FEDERAL REGISTER

VOLUME 6 NUMBER 2

Washington, Friday, January 3, 1941

The President

EXECUTIVE ORDER

SUSPENSION OF EIGHT-HOUR LAW AS TO PERSONS EMPLOYED BY THE GOVERNMENT IN THE CONSTRUCTION OF CERTAIN ARMY AND NAVY BASES IN BRITISH POSSESSIONS IN THE ATLANTIC OCEAN

WHEREAS the Government of the United States has acquired from the Government of Great Britain, by lease, certain Army and Navy bases in British possessions in the Atlantic Ocean; and

WHEREAS the United States has commenced the construction of aviation and other Army and Navy facilities at these bases; and

WHEREAS the interests of the national defense require the construction of these facilities at the earliest practicable date; and

WHEREAS by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (U.S.C., title 40, sec. 321), the service of all laborers and mechanics employed by the Government upon any public work of the United States, and of all persons employed by the Government to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States, is limited to eight hours in any one calendar day *except in case of extraordinary emergency;* and

WHEREAS it appears that, unless the eight-hour limitation is suspended as to persons employed by the Government upon such work, it will be impossible, because of the isolation of such places from sources of labor supply in the United States, to accomplish the work necessary to the establishment of the aviation and other Army and Navy facilities within the time required by the interests of the national defense; and

WHEREAS the application to these projects of the eight-hour limitation would involve such a departure from local labor practices and regulations as would be likely to adversely affect the local labor situation; and

WHEREAS I find that by reason of the foregoing an extraordinary emergency exists:

NOW, THEREFORE, by virtue of the authority vested in me by said section 1 of the said act of August 1, 1892, as amended by the said act of March 3, 1913, and as President of the United States, I hereby suspend the above-mentioned provisions of law prohibiting more than eight hours of labor in any one day of persons employed by the Government of the United States as to all work authorized and performed at the aforesaid leased bases.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Dec. 31, 1940.

[No. 8623]

[F. R. Doc. 41-38; Filed, January 2, 1941; 11:30 a. m.]

EXECUTIVE ORDER

MAKING CERTAIN CHANGES IN THE ORGANIZATION OF CUSTOMS COLLECTION DISTRICT NO. 26 (ARIZONA)

By virtue of the authority vested in me by section 1 of the act of August 1, 1914, 38 Stat. 609, 623 (U.S.C., title 19, sec. 2), it is ordered that the following changes be, and they are hereby, made in the organization of Customs Collection District No. 26 (Arizona):

1. The designation of the town of Ajo, Arizona, as a customs port of entry is revoked.

2. The town of Sonoyta, Arizona, is designated as a customs port of entry.

This order shall become effective as of January 1, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Dec. 31, 1940.

[No. 8624]

[F. R. Doc. 41-39; Filed, January 2, 1941; 11:30 a. m.]

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THE PRESIDENT

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FEDERAL REGISTER

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CHAPTER III—FARM SECURITY ADMINISTRATION

COMPLETE REVISIONS OF MATERIAL IN TITLE 6, CHAPTER III, OF THE CODE OF FEDERAL REGULATIONS

DECEMBER 26, 1940.

Pursuant to the authorizations contained in citations following the specific sections contained therein and effective as of December 1, 1940, I hereby adopt the attached codification of documents as Chapter III of Title 6 of the Code of Federal Regulations. This document supersedes Chapter III of Title 6 of the Code of Federal Regulations (first edition) as amended to date.

C. B. BALDWIN,
Administrator.

CONTENTS

SUBCHAPTER A—ADMINISTRATION

PART 300—GENERAL

§ 300.1 *General functions of the Farm Security Administration.* To promote the rehabilitation of low-income farm owners, farm tenants, sharecroppers and farm laborers; to provide relief for destitute farm families in stricken agricultural areas; to provide homes for low-income families in both rural and suburban areas; and to promote farm ownership.* [Par. I, FSA Instr. 011.1, Mar. 28, 1940]

*§§ 300.1 to 383.1a, inclusive (with the exceptions noted in the text), issued under the authority contained in the Emergency Relief Appropriation Act, fiscal year 1941, 54 Stat. 611, and Sec. Memo. 867, June 28, 1940, which extends the life of previous orders of the Secretary and makes them applicable under the Act; and the Bankhead-Jones Act, July 22, 1937, 50 Stat. 522, and Sec. Memo. 738, Sept. 30, 1937. More specific authority and statutory provisions interpreted or applied are cited in parentheses at the end of the sections affected.

NOTE: The following statutes and Executive Orders are basic for the establishment, rule-making powers, maintenance and continuation of the FSA:

E.O. 7027, Apr. 30, 1935, as amended by E.O. 7200, Sept. 26, 1935, establishing the Resettlement Administration and prescribing its functions and duties. (Issued under ERA Act of 1935, 49 Stat. 115)

E.O. 7028, Apr. 30, 1935, transferring certain property, functions, funds, from Federal Emergency Relief Administration to the Resettlement Administration. (Issued under ERA Act of 1935, 49 Stat. 115)

E.O. 7041, May 15, 1935, transferring certain property, functions, funds, from Secretary of Interior to the Resettlement Administration. (Issued under ERA Act of 1935, 49 Stat. 115, and the National Industrial Recovery Act, title II, 48 Stat. 195, 200)

E.O. 7083, June 24, 1935, as amended by E.O. 7347, Apr. 15, 1936 (1 F.R. 207) prescrib-

ing rules and regulations relating to methods of prosecuting projects under the Emergency Relief Appropriation Act of 1935. (Issued under ERA Act of 1935, 49 Stat. 115)

E.O. 7396, June 22, 1936 (1 F.R. 651), making certain orders, rules and regulations under the 1935 Act applicable to Emergency Relief Appropriation Act of 1936. (Issued under ERA Act of 1936, 49 Stat. 1597, 1608)

Bankhead-Black Act of June 29, 1936 (49 Stat. 2035)

E.O. 7530, Dec. 31, 1936 (2 F.R. 7), as amended by E.O. 7557, Feb. 19, 1937 (2 F.R. 343) transferring property, functions, funds, from Resettlement Administration to Secretary of Agriculture. (Issued under ERA Act of 1936, 49 Stat. 1597, 1608)

E.O. 7649, June 29, 1937, (2 F.R. 1136), making certain orders, rules and regulations under 1935 and 1936 Acts applicable to Emergency Relief Appropriation Act of 1937. (Issued under ERA Act of 1937, 50 Stat. 352)

Bankhead-Jones Farm Tenant Act (50 Stat. 522)

Under the authority of the aforementioned statutes, the Secretary of Agriculture has further delegated certain of his powers in the following memoranda among others:

Sec. Memo. 710, Feb. 2, 1937, as amended by Sec. Memo. dated May 8, 1937, Sec. Memo. dated Oct. 19, 1937 and Sec. Memo. dated Jan. 24, 1938, authorizing the Administrator of the Resettlement Administration to perform certain powers and functions on behalf of the Secretary of Agriculture.

Sec. Memo. 715, March 31, 1937, as extended and amended by Sec. Memo. dated Nov. 3, 1937 and Sec. Memo. 728, July 1, 1937, confirming all authorizations, delegations of authority, and procedures heretofore issued or approved by the Administrator of the Resettlement Administration with the exception of certain functions.

Sec. Memo. 732, Sept. 1, 1937 (2 F.R. 1800) changing name of Resettlement Administration to Farm Security Administration.

Sec. Memo. 738, Sept. 30, 1937, (2 F.R. 2077) delegating authority to the Administrator of the Farm Security Administration to administer Title I of the Bankhead-Jones Farm Tenant Act and related provisions of Title IV of that Act, subject to the supervision of the Secretary.

Sec. Memo. dated Jan. 14, 1938 (3 F.R. 212) delegating certain powers and functions to the Administrator of the Farm Security Administration for the administration of the affairs, assets, and funds of Rural Rehabilitation corporations organized in the several states which have transferred their assets in trust to the United States or are under the control of the Department of Agriculture pending transfer.

Sec. Memo. 748, Feb. 14, 1938 (3 F.R. 451) authorizing the use of land acquired for resettlement purposes in accordance with the provisions of Title I of the Bankhead-Jones Farm Tenant Act.

Sec. Memo. 760, June 30, 1938 (3 F.R. 1619), making certain orders, rules, and regulations under 1935, 1936, and 1937 Acts applicable to Emergency Relief Appropriation Act of 1938.

Sec. Memo. 796, Nov. 16, 1938 (3 F.R. 2733), as amended by Sec. Memo. 838, Aug. 22, 1939, Sec. Memo. 850, Jan. 29, 1940 (5 F.R. 337), and Sec. Memo. 878, Sept. 30, 1940, prescribing rules and regulations for the administration of loans, grants, and farm debt adjustment activities for needy persons, under the rural rehabilitation program of the Farm Security Administration.

Sec. Memo. dated May 17, 1939, as amended by Sec. Memo. dated Aug. 30, 1939 and Sec. Memo., dated Feb. 2, 1940, authorizing the Administrator of the Farm Security Administration to make real estate loans.

Sec. Memo. 826, June 30, 1939, making certain orders, rules, and regulations under 1938 Act applicable to Emergency Relief Appropriation Act of 1939.

Sec. Memo. dated Aug. 26, 1939, authorizing the Administrator of the Farm Security Administration to make special grants in flood areas.

Sec. Memo. 867, June 28, 1940 (5 F.R. 2452), making certain orders, rules, regulations and delegations of authority under 1939 Act applicable to Emergency Relief Appropriation Act, fiscal year 1941.

Sec. Memo. dated July 31, 1940, authorizing the Administrator of the Farm Security Administration to make special loans to individual farmers in the cut-over areas in the states of Michigan, Wisconsin, and Minnesota.

Sec. Memo. dated Nov. 22, 1940 (5 F.R. 4764), prescribing regulations for the making of loans by the FSA in connection with water conservation and utilization projects program and development of farm units on public lands under Federal reclamation projects.

The Secretary of Agriculture has further delegated certain of his powers in the following Administration Orders (FSA) among others:

A.O. 245, dated May 5, 1939 (4 F.R. 1947), delegating authority to the Administrator of the Farm Security Administration the authority to exercise the rights, privileges, options, and powers under the leases of commercial enterprises at Greenbelt, Greendale, and Greenhills projects.

A.O. 246 (Revision 1), dated July 20, 1939 (4 F.R. 2018), delegating to the Administrator of the Farm Security Administration the authority to approve the sale of state rural rehabilitation corporation surplus real property.

A.O. 252, dated September 8, 1939, authorizing the Administrator of the Farm Security Administration to employ homesteaders on projects and to require performance of work on projects by recipients of relief payments.

A.O. 254, dated July 11, 1940, authorizing the Administrator of the Farm Security Administration to buy furniture and sell it to its clients.

ABBREVIATIONS: The following abbreviations are used in this chapter:

FSA: Farm Security Administration.
A.O.: Administration Order, Administrator.
FSA Instr.: Farm Security Administration Instruction, Administrator.
E.O.: Executive Order.
Sec. Memo.: Secretary's Memorandum, Secretary of Agriculture.

§ 300.2 *Delegation of authorities to the Administrator of the Farm Security Administration under the Bankhead-Jones Farm Tenant Act.* (a) The administration of Title I of the Bankhead-Jones Farm Tenant Act and related provisions of Title IV of that Act, is hereby entrusted to the Administrator of the Farm Security Administration, subject to the supervision of the Secretary.

(b) The Administrator shall issue from time to time such procedural orders and instructions, not inconsistent with the regulations and requirements of the Department of Agriculture, as may be necessary in the administration of the program authorized by said Title I. The county committees shall be governed by the procedure and forms provided for in such orders and instructions.

(c) The Administrator may delegate to any person within the Farm Security Administration the functions hereby vested in him, except determinations of general policy and the issuance of procedural orders and instructions of general application, and the power to compromise claims in accordance with Section 41 (g) of said Act.* (Bankhead-Jones Farm Tenant Act, 50 Stat. 522) [Sec. Memo. 738, Sept. 30, 1937, 2 F.R. 2077]

§ 300.3 *Authorizing the use of land acquired for resettlement purposes in accordance with the provisions of Title I of the Bankhead-Jones Farm Tenant Act.* (a) Upon determination by the Administrator of the Farm Security Administration that any land acquired by the United States for resettlement purposes (except lands transferred by a rural rehabilitation corporation under a trust agreement or purchased out of a fund established pursuant to such an agreement) is suitable for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, said Administrator is authorized to utilize said land for the purposes of said title and to authorize the making of loans for the necessary improvements thereon to such individuals and upon such terms as shall be in accordance with the provisions of said title.

(b) The sale price of the land shall be the purchase price paid by the Government or the current appraised value as determined by the Administrator (or in the event that the Administrator so authorizes, by the Regional Director) whichever is lower: *Provided, however,* That no such land shall be sold unless the County Committee shall have certified with respect thereto as required by section 2 of said Act. There shall be added in each case the value of any clearing and developmental work performed upon the land by the Government. Where the sale price is based upon the purchase price to the Government, the price paid for various tracts in the resettlement project involved shall be so adjusted and equalized as to spread the benefits of advantageous purchases to all persons to whom said tracts are to be sold.

(c) The Administrator is authorized to approve and execute such deeds and other instruments as may be necessary to accomplish the sale of any such lands. The power to execute such instruments may be redelegated by the Administrator to the respective Regional Directors, but without the power on the part of the Regional Directors to redelegate the same.

(d) Any authority conferred upon the Administrator by this order may be exercised by the Deputy Administrator in the event of the absence of the Administrator.* (Bankhead-Jones Farm Tenant Act, 50 Stat. 522) [Sec. Memo. 748, Feb. 14, 1938, 3 F.R. 451]

§ 300.4 *Prescribing rules and regulations for the administration of loans, grants and Farm Debt Adjustment activities for needy persons, under the rural rehabilitation program of the Farm Security Administration.* Pursuant to the authority vested in me by the Emergency Relief Appropriation Act of 1938, I hereby prescribe the following rules and regulations for the administration of loans, grants and farm debt adjustment activities for needy persons, under the rural rehabilitation program of the Farm Security Administration:

(a) Loans may be made by the Farm Security Administration for the purpose of financing, in whole or in part, the purchase of necessary equipment, stock, supplies and subsistence needs of, and for soil and farm improvements for farmers, farm tenants, croppers and farm labor-

ers, and for such other purposes as may be necessary in the administration of rural rehabilitation and relief for needy persons.

