FEDERAL REGISTER OF THE UNITED STATES
1934
VOLUME 3
NUMBER 154

Washington, Tuesday, August 9, 1938

The President

EXECUTIVE ORDER

INSPECTION OF INCOME, EXCESS-PROFITS, AND CAPITAL STOCK TAX RETURNS BY THE SPECIAL COMMITTEE ON UN-AMERICAN ACTIVITIES, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by section 257 (a) of the Revenue Act of 1932 (44 Stat. 9, 51); section 55 of the Revenue Act of 1933 (47 Stat. 109, 109) as amended by section 218 (h) of the National Industrial Recovery Act (48 Stat. 165, 269); sections 215 (e) and 216 (b) of the National Industrial Recovery Act (48 Stat. 196, 406); sections 55 (a), 701 (e), and 702 (b) of the Revenue Act of 1934 (48 Stat. 680, 698, 770); sections 105 (e) and 106 (c) of the Revenue Act of 1935 (49 Stat. 1014, 1018, 1019); and sections 55 (a), 351 (c), and 503 (a) of the Revenue Act of 1936 (49 Stat. 1648, 1671, 1733, 1738), it is hereby ordered that income, excess-profits, and capital stock tax returns made under the Revenue Acts of 1926, 1932 (47 Stat. 196, 406), 1933 (47 Stat. 109, 109), 1934 (48 Stat. 165, 269), 1935 (49 Stat. 1014, 1018, 1019), and 1936 (49 Stat. 1648, 1671, 1733, 1738), shall be open to inspection by the Special Committee on Un-American Activities, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying out the provisions of House Resolution 282, passed May 26, 1938 (Seventy-fifth Congress, third session); such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury Decision relating to the inspection of returns by that committee, approved by me this date. This order shall be published in the Federal Register.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE

July 14, 1938.

[No. 7933-A]

[F. R. Doc. 39-2399; Filed, August 8, 1938; 10:05 a. m.]

EXECUTIVE ORDER

ESTABLISHING WEST SISTER ISLAND MIGRATORY BIRD REFUGE

OHIO

By virtue of and pursuant to the authority vested in me as President of the United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that all that part of West Sister Island, in Lake Erie, Lucas County, Ohio, lying east of a line bearing north and south through a point which is east 200 feet distant from the center of the West Sister Island Lighthouse tower (the geographic position of which lighthouse is latitude 40°44' 13'' N., and longitude 89°05'38'' W. from Greenwich), and containing 82.00 acres, more or less, be, and it is hereby, reserved and set apart, subject to valid existing rights, for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife: Provided, That nothing herein contained shall restrict the Bureau of Lighthouses from the right of ingress and egress over all parts of the island, together with the right to use any landing wharf for the purpose of tending and maintaining aids to navigation.

The Executive order of February 16, 1938, reserving West Sister Island for lighthouse purposes, is hereby revoked in so far as it affects the lands reserved by this order.

' See Page 1953.

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THE PRESIDENT

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Upon cessation of the use of the above-described lands for the purpose herein specified they shall revert to their previous status as a part of the Coronado National Forest.

FRANKLIN D ROOSEVELT

[No. 7940]
[F. R. Doc. 38-2296; Filed, August 8, 1938; 10:04 a.m.]

EXECUTIVE ORDER
ESTABLISHING THE FORT TYLER MIGRATORY BIRD REFUGE
NEW YORK

By virtue of and pursuant to the authority vested in me as President of the United States, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (48 Stat. 1222), it is ordered that the following-described area, on Gardiners Island, Suffolk County, New York, be, and it is hereby reserved and set apart for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife:

The property known as the Fort Tyler Military Reservation, bounded on Gardiners Bay, and more definitely described as follows:

All that part of the north point of Gardiners Island lying northwest of a line described and running as follows: Starting from a stake on a sand ridge and running thence north 56 degrees east, and south 56 degrees west, to the waters on each side of said point, or beach, respectively, and bounded north, east, and west by the waters of Gardiners Bay, and southeasterly by the beach at the aforesaid line, containing about 14 acres, more or less.

The above-described property has been declared by the War Department to be surplus to its needs, and the reservation made by this order is subject to the right of the Director of Procurement to dispose of such property in accordance with the provisions of the act of August 27, 1935, c. 774, 49 Stat. 685. This reservation shall be known as the Fort Tyler Migratory Bird Refuge.

FRANKLIN D ROOSEVELT

[No. 7941]
[F. R. Doc. 38-2297; Filed, August 8, 1938; 10:04 a.m.]

EXECUTIVE ORDER
AUTHORIZING THE EMPLOYMENT OF CERTAIN EXAMINERS AND OTHER EXPERTS PAID FROM FUNDS AUTHORIZED BY PUBLIC RESOLUTION NO. 113, 75TH CONGRESS, WITHOUT COMPLIANCE WITH THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by the provisions of paragraph Eighth of subdivision SECOND of section 2 of the Civil Service Act of January 16, 1883 (22 Stat. 403, 404), it is hereby ordered that the positions of examiners and other experts in the Department of Justice, the Department of the Treasury, the Department of Labor, the Department of Commerce, the Securities and Exchange Commission, and the Federal Trade Commission, are necessary to enable the said Departments and Commissions to carry out their functions under Public Resolution No. 113, 75th Congress, approved June 16, 1933, establishing the temporary National Economic Committee, and the compensation of which is paid from funds allocated to the said Departments and Commissions by the President from the appropriation made by the Second Deficiency Appropriation Act, fiscal year 1938, Public No. 728, 75th Congress, approved June 25, 1938, for carrying out the provisions of the said Public Resolution No. 113, may be filled by the said Departments and Commissions without compliance with the requirements of the Civil Service Rules.

FRANKLIN D ROOSEVELT
The White House, Aug. 4, 1938.

[No. 7944]
[F. R. Doc. 38-2292; Filed, August 8, 1938; 10:02 a.m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
[Order No. 27]

ORDER REGULATING SUCH HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA AS IS IN INTERSTATE COMMERCE, AND AS DIRECTLY BURdens, OBSTRUCTS OR AFFECTS INTERSTATE COMMERCE

Whereas, under the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture of the United States is empowered, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in such handling of any agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, under the terms and provisions of said act, the Secretary of Agriculture is empowered to issue orders applicable to processors, producers, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of section 8c, such orders to regulate only such handling of such agricultural commodity or product thereof as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, the Secretary of Agriculture, having reason to believe that the execution of a marketing agreement and the issuance of an order with respect to the handling of milk in the New York metropolitan marketing area, would tend to effectuate the declared policy of said act, gave, on the 29th day of April 1938, notice of public hearings to be held on a proposed marketing agreement and a proposed order, said hearings being held jointly with the Commission of Agriculture and Markets of the State of New York at Albany, New York, May 13, 1938; Malone, New York, May 17, 1938; Syracuse, New York, May 18, 1938; Elmira, New York, May 19, 1938; New York City, May 20, 24, 25, and 26, 1938; and Albany, New York, June 3, 4, and 7, 1938, and at said times and places all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and the proposed order; and

Whereas, the Secretary of Agriculture has found and proclaimed the period

3 F. R. 1000 D. 1
See Page 1957.
August 1921—July 1929 to be the base period to be used in connection with ascertaining the purchasing power of milk produced for sale in the New York metropolitan marketing area; and

Whereas, the Secretary of Agriculture finds that a spot rate assessment on handlers at a rate not to exceed 2 cents per hundredweight of Class I, II-A, and II-B milk handled will provide funds necessary for the proper administration of this order; and

