Freight Tariff Bureau, Inc., v. W. J. Dunden, Agent, et al.*; No. MC C-84 (Sub-No. 1), *Mid-Western Motor Freight Tariff Bureau, Inc., v. James E. Lockwood, Alternate Agent*; No. MC C-84 (Sub-No. 2), *Mid-Western Motor Freight Tariff Bureau, Inc., v. American & Transport Freight Lines, et al.*

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 15th day of July, A. D. 1938.

It appearing that income statements of Class I common carriers of property by motor vehicle (carriers which have gross revenues of \$100,000.00 or over annually from both intrastate and interstate motor carrier operations), which are made respondents in this proceeding, are desirable to aid the Commission in the determination of the above-entitled matter:

It is ordered, That each Class I common carrier of property by motor vehicle which is a respondent in this proceeding submit to the Commission at its offices in Washington, D. C., on or before August 1, 1938, income statements for the year 1937 and for the four months ended April 30, 1938, or for the first four periods in 1938 instead of the four months ended April 30, 1938, in the case of those carriers which keep their accounts on a four-week period basis;

It is further ordered, That said income statements shall be submitted under oath on the form herewith enclosed which form is hereby made a part of this order;

And it is further ordered, That any respondent in this proceeding receiving this order, which respondent is not a Class I carrier, as above defined, shall return the blank form of income statement to the Commission at its offices in Washington, D. C., on or before August 1, 1938, ac-

¹ Filed as a part of the original document with the Division of the Federal Register, The National Archives; requests for copies should be addressed to the Interstate Commerce Commission.

accompanied by a statement that this order is not applicable to its operations.

By the Commission, division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 38-2052; Filed, July 18, 1938;
12:14 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 15th day of July, A. D. 1938.

[File No. 32-81]

IN THE MATTER OF SOUTH CAROLINA UTILITIES COMPANY

SUPPLEMENTAL ORDER EXEMPTING ISSUE AND SALE OF NOTE AUTHORIZED BY STATE COMMISSION

South Carolina Utilities Company, a wholly owned subsidiary of Walnut Electric & Gas Corporation, a registered holding company, having duly filed a second amendment to its amended application, a part of the amended application has heretofore been considered by this Commission in its findings and order of April 26, 1938 (see Holding Company Act Release No. 1076), pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of section 6 (a) of said Act, of the issue and sale of its 5% secured promissory note, in the principal amount of \$150,000, to be

dated as of the date of issue, to mature on May 1, 1942, to be issued to The South Carolina National Bank of Charleston, Charleston, South Carolina.

A hearing having been held on the second amendment to applicant's amended application after appropriate notice,¹ and the Commission having duly considered the record in this matter and having made and filed its findings herein:

It is ordered. That the issue and sale of the aforesaid note in accordance with the terms and conditions set forth in, and for the purposes represented by said second amendment to the amended application, be and the same hereby are exempted from the provisions of section 6 (a) of the Public Utility Holding Company Act of 1935; upon the condition however, that if the express authorization of the issue of said note by the Public Service Commission of the State of South Carolina shall be revoked or otherwise terminate, this exemption shall immediately terminate without further order of this Commission; and upon the further condition that within ten days after the issue and sale of said note the applicant shall file with this Commission a certificate of notification showing that the issue and sale have been effected in accordance with the terms and conditions and for the purposes represented by said second amendment to the amended application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2055; Filed, July 18, 1938;
12:34 p. m.]

¹ 3 F. R. 827 DL.

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 16th day of June 1938.

[File No. 7-108]

IN THE MATTER OF CURTISS WRIGHT CORPORATION, CLASS "A" STOCK, PAR VALUE \$1

ORDER GRANTING APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

The Los Angeles Stock Exchange having made application to the Commission, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule JF1, for permission to extend unlisted trading privileges to the Curtiss Wright Corporation, Class "A" Stock, Par Value, \$1; and

A hearing having been held in this matter after appropriate notice,¹ and the Commission having this day made and filed its findings herein:

It is ordered. That the application of the Los Angeles Stock Exchange, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, for permission to extend unlisted trading privileges to the Curtiss Wright Corporation, Class "A" Stock, Par Value \$1, be and the same is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2056; Filed, July 18, 1938;
12:34 p. m.]

¹ 3 F. R. 828 DL.