(1) Such loans may be made either to individuals or to bona fide agencies or cooperative associations: *Provided, however,* That loans to such agencies or associations may only be made upon condition that no inequitable restrictions on membership or participation are imposed, and that such agencies or associations be so conducted under the supervision of the Farm Security Administration as to protect adequately the interests of the United States and of the members of participants therein. No loan shall be made without my approval to any individual which would result in his total indebtedness to the Farm Security Administration under the rural rehabilitation program exceeding the amount of $10,000, to any cooperative association or agency which would result in a total indebtedness of such association or agency to the Farm Security Administration exceeding the amount of $15,000, or to any individual for participation in any cooperative association or agency which would result in the total outstanding indebtedness of individuals for loans in the aggregate for participation in such association or agency exceeding the amount of $17,500: *Provided, however,* That loans may be made during any one fiscal year to individuals for participation in any one medical or health association or agency in an aggregate amount of not to exceed $17,500, irrespective of the amount of the outstanding indebtedness of such individuals on loans made in previous fiscal years for participation in such association or agency.

(2) Interest shall be charged on such loans at a rate not greater than 5 percent nor less than 3 percent per annum. Different interest rates may be fixed for different classes of loans.

(3) No loan to an individual shall be for a period in excess of 10 years, or to a cooperative association or agency for a period in excess of 40 years. Subject to these limitations, the period for any loan or class of loans, and the repayment schedules therefor, shall be fixed upon the basis of the use to which the proceeds thereof shall be put; the financial resources and earning capacity of the borrower; and in the case of loans to finance the purchase of specific property, the probable rate of depreciation and the estimated life thereof.

(4) To further the rehabilitation of borrowers, the Farm Security Administration may at any time renew loans on terms and conditions not inconsistent with the provisions of these rules and regulations. Upon default in any payment due to the Farm Security Administration, it may enforce payment by realizing upon its security or by legal proceedings.

(5) The Farm Security Administration shall have authority to do all acts necessary or proper for the making, servicing, renewing and collecting of loans made pursuant hereto or heretofore made by, or transferred to, said administration. Security shall be taken whenever deemed desirable and for this purpose authority is hereby granted to accept, record, release and satisfy instruments of security of all kinds.

(b) The Farm Security Administration may make direct grants to farmers, farm tenants, croppers, and farm laborers for the following purposes: (1) subsistence needs, including food, clothing, and shelter; (2) medical care and participation in approved medical or health associations; (3) construction and repair of sanitary facilities and other improvements essential to family health; (4) subsistence livestock, garden seed, fertilizer, and implements and materials for farm, garden and kitchen, to be used for subsistence purposes only; (5) essential household furnishings; and (6) such other purposes as the Administrator may specifically decide to be necessary from time to time to meet emergency situations (such as, among other things, flood, drought, crop failure, insect infestation, cyclones, hailstorms, unseasonable freezes and sharp drops in farm prices). Grants may be made on such terms as will encourage recipients to help themselves and cooperate with the Administration by performing constructive work on the farms they occupy.

(c) The Farm Security Administration shall assist farmers, farm tenants, croppers and farm laborers in bringing about an adjustment of their debts by voluntary agreement with their creditors and for this purpose may cooperate with state and local agencies.

(d) The Administrator of the Farm Security Administration, or, in his absence, the Acting Administrator, shall exercise the authority contained herein subject to my general supervision, may issue detailed instructions for the administration of the rural rehabilitation program, consistent with these rules and regulations, and, to the extent found advisable, shall be empowered to delegate and authorize the redelegation of this authority to subordinate officers and employees of the Farm Security Administration.

(e) The Administrator, the Acting Administrator and each subordinate officer and employee of the Farm Security Administration to whom any of the authority herein granted is redelegated, shall be authorized as agent and attorney-in-fact for the United States of America to execute any and all legal instruments necessary or proper in the execution of the program herein established.

(f) To the extent legally permissible, the authority delegated by me by memorandum of January 14, 1938, with respect to the state rural rehabilitation corporation trust funds and state rural rehabilitation corporations under the control of the Department, shall be exercised in accordance with these rules and regulations, in the execution of a rural rehabilitation program.

(g) Existing orders and procedures governing the Farm Security Administration in the conduct of the rural rehabilitation program shall remain in effect until superseded by instructions issued by the Administrator or the Acting Administrator.

(h) Nothing herein contained shall be deemed to affect any programs or activities of the Farm Security Administration involving loans for water facilities, loans for construction purposes, or loans made in connection with any resettlement project or rural rehabilitation project for resettlement purposes.* (Bankhead-Jones Farm Tenant Act, 50 Stat. 522) [Sec. Memo. 796, Nov. 16, 1938 as amended by Sec. Memo. 838, Aug. 22, 1939; Sec. Memo. 850, Jan. 29, 1940; Sec. Memo. 878, Sept. 30, 1940; and Sec. Memo. 867, June 28, 1940]

SUBCHAPTER E—GENERAL PROGRAM

PART 340—GENERAL

§ 340.1a *Preferential handling of veterans' applications.* Preferential consideration will be given applications of veterans of armed forces of the United States who have applied for benefits of the program of the Farm Security Administration. Applications coming to the Farm Security Administration from the Veterans' Administration without approval will be referred to the appropriate public welfare agency authorized to determine need for public aid, with the request that they be given prompt consideration.* [Pars. 2b, 3a IV, FSA Instr. 401a, rev. 1, Mar. 30, 1936, 1 F. R. 91]

SUBCHAPTER F—RESETTLEMENT

PART 352—LAND ACQUISITION

§ 352.61 *Granting easements and rights-of-way on resettlement type projects*—(a) *General.* (1) The most common easements granted by the United States are those for the construction, maintenance and operation of utility facilities, such as telephone, telegraph and electric transmission lines, water, gas and sewer mains, irrigation and drainage ditches, and rights-of-way for the construction or widening of roadways.

(2) The authority of the FSA to grant such easements or rights-of-way is limited by the requirement that the grant must administratively be determined to be in aid of rural rehabilitation or in the furtherance of an authorized project. If the easement requested is for the purpose of transmitting electricity to supply project inhabitants or individual clients of the FSA, it may be granted by the FSA. Otherwise, if its purpose is to supply electricity to adjacent or distant land owners, and not for serving the project, the Federal Power Commission alone has jurisdiction to grant such easements, pursuant to section 4 of the Federal Power Act. Under that Act, however, the Commission requests the Secretary to insert conditions in the license necessary for

the protection of the project. Applications for easements of the latter type should be referred to the Resettlement Division in Washington, for transmittal to the Commission.

(3) The rights or uses granted by easements should be limited to the actual needs of the particular situation, and the description should clearly and accurately define the courses and distances over the land involved. Easements should not grant blanket permission to erect lines or lay pipes at random over the land. The Government should expressly reserve the right to use the surface land over which the easement is granted for any purpose and in any manner which will not interfere with the rights of the grantee. Moreover, the grantee should agree (i) to maintain its equipment in proper repair, replace and restore property damaged or disturbed in laying the equipment; (ii) to release the Government from all claims for injury or damage resulting from the use of the property by the grantee, and (iii) not to injure the property over which the easement is granted.

(4) Except where clearly inconsistent with the purpose for which the easement is granted, a time limit coinciding with the period for which service is rendered should be set on the duration of the right granted. In the event that for special reasons a variation from this time limit is desirable or necessary, a report should be referred to the Resettlement Division in Washington, stating fully the considerations involved.

(5) A financial consideration should be required, except where the project is receiving adequate benefits in the form of special rates, and so forth, or where the mere agreement by the utility company to furnish services is a sufficient benefit. [FSA Instr. 526.1, Sept. 20, 1938, par. I]

(b) *Execution of easement for the Government.* Section 4 of the Bankhead-Black Act (49 Stat. 2035) requires Presidential approval of easement or analogous grants of interest in land comprising resettlement type projects whenever the grantee is a public body or a local governmental unit. After such Presidential approval has been obtained, the easement may be executed only by the Secretary or, in his absence, the Acting Secretary. In all other cases within the purview of this section, however, easements may be executed by the Director of the Resettlement Division. This authority may not be redelegated.* [FSA Instr. 526.1, Rev. Sept. 6, 1940, par. IV]

PART 353—LOANS

§ 353.0a *Loans to occupants of rural resettlement type projects for operating capital*—(a) *Families eligible.* Loans will be granted only to the heads of families of types described in § 355.41 in occupancy under approved tenure forms. Applicants not eligible for resettlement but for whom it is desired to secure loans in order to farm Farm Security Administration land will make application to the appropriate rural rehabilitation supervisor. Such loans will be made from regular rural rehabilitation funds. [Par. 2, FSA Instr. 530a, Jan. 23, 1937]

(b) *Purposes for which operating goods loans may be made.* Loans for operating goods will be made to accepted families on the basis of Form FSA–RR 14, Annual Farm Business Statement and Farm Plan, for the following purposes:

(1) The purchase of horses, mules, cattle, hogs, sheep, poultry, or other livestock needed for the proper operation of the farm.

(2) The purchase of feed, seed, fertilizers and other supplies, goods and services necessary for the effective operation of the farm unit.

(3) The purchase of farm machinery, equipment and other necessary farm supplies.

(4) The purchase of furniture and household equipment.

(5) The purchase of food, fuel, clothing and other subsistence goods for human needs, and payment of indispensable medical services, when cooperative facilities are not available.

(6) Payment of recording and filing fees.

(7) Minor construction or repair of building or fences, the drilling or repairing of wells, leveling, clearing or dyking of land or such other improvements as may be necessary to the proper carrying out of the Farm and Home Management Plan prepared for the farm.

(8) Cost of moving occupants, not to exceed a maximum of one hundred dollars ($100) per family.

(9) Payment of principal and/or interest on chattel mortgages or other liens on personal property, upon the personal approval of the regional director where necessary to prevent foreclosure, and providing that such refinancing is necessary for the successful rehabilitation of the occupant, and provided such refinancing is recommended in writing by the Farm Debt Adjustment committee.

(10) Payment of rent to vendors where title is not yet vested in the United States. [Par. 4a, FSA Instr. 530a, Jan. 23, 1937]

(c) *Terms and conditions.* Loans may be made for maximum periods of 2 and 5 years depending upon the use to which the proceeds are put, as defined in § 373.11. The regional director may, if he deems it desirable and necessary, make loans for a period not to exceed 10 years. Loans in excess of 5 years will be granted only in unusual situations where the financial circumstances of the client require the longer terms and the life of the operating goods purchased from proceeds of the loan warrants the longer amortization period.

The interest rate on operating goods loans will be that prescribed in § 373.11. [Par. 1, FSA Instr. 530a, Supp. 1, June 5, 1937, par. 4c, FSA Instr. 530a, Jan. 23, 1937]

(f) *Releases.* The policy and procedure as set forth in § 376.41 will be followed in executing releases of mortgages or similar liens taken in connection with operating goods loans.* [Par. 1, FSA Instr. 530a, Supp. 4, Sept. 15, 1937, 2 F.R. 1955]

PART 355—OPERATION

Sec.

§ 355.5c *Tenure agreements and leases for resettlement type projects*—(a) *Limitations in use of tenure forms.* (1) Form FSA–LE 161, Tenure Form D–1, will be executed between the Government and the lessee only after the United States has acquired title to the land, and:

(i) Where a farm management plan has not yet been evolved and it is necessary or desirable to have the farm operated in the meantime by a client who has been selected for permanent tenure; or

(ii) Where a farm management plan has been evolved but no selected client is available and it is desirable to have the farm operated by a farmer who has not been selected for permanent tenure.

(iii) Whether or not a farm management plan has been evolved but where construction plans or construction has not sufficiently progressed to permit the execution of Tenure Form D–2.

(2) Form FSA–LE 161, Tenure Form D–1, may be modified and used: Where the lessee is a client or a person otherwise entitled to rural rehabilitation and where the regional director finds that the rural rehabilitation of such lessee will be promoted by providing that the lessee shall clear, terrace, or otherwise perform minor improvements and repairs upon the leased lands and the buildings and structures thereon. * * * Where the modification provided for is used, the value of such repairs, clearing, terracing or other improvements shall be taken into account in fixing the rent. In this situation, the following paragraph will be substituted for paragraph 5, page 4, of Form FSA–LE 161:

5. The Lessee shall utilize the pasture and woodland, and plant, cultivate, and harvest such crops and conduct such livestock, dairy and poultry enterprises on said Property as are in accordance with approved farm organization, management and practices of good husbandry. In order to further the rehabilitation of the lessee and maintain the property for efficient farming operations, the lessee agrees to conduct such farming operations and make such improvements on said property in accordance with the provisions of such farm management plans as may be prescribed by the Government.

(3) Form FSA–LE 162, Tenure Form D–2, will be executed between the Government and the lessee only after the United States has acquired title to the land and for a term of approximately 5

years: (i) Where a farm management plan has been evolved and an approved client has been selected; and (ii) where construction plans or construction is sufficiently advanced to permit the execution of a lease for a term of approximately 5 years.

(4) Form FSA–LE 163, Tenure Form D–3, will be executed between the vendor and the lessee only where the United States has not yet acquired title to the land and for a term running to the end of the crop year, or until such time as title to the property is acquired by the United States, whichever period is the shorter, and: Where the United States is willing to permit the vendor to lease the land to a client, or a nonclient of the Farm Security Administration or a low-income farmer.

(5) Form FSA–LE 164, Tenure Form D–4, will be executed between the Government and the lessee prior to the date of acquisition of title to the land by the United States, will become operative upon acquisition of title, and:

Where it appears desirable to insure continued occupancy of the tenant to the end of the crop year, after the tenancy under Tenure Form D–3 has terminated by reason of acquisition of title to the land by the United States.