Whereas, the Secretary of Agriculture finds, upon the evidence introduced at the said public hearings;

1. That approximately one-third of the milk produced for sale in the marketing area is produced in States other than the State of New York; that approximately one-third of the milk produced in the State of New York for sale in the marketing area passes through other States on its way to be sold in the marketing area; and that milk produced in New York for the city of New York in the marketing area which does not pass through other States on its way to be sold in the marketing area is physically and inextricably intermingled with that milk which is produced outside the State of New York; and that all milk produced in the marketing area or which is produced in the State of New York for sale in the marketing area but which passes through other States on its way to be sold in the marketing area; and that milk produced in the marketing area is handled in the current of interstate commerce or so as directly to burden, obstruct, or affect interstate commerce in milk and its products, except as such milk is regulated by an order of the Commissioner of Agriculture and Markets of the State of New York, to which this order is complementary;

2. That the prices calculated to give milk handled in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8e of the act are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply and demand for such milk, and that the minimum prices fixed in accordance with the method set forth in this order are such prices as will reflect such factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

3. That this order regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement upon which hearings have been held;

4. That marketing conditions for milk flowing into the New York metropolitan marketing area are so disrupted as to result in impairment of the purchasing power of such milk, and that the issuance of this order and all of its terms and conditions will tend to effectuate the declared policy of the act.

Now, therefore, the Secretary of Agriculture, pursuant to the authority vested in him by said act, hereby orders that such handling of milk produced for sale in the New York metropolitan marketing area as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce, shall, from the effective date hereof as determined pursuant to article X, be in conformity to and in compliance with the terms and conditions hereinafter set forth.

ARTICLE I.—DEFINITIONS

SECTION 1. Definitions.—The following terms shall have the following meanings:

1. "Act" means the Agricultural Marketing Agreement Act of 1927 which reenacts and further amends certain provisions of Public No. 10, 73rd Congress, as amended.

2. "Secretary" means the Secretary of Agriculture of the United States.

3. "New York metropolitan milk marketing area" means the city of New York, and the counties of Nassau, Suffolk, and Westchester, all in the State of New York, and is hereinafter called the "marketing area."

4. "Person" means any individual, partnership, corporation, association, or any other business unit.

5. "Producer" means any person who produces milk which is delivered to a handler at a plant which is approved by any health authority for the receiving of milk to be sold in the marketing area.

6. "Handler" means any person who engages in the handling of milk, or cream therefrom, which was received at a plant approved by any health authority for the receiving of milk to be sold in the marketing area.

7. "Market administrator" means the agency, which is described in article II, for the administration of this order.

ARTICLE II.—MARKET ADMINISTRATOR

Section 1. Selection, removal and bond.—The agency for the administration of this order shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

Sec. 2. Compensation.—The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

Sec. 3. Powers.—The market administrator shall have power:

1. To administer the terms and provisions hereof;

2. To receive, investigate and report to the Secretary complaints of violations of this order.

Sec. 4. Duties.—The market administrator, in addition to the duties hereinafter described shall:

1. Keep such books and records as will clearly reflect the transactions provided for herein;

2. Submit his books and records to examination by the Secretary at any and all times;

3. Furnish such information and such verified reports as the Secretary may request;

4. Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator;

5. Furnish such information and such verified reports as the Secretary may request;

6. Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

7. Pay out of the funds received pursuant to article VIII—

(a) The cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator;

(b) His own compensation, and

(c) All other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties;

8. Maintain a main office and such branch offices as may be necessary.

Sec. 5. Announcement of Prices.—The market administrator shall publicly announce prices as follows:

1. Not later than the 25th day of each month, the Class I and Class II-A prices to be in effect for the following month, pursuant to section 1 of article IV;

2. Not later than the 8th day of each month, the prices effective for the preceding month for Classes II-B, III-A, III-B, III-C, III-D, IV-A, and IV-B, pursuant to section 1 of article IV;

3. Not later than the 14th day of each month, the uniform price com-
ARTICLE III.—CLASSIFICATION OF MILK

SECTION 1. Basis of classification.—All milk received from producers by handlers shall be classified in the classes set forth in section 2 of this article in accordance with its utilization at, or movement from, the plant of such person's records. Any claim by a handler of utilization of milk at the plant not at the end of any month shall be accompanied by a complete statement of such utilization and written consent by such person for the market administrator to verify such statement by an audit of such person's records.

Any milk or cream which is on hand at any plant at the end of any month shall be classified in accordance with the form in which is leaves, or is utilized at, such plant not later than the 8th day of the following month.

Sec. 2. Classes of utilization.—The classes of utilization of milk shall be as follows:

1. Class I milk shall be all milk which leaves a plant as milk, chocolate milk, or any whole milk drink, and all milk the utilization of which is not established for classification in some other class named in this section, except that or waste of milk in the plant which received from producers, not to exceed 2 percent of the total quantity of milk received from producers, may be prorated to each class in the proportion which the milk in such class is of the total quantity of milk classified.

2. Class II-A milk shall be all milk the butterfat from which leaves, or is on hand at a plant, in the form of cream, plain condensed milk, milk chocolate, milk powder, sweetened condensed milk, milk crystallized, milk cardamom, malted milk powder, or other milk products except as set forth in paragraphs 5 and 7 of this section.

3. Class II-B milk shall be all milk the butterfat from which leaves, or is on hand at a plant in the form of cream, plain condensed milk, except as set forth in paragraph 6 of this section, frozen desserts, or homogenized mixtures.

4. Class II-C milk shall be all milk the butterfat from which leaves a plant in the form of frozen desserts or homogenized mixtures, which are sold outside of New York City.

5. Class III-B milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of cream, which is subsequently held in a licensed cold storage warehouse for more than seven days, and is temperature below zero degrees Fahrenheit.

6. Class III-C milk shall be all milk the butterfat from which leaves a plant in the form of frozen desserts or homogenized mixtures, which were sold outside of New York City.

7. Class III-D milk shall be all milk the butterfat from which is delivered as cream to a purchaser, not a handler, outside the State of New York and outside any county in other States in which there is a plant which is approved by any health authority for the receiving of milk to be sold in the marketing area, also milk the butterfat from which leaves or is on hand at a plant in the form of cream.

8. Class IV-A milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of butter.

9. Class IV-B milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of American Cheddar cheese.

ARTICLE IV.—MINIMUM PRICES

SECTION 1. Class prices.—For milk containing 3.5 percent of butterfat received, during each month, from producers or cooperative associations of producers at plants in the 201-210 milk zone, each handler shall pay per hundredweight net less than the prices set forth in this section. For milk containing more or less than 3.5 percent of butterfat or received from producers or cooperative associations of producers at plants in other zones, each handler shall pay per hundredweight net less than the prices set forth in sections 2 and 3 of this section.

The minimum prices for milk in Class I and Class II-A milk shall apply to all Class I and Class II-A milk which is sold in the marketing area or which passes through a plant in the marketing area. The minimum prices for milk in Class II-B, III-A, III-B, III-C, III-D, IV-A, and IV-B shall apply to all milk of any handler in these classes unless such handler has milk in Class I to which the minimum price is not applicable, in which event the prices for Class II-B, III-A, III-B, III-C, III-D, IV-A, and IV-B prices shall not apply to the percent of his milk, if any, in each of the said classes which is equal to the percent of his total milk received from producers to which these prices are not applicable.

Payment of the minimum prices for milk received direct from producers shall be in accordance with article VII. Any handler who purchases or receives milk from a cooperative association of producers which is also a handler shall pay such cooperative association in full for such milk at not less than the minimum prices applicable pursuant to this article.

1. For Class I milk the price during each month shall be as shown in the schedule below in this paragraph for the butter-price range in which falls the average, as determined by the market administrator, of the prices reported daily during the 60 days preceding the 25th day of the preceding month, by the United States Department of Agriculture, for 92-score butter at wholesale in the New York market.

<table>
<thead>
<tr>
<th>Class I price</th>
<th>Buttermilk price (cents per pound)</th>
</tr>
</thead>
<tbody>
<tr>
<td>April through</td>
<td>July</td>
</tr>
<tr>
<td>Dollars per</td>
<td>Dollars per</td>
</tr>
<tr>
<td>month</td>
<td>month</td>
</tr>
<tr>
<td>Under 30</td>
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<tr>
<td>30-35</td>
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<td>35-40</td>
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<td>40-45</td>
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<tr>
<td>45-50</td>
<td>2.15</td>
</tr>
<tr>
<td>50-55</td>
<td>2.25</td>
</tr>
<tr>
<td>Over 55</td>
<td>2.50</td>
</tr>
</tbody>
</table>

2. For Class II-A milk the price during each month shall be as shown in the schedule below in this paragraph for the butter-price range in which falls the average, as determined by the market administrator, of the prices reported daily during the 30 days preceding the 25th day of the preceding month, by the United States Department of Agriculture for 92-score butter at wholesale in the New York market.

<table>
<thead>
<tr>
<th>Class II-A price</th>
<th>Butter-price range (cents per pound)</th>
</tr>
</thead>
<tbody>
<tr>
<td>March through</td>
<td>July</td>
</tr>
<tr>
<td>Dollars per</td>
<td>Dollars per</td>
</tr>
<tr>
<td>month</td>
<td>month</td>
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<tr>
<td>Under 30</td>
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<tr>
<td>30-35</td>
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<td>45-50</td>
<td>1.75</td>
</tr>
<tr>
<td>50-55</td>
<td>1.95</td>
</tr>
<tr>
<td>Over 55</td>
<td>2.25</td>
</tr>
</tbody>
</table>

3. For Class II-B milk the price during each month shall be 10 cents higher than the Class III-A price.

4. For Class III-B milk the price during each month shall be 10 cents higher than the average, computed by the market administrator, of the prices reported daily during the 60 days preceding the 25th day of the preceding month, by the United States Department of Agriculture, for 92-score butter at wholesale in the New York market.

5. Class III-B milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of cream, which is subsequently held in a licensed cold storage warehouse for more than seven days, and is temperature below zero degrees Fahrenheit.

6. Class III-C milk shall be all milk the butterfat from which leaves a plant in the form of frozen desserts or homogenized mixtures, which were sold outside of New York City.

7. Class III-D milk shall be all milk the butterfat from which is delivered as cream to a purchaser, not a handler, outside the State of New York and outside any county in other States in which there is a plant which is approved by any health authority for the receiving of milk to be sold in the marketing area, also milk the butterfat from which leaves or is on hand at a plant in the form of cream.

8. Class IV-A milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of butter.

9. Class IV-B milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of American Cheddar cheese.
of Agriculture, add 30 percent, multiply by 3.5, and add 7 cents.

**Locations of Evaporated Milk Plants**

Sparta, Mich.
Hudson, Mich.
Wayland, Mich.
Cooperville, Mich.
Crexville, Wis.
Black Creek, Wis.
Orfordville, Wis.
Berlin, Wis.
Richland Center, Wis.
Cecinnos, Wis.
Jefferson, Wis.
New Clarus, Wis.
Beloit, Wis.
New London, Wis.
Coldwater, Ohio
Delta, Ohio.

5. For Class III-B milk the price during each month shall be 20 cents higher than the Class IV-A price.

6. For Class III-C milk the price during each month shall be 10 cents higher than the Class IV-A price.

7. For Class III-D milk the price during each month shall be 7½ cents higher than the Class IV-A price.

8. For Class IV-A milk the price during each month shall be a price computed by the market administrator as follows: Take the average of the highest prices reported daily during such month by the United States Department of Agriculture for 92-sieve butter at wholesale in the New York market, deduct 4 cents, add 29 percent, and multiply by 3.5.

9. For Class IV-B milk the price during each month shall be a price computed by the market administrator as follows: Take the average of the weekly quotations, with differentials as indicated, from such of these markets as may issue quotations during such month: Single Daisies at Wisconsin Cheese Exchange, Plymouth, Wisconsin, plus one cent per pound; Twins at Governor Cheese Board, Governor, New York; Plants at Cuba Board of Trade, Cuba, New York; deduct 3 cents, and multiply by 9.45. In the absence of any such quotation the price for the preceding month shall be effective.

**Butterfat differentials.** The minimum prices for Classes I, II-A, II-B, III-B, III-C, and III-D milk set forth in section 1 of this article shall be subject to payment of butterfat differentials pursuant to section 2 of article VII. The minimum prices for Classes III-A and IV-A milk containing more or less than 3.5 percent butterfat shall be plus or minus, for each one-tenth of one percent butterfat, an amount equal to the respective prices set forth in paragraphs 4 and 8 of section 1 of this article, divided by 35. The minimum prices for Class IV-B milk containing more or less than 3.5 percent butterfat shall be plus or minus, for each one-tenth of one percent butterfat, an amount equal to the price set forth in paragraph 9 of section 1 of this article divided by 8.45 and multiplied by 0.23.

**Transportation differentials.**—The market administrator shall from time to time publicly announce for each plant operated by each handler the freight zone set forth in the schedule below in this section according to the railway mileage distance from New York City of its nearest railway shipping point, or its highway mileage distance from New York City, if the latter is less than the former by more than 15 miles. Any such mileage distance shall be that recognized for rate-making purposes by the Interstate Commerce Commission. The minimum prices set forth in section 1 of this article shall be plus or minus the amounts as set forth in the following schedule:

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**ARTICLE V.—REPORTS OF HANDLERS**

**Section 1. Preliminary monthly reports.**—On or before the 22nd day of each month each handler shall, when requested by the market administrator, report to the market administrator in the manner and form prescribed by him: (a) The total quantity of milk received during the first twenty days of such month from such handler and from other handlers; (b) the utilization of such milk in the several classes set forth in article III.

**Section 2. Reports of deliveries per day per producer.**—Each handler shall, upon request of the market administrator, make reports of deliveries of milk per day during a specified period of time.

**Section 3. Final monthly reports.**—On or before the 10th day of each month each handler shall report to the market administrator, in the manner and on forms prescribed by the market administrator, with respect to milk received at each plant during the preceding month:

1. The total quantity of milk, with the average butterfat content thereof, received from producers, from other plants, from such handler's own farm, and from other handlers.

2. The total quantity of milk and of each product of milk moved out of such plant during such month or on board at such plant at the end of such month, the butterfat content of each product; and the destination of any milk which moved out of such plant.