(6) Form FSA–LE 165, Tenure Form D–5, will be executed between the Government and the vendor prior to the acquisition of title to the land by the United States and will become operative upon acquisition of title and will terminate on a date not later than the end of the crop year, and: (i) Where it appears that title to the land may be acquired by the United States during a crop year and it has been administratively determined that developmental work thereon will not be undertaken during the crop year, and the United States is desirous of making such provision as will permit the present owner or his tenants to cultivate the land in order that the land will not remain idle for the entire crop year; or (ii) Where it appears desirable to insure continued occupancy of the land to the vendor to the end of the crop year in order that the land will not remain idle for the entire crop year.* [Par. 4, FSA Instr. 555c, Feb. 15, 1938, 3 F.R. 386]

§ 355.5e *Sale and lease of land to resettlement clients*—(a) *Purpose.* Farm Security Administration resettlement and State rural rehabilitation corporation (managed or transferred in trust) land and improvements thereon may be sold to heads of eligible farm families (as prescribed in § 355.41) for resettlement purposes where loans under § 355.5f for repairs and improvements are not made. The purpose of Form FSA–LE 207, Farm Purchase Contract, is to provide for all of the following: (1) Permit a client to purchase a farm. ((2) Provide sufficient rental to pay all operating expenses. (3) Permit the client, as he is able, to make deposits toward the purchase price over and above the rental otherwise payable; the deposits toward the purchase price to be in proportion to the income derived from the operation of the farm. (4) Provide sufficient rental to permit the payment of taxes, insurance, management, and maintenance expenses, and accumulate separately a sufficient fund to permit the repayment of the client's equity in case the Contract is canceled. [Par. I, FSA Instr. 555e, June 4, 1938]

(b) *Conditions for use of contract.* (1) Form FSA–LE 207, Farm Purchase Contract, will be used where all of the following factors are present:

(i) It has been administratively determined that the units on a project will be sold to approved clients.

(ii) Farm Management Plans and development of the unit have progressed sufficiently to permit the sale of the unit to a client.

(iii) The client involved has been in occupancy under Tenure Form D–2, or other lease form, over a sufficient period of time to determine his acceptability as a client to whom a unit may be sold. The usual period of time should be 5 years. In exceptional cases a 2-year period of time may be sufficient.

(iv) In some cases it might be desirable to execute the Contract even though the conditions set forth in paragraph (a) (3) of this section are not present.

(v) A construction loan under § 355.5f will not be made to the client.

(vi) Where a former occupant under FSA–LE 171, "Lease and Purchase Contract", who had received a construction loan in accordance with § 355.5f, has vacated and another client is not available to assume the rights and obligations of the client under the original Contract.

(2) The Contract may be used in cases where:

(i) A homestead association has been formed.

(ii) A homestead association might be formed in the future, but will not be formed by the time the Contract is executed. In such cases the Contract may at a later date, be assigned to a homestead association, if formed.

(3) The Contract is to be used by clients residing on a project which has been financed partially or wholly with state rural rehabilitation corporation funds but which is under the managerial or trustee supervision of the Farm Security Administration.

(4) The Contract is to be used on rural resettlement type projects and is to be executed by approved clients.

(5) The Contract is not to supersede or modify any existing Temporary Licensing Agreement, Lease or Sublease form, or Tenure form, except Tenure Form C, Form FSA–LE 79, Agreement to purchase Land.* [Par. III, FSA Instr. 555e, June 4, 1938 as amended by Administrator Letter 234, June 27, 1939]

§ 355.5f *Loans to individuals for construction on resettlement lands occupied under lease and purchase contracts*—(a) *Families eligible.* Types of families prescribed in § 355.41 are eligible to enter into lease and purchase contracts and secure loans under this subpart. Loans for construction or repair or improvements will be made to heads of families eligible for resettlement under approved Lease and Purchase Contract. [Par. 2, FSA Instr. 555f, rev. 1, May 18, 1937]

(b) *Terms, conditions and purposes for which construction loans and lease and purchase of land may be made.* The price of the land to be stipulated in the Lease and Purchase Contract will be the purchase price paid by the Government (or rehabilitation corporation) or the current appraisal value as determined by the regional director, whichever is the lower. There should be added in each case the value of any clearing and developmental work performed upon the land by the Government. Where the purchase price is to be used, the price paid for various tracts in the project may be adjusted and equalized so as to spread the benefits of advantageous purchases to all persons entering into such contracts on that project.

Loans for construction and repairs on land owned by the Government, hereafter referred to as construction loans, will be made to accepted families on the basis of Form FSA–RR 14, Farm and Home Management Plan, Form FSA–LE 171, Lease and Purchase Contract, and Form FSA–LE 172, Loan Agreement and Request for Funds, for the following purposes: (1) Minor construction or repair of buildings, fencing, drilling, or repairing of wells, leveling, clearing or dyking of land, or such other improvements as may be necessary to the proper carrying out of the Farm and Home Management Plan prepared for the farm. (2) Major construction of dwelling, barn and other outbuildings, or other improvements and facilities.

Loans for construction, repairs, land improvements, and so forth, shall not exceed a maximum per farmstead or purpose as will be set by the Administrator.

Construction loans shall be made for a period of 40 years and will bear interest at the rate of 3 percent per annum as provided for in the Lease and Purchase Contract.

The borrower shall deposit the proceeds of the loan in a bank or other depository which must be insured under the Federal Deposit Insurance Corporation and be approved by the regional director.

After receiving the written consent of the regional director, the occupant may mortgage or sell livestock, equipment, machinery, tools, crops or other produce to other parties or agencies provided such action will not in any way jeopardize the Government's chances of collecting the money owing it, as required by the Lease and Purchase Contract. [Pars. 4, 12b I, FSA Instr. 555f, rev. 1, May 18, 1937, as amended by par. 1 of Supp. 9, May 26, 1938]

CROSS REFERENCE: For regulations of the Federal Deposit Insurance Corporation, see 12 CFR Chapter III.

(d) *Application for purchase and loan.* The community manager will assist the applicant in accordance with the following procedure:

(1) Farm and Home Management Plans will be prepared in triplicate on Form FSA–RR 14.

(2) In conformity with the Farm Management Plan, the applicant, with the advice and consent of the community manager, will select a house plan and barn plans, and plans for other structures from those approved by the Chief Engineer,[1] and will plan other improvements, minor construction, repairs, and so forth.

(3) An undated note Form FSA–LE 173 and Form FSA–FI 5, Public Voucher—Farm Security Administration Loan, in quintuple in the full amount of the loan to be made, will be prepared and properly signed by the applicant, in accordance with instructions, together with an unexecuted copy of the note for the United States Treasury Accounts office for the region.

(4) Form FSA–LE 171, Lease and Purchase Contract, will be prepared in sextuple and signed by the applicant in an original and two copies. Before the Lease and Purchase Contract is executed on behalf of the Government, the written approval of the regional attorney must be secured.

(5) Form FSA–LE 172, Loan Agreement and Request for Funds, will be prepared in quintuple, and signed by the applicant in duplicate. [Par. 5, FSA Instr. 555f, rev. 1, May 18, 1937, as amended by Administration Letter 209, March 15, 1939]

(e) *Performing construction.* All new building construction will be performed by contract, approved by the countersigning officer, between the borrower and a private contractor in accordance with plans and specifications approved by the Chief Engineer. Any exceptions to the foregoing requirement must be approved by the Chief Engineer.

Other construction, improvements and repairs may be performed by the client and the proceeds of the loan used by him for the purchase of materials and supplies and equipment and labor or such work may be performed by contract approved by the countersigning officer. Neither the contractor nor the borrower shall have any right to modify any plans or specifications without the approval of the Chief Engineer.

For minor repairs, the countersigning officer may, if he is assured that the work can be executed more economically by this method, authorize the borrower to purchase material and hire labor. In case the borrower himself performs labor required for his own repairs, he may withdraw from the account sums not to exceed the equivalent of the prevailing wage for the type and amount of work performed. When an individual client performs work himself or employs other individual workers to perform work for him under the terms of this subpart, he is not required to comply with the labor conditions that are imposed upon contractors by Form FSA–LE 175, "Construction Contract." In no case will the value of the repairs performed by this method exceed five hundred dollars ($500) for all the structures of a farmstead unit, except upon specific authorization of the Chief Engineer or his authorized representative. The use of Form FSA–LE 175, Construction Contract, is required with respect to "other construction improvements and repairs" authorized under the above paragraph where the value of such work exceeds five hundred dollars ($500). [Par. 10, FSA Instr. 555f, rev. 1, May 18, 1937, as amended by par. 2 of Supp. 5, rev. 1, Oct. 29, 1937]

(f) *Supplemental loans.* When an original construction loan made to a client under a Lease and Purchase Contract is inadequate to permit completion of the farmstead in accordance with the Farm and Home Management Plan, or where it is desirable to extend the scope of the original Farm and Home Management Plan so as to increase the productivity or usefulness of a farmstead, a supplemental loan may be made for this purpose provided prior approval in writing has first been obtained from the Administrator. Under no circumstances may the total of the original and supplemental loans made to a client exceed the maximum per farmstead previously fixed by the Secretary of Agriculture. The same documents will be required for a supplemental loan as for the original loan and they will be processed in the same manner. The requirements for construction loans concerning deposit and expenditure of the proceeds of the loans will also apply. All documents incidental to the supplemental loan, that is, Loan Agreement, Note and Supplemental Lease and Purchase Contract must be prepared, executed and processed at the same time. The client will execute Form FSA–LE 171 (Supp. 1), Supplemental Lease and Purchase Contract, in the same number of copies as required for the original Contract. This Form will be a supplement to the original Lease and Purchase Contract but will combine the amount of the original and supplemental loans, and will further provide for single payments of principal and interest on the consolidated loans.* [FSA Instr. 555f, rev. 1, pars. 1, 2, 3 of Supp. 8, Apr. 22, 1938]

§ 355.21 *Agreements respecting payments in lieu of taxes.* (a) Payments in lieu of taxes on real property, title to which is in the United States and which is part of a resettlement type project of the FSA, may be made to states or local political subdivisions pursuant to the provisions of the Bankhead-Black Act. Such payments may be made as an administrative policy in connection with property, title to which is recorded in the name of a state rural rehabilitation corporation, if such property is exempt from taxation. (Sec. 2, 49 Stat. 2036; 40 U.S.C., Sup. 432)

(b) The Public Finance Unit of the Bureau of Agricultural Economics has authority to negotiate, for the FSA, agreements for payments in lieu of taxes, to conduct such investigations as it may deem necessary in connection with such negotiations and to correspond and confer directly with local units of government, regional directors, community managers, Washington offices of the FSA, the Office of the Solicitor and others in carrying on investigations and negotiations. This Unit will report its findings to the Director of the Resettlement Division.

(c) The Director of the Resettlement Division is authorized to sign on behalf of the FSA and the Federal Government agreements for payments in lieu of taxes.* [FSA Instr. 552.1, Oct. 14, 1939, Par. II]

§ 355.41 *Family selection and service functions*—(a) *Eligibility requirements for rural community or infiltration type projects.* Qualified veterans, families living on the land purchase for the resettlement project, and families required to be resettled under special agreements with other agencies, as in connection with land use type projects, will be given preference if they satisfy the general and special criteria of selection for the particular project. (For land use type families not satisfying the requirements for resettlement on projects, see paragraph (o).) Destitute and low-income farm families of the following types are eligible:

(1) Farm owners, farm tenants, sharecroppers, farm laborers or persons who were recently in any of the foregoing classes.

(2) Other persons with farming experience who are or were recently on relief rolls.

(3) Other persons with farming experience who are or were recently registered as borrowers or receivers of public aid from the FSA.

(4) Other persons with farming experience who are in default in payments to a Federal Land Bank and are in danger of foreclosure and eviction.

(5) Other persons with farming experience who are in default to or have been denied credit by the Farm Credit Administration or any agency thereof.

(6) Other persons with farming experience, such as young married couples just entering upon the enterprise of farming, who are found to be similarly in need of public aid. [FSA Instr. 544.1, May 12, 1939, par. IV]

(b) *Eligibility requirements for subsistence homesteads type projects.* The following groups of families are eligible for resettlement: (1) Low-income, self-supporting families from rural and urban areas desirous of relocating in satisfac-

[1] The term "Coordinator" used in the original document has been changed in this text to "Chief Engineer" to correspond with a subsequent change in title.

tory homes outside of or near industrial centers.

(2) Destitute or low-income stranded workers' families who have in the past exhibited a capacity for self-support. [FSA Instr. 554.1, May 12, 1939, par. V]

NOTE: Qualified veterans and families living on the land purchased for the resettlement project will be given preference if they satisfy the general and special criteria of selection for the particular project. Families required to be resettled under special agreements with other agencies, as in connection with land use type projects, may be eligible for this type of project, but are to be considered entirely on their merits in relation to general and special criteria.

(c) *Family selection criteria.* In the selection of families for resettlement, there will be no discrimination based on nationality, race, or creed, but consideration will be given to the homogeneity required for successful community life.

(1) *General criteria.* Families satisfying the eligibility requirements may be accepted for resettlement if:

(i) The family as a whole desires the opportunity being made available.

(ii) They evidence an acceptable initiative and resourcefulness.

(iii) They show promise of ability to enter into community life and profit from instruction and guidance.

(iv) They give reasonable assurance of attaining economic stability sufficient to enable them to meet the rental and other payments on the homes or farms for which they are proposing to obligate themselves. For families approved for rural community or infiltration type projects, there must be a reasonable probability of the successful outcome of an acceptable "Farm and Home Management Plan."

(v) They have a reputation for paying their debts and meeting their responsibilities.

(vi) They have shown sufficient stability of residence. It is desirable for rural community and infiltration type projects that the families have some previous knowledge of or connection with the land they wish to occupy.

(vii) They are free from infectious diseases and disabilities that are likely to obstruct the fulfillment of obligations.

(viii) On all projects, the head of each family is at least 21 years of age. On subsistence homesteads type projects, preference will be given to heads of families under 55 years of age; in rural community and infiltration type projects, preference will be given to heads of families under 50 years of age.

(ix) The applicants are married couples with one or more children or other dependents; in some cases, young married couples without children may be accepted.

(x) They are unable to obtain the necessary loans for homes and farms from other Government agencies or private business concerns.

(xi) They have occupational, agricultural, or other special experience or training required by the particular project. Such special requirements, if necessary, will be prepared by the regional director as statements of special criteria for that project.