3. If classification of any milk is claimed by such handler on the basis of utilization at some other plant, the utilization of such milk, together with written consent for verification by audit thereof signed by the operator, if not a handler, of the other plant, and

4. The computation, pursuant to section 1 of article VI of such handler's net pool obligation.

**Section 4. Verification of reports and payments.**—The market administrator shall promptly verify all reports and payments of each handler by audit of such handler's records. Each handler shall, during the usual hours of business, make such reports and payments as are available to the market administrator or his representative such of his records and facilities as will enable the market administrator to:

1. Verify the receipts and utilization of all milk required to be reported pursuant to this article, and, in case of errors or omissions, ascertain the correct figures:

2. Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends; and

3. Verify the payments to producers prescribed in article VII.

**ARTICLE VI.—DETERMINATION OF UNIFORM PRICE**

**Section 1. Net pool obligation of handlers.**—The net pool obligation of any handler for milk received from producers during each month shall be a sum of
money computed for such month as follows:

1. Determine the total quantity of milk in each class at each plant.
2. Subtract from the quantity of milk in each class the quantity of such milk received from other plants or from other handlers.
3. Subtract pro rata out of each class the quantity of milk received from the handler's own farm.
4. Subtract from the remaining quantity of milk in each class, the quantity of each to which the prices in section 1 of article IV do not apply, which result shall be known as the "net pooled milk" in each class.
5. Multiply the total quantity of net pooled milk in each class, at all plants of the handler combined, by the respective class prices set forth in section 1 of article IV and add together the resulting sums.
6. Deduct, in the case of each plant where the average butterfat content of all milk received from producers is less than 3.5 percent, an amount equal to the difference between the total value of the butterfat differentials on net pooled milk in Classes III-A, IV-A, and IV-B at the rates set forth in section 2 of article IV for such milk and the total value of the butterfat differentials on such milk as set forth in section 3 of article VII.
7. Deduct, in the case of each plant nearer New York City than the 201-210 mile zone, and add, in the case of each plant farther from New York City than the 201-210 mile zone, an amount equal to the difference between the sum of the respective transportation differentials as set forth in section 3 of article IV, on all net pooled milk in Classes II-A, II-B, III-A, III-B, and III-C and the sum obtained by applying the appropriate zone differential set forth in column B of the schedule in section 3 of article IV to the total net pooled milk at each plant in Classes II-A, II-B, III-A, III-B, III-C, III-D, IV-A, and IV-B.
8. Deduct 2 cents per hundredweight for all net pooled milk received from producers at plants in the counties or portions of counties listed below in this section. The result thus obtained shall be known as the "handler's net pool obligation."
shall be made to each cooperative association of producers under the following conditions and at the following rates:

1. One cent per hundredweight of net pooled milk at any handler's plant which was caused to be delivered from its members by such association and on which such handler has made the reports and payments required by this order.

2. Except as set forth in paragraph 3 of this section, 2½ cents per hundredweight of net pooled milk at plants of other handlers which was reported and collected for by such association.

3. Five cents per hundredweight of net pooled milk at plants operated by such association and, if, in addition to the other qualifications, such association has been determined by the Secretary to have sufficient plant capacity to receive all the milk of producers who are members and to be willing and able to receive milk from producers not members, 5 cents per hundredweight of any net pooled milk which was caused by it to be delivered to any other handler and which is reported and collected for by such association.

Sec. 8. Payments to the producer settlement fund.—Each handler shall on or before the 16th day of each month pay to the market administrator for payment to producers through the producer settlement fund the amount by which his net pool obligation for the preceding month is greater than the amount obtained by multiplying the net pooled milk of such handler by the uniform price.

Sec. 9. Payments out of producer settlement fund.—On or before the 20th day of each month the market administrator shall remit to each handler for payment to producers the amount, if any, by which handler's net pool obligation is less than the amount obtained by multiplying the net pooled milk of such handler by the uniform price. If at such time the balance in the producer settlement fund is insufficient to make all payments due to such handler, the market administrator shall reduce uniformly the payments made to each handler and shall complete such payments as soon as the necessary funds are available. No handler who, on the 25th day of the month, has not received the balance of such reduced payment from the market administrator shall be deemed to be in violation of section 1 of this article if he reduces his payments to producers by not more than the amount of such reduced payment from the producer settlement fund.

Sec 10. Adjustments of errors in payments.—Whenever verification by the market administrator of reports or payments of any handler discloses errors in the amount of payment to producers, the market administrator shall adjust such errors in an equitable manner.

ARTICLE V—EXPENSE OF ADMINISTRATION

Section 1. Payment by handlers.—As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator for payment to producers pursuant to sections 6, 8, and 10 of this article, and to cooperative association of producers pursuant to section 5 of this article, and to cooperative association of producers pursuant to section 5 of this article, an amount to be determined by the market administrator subject to review by the Secretary. This section shall not be deemed to duplicate any similar payment by any handler under any order issued by the Commissioner for Markets of the State of New York to which this order is complementary.

ARTICLE IX.—SUSPENSION, TERMINATION AND LIQUIDATION

Section 1. Continuing obligation of handlers.—Unless otherwise provided by the Secretary in any notice of amendment, termination or suspension of any or all of the provisions hereof, such amendment, termination or suspension shall not (a) affect, waive, or terminate any right, duty, obligation, or liability which shall have arisen or may thereafter arise in connection with any provision of this order; (b) release or waive any violation of any provision of this order; or (c) affect or impair any right or remedies of the Secretary or of any other person with respect to any such violations.

Sec. 2. Continuing power and duty.—If, upon the termination or suspension of this order, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, or by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such termination or suspension.

The market administrator shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, to such person as the Secretary shall direct; and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator pursuant to this order.

Sec. 3. Liquidation.—Upon the termination or suspension of this order, the market administrator shall, if so directed by the Secretary, liquidate the business of the market administrator's continued dispense of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such termination or suspension.

Any funds collected for expenses, pursuant to the provisions of this order, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator in liquidating the market administrator's office shall be distributed by the market administrator to handlers in an equitable manner.
ARTICLE X—EFFECTIVE TIME

SECTION 1. Effective time.—This order shall become effective after the issuance by the Commissioner of Agriculture and Markets of the State of New York of an order containing provisions similar to the provisions of this order and to which this order shall be complementary and on the first day of the month following, by more than three days, publication in the Federal Register by the Secretary of (a) his finding that the order is approved by more than two-thirds of the producers voting in a referendum, (b) a marketing agreement containing provisions similar to this order approved by him and signed by handlers of more than 50 percent of the milk sold in the marketing area, or, his determination approved by the President that the failure or refusal of handlers to sign tends to prevent the effectuation of the declared policy of the act and that the issuance of the order is the only practical means of advancing the interests of producers pursuant to such declared policy of the act.

In witness whereof, I, H. A. Wallace, Secretary of Agriculture of the United States, have executed in duplicate and issued this order to become effective in accordance with article X hereof, and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 5th day of August, 1938.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-2280; Filed, August 5, 1938; 3:29 p.m.]

TITLE 8—ALIENS AND CITIZENSHIP
IMMIGRATION AND NATURALIZATION SERVICE

[Second Supplement to General Order No. C-24]

PORTS OF ENTRY FOR ALIENS ARRIVING BY AIRCRAFT

INTERNATIONAL AIRPORT, TAMPA, FLA.

AUGUST 5, 1938.

Pursuant to the authority contained in Subsection (d) of Section 7 of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; 49 U. S. C. 177 (d)), the designation of International Airport, Tampa, Florida as a temporary port for the entry into the United States of aliens arriving by aircraft is hereby discontinued.

Sec. 11.33, Title 8, Code of Federal Regulations (Rule 3, Subdivision A, Paragraph 3 (b) of the Immigration Rules and Regulations of January 1, 1933, Edition of December 31, 1936), has been amended by striking Tampa, Florida, International Airport, in the list of temporary ports of entry for aliens arriving by aircraft.

[SEAL] FRANCES PERKINS, Secretary.

Approval Recommended:

JAMES L. HOUGHTHILLING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 38-2283; Filed, August 6, 1938; 10:34 a.m.]

[General Order No. C-44]

ISSUANCE AND DESCRIPTION OF BORDER CROSSING CARDS

AUGUST 5, 1938.

Pursuant to the authority contained in Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 29 Stat. 802; 8 U. S. C. 162), Sec. 11.83, Title 8, Code of Federal Regulations (Rule 3, Subdivision Q, Paragraph 1 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), is amended to read as follows:

Sec. 11.83. Border crossing cards; issuance and description of.—An alien or citizen residing upon either side of an international boundary line who has occasion frequently to cross and recross such boundary line for limited visits, upon application, may be issued an identification card which shall correctly set forth his status. The application shall be accompanied by two unmounted photographs of the applicant (2 by 2 inches, the distance from the top of head to point of chin to be approximately 11/2 inches) for attachment to the identification card, together with the data necessary for completion of the card. Such data shall be inserted in the appropriate blank spaces by typewriter or with ink. The applicant shall sign his name in ink except where, in the judgment of the issuing inspector, his signature may be made with an indelible pencil.

[SEAL] JAMES L. HOUGHTHILLING, Commissioner of Immigration and Naturalization.

Approved:

FRANCES PERKINS, Secretary.

[F. R. Doc. 38-2283; Filed, August 6, 1938; 10:34 a.m.]

TITLE 15—COMMERCE
NATIONAL BITUMINOUS COAL COMMISSION
RULING RELATING TO THIRTY DAY CONTRACT LIMITATION

The Commission having entered its ruling relating to thirty (30) day contract limitation on March 30, 1938, and having modified said ruling on April 6, 1938,1 and this day having amended paragraph numbered (2) of the modification dated April 6, 1938 to read as follows:

"(2) To enter into a contract for the sale of coal for periods not exceeding thirty (30) days from the date of such sale or agreement of sale, provided that such contract shall be effective only if such contract is approved by more than two-thirds of the producers voting in a referendum and that thereupon no coal will be delivered thereunder until minimum prices are made effective by the Commission and thereafter no coal will be delivered thereunder below the minimum prices;";

said ruling as amended is hereby published in consolidated form:

Inquiry having been made to the Commission as to whether or not a thirty (30) day limitation on contracts for the sale of coal is in effect by virtue of the provisions of the third paragraph of Section 4 (e) of the Act, or by virtue of Commission's Order No. 44,2 and as to the power of the Commission to make such thirty (30) day limitation under the authority vesting in the Commission to prescribe reasonable rules and regulations to carry out the provisions of the Act, in response thereto and in conformity with what it deems to be the intent of Congress, and in order to carry out the provisions of the Act:

The Commission construes the third paragraph of Section 4 (e) of the Act, which limits contracts for the sale of coal from and after the date of the approval of the Act, "...until prices shall have been established," to a period not longer than thirty (30) days from the date of the contract, as meaning that the thirty (30) day limitation on contracts shall be effective "while" or "as long as" prices are not established, the word "until" referring to the entire time of the duration of a condition, rather than the mere point of inception of such condition, and;

The Commission declares that until minimum prices of coals of code members have been re-established by the National Bituminous Coal Commission, pursuant to subsections (a) and (b) of Part II, Section 4 of the Act, no code member shall sell or enter into any agreement to sell coal calling for delivery thereafter for a period beyond thirty (30) days from the date of sale or agreement of sale, provided however, that it will not be deemed a violation of the Code:

(1) To enter into a contract for the sale of coal with agencies of the Federal Government containing a provision permitting the Federal Government to renew the contract after the effective date of minimum prices, either for the remainder of the fiscal year or for such part thereof as the Government may

1 8 F. R. 807, 843 D. D.
2 9 F. R. 1849 (2188 D.).
TITLE 16—COMPETITIVE PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 2662]

IN THE MATTER OF H. R. ZIMMER

Sec. 3.6. (t) Advertising falsely or misleadingly—Qualities or properties of product.—Representing that “radium emanator”, or any like device, has any curative value, or is in any way beneficial in the treatment of specified human ailments, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Docket 2662, July 29, 1938].

Sec. 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product.—Representing that “radium emanator”, or any like device, will improve health, prolong life, or destroy any injurious bacteria in water, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Demand and desist order, H. R. Zimmer, Docket 2662, July 29, 1938].

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of July, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Evin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2662]

IN THE MATTER OF H. R. ZIMMER

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before Charles P. Vicini,

1 F. R. 1265.

John W. Addison, and Robert S. Hall, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint (no proof having been offered by respondent in opposition to the allegations of said complaint), brief filed herein by Clark Nichols, counsel for the Commission (no brief having been filed and no request having been made by respondent for oral argument), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, H. R. Zimmer, his representatives, agents, and employees, in connection with the offering for sale, sale and distribution of his Zimmer Radium Emanator or any other like or similar device, whether sold under the name Zimmer Radium Emanator or under any other name, in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

(1) Representing that said product has any curative, remedial, or therapeutic value or is in any way beneficial in the treatment of anemia, asthma, stilt joints, hardening of arteries and high blood pressure, arthritis, appoplexy, bronchitis, inflammation of bladder, diabetes, eczema, condition of weakness after sickness, inflammation of stomach and bowels, inflammation of sinuses, gout, laryngitis, lumbago, inflammation of uterus, inflammation of spinal cord, sick headaches, inflammation of heart muscles, Bright's disease, neuritis and neuralgia, nervous prostration, peritonitis, polyarthritis, puerpera, skin diseases, rheumatism, hay fever, scleatic, syphilis, locomar ataxia, and evil age symptoms of disease, or any other disease or diseases.

(2) Representing that said product will improve health, prolong life, or destroy all injurious bacteria in water.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[Seal] OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-2302; Filed, August 8, 1938; 11:53 a.m.]
Revenue Act of 1932, as amended by the National Industrial Recovery Act, the Revenue Act of 1934, the Revenue Act of 1936, and the Revenue Act of 1938, as amended by the Revenue Act of 1937, and capital stock and excess-profits tax returns made under the National Industrial Recovery Act, the Revenue Act of 1934, the Revenue Act of 1935, as amended by the Revenue Act of 1936 and the Revenue Act of 1936, for the calendar year 1932 and all subsequent taxable years to and including the fiscal year ending November 30, 1938, shall be open to inspection by the Special Committee on Un-American Activities, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying out the provisions of House Resolution 322 (Seventy-fifth Congress, third session), passed May 26, 1938. The inspection of returns herein authorized may be by the committee or a duly authorized subcommittee thereof, acting directly as a committee or a subcommittee, or by or through such examiners or agents as the committee or subcommittee may designate or appoint. Upon written request by the chairman of the committee or of the authorized subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns, the Secretary and any officer or employee of the Treasury Department shall furnish such committee or subcommittee with any data relating to or contained in any such return, or shall make such return available for inspection by the committee or subcommittee or by such examiners or agents as the committee or subcommittee may designate or appoint, in the office of the Commissioner of Internal Revenue. Any information thus obtained by the committee or the subcommittee may be submitted by the committee or the subcommittee to the House.