(2) Special criteria for a particular project, to modify or supplement the foregoing general criteria, will be submitted through the regional director for the approval of the Administrator. Such special criteria will usually deal with maximum and minimum income or net worth, age limits, special experience, specific election area, and so forth. [FSA Instr. 544.1, May 12, 1939, par. VI]

(d) *Health examinations.* (1) Each family to be accepted for occupancy of a rural type project unit shall receive a health examination, the cost of which shall be charged to the family selection budget of the project, and the family will not be finally accepted until the medical examination has been given with a satisfactory result for each member of the family. Regional directors desirous of extending the same requirements to projects of the subsistence homesteads type, wherein the principal source of gross income of the occupant is not derived from agriculture, will request the approval of the Administrator. [FSA Instr. 554.1, May 12, 1939, par. XI A]

(e) *Final action on applications and referrals.* In finally accepting applicant tenant farmers for resettlement on a project, any arrangements entered into as to the date of occupancy of the home or farm unit should, where possible, be satisfactory to the former landlord as well as the tenant concerned. The landlord will be given the earliest possible notice of the intention of moving the farm tenant off his land. [FSA Instr. 554.1, May 12, 1939, par. XII B]

(f) *Relocation of families from land use areas.* (1) When the family required to move from the land use purchase area meets the eligibility requirements and selection criteria for available resettlement homes, it will receive preferential consideration for such resettlement opportunities, as well as supplemental aid in the form of loans and grants needed in connection with relocation plans.

(2) When the family required to move from the land use purchase area is not eligible for resettlement, or rural community and infiltration type project opportunities are lacking, it will receive preferential consideration for other available types of FSA aid. In such instances, the Family Selection representative will arrange for the satisfactory referral of the case to the appropriate FSA personnel to provide the needed aid and services.

(3) When the family required to move from the land use purchase area is not eligible for FSA aid, but requires available assistance from other Government or private agencies, such as Old Age Assistance, Works Progress Administration, Public Welfare, Aid to Dependent Children, and so forth, the Family Selection representative will arrange for the satisfactory referral of and transfer of responsibility for the family to the agency or agencies involved.* [FSA Instr. 554.1, May 12, 1939, pars. XVI B, C, and D]

SUBCHAPTER G—FARM TENANCY

PART 360—GENERAL

§ 360.11 *Basic authorizations.* (a) The Secretary of Agriculture is authorized to make loans in the United States and in the Territories of Alaska and Hawaii and in Puerto Rico to persons eligible to receive benefits of Title I of the Bankhead-Jones Farm Tenant Act to enable such persons to acquire farms.

(b) Loans made under Title I of the Bankhead-Jones Farm Tenant Act shall be in such amount (not in excess of the amount certified by the County Committee to be the value of the farm) as may be necessary to enable the borrower to acquire the farm and for necessary repairs and improvements thereon, and shall be secured by a first mortgage or deed of trust on the farm.

(c) The instruments under which the loan is made and security given therefor shall provide for the repayment of the loan within an agreed period of not more than forty years from the making of the loan and provide for the payment of the interest on the unpaid balance of the loan at the rate of 3 per centum per annum. (Sec. 41 (1), 50 Stat. 522; 7 U.S.C., Sup. 1015 (i), and Sec. Memo. 738, Sept. 30, 1937, 2 F.R. 2077) [FSA Instr. 601.1, Aug. 27, 1938, Par. I, Sections 1 (a), 3 (a), and 3 (b) (1), (2)]

PART 361—FAMILIES

§ 361.11 *Criteria for selection of applicants.* (a) To be eligible for the benefits of Title I of the Bankhead-Jones Act (50 Stat. 522; 7 U. S. C., Sup. 1000–1006), an applicant must:

(1) Be a citizen of the United States.

(2) Be a farm tenant, farm laborer or sharecropper, or recent owner, and must be or must have been recently engaged in farming as a means of providing the major portion of the family income.

(3) Be willing to cooperate with representatives of the FSA in developing and carrying out a sound Farm and Home Management Plan and maintaining such records and accounts as may be required until the debt is paid.

(4) Have a reputation for paying his debts and meeting obligations.

(5) Have shown reasonable stability of residence, initiative, resourcefulness, and farming and managerial ability.

(6) Be free from incurable physical disabilities likely to interfere with successful farm and home management operations and with the repayment of the loan. In addition, no member of the applicant's family should be disabled or afflicted in a manner likely to prevent the repayment of the loan.

(7) Be unable to obtain a satisfactory loan for the purchase of a farm from private or other Government sources.

(b) The following additional policies and requirements shall be observed in selecting applicants and making loans:

(1) Preference shall be given to applicants who are married, or who have dependent families or who are able to make an initial down payment, or who are owners of livestock and farm implements necessary to carry on successful farming operations.

(2) Other things being equal, families with children who will remain in the home for some years to come should be given preference.

(3) Applicants able to make down payments of as much as 25 percent of the value of the farm should be able to meet the down payment requirements of other lending agencies and are ineligible for a tenant purchase loan.

(4) Rural rehabilitation clients who have cooperated satisfactorily and proved their ability to operate a farm successfully, shall receive consideration on the same basis as qualified applicants who are not rural rehabilitation clients.

(5) In the selection of applicants, there shall be no discrimination based on nationality, race, creed or political affiliation.

(6) No loan shall be made for the purchase of a farm owned by a parent or other near relative of an applicant, unless the regional director has determined that the applicant is not likely to acquire the farm in a short time by inheritance, and that the vendor's circumstances are such as to make it impracticable for him to sell the farm to the applicant under an arrangement that would make a tenant purchase loan unnecessary. In deciding specific cases of this character, due consideration should be given to the fact that it is the general policy of the FSA to make loans only to eligible persons who cannot obtain them from other sources under reasonable terms.

(7) Unless an exception is made in writing by the regional director a loan should not be recommended when there is a person in the family related to a member of the county committee or to the county rural rehabilitation or home management supervisor or assistant supervisors in any of the following direct or step relationships: Father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.

(8) A loan may be made to an otherwise eligible applicant who has served on a county committee, or to a person related to a former committeeman, as specified in paragraph (b) (7) above, provided that at least one year shall have elapsed since the committeeman's resignation or retirement.

(9) Persons having outstanding judgments against them shall be eligible for a tenant purchase loan only after such judgments have been settled. Otherwise, such judgments would become liens against any farm purchased by means of a tenant purchase loan.

(10) Loans shall not be made to refinance the debts of present owners. Loans will not be made to a prospective borrower if either he or his wife is a farm owner.

(11) Equities in undivided estates constitute ownership and shall disqualify an applicant, regardless of whether the equity be in the name of the husband or the wife. (This policy should not be applied so rigidly as to exclude an applicant in case he or his wife owns an equity in an estate and the present value of the equity is negligible, as determined by the regional director in particular cases.) When the prospective borrower's equity in an undivided estate is a part of the farm to be purchased, a tenant purchase loan cannot be extended in excess of the value of the whole farm, when improved, minus the value of the prospective borrower's interest in the undivided estate. Furthermore, no part of a tenant purchase loan can be used to satisfy the prospective borrower's share of any liens or encumbrances outstanding against the undivided estate. For example, assume that a farm is worth $4,000, that the prospective borrower has an undivided one-eighth interest ($500) and that there are outstanding liens of $1,000 against the farm. The maximum loan would then be $4,000 plus the cost of any necessary improvements minus $500, or the borrower's interest in the total value of the farm. The borrower's share of the $1,000 liens would be one-eighth of $1,000, or $125.

(12) A farm tenant, sharecropper or farm laborer who owns his home but who derives his living primarily from operating leased land, sharecropping or working as a farm laborer, is not considered a farm owner and is eligible for the benefits of Title 1, provided: (i) Such ownership does not represent a credit resource sufficient to enable him to purchase a family-size farm with a loan obtained from some other credit agency; (ii) that his present property is merely a place of residence on which it is not practicable to carry on farming activities in the accepted meaning of that term; and (iii) that no part of his tenant purchase loan shall be used for refinancing, repairing or improving his present property and that he shall take up his residence on the farm acquired with the proceeds of his loan. (Sec. 41 (1), 50 Stat. 522; 7 U.S.C., Sup., 1015 (i), and Sec. Memo. 738, Sept. 30, 1937; 2 F.R. 2077) [FSA Instr. 611.1, July 8, 1939]

PART 362—FARMS

§ 362.11 *Criteria for selection of farms.* Consistent with the provisions of the Bankhead-Jones Farm Tenant Act and the policies outlined below, each applicant shall be given wide latitude in the selection of the farm he desires to buy.

(a) *General.* (1) Certain general requirements for farms are given in Title I of the Bankhead-Jones Farm Tenant Act, section 1 (c), section 2 (b), and section 5.

(2) Preferably, farms should consist of contiguous tracts of land but they may consist of non-contiguous tracts provided this does not intefere too greatly with the efficient operation of the farm. [FSA Instr. 621.1, Rev. Sept. 21, 1940, pars. I, II A, and II D]

(b) *Farm land.* (1) Loans shall be made only for the purchase of family-type farms. Such farms should not be larger than the borrower and his family can operate successfully without employing outside labor, except during brief peak load periods at planting or harvest time. Some allowance may be made with respect to employing outside labor while children are too young to be of much assistance and after they have grown up and left home. A farm on which hired help will be required a considerable part of the time or one on which a tenant family will be expected to reside and supplement the labor of the owner and his family is not a family-type farm and shall not be approved.

(2) A rule which should be applied unalterably with respect to selecting tenant purchase farms is that they should have capacity to yield incomes which shall maintain borrowers according to acceptable living standards, pay annual operating expenses, pay for and maintain necessary livestock and farm and home equipment, and pay off purchase loans, and that they shall be available at prices consistent with their earning capacity.

(3) No farms should be purchased in areas designated for retirement from agriculture by Federal, state or county land use planning agencies, or areas so poor that they are likely to be so designated when land use studies are made. Outside of such areas both good and poor land is being farmed. Farms in poor land areas may be approved for purchase, but only when they are available at prices in line with their earning capacity and only when they constitute economic farm management units. It will often be necessary to combine relatively unproductive farms heretofore operated as separate units in order to create an economic farm management unit. If prices asked are not such as to make this possible, other farms must be chosen. Land that is worn out, eroded, foul and weedy, cannot be restored to productivity quickly or without great effort and expense. What such land will produce this year and next rather than some years hence should be the basis for determining earning capacity and for determining what constitutes an economic farm management unit.

(4) In selecting farms, county committees should give due consideration to roads, schools, markets, and other community facilities. They should also consider the tax rate on farms and the bond-

ed indebtedness incident to irrigation, drainage, or other type of improvements.

(5) When a farm is not on a public road it is essential that there be a satisfactory legal right-of-way to the farm.

(6) Loans shall not be made for the purchase of tracts of raw land to be cleared, drained, irrigated, or otherwise reclaimed in order to bring new farms into cultivation. However, this policy shall not preclude the cultivation of additional portions of a farm already largely in cultivation.

(7) Preference should be given to farms on which it is estimated that, under good management, the value of the share of the income usually received by a landlord as rent, will be sufficient to pay taxes, insurance, maintenance of land and buildings, and other landlord expenses and leave a balance equal to 4.326 percent of the loan. On such farms, amounts usually received by the landlord as rent would amortize the loan in 40 years with interest at 3 percent.

(8) When satisfactory individual farms cannot be secured in any county in which Tenant Purchase loans are to be made, consideration shall be given to the subdivision of large tracts.

(9) In general it is the policy of the FSA that all mineral rights and all rights under mineral leases shall be transferred with land purchased with the proceeds of loans extended under the provisions of Title I of the Bankhead-Jones Farm Tenant Act. The regional director shall satisfy himself that no unnecessary exceptions are made with respect to this policy. When it is impossible to secure acceptable farms at reasonable prices in accordance with this general policy, the regional director may authorize exceptions only when mineral rights or leases are held by third parties and provided the borrower obtains sufficient equity in the mineral rights to compensate him for probable damages resulting from their development, or provided he obtains other guarantees of adequate compensation for losses that may be sustained as a result of the development of the mineral rights. When reservations are authorized, they shall be with respect to the smallest fraction of the mineral rights and for the shortest time to which the holder will agree. Only the Administrator may authorize exceptions upon proper justification, when vendors refuse to transfer mineral rights or rights held under mineral leases, or when the borrower's interests cannot be protected, as indicated above, in cases where such rights are held by third parties. Such exceptions may be granted on a county-wide basis or for a group of counties in a state, providing the situation with respect to mineral reservations is similar or widespread in the county or group of counties. When the situation with respect to mineral reservations is not similar and widespread throughout a county (that is, when some but not enough satisfactory farms without mineral reservations can be obtained in a county), exceptions to the general policy will be made by the Administrator only on the basis of individual cases properly justified. (Sec. 41 (1), 50 Stat. 522, 7 U.S.C., Sup., 5015 (i), and Sec. Memo. 738, Sept. 30, 1937; 2 F.R. 2077) [FSA Instr. 621.1, Rev. Sept. 21, 1940, pars. III and IV]

PART 365—OPERATION

Sec.

§ 365.52 *Releases from terms of mortgage.* (a) Under the provisions of Title I and the related provisions of Title IV of the Bankhead-Jones Farm Tenant Act, a mortgage is taken from a borrower to cover the security on the loan. This mortgage requires that any sale of timber, stone or any other materials, or any agreement affecting oil or other mineral rights, or the sale of land for public rights-of-way, and so forth, shall be made by the borrower only after he has secured the consent of the Government. The regional director may give the consent of the Government for the release of such property from the terms of the mortgage in accordance with the following conditions.

(1) The commercial harvest of timber and naval stores may be permitted when such harvest is done in accordance with good management practices and when the proceeds from such harvest is divided equitably between the tenant purchase borrower and the Government. The Government's share of such income shall be credited against the borrower's obligation and shall be in addition to the annual amortization payment due on the farm.