H. Morgenthau, Jr.,
Secretary of the Treasury.

[Manuscript]

Approved:

F. D. Roosevelt,
The White House.

[Manuscript]

TITLE 25—PARKS AND FORESTS
FOREST SERVICE

[Text]

Rules and Regulations Governing Exercise of Water Rights Reserved by the Grantor of Lands Conveyed to the United States

In conformity with the provisions of the Act of March 1, 1911, (36 Stat. 861; 16 U. S. C., Sec. 518); I, H. A. Wallace, Secretary of Agriculture, do hereby prescribe the following rules and regulations to govern the exercise of the right reserved by the grantor to occupy and use for the purposes of residence, agricultural industry or common use lands conveyed to the United States for National Forest purposes under authority of said act as amended.

1. The reservation so created shall not be assigned, used or occupied by anyone other than the grantor without the consent of the United States.

[Manuscript]
2. All reasonable precautions shall be taken by the grantor and all persons acting or claiming under him to prevent and suppress forest fires upon or threatening the premises or other adjacent lands of the United States, and any person failing to comply with this requirement shall be responsible for any damages sustained by the United States by reason thereof.

3. The premises shall not be used or permitted to be used, without the written consent of the United States, for any purpose or purposes other than those specified in the instrument creating the reservation.

4. The grantor and all persons acting for or claiming under him shall maintain the premises and all buildings and structures thereon in proper repair and for or claiming under him shall maintain the premises and all buildings and structures thereon in proper repair and sanitation and shall comply with the laws and lawful orders of the State in the which the premises are located.

5. All improvements built or maintained upon the right-of-way shall be kept in an orderly, safe and sanitary condition. Maintain such conditions shall be cause for the termination of the reservation after 30 days notice in writing to the occupant or user that unsatisfactory conditions exist and that the Department intends to terminate all rights under the reservation unless such conditions are forthwith corrected to the satisfaction of the Regional Forester.

6. Upon the termination of reservation the owners of personal property remaining on the premises shall remove same within a period of three months.

7. The said reservation shall be subject to rights-of-way for the use of the United States or its permittees, upon, across, or through the said land, as may hereafter be required for the erection, construction, maintenance and operation of public utility systems over or across the premises, or for the construction and maintenance of any improvements necessary for the good administration and protection of the national forests, and shall be subject to the right of officials or employees of the Forest Service to inspect the premises, or any part thereof, at any reasonable times and as often as deemed necessary in the performance of official duties in respect to the premises.

In testimony thereof, I have hereunto set my hand and official seal of the Department of Agriculture, in the City of Washington, this 5th day of August, 1938.

H. A. WALLACE, Secretary of Agriculture.

[F. R. Doc. 38-2290; Filed, August 6, 1938; 12:39 p.m.]

Rules and Regulations Governing Rights-of-Way Reserved by the Grantor on Lands Conveyed to the United States

* In conformity with the provisions of the Act of March 1, 1911 (36 Stat. 961, 16 U. S. C. Sec. 518), I, H. A. Wallace, Secretary of Agriculture, do hereby prescribe the following rules and regulations to govern the exercise of rights-of-way reserved by a grantor of lands to the United States.

1. Brush and refuse resulting from the exercise of the right-of-way reservation shall be disposed of to the satisfaction of the Forest Officer in charge.

2. Timber cut and destroyed in the exercise of the right-of-way reservation shall be paid for at rates to be prescribed by the Forest Officer in charge, which rates shall be the usual stumpage prices charged in the locality in sales of national forest timber of the same kind or species; for injury to timber, second growth, and reproduction, the amount of actual damage shall be ascertained by the Forest Supervisor according to the rules applicable in such cases.

3. All improvements built or maintained upon the right-of-way shall be kept in an orderly, safe and sanitary condition. Maintain such conditions shall be cause for the termination of the reservation after 30 days notice in writing to the occupant or user that unsatisfactory conditions exist and that the Department intends to terminate all rights under the reservation unless such conditions are forthwith corrected to the satisfaction of the Regional Forester.

4. Upon the abandonment of a reserved right-of-way, either by formal lease, by termination, or by non-use for a period of one calendar year, all improvements thereon not the property of the United States shall be removed therefrom within three months from the date of the abandonment, otherwise such improvements shall vest in and become the property of the United States.

5. All reasonable precautions to prevent and suppress forest fires shall be taken by the grantor and all persons acting for or claiming under him, suitably prescribed by grantor and/or said persons where the reserved right-of-way intersects existing roads and trails; borrow pits shall not be opened outside of the immediate graded section except under a special use permit from the Forest Supervisor.

6. Officers of the Forest Service shall have free ingress and egress on and over the reserved rights-of-way for all purposes necessary and incidental to the protection and administration of the national forest.

In testimony thereof, I have hereunto set my hand and official seal at the City of Washington, this 5th day of August, 1938.

H. A. WALLACE, Secretary of Agriculture.

[F. R. Doc. 38-2290; Filed, August 6, 1938; 12:40 p.m.]

16:39 p.m.

Department of the Interior.
Division of Territories and Island Possessions.

Excursion Rates on the Alaska Railroad
[16:39 p.m.]

The Alaska Railroad

Local Passenger Tariff No. 183-C'

'In conformity with the provisions of the Department of Agriculture, I, H. A. Wallace, Secretary of Agriculture, do hereby prescribe the following rules and regulations to govern the exercise of rights-of-way reserved by the grantor on lands conveyed to the United States, for construction and maintenance of utility systems over all or parts thereof, and for or claiming under him shall maintain the premises and all buildings and structures thereon in proper repair and sanitation and shall comply with the laws and lawful orders of the State in which the premises are located.

1. Brush and refuse resulting from the exercise of the right-of-way reservation shall be disposed of to the satisfaction of the Forest Officer in charge.

2. Timber cut and destroyed in the exercise of the right-of-way reservation shall be paid for at rates to be prescribed by the Forest Officer in charge, which rates shall be the usual stumpage prices charged in the locality in sales of national forest timber of the same kind or species; for injury to timber, second growth, and reproduction, the amount of actual damage shall be ascertained by the Forest Supervisor according to the rules applicable in such cases.

3. All improvements built or maintained upon the right-of-way shall be kept in an orderly, safe and sanitary condition. Maintain such conditions shall be cause for the termination of the reservation after 30 days notice in writing to the occupant or user that unsatisfactory conditions exist and that the Department intends to terminate all rights under the reservation unless such conditions are forthwith corrected to the satisfaction of the Regional Forester.

4. Upon the abandonment of a reserved right-of-way, either by formal lease, by termination, or by non-use for a period of one calendar year, all improvements thereon not the property of the United States shall be removed therefrom within three months from the date of the abandonment, otherwise such improvements shall vest in and become the property of the United States.

5. All reasonable precautions to prevent and suppress forest fires shall be taken by the grantor and all persons acting for or claiming under him, suitably prescribed by grantor and/or said persons where the reserved right-of-way intersects existing roads and trails; borrow pits shall not be opened outside of the immediate graded section except under a special use permit from the Forest Supervisor.

6. Officers of the Forest Service shall have free ingress and egress on and over the reserved rights-of-way for all purposes necessary and incidental to the protection and administration of the national forest.

In testimony thereof, I have hereunto set my hand and official seal at the City of Washington, this 5th day of August, 1938.

H. A. WALLACE, Secretary of Agriculture.

[F. R. Doc. 38-2290; Filed, August 6, 1938; 12:40 p.m.]

1 No supplement will be issued to this tariff except for the purpose of cancelling the tariff.

Rules and Regulations

1. Stations from and to which this tariff applies.—This tariff applies from all Rail Line stations. This tariff applies only to Fairbanks, Alaska. Conductor picking up passenger at non-agency station where ticket must be secured from originating station to final destination.

2. Dates of sale.—August 19, 20, 21, 22, 23, and 24, 1938.

3. Final return limit.—Return trip to be completed prior midnight of final limit. Tickets sold from stations College, Alaska to Curry, Alaska, inclusive will be limited to August 31, 1938. Tickets sold from stations Lane, Alaska to Seward, Alaska, inclusive, and Palmer, Alaska to Sutton, Alaska, inclusive will be limited to September 1, 1938.

4. Stopovers.—Stopovers will be permitted at all points within final return limit on both going and return trip. Stopover will be granted on application to Conductor who will endorse on reverse side of ticket "Off at _______ Station, Date _______ Train No. _______" This endorsement will be signed by Conductor and transportation returned to passenger.

5. Tickets.—Use Form L-14 Round Trip Excursion Tickets.

6. Children.—Tickets may be sold at one-half the fares named herein for children five years of age and under twelve years of age, sufficient to be added to make fare end in "0" or "5" Children under five years of age will be carried free when accompanied by parent or guardian.

7. Baggage.—Per baggage rules including free allowance, excess charge, etc., see Local Baggage Tariff No. 2, I. C. C. No. 22 (Alaskan Engineering

16:39 p.m.

Local Passenger Tariff No. 183-C'


Commission Series), supplements thereunto and reissues thereof. Excess baggage charges will be made on basis of the one-way fares shown in Local Passenger Tariff No. 42-B, I. C. C. No. 177, supplement thereunto and reissues thereof.

8. Tickets non-transferable.—All tickets sold at fares named herein are non-transferable and will be valid only for transportation of passenger for whom originally purchased.

9. Fares.—One first class fare and a third for the round trip. First class fares are shown in Local Passenger Tariff No. 42-B, I. C. C. No. 177, supplements thereunto and reissues thereof. Agents in selling round trip tickets under this tariff will add sufficient to make fare end in "0" or "5" for the round trip.

The above is hereby confirmed.

Ruth Hampton,
Acting Director.

[FR Doc. 38-2301 Filed, August 6, 1938; 9:54 a.m.]

National Bituminous Coal Commission.

[Order No. 346]

AN ORDER INSTITUTIONAL AN INVESTIGATION TO BE CONDUCTED BY THE COMMISSION FOR THE PURPOSE OF ACQUIRING SUCH INFORMATION AND DATA AS WILL ENABLE IT, AFTER HEARING, AND UPON NOTICE TO INTERESTED PARTIES, TO MAKE AND ISSUE RULES AND REGULATIONS TO MAKE SUB-SECTION 4-I (a) OF THE ACT EFFECTIVE.

Providing for the Collaboration of the District Boards with the Commission in the Collecting and Assembling of the Necessary Data and Information and Requesting the Aid of the District Boards by the Submission of Proposed Rules and Regulations Designed to Make Said Sub-Section Effective.

Whereas Sub-section (g) of Part II of Section 4 of the Bituminous Coal Act of 1937 provides:

The price provisions of this Act shall not be evaded or violated by or through the use of docks or other storage facilities or transportation facilities, or by or through the absorption, directly or indirectly, of any transportation or incidental charge of whatsoever kind or character or any part thereof. The Commission authorized, after investigation and hearing, and upon notice to the interested parties, to make and issue rules and regulations to make such subsection effective,

and

Whereas, it is desirable that the Commission be informed as to the practices heretofore and now employed or which are capable of being employed in the future, by producers or distributors of coal, by the use of subsidiaries, affiliated sales or transportation companies or other intermediaries or instrumentalities, or by or through the absorption, directly or indirectly, of any transportation or incidental charge of whatsoever kind or character or any part thereof.

The Commission authorized, after investigation and hearing, and upon notice to the interested parties, to make and issue rules and regulations to make such subsection effective.

and

Whereas, it is desirable that the Commission be informed as to the practices heretofore and now employed or which are capable of being employed in the future, by producers or distributors of coal, by the use of subsidiaries, affiliated sales or transportation companies or other intermediaries or instrumentalities or devices and their effect upon the actual price return to the producer or distributor for the coal sold by him, and

Whereas, the several District Boards are possessed by the privilege and power of acquiring, requisitioning, and disposing of such information and data relating to such methods and uses, which will materially aid the Commission in making proper rules and regulations.

Now, Therefore, Pursuant to the provisions of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That there be, and there is hereby, instituted an investigation to be conducted by the Commission for the purpose of ascertaining such information and data as shall enable it to make and issue rules and regulations designed to prevent the evasion or violation of the provisions of the Act by or through the use of docks or other storage facilities or transportation facilities, or by or through the use of subsidiaries, affiliated sales or transportation companies or other intermediaries or instrumentalities, or by or through the absorption, directly or indirectly, of any transportation or incidental charge of whatsoever kind or character, or any part thereof.

2. That the Marketing Division of the Commission be and it is hereby directed to proceed forthwith, in the name of and in behalf of the Commission, to make such inquiries and to seek such information, from whatever source available, as will, in its judgment, appear to be necessary to properly effectuate the purposes of Section 4-I (g) of the Act.

3. And to this end, the said Marketing Division is directed to seek the collaboration of the several District Boards, and to request the said several District Boards, in the name of the Commission, to consider, and propose to the Commission such rules and regulations as in their respective judgments, would serve to prevent or, in the event of violation, or violation of the price provisions of the Act by the means set forth in Section 4-I (g) of the Act.

4. That the Marketing Division of the Commission be and it is hereby directed to report the results of said investigation, and submit to the Commission the said proposals of the District Boards, not later than the 26th day of August, 1938, at which time the Commission will, by further order, provide for a hearing, and notice thereof, at which all interested parties will be afforded an opportunity to be heard, for the purpose of receiving evidence to enable the Commission to make and issue the rules and regulations authorized by Section 4-I (g) of the Act.

5. That the Secretary of the Commission be and he is hereby directed to mail a copy of this Order to the Secretaries of each District Board, the Consumers' Counsel and to all code members, together with a copy to all interested parties, submit to the Marketing Division of the Commission any information or data, or any suggestion which they consider pertinent; and the Secretary is further directed to cause a copy of this Order to be published in the Federal Register.

By order of the Commission.

Dated this 5th day of August, 1938.

[SEAL] P. Witcher McCullough, Secretary.

[F. R. Doc. 38-2307 Filed, August 8, 1938; 11:56 a.m.]

[DOCKET No. 15]

ORDER IN THE MATTER OF THE PETITION AND MOTION OF CHESTERTOWN COAL COMPANY, H. H. HEAT COAL COMPANY, INDEPENDENT COAL & COKE COMPANY, LIBERTY FUEL COMPANY, MACLEAN COAL COMPANY, NATIONAL COAL COMPANY, PEERLESS SALES COMPANY, ROYAL COAL COMPANY, SPRING CANYON COAL COMPANY, STANDARD COAL COMPANY, SWEET CREEK COAL COMPANY, UTAH FUEL COMPANY, UNITED STATES FUEL COMPANY.

At a special session of the National Bituminous Coal Commission held at its offices in Washington, D. C., on the 8th day of August, 1938.

The petitioners above named, having on the 31st day of May, 1938, petitioned the Commission to vacate its ruling dated March 30, 1938, and to revoke its construction therein of Section 10 (a) of the Bituminous Coal Act of 1937 permitting the introduction in evidence at a hearing before the Commission of data with respect to 1926 costs of production of individual producers.