(2) The commercial quarrying of stone, removal of gravel, mining of coal and other minerals, and the leasing of land for oil may be permitted when such operations do not interfere with the agricultural use and value of the farm, or when compensating payments are made for any such interference, and when the Government is paid an equitable share of such sales. This payment to the Government shall be credited against the borrower's obligation and shall be in addition to the annual amortization payment due on the farm. (Sec. 41 (1), 50 Stat. 522; 7 U.S.C., Sup., 1015 (i), and Sec. Memo 738, Sept. 30, 1937; 2 F. R. 2077) [FSA Instr. 655.2, Rev. July 25, 1939, pars. II, II A and II B]

§ 365.83 *Borrowers' trust accounts, and determination of payments*—(a) *Borrowers' trust accounts.* (1) In those states in which the state Farm Security Advisory committees have not recommended adversely, each borrower, unless specifically excepted by the regional director, shall execute a trust agreement as provided below and shall at the time of marketing, place in a controlled bank account to be known as the "Borrower's Trust Account" that portion of the proceeds from the sale of farm products equivalent to the usual landlord's share when this share is determinable, or some other agreed amount when this share is not determinable. This amount should be sufficient to meet the payment on the loan and pay taxes, assessments, insurance premiums and maintain the property. The agreement to establish the borrower's trust account for each borrower shall be in writing and shall be evidenced, in the case of borrowers under the variable payment plan, by section 4 (d) of Form FSA–LE 228, "Agreement for Variable Payments on Net Income Plan", and, in the case of borrowers who are under the fixed payment plan, by the signature of the borrower on Form FSA–LE 231, "Agreement for Deposit of Funds from Agricultural Income."

(2) The original and three copies of Form FSA–LE 192, Rev., "Deposit Agreement", shall be signed by the borrower, the bank, and the collecting official. When borrowers have executed this Form for the purpose of controlling the proceeds of loans, it is not necessary for them to execute the Form again unless the bank desires a new Form. However, when borrowers have executed Form FSA–LE 192, dated 11–5–37 (which is the unrevised "Deposit Agreement"), it will be necessary for them to execute Form FSA–LE 192, Rev., since the unrevised Form is not worded so as to take care of the deposit of the proceeds of the loan. The original shall be forwarded to the regional office, one copy shall be given to the borrower, one copy shall be given to the bank, and one copy shall be retained by the collecting official. The original forwarded to the regional office shall be routed to the General Services unit for signaling before being filed with the security instruments. (Rev. June 18, 1940)

(3) If the tenant purchase borrower also has a rural rehabilitation loan, the portion of the proceeds from the sale of farm products to be deposited in his trust account shall be so increased as to accumulate sufficient funds for the retirement of the rural rehabilitation loan or for periodic repayments due thereon. Such share shall be in addition to the usual landlord's share when this share is determinable, or some other agreed amount when this share is not determinable, and shall be derived from that part of the farm income usually accruing to a tenant.

(4) Funds available in the trust account shall be used to make necessary payments on the borrower's tenant purchase loan, to care for insurance premiums, taxes, maintenance and assessments, and if the borrower has a rural rehabilitation loan, to make repayment thereon. Pending the disbursement of the borrower's trust account for these purposes, the entire account shall be pledged as additional security on the borrower's obligations to the Government.

(5) If, after all the above-named obligations have been disposed of, the borrower desires to withdraw whatever surplus remains, the county rural rehabilitation supervisor shall countersign

checks for the withdrawal of such balances. (Added June 26, 1939)

(6) If the county rural rehabilitation supervisor finds, by examining the family record book of a borrower operating under the variable payment plan, that the borrower's income is falling considerably below the amount estimated in the "Farm and Home Management Plan", or that the necessary and justifiable expenditures are materially exceeding the estimates in the "Farm and Home Management Plan", and if this borrower is in need of his total income to meet current living and operating expenses, the county rural rehabilitation supervisor may authorize the borrower to withhold or withdraw from the trust account such funds as are needed: *Provided, however,* That he shall not withhold or withdraw necessary funds for the payment of the annual taxes and insurance charges. (Added June 26, 1939) (Sec. 41 (1), 50 Stat. 522; 7 U.S.C., Sup., 1015 (i), and Sec. Memo. 738, Sept. 30, 1937; 2 F.R. 2077) [FSA Instr. 658.3, Mar. 27, 1939, Par. I, except sub-par. I A 1]

SUBCHAPTER H—REHABILITATION

PART 373—STANDARD METHODS

Sec.

§ 373.11 *Standard rural rehabilitation loans—Criteria and county office routine*—(a) *Purpose of the program.* It is the purpose of the standard rural rehabilitation loan program, through a program of financed and supervised Farm and Home Management Plans, to establish low-income farm families in need of aid in family enterprises on economic size units which will provide a healthful and otherwise satisfactory level of living and a cash income sufficient to pay annual farm and home operating expenses, repay capital obligations, and allow the family to participate, within their capabilities, in the normal social, educational and economic activities of the community.

(b) *Factors in rural rehabilitation.* There are certain fundamental factors in the financing and supervising of eligible farm families to insure maximum benefit from the standard rural rehabilitation program. These are:

(1) *Availability of suitable land.* There shall be available to the client an economic farm unit with such acreage, soil resources and improvements as will, with the effective application of the family's abilities, produce returns adequate for successful rehabilitation.

(2) *Security of tenure.* Security of tenure may be obtained through ownership, lease, or a combination of these methods which provides for non-disturbance of the client's farm and home operations at least during the period of rehabilitation. Definite tenure over the period of the loan should be provided for new tenant clients through written leases with renewal clauses or continuing clauses, requiring formal notification of termination by either party. Compensation features should be included for tenant's unexhausted improvements, together with provisions for arbitration of differences between the landlord and tenant. For old clients, expiring tenure arrangements which are not in conformance with FSA's policy will be revised as rapidly as circumstances permit.

(3) *Debt adjustment.* Where clients have outstanding debts and obligations, these should be adjusted within the clients' ability to pay on the basis of normal income producing probabilities of the farm through cancelation, reduction of principal and interest, extension of time in repayment, and/or renewal of amortization. Payment of the debt on the adjusted basis should be provided from the probable income as shown on the Farm and Home Plan. As specifically authorized in the provisions dealing with the purposes for which standard loans may be made, exceptions in which old debts may be refinanced as part of the standard loan are:

(i) Where rehabilitation of an eligible client is threatened by foreclosure on chattels necessary to the farm and home operations, the current commercial value of which is in excess of the amount of the adjusted debt.

(ii) Where unsecured debts have been substantially reduced through debt adjustment and where there is a strong probability that the creditor may secure judgment and levy against chattels necessary to the rehabilitation of the client. Loans may not be made for financing or refinancing real estate transactions either directly or indirectly, nor may releases on crop or chattel mortgages be given for such purposes except where loan maturities due the FSA have been repaid and the balance of the loan is adequately protected by the remaining security.

(4) *Community and cooperative services loans.* Where facilities and services essential to rehabilitation are prohibitive or economically inadvisable on a strictly individual basis, consideration should be given to the provision of such facilities and services on a group basis through community and cooperative services loans.

(5) *Rehabilitation factors to be considered with other agencies.* In analyzing the resources and supervising the farm and home operations of a client, appropriate consideration should be given to acreage allotments and benefit payments under the Agricultural Adjustment Administration program; to land use designations made by the Bureau of Agricultural Economics; to cropping and erosion control practices recommended for the area by Soil Conservation Service; and to the use of technical information on farm and home management which is available from the Extension Service and experiment stations; and to instructional methods and help from vocational, agricultural and home economics teachers Likewise in other problems pertaining to the rehabilitation of farm families, such as health, education, sanitation, marketing and the like, the services of local agencies should be enlisted.

(6) *Cooperation of client family.* Financing and supervising Farm and Home Management Plans require the cooperation of the client in:

(i) Production of a year-round supply of home grown vegetables, fruit, meat, poultry, eggs, and milk for family use.

(ii) Production of a year-round supply of pasture, forage and grain for the farm livestock.

(iii) Production of sufficient cash income from the farm to pay cash farm and home operating expenses and repay the FSA loan and other obligations.

(iv) Keeping up-to-date, summarizing and analyzing farm and home account records.

(v) Participation in economic services which will reduce farm and home operating expenses or farm and home capital cost.

(vi) Participation of client family in group instruction in farm and home management, rural health and sanitation, rural cooperation and recreational activities.

(vii) Individual instruction in technical phases of improved farm and home practices.

(viii) Proper accounting for use of proceeds of loans according to provisions of the Loan Agreement, the care and condition of property and crops mortgaged to the FSA and the use of farm and other income according to the provisions of the Farm and Home Plans and the Loan Agreements.

(c) *Persons eligible for standard loans.* Low-income farmers, including owner-operators, tenant, sharecroppers, and farm laborers who are (1) living on farms from which they derive the major portion of their livelihood; (2) temporarily living in towns and villages because of inability to remain on farms from which they previously derived the major portion of their livelihood; or (3) recently married young men who are sons of farm families and desire to engage in farming operations for a livelihood; or (4) accepted applicants for tenant purchase loans will be considered eligible for standard loans if they are:

(i) In need of the supervised and financed farm and home management services of the FSA.

(ii) Unable to obtain adequate farm financing from agencies other than the FSA. (This provision does not apply to tenant purchase borrowers as it is deemed desirable that all financing for such borrowers be through the FSA.)

(iii) Willing to assume the obligations of self-help necessary to effect their rehabilitation and show evidence of acceptable industry, ability and managerial capacity to profit from farm and home management guidance and instructions as well as financing.

NOTE: So long as there is unmet need among full-time farmers in a given area, unemployed industrial workers, who desire to return to the farm, will not be eligible under the standard rural rehabilitation loan program.

(d) *Coordination with Farm Credit Administration and other established credit agencies.* It is the policy of the FSA to send applicants to agencies of the Farm Credit Administration or to other established credit agencies whenever adequate financial assistance can be obtained there on suitable terms and conditions.

(1) Applicants for FSA loans who are not indebted to any agency but who are apparently a suitable risk for adequate financing by some other agency should be referred to the appropriate agency. Such agencies would include:

(i) Production Credit Association, operating in the community in which the applicant resides

(ii) Federal Land Bank, when application is made for a real estate loan, or

(iii) Local banks and non-Federal credit agencies (including Federal Housing Administration insured loans for improvements and construction).

(iv) Emergency Crop and Feed Loan Section of the Farm Credit Administration for feed and seed loans if such loans will meet the need of the applicants.

(2) Applicants should be required to present evidence that they cannot secure the desired financing under suitable terms and conditions from other agencies.

(3) Where applicants are already indebted to the Farm Credit Administration or to other agencies, the county rural rehabilitation supervisor will ascertain from such agencies whether they wish to make the loan requested. If the agency is prepared and willing to finance the applicant on a satisfactory basis, the applicant should be referred to the agency involved. If the agency does not wish to provide the additional necessary financing, the FSA should make no effort to provide it unless an appropriate plan can be worked out under which the borrower will be able to provide the FSA with adequate security, and discharge both debts in an orderly manner. Such plan may require voluntary debt adjustment, waiver or non-disturbance agreements. It is not the policy of the FSA to make loans to persons who are indebted to an agency of the Farm Credit Administration and who have executed chattel mortgages to such agencies covering property necessary for the continued operation of their farms, except where specifically provided for in special agreements with the Farm Credit Administration.

(4) Special agreements between the Farm Credit Administration and the FSA have been entered into each year and in all probability will be entered into from time to time in the future. Field personnel will be provided with full instructions for carrying out such agreements.

(5) *Refinancing non-real estate accounts.* The FSA will take over non-real estate accounts of borrowers from other agencies when threatened foreclosure would deprive the borrower of chattels essential to the operation of the Farm and Home Plan, or where agreements with creditors cannot be obtained for orderly repayment of such accounts out of income, providing such chattels have a commercial value equal to or greater than the adjusted amount of the lien. Real estate loans may not be refinanced through FSA loans, except under specially limited circumstances as authorized by the Administrator. However, in cases where real estate foreclosures are threatened, the FSA will cooperate to prevent such foreclosure by joining in a plan with the mortgage creditor for the equitable division of the farm income, providing the mortgage creditor will grant a suitable extension of the mortgage debt and so revise the repayment schedule that the borrower will have reasonable hope of meeting the obligation out of the usual landlord's share of farm income. If necessary, the FSA will develop a new or improved "Farm and Home Management Plan" to demonstrate the debt paying ability of the farm and will provide a loan for the purchase of additional livestock or equipment, if the Farm Plan shows this to be economically feasible in order to increase the borrower's income. The arrangement for division of income will be outlined in the approved Farm Plan. The mortgage to secure the FSA loan should cover all of the chattels and the tenant's share of the crops, the real estate creditor being permitted to take a mortgage on the usual landlord's share of the crops; or, where practicable, the FSA mortgage will cover all of the chattels and crops and payment to the real estate creditor of the usual landlord's share of the crops actually produced may be effected by means of a release. Any arrangement will, of course, be subject to the rights of other creditors.

(e) *Purposes for which standard rural rehabilitation loans may be made.* (1) Standard rural rehabilitation loans may be made with a repayment period not in excess of 10 years for the following purposes:

(i) To pay advance rental on agricultural land in order to round out for the client an economic farm unit where such major shift in agricultural economy is planned such as from cash crop farming to the diversified livestock and grazing economy.

(ii) To purchase foundation herds of purebred or high grade livestock to be carried as a farm enterprise by the client having land ownership or security of tenure for the period of the loan.

(iii) For land clearing operations on necessary land suitable for agricultural purposes where such loans are not inconsistent with other agricultural programs authorized by Congress, and:

Where the borrower has moved to such land from submarginal land optioned or purchased by a Government agency and where the borrower has ownership or a contract of purchase which provides security of tenure for the period of the loan and provides terms which give reasonable assurance for fulfilment.

Where prospective or accepted standard rural rehabilitation clients have entered or are entering into farming operations and farm income will be delayed while the farm is being brought into full production.

Where the borrower is a rural resettlement client entering into a Lease and Purchase Contract with the FSA for the purchase of a farm, and farm income will be delayed while the farm is being brought into full production.

(2) Loans may be made for a period of not to exceed five years for the following purposes:

(i) Purchase of work stock or subsistence livestock.

(ii) Purchase of farm machinery or household equipment.

(iii) Purchase of lime and fertilizer for the seeding of land to permanent pasture and meadow, the benefits of which will be spread over a number of years and the cost of which may reasonably be expected to be repaid within five years.