The matter having come on to be heard, pursuant to due public notice, before the Commission in its Hearing Room in the Shirley-Savoy Hotel, Denver, Colorado, on the 15th day of June, 1938, at 10:00 A. M., upon the petition aforesaid, and a "Stipulation of Evidence," constituting the entire evidence, having been filed and received, and

The cause having been submitted, and the Commission being fully advised in the premises, it is found, upon due consideration, that the issues herein involved are identical with the issues in "The Matter of the Petition of the Mallory Coal Company, et al.," Docket No. 13, and in "The Matter of the Petition of the Rochester and Pittsburgh Coal Company, et al.," Docket No. 14, and that the petition and motion herein should be dismissed upon the same grounds and for the same reasons as set forth in the Opinion of the Commission, entered in the aforesaid Dockets Nos. 13 and 14, on the 1st day of June, 1938; and

Now, Therefore, It is ordered:

1. That the aforesaid petition and motion of Chesterton Coal Company, et al., filed herein on the 31st day of May, 1938, be and the same is hereby denied and dismissed.

2. [F. R. 1277 DL]
NOTICE AND ORDER FOR HEARING

The applicant above named, having on the 8th day of July, 1938, filed its application for provisional approval as a marketing agency, Notice Is Hereby Given that the above entitled matter is assigned for hearing before an Examiner of the Commission, on the Twenty-ninth day of August, 1938, at ten o'clock.

By order of the Commission.

Dated this 5th day of August, 1938.

[Seal] F. Witcher McCullough,
Secretary.

[Proof. No. 36-3-FD]

IN THE MATTER OF THE APPLICATION OF SOUTHERN ILLINOIS COALS, INCORPORATED, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

By order of the Commission.

Dated this 5th day of August, 1938.

[Seal] F. Witcher McCullough,
Secretary.

[Proof. No. 36-3-FD]
This Commission has not yet set for hearing and decided whether the applications for exemption which have been received from Iowa.

On July 26, 1938, Bituminous Coal Producers Board for District No. 12, by its counsel, filed a petition for permission to intervene in the matter of the application for exemption filed on behalf of Mahaska Coal Company, Inc.

The petition of the District Board states that "if the application for exemption hereof filed herein is granted, this Board will be adversely affected for the following reasons:

(a) It will be deprived of the revenue that it would receive from the applicant as a Code member, by way of collection of assessments.

(b) It would be seriously handicapped and hindered in the performance of its duties under said statute if this application is allowed.

(c) The Code members of which this petitioner is the representative would be seriously damaged and affected in the operation of their respective coal mines."

On July 28, 1938, applicant, Mahaska Coal Company, Inc., by its Secretary, submitted a motion to strike the petition for permission to intervene, filed by Bituminous Coal Producers Board for District No. 12.

Applicant states: (1) that the allegation of the District Board that "it will be deprived of the revenue that it would receive from the applicant, as a Code member, by way of collection of assessments," is not material in the matter of application for exemption for the reason that the Bituminous Coal Act of 1937 does not apply to applicant unless it is engaged in interstate commerce, and among other reasons, applicant further states that "there is no material deprivation of authority of the Bituminous Coal Producers Board for District No. 12 to collect revenue from the said Mahaska Coal Company, as the issue under the application of the Mahaska Coal Company," (2) applicant further states that the allegation by the Producers Board that the performance of its duties under the statute would be seriously handicapped and hindered if the application is allowed, is frivolous, incompetent, irrelevant, immaterial and not an issue in this proceeding; (3) applicant states that the allegations that the code members represented by the District Board would be seriously damaged and affected if the application for exemption is granted, is not a statement of fact, and no facts from which such a conclusion can be drawn have been stated in the petition of the District Board, and the statement is merely a conclusion of the pleader; (4) finally, applicant states that the Petition for Permission to Intervene does not state any facts upon which the Commission can pass, but states only conclusions of the pleader and no facts from which conclusions may be drawn.

We do not pass upon the allegations set forth by the District Board, but state only conclusions of the pleader and that the Petition for Permission to Intervene in the petition of the District Board, and the statement is merely a conclusion of the pleader; (4) finally, applicant states that the Petition for Permission to Intervene does not state any facts upon which the Commission can pass, but states only conclusions of the pleader and no facts from which conclusions may be drawn.

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ORDER 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendations of the Denver State Farm Security Advisory Committee, lists a loan for making all loans 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 county:

PENDER

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-2330; Filed, August 6, 1938; 12:50 p.m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. MC-27]

CENTRAL TERRITORY CONTRACT CARRIER RATES

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 1st day of August, A. D. 1938.

Division 5 having under consideration the subject of the minimum charges for contract carriers applicable to the transportation of property in interstate or foreign commerce within the territory herein below described, and the rules, regulations, or practices affecting such charges and the value of the service thereunder:

It is ordered, That an investigation be, and it is hereby, instituted by the Division, on its own motion, 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 or value, in interstate or foreign commerce between all points in the States of Illinois, Indiana, Michigan, Ohio, and Wisconsin, and all points in the States of Iowa, Kentucky, Missouri, New York, Pennsylvania, and West Virginia which are shown in Agoni H. M. Slater's tariff MP-ICC No. 1, as amended, with a view to determining whether the said 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 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 in Washington, D. C.

And it is further ordered, That the said proceeding be, and it is hereby, assigned for hearing on the 4th day of October, A. D. 1938, at 10 o'clock a.m. (standard time), at the Hotel Sherman, Chicago, Ill., before Examiner A. S. Parker.

By the Commission, division 5.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 38-2310; Filed, August 8, 1938; 12:08 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 4th day of August 1938.

[F. R. Doc. 38-2284; Filed, August 6, 1938; 12:23 p.m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of August A. D. 1938.

IN THE MATTER OF BREEZE CORPORATIONS, INC.

STOP ORDER

This matter coming on to be heard before the Commission on the registration statement of Breeze Corporations, Inc., a New Jersey corporation, which became effective as of January 13, 1937, after confirmed telegraphic notice to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading in Item 54 and 54 and in the prospectus, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant: and The registrant having moved orally at said hearing for a dismissal of these proceedings, and having on June 8, 1938, requested leave to argue before the Commission, the case and exceptions filed on that date, and having also filed June 8, 1938, a motion for the purpose of dismissing these proceedings, or, in the alternative, reopening the hearing for further testimony and evidence, and fixing a date for oral argument on said motion; and The registrant having requested leave to withdraw its proposed amendments dated September 2, 1937, January 27, 1938, and April 30, 1938, and that its proposed amendment dated June 22, 1938, be declared effective as of January 13, 1937; and

The Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading in Item 54 and the prospectus, all as more fully set forth in the Commission’s Findings of Fact and Opinion this day issued; and

The Commission having duly considered the aforesaid motions and requests,
United States of America—Before the Securities and Exchange Commission

An application pursuant to section seven of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on August 25, 1938, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1162 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 20, 1938.

It is ordered, That the aforesaid motion to reopen such declarant's case shall be denied.

By the Commission.

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-2312; Filed, August 8, 1938; 12:55 p.m.]

IN THE MATTER OF SOUTHERN COLORADO POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section seven of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on August 25, 1938, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1162 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 20, 1938.

It is ordered, That the aforesaid motion to reopen such declarant's case shall be denied.

By the Commission.

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 38-2312; Filed, August 8, 1938; 12:55 p.m.]

IN THE MATTER OF GULF STATES UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section seven of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on August 25, 1938, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1162 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 20, 1938.

It is ordered, That the aforesaid motion to reopen such declarant's case shall be denied.

By the Commission.

FRANCIS P. BRASSOR, Secretary.