Such loans may be made to either land owners or tenants, but if these loans are made to tenants they shall be based upon land tenure which will not expire before the date of repayment of the loan or before full benefits of the improvement have been realized by the tenant unless the client has a contract with his landlord, under the terms of which he will be compensated for any unaccrued residual value of the improvement, which exists at the time the lease is terminated.

(iv) Construction of minor buildings and fences and repairs thereto, and for other minor farm improvements essential to the successful operations of the farm family enterprise.

(v) Refinancing chattel mortgages when it is found impossible to make other equitable adjustments and where rehabilitation of an eligible client is threatened by foreclosure on chattels necessary to the farm and home operations, the current commercial value of which is in excess of the amount of the adjusted debt.

(vi) Refinancing unsecured debts which have been substantially reduced through debt adjustment and where there is a strong probability that the creditor will secure judgment and levy against chattels necessary to the rehabilitation of the client. Refinancing

in such cases shall only be by special authority of the regional director.

(3) Loans may be made for a period of two years or less for the purchase of seasonal farm and home supplies, minor repairs to buildings and fences; repairs to farm and household machinery and equipment, the purchase of farm tools; the purchase of baby chicks or feeder pigs or other livestock which will be consumed or marketed in less than two years; the purchase of subsistence goods for human needs and the payment for indispensable medical services and for sanitation; the payment of annual current interest on chattel mortgages; the payment of annual current rent on land and buildings; the payment of annual current taxes on real and personal property; the payment of crop insurance premiums; the payment of premiums for insurance against fire, wind, lightning, and other types of accidental damage to chattels and buildings, provided such protection is considered essential for the security of the loan and/or the rehabilitation of the client (wherever possible, it is desired that insurance premiums be paid by the client out of the proceeds of crops or other funds rather than including funds in the loan for that purpose; in no case may funds be included for payment of insurance on buildings not owned by the client); the payment of recording and filing fees and the payment of current labor, professional and transportation and utility service fees.

(f) *Interest and amortization.* Interest will be charged at the rate of 5 percent per annum on rural rehabilitation loans and on renewals granted thereon. Interest will accrue on principal only and shall not be compounded. Repayments on loans for the above purposes will be set up in the Loan Agreement and Note in such instalments as are determined to be in accordance with the anticipated maximum ability of the borrower to repay as indicated by probable income shown on the "Farm and Home Management Plan" approved for the borrower. Under the terms of the Emergency Relief Act of 1938 and orders issued thereunder, it will no longer be necessary to require that repayments be made in equal annual instalments. However, it will be the policy of the FSA to require repayment of annually recurring operating expenses from the crops for which such advances were made in order to avoid pyramiding indebtedness. Repayments on items of this nature should not be spread over a 2-year period. Where the loan is made for a period of 5 years or more, the early payments on the principal may be deferred or fixed at a lesser amount than in the later years if the borrower is subject to one or more of the conditions of financial stress listed below.

(1) A heavy repayment schedule arising during the first 2 years, as a result of funds advanced for purposes for which a loan not in excess of 2 years may be made.

(2) The necessity of meeting heavy repayments of obligations owing other creditors during those years.

(3) The beginning of borrowers' farm operations at a season of the year or of a nature such that cash income will be largely deferred for a period in excess of 12 months.

(4) The necessity of devoting the early years to soil improvement and other operations on which the major returns to the borrower will be deferred.

(g) *Notes and other security.* In general, the approval of a standard rural rehabilitation loan in the first instance, or a renewal thereof, will be predicated on the probabilities of orderly repayment of the loan on the basis of farm income produced in accordance with the original "Farm and Home Management Plan", or a revision thereof, rather than the security available—either chattel or real. However, it is the policy of the FSA to take a first lien on sufficient available property to secure FSA standard rural rehabilitation loans or renewals thereof, and to safeguard the financial status of the client during the process of rehabilitation.

(1) Standard rural rehabilitation loans will be evidenced by one or more Promissory Notes, Form FSA–LE 31. —, payable to the United States of America. One Note shall be taken in the amount of each advance and the terms of repayment thereof shall coincide with or fit into the schedule of repayments in the Loan Agreement. Advances to the client may be made in one payment or in a series of payments usually not to exceed two in number, timed as nearly as is practicable to the dates when the money will actually be needed by him.

(2) Standard rural rehabilitation loans will be secured in the full amount of the loan by a first lien on the crops growing, or to be grown by the borrower and a first lien on any livestock or equipment purchased with the proceeds of the loan. The basic form to be used in obtaining this security is Form FSA–LE 30. —, "Crop and Chattel Mortgage". When additional security is required or desirable because of the nature of the loan, there may also be taken on Form FSA–LE 80, "Assignment of the Proceeds from the Sale of Agricultural Products", an assignment of the proceeds from the sale of the farm, dairy or other agricultural products or a lien on other personal property (to be included in Form FSA–LE 30. —), or a real estate mortgage or deed of trust on property owned by the borrower on Form FSA–LE 76. —; or an assignment of a lease-hold in states when the regional office advises that such security under the state law will give the Government substantial security, without danger of liability under the lease together with a lien on the improvements erected in conformance with the lease-hold contract, when such improvements are financed by the FSA.

(3) In the case of renewals where adequate chattel mortgage security on property or a lien on crops cannot be furnished by the borrower, additional security may be taken in the form of a mortgage or similar lien on all or any part of real property owned by the borrower.

(4) The regional director may, upon the advice of the Solicitor, and with the approval of the Director of the Rural Rehabilitation Division, prescribe other types of security where local law or the individual situation of the borrower makes a different form or type of security more applicable.

(5) In areas where local law gives the landlord a prior lien on crops and it is impossible to secure a subordination from him, the best lien obtainable will be taken. In those instances in which a lien prior to that of the FSA is about to mature or has matured, and the holder of such a lien desires to extend or renew the obligation, a subordination agreement may be executed by the regional director to preserve the priority of such a lien, providing the relative position of the FSA lien is maintained, and the repayment of the FSA loan is not thereby jeopardized. In all other cases, it is the policy of the FSA not to subordinate FSA liens, to either Federal or non-Federal agencies or individuals. In particular, it is contrary to FSA policy to subordinate FSA liens in order to permit clients to obtain credit from outside sources. As a general rule, it is considered that the rehabilitation of the client can best be achieved by providing all his credit needs from FSA funds during the period of his rehabilitation. Exceptions to the foregoing policy may be granted only upon written authority of the Director of the Rural Rehabilitation Division. After such authority has been given, the regional director may prepare and execute the subordination agreement.

(h) *Executing, recording and filing of securing documents.* (1) County rural rehabilitation supervisors are authorized to execute any legal instruments necessary or desirable to obtain security for loans, including mortgages and similar lien instruments (where the holder of a mortgage or other lien is required to execute the instrument) and affidavits, acknowledgments and other certifications (where the mortgagee must execute such a certification under state law). County rural rehabilitation supervisors are authorized to act as agents and attorneys-in-fact for the United States, the Secretary of Agriculture, and the FSA in executing such instruments.

(2) County rural rehabilitation supervisors are authorized to accept and file or record instruments or security taken for loans, including mortgages and other lien instruments, subordination and nondisturbance agreements, and leases and assignments thereof, and to execute any

instruments necessary or desirable therefor. County rural rehabilitation supervisers are authorized to act as agents and attorneys-in-fact for the United States, the Secretary of Agriculture, and the FSA in performing these functions. Specific instructions as to the procedure followed for each type of instrument used in any state will be issued by the regional office. County rural rehabilitation supervisors will be responsible for recording and filing legal documents within the time limitation set forth under prevailing local statutes.

(3) Borrowers from the FSA (or a state rural rehabilitation corporation trust fund) are required to pay statutory fees for recording or filing mortgages, or other legal instruments given to secure loans. Where a new loan or advance is made, the client may, in addition, be required by the regional office to furnish, at his own expense, a certificate of priority of such mortgages, or other security instruments (that is, an abstract of liens filed or recorded against the property to be mortgaged), executed by competent persons, where such a certificate can be obtained for not more than one dollar ($1.00). County rural rehabilitation supervisors will be expected, at the time of delivery of the loan checks, to collect from the borrowers the recording and filing fees described above.

(4) Where mortgages are renewed, or where new or additional security is obtained, fees for filing or recording the necessary legal instruments should be collected from the borrower. If the borrower is without financial resources, and such fees cannot be collected from him in advance, the county rural rehabilitation supervisor may pay such fees by means of Standard Form No. 1034, "Public Voucher for Purchases and Services Other Than Personal". In cases where local recording officials will not or cannot accept Standard Form No. 1034 in payment of such fees, the county rural rehabilitation supervisor, if specifically authorized in his "Letter of Authorization", may pay such fees in cash and obtain reimbursement by means of a separate Standard Form No. 1012, "Voucher for Per Diem and/or Reimbursement of Expenses Incident to Official Travel". Where payment of recording or filing fees is made by means of Standard Form No. 1034, or where the fee is paid in cash and reimbursement is sought through Standard Form No. 1012, the Voucher, in either case, should contain instructions that the amount of such fee should be charged to the account of the borrower for whom the fee has been paid. Such claims for reimbursement must not be included on the same Voucher as claims for mileage and per diem reimbursements, and will be submitted in an original and three copies. Wherever possible, the county rural rehabilitation supervisor must avoid paying recording and filing fees in cash and seeking reimbursement through Standard Form No. 1012 because of the additional cost incident to the transfer of such charges to the borrower's account when they are paid in this way. (Certificates of priority, where they are required when mortgages are renewed or when new or additional security is obtained and such certificates are not prepared by county rural rehabilitation supervisors, may be authorized and paid for as above, but costs of such certificates are not chargeable against the borrower.) The foregoing will apply to debts owing to state rural rehabilitation corporation trust funds, in the same manner as to FSA loans.

(i) *Supervised bank accounts.* (1) When the full amount of the loan or a portion thereof is paid to the client in advance of the date actually needed by him, the county rural rehabilitation supervisor or associate county rural rehabilitation supervisor for cases under his assigned supervision may, in order to provide assurance that the funds will be used for the purposes set forth in the Loan Agreement, require that the unused portion of the check shall be deposited in the bank to the credit of the borrower, subject to withdrawal on the counter-signature of the county rural rehabilitation supervisor or associate county rural rehabilitation supervisor for cases under his assigned supervision. Such funds must be deposited in banks carrying Federal Deposit Insurance.

(2) In supervising the expenditure of loan funds by clients or the expenditure of proceeds of the sale of mortgaged property, or any other funds of a client, the county rural rehabilitation supervisor should not accept such funds himself except where money is tendered in payment of a loan or for recording or filing fees to the extent permitted by the paragraph on the executing, recording and filing of security documents. Necessary supervision over the clients' expenditure of funds should be exercised by means of a counter-signature bank account established by the use of Form FSA–LE 192, "Deposit Agreement". If, despite these instructions and previous instructions to the same effect, any county rural rehabilitation supervisor should accept client's funds or make improper use of the approved deposit agreement procedure, and lose or divert such funds to improper uses, the county rural rehabilitation supervisor will be held absolutely accountable to the Government in the same way that he is held accountable for loan collections. Clients who entrust their funds to county rural rehabilitation supervisors in their official capacity will be credited on their loan accounts for any amounts thus lost or diverted and the FSA will proceed against the county rural rehabilitation supervisor for such accounts.* [FSA Instr. 731.1, Oct. 25, 1938 (except pars. III, IV, XII and XIII)]

§ 373.13 *Loans to participate in the activities of 4–H clubs and similar organizations*—(a) *General.* (1) Loans not exceeding seventy-five dollars ($75) may be made jointly to clients and their minor children for the benefit of the latter to finance participation in the activities of 4–H clubs or similar organizations. It will be expected that the majority of these loans will be for less than fifty dollars ($50). These loans will be referred to as club loans.

(2) Club loans will be used, ordinarily, to purchase a calf, a pig, chickens, or other livestock, but they may likewise be used to purchase seed, plants, fertilizer, and so forth, where these are to be used in connection with types of projects approved by the county extension agent.

(3) Loans for participation in 4–H club activities will be submitted with the concurrence of the county extension agent and only when the county rural rehabilitation supervisor and the county extension agent are satisfied that the boy or girl can use the loan properly and profitably.

(4) In case of loans for members of organizations other than 4–H clubs, the recommendation and concurrence of the local supervisors of that organization will be obtained in a similar manner.

(5) Wherever possible, club loans should be made as a part of original or supplemental standard rural rehabilitation loans so as to avoid the preparation of separate loan dockets for these small loans, but they may be made as separate loans in which case they will be considered supplements to standard loans.

(6) For every club loan it is essential that a separate note be prepared and signed by both the client and club member and that a separate check be issued in favor of the client and club member. The purpose is to create a sense of responsibility in the club member and to develop his initiative and self-reliance. Club members should be made to feel that these loans are their own separate obligations and that they are fully responsible for repaying them.

(7) The routine for making club loans will be generally the same as for standard loans and the same forms with minor changes, if necessary, will be used.* [FSA Instr. 731.3, Dec. 2, 1939, par. I]

§ 373.21 *Farm tenure improvement program—Criteria and county office routine*—(a) *Policy*—(1) *Tenure improvement program.* The FSA will conduct a systematic program designed to provide more equitable and secure tenure arrangements for the mutual benefit of both tenants and landlords. This activity will apply to rural rehabilitation clients (FSA and state rural rehabilitation corporation) and to applicants or potential applicants of rural rehabilitation loans.

(2) *Approval of tenure arrangements—existing rural rehabilitation clients.* Farm Security Administration employees will use every reasonable and practicable means to promote improved tenure and leasing arrangements for existing rural rehabilitation clients and especially in connection with applications for supplemental loans. County ru-

ral rehabilition supervisors will inquire into the tenure arrangements of applicants for such loans as part of the procedure in the preparation and recommendation of loan applications. However, additional loans or other aid to existing rural rehabilitation clients, except loans for permanent improvements, will not be withheld solely because of the client's inability to procure a written lease if satisfactory conditions and reasonable security of tenure can be provided otherwise.

(3) *Approval of tenure arrangements—new or prospective rural rehabilitation clients.* County rural rehabilitation supervisors will inquire into the tenure arrangements of all new tenant farmer applicants for standard rural rehabilitation loans as part of the procedure in the preparation and recommendation of loan applications. The regional office will not approve such a loan to a new or prospective rural rehabilitation client unless the loan application is accompanied by a lease which provides equitable tenure arrangements and gives the tenant reasonable security of tenure. The lease must be on an approved FSA lease form, or in special cases, on another form acceptable to the regional director or his delegatee. However, if in special cases, it is the judgment of the regional director or his delegatee that injustice would be done an applicant, and, if satisfactory conditions and reasonable security of tenure can be provided otherwise, the foregoing requirements may be waived upon written recommendation of the county rural rehabilitation supervisor, except in connection with loans for permanent improvements.

(4) *Loans for permanent improvements.* A rural rehabilitation loan for making permanent improvements on a leased farm will not be made to the tenant farmer unless he has a written lease which provides definite security of tenure until he has received full benefit of the improvements, or which provides that he will be equitably compensated for such improvements if the lease is terminated or expires before full benefit of the improvements is realized or unless there is a definite agreement between the tenant and the landlord by which the tenant will be compensated or credited on rent for expenditures in making such improvements.

(5) *Community and cooperative loans.* Applications for community or cooperative loans to individuals should conform insofar as possible to the same general policy of security of tenure for the period of the loans as is required for standard rural rehabilitation loans. There should be reasonable security of tenure for the period of the loans to insure borrowers and participants continued benefit of the services. As a general rule, approval of community and cooperative loans will not be withheld solely because of the client's inability to secure acceptable tenure arrangements. However, efforts will be made to obtain the most favorable tenure arrangements possible.

(6) *Tenure improvement for low-income farmers who are not rural rehabilitation clients.* Upon request, other low-income tenant farmers who are potential applicants for rural rehabilitation loans, and their landlords, may be furnished approved lease forms and be given assistance through the tenure improvement program in working out satisfactory tenure arrangements.* [FSA Instr. 732.1, Oct. 25, 1939, par. II]

§ 373.41 *Community and cooperative service loans—Criteria and county office routine*—(a) *Purpose.* It is the purpose of community and cooperative service loans to make available to a larger number of rural rehabilitation and low-income families, on a group basis, facilities and services which may be prohibitive or economically inadvisable on a strictly individual basis, and to enable them to utilize technological improvements which would not otherwise be available, and to provide for the maximum use of such facilities and services.

(b) *Objective and limitations.* (1) Loans for the establishment and maintenance of community and cooperative services may be made only to persons who are eligible to receive standard individual loans on the basis of the assistance the loan will give to the rehabilitation of the borrower. The benefits of such services must accrue primarily to rural rehabilitation clients and low-income families or individuals, but other persons may be included as participants in the services in order to bring about the maximum use of a facility or service, to keep down unit costs, and to contribute to the successful operation of the service: *Provided,* That such persons shall make a proportionate contribution toward the establishment and maintenance of the facility or service. Beneficial membership in cooperatives for medical care shall be restricted to FSA clients and to persons eligible to become FSA clients.

(2) *Enterprises or service to be economically sound.* The enterprise or service shall be economically sound and shall be assured of an adequate volume of business to provide income sufficient to maintain the service, pay operating costs, other necessary expenses, and repay the loan.

(3) *Competent management of enterprises or services.* There shall be assurance of competent and responsible management. County rural rehabilitation and district rural rehabilitation supervisors will be expected to maintain close and intelligent supervision over all community and cooperative service loans within the territory assigned them. Careful supervision is equally as important to the success of community and cooperative services as to individuals, and because of the number of individuals involved, a proportionate amount of time should be devoted to supervision to insure the success of the service.

(4) *Participation and membership agreements.* Participants should understand the service and indicate their agreement to cooperate in the use of the service by signing participation membership or joint ownership agreements, copies of which will become a part of the docket. Loans to one or more individuals for the establishment of a group service or loans to joint borrowers for the establishment of a service shall be supported by simple non-technical joint ownership agreements which shall create a general partnership.

(5) *Restrictions on associations.* The cooperative association shall impose no inequitable restrictions upon membership or participation therein, and its bylaws shall provide that each member shall have only one vote and that, except as the Administrator may rule otherwise with regard to associations to which loans are made, there shall be no voting by proxy. Associations must not pay dividends on stock or membership capital in excess of 8 per cent per annum. The non-member business must not be greater in value than the membership business.

(6) *Avoidance of duplication of facilities.* Duplication of available existing cooperative facilities shall be avoided.

(7) *Amounts of loans and special requirements.* There shall be no minimum limitation on the size of loan made to a standard client.

(8) *"Backdoor" financing prohibited.* Loans to individuals for participation in an existing cooperative shall not be made under any circumstances where the purpose is actually to bail out a creditor or to refinance an association by the "backdoor" method.

(9) *Tenure requirements.* Tenure arrangements for all individuals securing loans as master borrowers or as joint borrowers to establish a service for the benefit of a group should provide reasonable security of tenure for the period of the loan. The regional director shall prescribe such regulations with reference to the tenure arrangements of such borrowers to accomplish this objective.

(10) *Financial and operating reports.* Any individual or group of individuals who receive loans shall file with the regional office and with the Community and Cooperative Services Section, Rural Rehabilitation Division in Washington, periodic, financial and operating reports in such form and at such time as shall be prescribed by the Director of the Rural Rehabilitation Division.

(11) *Bonding employees of associations.* Where loans have been made to master borrowers or joint borrowers to serve a group, or to a majority of the participants of a service or association (hereinafter to be referred to in this paragraph as "association"), the regional director shall require to the extent he deems necessary the bonding of trustees, agents, operators, employees or officers (hereinafter referred to in this paragraph as "trustees") of the association

for the faithful performance of their obligations and proper use of funds. (Rev. Sept. 17, 1940) It is mandatory that trustees of a medical or sanitation association be bonded. It is the policy of the FSA to discourage designation of FSA employees as trustees of such associations. However, rural rehabilitation supervisors may, through the function of countersignature, exercise control over expenditures of funds deposited to the credit of the association in supervised bank accounts. In cases where it is not possible to designate a member of, or participant in, the association, or another competent person acceptable to the members of participants as trustee, FSA employees may be so designated on a temporary basis until other qualified trustees may be selected. If FSA employees are so designated, they must secure separate bonds for the purpose even though they may be carrying FSA Bonds in favor of the United States of America. (Added Sept. 17, 1940)

(c) *Types of loans.* (1) Loans may be made to individuals for participation in an already existing cooperative, or one to be organized, for the payment of a fee, a membership charge, or for the purchase of a share of stock or certificate of indebtedness.

(2) Individual loans may be made to a group of low-income farmers to enable them to pool the proceeds thereof for the purpose of providing a specific facility or service. (Individuals who wish to join the group and who are ineligible for rehabilitation aid shall use their own funds to make a proportionate contribution to the pool.

(3) Loans may be made to individuals for the purpose of providing a facility or service for the benefit of a group. Such loans may be made to an individual (a master borrower) or to several individuals (joint borrowers) who will be responsible for the repayment of the loan and for the use and care of the facility or service purchased with the proceeds of the loan. Provision should be made in this type of loan to insure reasonable charges for the services to the group to be benefited and to prevent the borrower from making excessive profits from the operation of the service.

(d) *Purposes for which loans may be made.* Loans may be made for the following purposes:

(1) To acquire property, real or personal, or any interest therein, necessary for the proper conduct of the service.

(2) To construct buildings or to procure equipment, goods, or other facilities necessary for the proper conduct of the service.

(3) To provide operating capital.

(4) To conduct any cooperative activity for the rehabilitation or relief of its members, including individual advances to producers of products handled by associations under marketing agreements.

(e) *Types of services.* The following is a partial list of facilities, services, or cooperative activities which should be considered in a program of rehabilitation, provided they can be justified in accordance with the policies set forth in this section:

(1) *General farm needs.* Facilities for farm machinery repairing, mixing of fertilizer, lime mining or grinding, terracing, land clearing, feed grinding and mixing, seed cleaning and treatment, plowing or cultivating, spraying, leasing of grazing areas, and other general farm needs.

(2) *Crop harvesting.* Facilities for mowing, binding, threshing, hulling, baling, ensilage cutting and other crop harvesting needs.

(3) *Processing.* Facilities for the processing of agricultural products.

(4) *Handicraft.* Facilities for the making and marketing of handicraft products.

(5) *Grading, packing, storing.* Facilities for the grading, packing and storing of perishable commodities, including cold storage and warehousing.

(6) *Marketing and purchasing.* Facilities for the purchase and/or sale of raw or processed materials and goods, supplies and equipment, and services.

(7) *Livestock improvement.* Facilities for livestock improvement, such as the acquisition of purebred sires, veterinary services, and so forth.

(8) *Home conveniences.* Facilities, not economically feasible in individual low-income homes, for laundering, sewing, canning and dehydrating fruits and vegetables, curing and processing meats, and for meeting other household and home needs.

(9) Medical and health services.

(10) Facilities or services other than those listed above may be approved by the Administrator, provided they are essential for rehabilitation of rural rehabilitation clients or other low-income families.

(f) *Period of loans.* Loans shall be made for the shortest period consistent with the purposes and policies of this section. In no case shall the period of the loan exceed the estimated life of the facility or the property. Generally, the period of the loan shall coincide with the two, five, and ten year periods permitted for standard loans. Where loans are desired for periods in excess of 10 years, as provided under standard loans, the regional office must be contacted prior to the preparation of such applications for advance approval of the submission of such requests.

(g) *Rate of interest.* Interest on community and cooperative service loans shall be charged at the rate of 3 percent per annum. However, if the borrowers do not acquire any interest in the services or in the facility, or if the proceeds of the loan are used in payment of rent or fees for the use of facilities or services or in the purchases of supplies or materials of a non-recoverable nature used for farming operations, then interest shall be charged at the rate of 5 percent per annum. A 5 percent rate of interest may likewise be charged at the discretion of the regional director where participation loans are included as a part of the Farm Plan loan (either as an initial loan or as a supplemental loan) if funds for other purposes are included in such loans. Where an interest rate of 5 percent is established for one or more borrowers of a facility, the same rate shall be charged all borrowers who participate in the same facility. Medical fees, dental fees, veterinary fees, and grazing fees shall be classified as annual farm and home operating expenses and shall carry an interest rate of 5 percent.

(h) *Security.* Security for such loans shall be adequate to insure repayment and shall be in accordance with the requirements for security for standard loans. Where it is administratively advisable, there should be required also Form FSA–LE 122, Assignment of Dividends, an agreement to set aside a definite amount or percentage of the income from service fees or other charges, and/or such other available security as may be necessary to safeguard the repayment of the loan. The security requirements should be set forth specifically in the Loan Agreement.* [FSA Instr. 734.1, Oct. 25, 1938 (except pars. II G 2, 3, 4; II K 3, 4, 5, 6, 7; and IX)]

PART 374—EMERGENCY METHODS

Sec.

374.1 *Grant procedure*—(a) *General.* (1) In general, all rural rehabilitation grant clients who are physically able or whose families contain members who are physically able, should be required to perform certain prescribed work in return for grant assistance. This work will be outlined in writing, agreed to by the client, and will in each case be calculated to contribute, directly or indirectly, to the client family's self-support or income producing possibilities.

(2) Exceptions to this requirement may be granted by the regional director in cases of emergency (such as disasters, and so forth) where it would not be feasible or practical to require such work.

(3) This procedure does not apply to grant clients on rural resettlement projects.

(b) *Pledge of cooperation.* (1) All grants (unless an exception has been made by the regional director) must be accompanied by Form FSA–RR 197, executed by the head of the client family. If the head of the family is a married man, the wife should also sign this form as evidence that the family understands and concurs in the work to be performed. The form will be developed with the client by the rural rehabilitation or home management supervisor and will provide for

the performance of different types of constructive farm and/or home improvement work calculated to contribute to the client's self-support and rehabilitation. Only such kinds of work as can be performed personally by the client and members of his family with simple equipment will be required. The farm and home improvements should be definitely specified as to extent and amount and a time limit for performance should be stated. Any member or combination of members of the client family who are physically able may perform the work outlined.

(2) The Pledge of Cooperation will be prepared in an original and two copies. Only the original and the first copy need be signed. The original will be forwarded to the regional office with the grant voucher and after the voucher has been approved in the Loan and Collection section, it will be returned to the Client File station and filed in the client's file. The signed copy will be retained by the county office. The unsigned copy will be furnished to the client. As soon as the work prescribed has been completed, the client will so indicate by signing his copy in the appropriate space and mailing it to the county rural rehabilitation supervisor. If desired, the form can be prepared in quadruplicate so that the client can retain one copy permanently.

(c) *Types of work which may be required.* The Pledge of Cooperation may specify the raising of a garden to supplement subsistence needs, improvement of the soil, clearing land, repairing of buildings and fences, painting and cleaning up farm buildings and farm yards, developing irrigation systems for gardens, fencing gardens, building storage cellars, contour furrowing of pastures, eradication of noxious weeds, keeping production records on cows and poultry, keeping farm and home records, improving sanitary facilities, and so forth.

(d) *Work on farms.*—All work required must be performed on the farm occupied by the client and must be for the direct benefit of the client.

(e) *Compensation insurance.* Section 3 (c) of the Emergency Relief Act of 1939 does not apply to grant recipients performing work under the conditions specified in this section. Such recipients accordingly do not qualify for Federal disability or death compensation and benefits for accidents arising in the course of their voluntary work. Hence, it will not be necessary to establish hours of work and rates of pay in connection with such work nor will it be necessary to secure reports on attendance at work, time of entering on work and leaving work, amount of work performed and all the other forms and reports incident to the application of compensation insurance.

(f) *Tenure.* Wherever a Pledge of Cooperation will involve the improvement of a rented farm it will be the duty of the county rural rehabilitation or home management supervisor to assist the client in obtaining improved tenure arrangements. The client should have reasonable assurance of continued tenure until the full benefit of the improvement has been realized; or an agreement from the landlord to compensate the tenant for the unexhausted value of the improvement or to permit the tenant to remove any removable improvements.

(g) *Relation of size of grant to amount of work.* All personnel must be instructed not to adopt any standards which would tend to correlate the amount of work to be performed with the amount of grant assistance rendered. As in the past all grants will be made solely upon the basis of family needs. All clients should be made to realize that the work is for their own benefit. They should also realize that they are not being asked to give dollar for dollar in work performed but rather to cooperate with the Department of Agriculture in an effort to better themselves. One client may be asked to do more or less work than another for the same amount of grant aid, depending on the circumstances in individual cases. In no case, however, should clients be required to perform work that is unduly burdensome in quantity or involves unreasonable risks in performance. On the other hand, the amount of work required should not be so small as to be accomplished with negligible or nominal effort.

There will be no change in the present eligibility requirements or purposes for which grants may be made, as set forth in § 374.11.

Failure of a client to perform the work agreed to will be justification for discontinuing grant aid. This policy should be exercised with discretion, however, and should not be applied harshly or in such a way as to inflict suffering on destitute persons.* [Administration Letter 257, Oct. 24, 1939 (except par. IV)]

§ 374.11 *Rural rehabilitation grants—Criteria and county office routine*—(a) *Purpose.* The purpose of the grant program is to provide needy farm families with indispensable medical aid, and emergency subsistence needs such as food, clothing, shelter, and other essential subsistence goods and services.

(b) *General policy.* Grants will be resorted to for FSA and state rural rehabilitation corporation clients only where it is impossible to work out a repayment schedule based on Farm and Home Plans for such goods and services. Grants should be considered as meeting emergency and temporary needs only, and every effort should be made by the county rural rehabilitation or home management supervisor and family to meet all family needs through income from the farm, supplemented wherever possible by outside family income. In areas where it is impossible to meet all needs from farm and family income, grants for subsistence and medical purposes may be utilized to balance individual Farm Plans, where, through close and intelligent supervision, available resources are being utilized to the fullest extent by the client in honestly attempting to meet all his needs on a self-help basis. It will be the policy of the FSA to encourage emergency grant clients to produce their own subsistence with the facilities and resources which are or can be made available, and to carry out recommended conservation practices on the farms and in their homes.

(c) *Persons eligible.* Persons eligible to receive grants are standard and emergency FSA and state rural rehabilitation corporation clients, potential FSA standard clients for whom loans cannot immediately be made available, and victims of flood, drought, storms, and like catastrophes, living in open rural areas in which the Administrator has declared an emergency to exist.

(d) *Purposes for which grants may be made.* In addition to grants to victims of flood, drought, storm, and like catastrophe for emergency subsistence needs, grants may be made to standard and potential standard clients as follows:

(1) *Grants to FSA and state rural rehabilitation corporation clients for subsistence.* Grants may be made to FSA and state rural rehabilitation corporation clients in an amount not to exceed subsistence needs where the Farm and Home Plans show it to be impossible to operate the farm, maintain a healthful standard of living, and repay the loan in full, pending a readjustment of soil resources and farming operations, or where unexpected emergencies have arisen which were not anticipated in the Farm and Home Plan and cannot be met from the family income.

(2) *Grants to FSA and state rural rehabilitation corporation clients or applicants for medical attention.* Grants to standard loan clients for medical care, or to applicants whose sole cause for rejection is need for medical attention, for the correction of chronic conditions of long standing shall be made only after all other possibilities are exhausted. Where such medical care is absolutely essential to the successful rehabilitation of the family and cannot be provided from farm income or through welfare agencies, grants may be used as a last resort.

(3) *Grants to others for medical care.* Grants for medical care to clients receiving grants only will not include correction of chronic conditions of long standing, but will be confined to emergency medical and obstetrical attention, including hospitalization where absolutely essential. The cooperation of the medical profession and all available welfare agencies will be solicited in making such medical needs available at the lowest possible rate.

(4) To make grants for any other purpose, the approval of the Administrator must be secured in writing, both as to

the use to which the money is to be put and the total amount to be expended.* [FSA Instr. 741.1, Oct. 25, 1938 (except pars. V and VI)]

§ 374.12 *Grants to resettlement and migrant farm families*—(a) *Scope.* This section applies to all grants made by the FSA to individuals and families now living on resettlement community or infiltration projects or tentatively selected for residence on such projects; to those living in farm family labor camps or homes; and to other migrant farm laborers. It does not apply to rural rehabilitation clients.

(b) *General policies.* Grants in money or goods may be made to meet emergency needs, to remedy health deficiencies and to compensate for temporary deficiencies in family incomes from farming or farm labor. Such grants may be made for subsistence needs, including food, clothing, and shelter; medical care and participation in approved medical or health associations; and construction and repair of sanitary facilities. Grants for other purposes such as subsistence livestock, garden seed, fertilizer, and implements and materials for farm, garden and kitchen, to be used for subsistence purposes only; essential household furnishings; may be made only on the basis of special requests approved by the Administrator. Such requests will give complete information including the estimated number of clients and costs, the exact purposes and a justification.

(c) *Conditions under which grants may be made.* (1) Grants may be made to occupants on resettlement projects:

(i) When emergencies occur resulting from crop failures, livestock losses, or similar misfortunes, or when unfavorable health situations, such as inadequate sanitary facilities, exist for which there is no other provision in the Farm and Home Plans.

(ii) When the capabilities of the family, the productivity of the land or other major factors in production have not had a sufficient development period or there has been an insufficient period for the operation of the Farm and Home Plan to enable the family to become self-sustaining.

(2) Grants may be made to families tentatively accepted for occupancy on resettlement projects when the completion of sound Farm and Home Management Plans is made impossible by remediable health deficiencies or other emergency obstructions to final acceptance.

(3) Grants may be made to occupants of farm family labor camps and homes and other migrant farm laborers when emergency food, shelter, clothing and health deficiencies cannot be provided for with funds available from any other source.* [FSA Instr. 741.2, Apr. 23, 1940 (except pars. II B, C, D and IV)]

§ 374.21 *Emergency rehabilitation loans—Criteria and county office routine*—(a) *Purpose.* Emergency rural rehabilitation loans may be made to take care of the emergency rehabilitation needs, indicated below, which cannot be met through standard loans, and to facilitate a feed loan program under abnormal conditions, such as arise during drought and flood. The use of emergency loans must be restricted to emergency situations.

(b) *Persons eligible.* Persons eligible to receive emergency rural rehabilitation loans are:

(1) Drought, flood and storm sufferers and other farmers who are victims of disasters or catastrophes, whose emergency needs for feed or feed crops do not permit the preparation of standard Farm and Home Plans.

(2) Applicants whose names appear on lists of prospective standard rural rehabilitation clients furnished the Farm Credit Administration, but who, on the basis of further investigation, have been found unacceptable as standard loan clients. Loans to this group will be limited to the amount which they would normally have secured from the Emergency Crop and Feed Loan Section of the Farm Credit Administration. Unless such applicants can establish eligibility for standard rural rehabilitation loans in subsequent years, they should be referred to the Farm Credit Administration for future loans.

(3) Vendors of land to the United States under accepted options who are in need of public aid pending payment for land and who cannot obtain loans from any other source may be granted emergency loans. When this need arises, the regional office will instruct the county rural rehabilitation supervisor in the procedure to be followed in accordance with instructions given the regional office.

(c) *Purposes of loans.* Emergency rehabilitation loans may be made for:

(1) Purchase of feed for the maintenance of work stock, subsistence livestock and foundation herds. The purchase of feed for commercial production of livestock or livestock products is not permitted under emergency loan procedure. Regional directors may place limits on animal units for which loans for feed may be made on any one farm when in his judgment the cost of feed consumed may be in excess of the value of the animals involved.

(2) The planting, cultivating and harvesting of emergency feed crops and supplies incidental thereto. Loans will be limited to immediate and actual cash needs.

(d) *Terms of loans.* The rate of interest on emergency loans will be 5 percent per annum. Such loans may not be made for a period longer than 18 months and should be made for the shortest period consistent with the probable future income of the borrower.

(e) *Notes and security.* All emergency loans will be evidenced by a "Promissory Note", Form FSA–LE 31.—, and be secured by a first lien on the crops to be grown, and the best lien obtainable on the livestock to be fed, using Form FSA–LF 30.—, "Crop and Chattel Mortgage". Where security indicated above is not adequate, it will be supplemented by the best available liens on chattels owned by the borrower.* [FSA Instr. 742.1, Oct. 25, 1938 (except par. VI)]

PART 376—COLLECTION

§ 376.41 *Rural rehabilitation loans—Collecting office procedure—Security servicing*—(a) *Release of security other than real estate security*—(1) *Release of mortgaged property may be granted.* (i) To enable repayment of the client's indebtedness.

(ii) To further the client's rehabilitation by permitting the sale or exchange of mortgaged property and use of proceeds for:

(*a*) Expenditures contemplated in the approved Farm Plan and made from proceeds derived from the sale of crops, livestock, and livestock products, the sale of which has been contemplated in the Farm Plan.

(*b*) Farming expenses not contemplated in the approved Farm Plan, providing such expenditure does not represent a material deviation from the Farm Plan, or such release is justified by a revised Farm Plan.

(*c*) Purchase (or acquisition by exchange) of other property better suited to the client's needs. The new property must be inspected by the collecting official or district rural rehabilitation supervisor and found to be suitable to the client's needs, and must be made subject to a first mortgage. Excess proceeds must be applied to the client's indebtedness.

(*d*) Subsistence or emergency needs.

(*e*) If the client's account is paid up-to-date, including all instalments due during the current crop season, crops may be released for farming or other justifiable expenses, including the expenses of the next crop.

(iii) To preserve the remainder of the property from deterioration or spoilage.

(iv) To liquidate the client's account (complete explanation, justifying the client's withdrawal from the rehabilitation program, will be required in each such case).

(2) *Authority to approve and execute releases of security other than real estate security.* The collecting official may approve and execute releases for the following purposes: (i) to allow the client to make repayment on his indebtedness from the sale of property contemplated in the Farm Plan, and (ii) to provide for expenditures contemplated in the Farm Plan when made from the proceeds derived from the sale of property contemplated in the Farm Plan. Authority for all other releases is vested in the regional director or his delegatee. [FSA Instr. 764.1, Apr. 15, 1939, pars. IV A and B]

(b) *Release of real estate security.* (1) Real estate security may be released in the following cases:

(i) Where the borrower wishes to sell part or all of his mortgaged real estate and apply the proceeds on his mortgaged debt, provided such action will promote the rehabilitation of the borrower and provided adequate security remains or will be substituted for his indebtedness. Where only a part of these proceeds is to be applied to the debt, the application must be transmitted to Washington for approval of the Director of the Rural Rehabilitation Division.

(ii) Where the FSA receives the full value of its junior lien in those cases where the senior lienor is contemplating action on his lien either through foreclosure or acceptance of a deed in lieu of foreclosure; or where the senior lien is being refinanced. In these cases, in the event the security of the Government is a second lien, its value will be determined by subtracting the amount of the first lien from the value of the property as determined by a fair appraisal made at the direction of the regional director. Releases in this category may not be given on the speculative chance of receiving collection. Where the Government's junior lien is determined to be of no value, no release may be executed except by the Comptroller General. Applications for release under these conditions should be prepared with the assistance of the regional attorney and submitted through the Director of the Rural Rehabilitation Division in Washington.

(iii) Where the borrower wishes to sell mortgaged property so that he may buy other property which is better suited for his purpose or where he wishes to exchange such property for new property. In these cases a Farm Plan should be obtained showing the revised income and farm and home operating expenses that would result in the event the sale or exchange is consummated. Also an appraisal and a title search should be made on any new real estate for which the exchange is to be made for the Government to determine whether the exchange in property is satisfactory to it. The Government should obtain a lien on the new property.

(iv) Where the borrower wishes to sell a right-of-way or an easement for its fair value to a governmental or a private body having the right of eminent domain. Compensation received from such sales must be applied to the borrower's FSA account.

(v) Where a borrower wishes to sell timber, mineral, oil, or other similar rights, the sale of which will not interfere with the operation of the farm for agricultural purposes, provided that the borrower's share of the royalties or other compensation is applied to his FSA account.

(vi) Where the mortgage was taken by mistake (for example, where a borrower by mistake or by intention, executes a mortgage on property which he does not own and which he cannot mortgage).

(vii) Where the mortgagor has only a contract to purchase, not a title to the property, and the mortgagor has defaulted on his purchase contract or has otherwise indicated that there is no possibility of his acquiring the title. In such cases, if the mortgagor is entitled to a refund of payments under the purchase contract, such refund must be applied to the FSA loan as a condition of the release.* [FSA Instr. 764.1, Apr. 15, 1939, par. V A]

SUBCHAPTER I—COOPERATIVES

PART 383—LOANS AND GRANTS

§ 383.1a *Loans to community and cooperative associations*—(a) *Subclasses of loans.* Loans to community and cooperative associations, organized or operated in furtherance of rural rehabilitation or relief in stricken agricultural areas and/or organized or operated in connection with approved resettlement community projects are divided into two subclasses as follows: (1) Loans to proposed new associations or organizations to establish cooperative services; and (2) loans to already existing cooperative associations for purposes of refinancing or extending facilities or services. [Par. 2a I]

(b) *General policies concerning cooperatives.* The cooperative organization shall be an association or other bona fide group agency, incorporated or unincorporated, which is engaged or proposes to engage in bona fide cooperative activities for the mutual benefit of its members. Its charter, constitution, or partnership agreement shall be in accordance with the laws of the state and shall specifically authorize the conduct of the cooperative enterprise or service.

The cooperative association shall impose no inequitable restrictions upon membership or participation therein, and its bylaws shall provide that each member shall have only one vote and that, except as the Administrator may rule otherwise with regard to associations to which loans are made, there shall be no voting by proxy.

Assurance of satisfactory management of the cooperative enterprise or service shall be given the Farm Security Administration. Policies and operations shall conform to principles set forth by the Farm Security Administration. Records and books of the cooperative enterprise or service shall be open for inspection and audit by representatives of the Farm Security Administration during the period of the Farm Security Administration loan. At least the majority of the participating members shall be clients of the Farm Security Administration and/or low-income farm families.

The loan shall be justified on the basis of its contribution to the rehabilitation or relief of destitute or low-income farm families or individuals within stricken agricultural areas.

The enterprise or service shall be economically sound. Each unit shall be assured an adequate volume of business to provide sufficient income to maintain the service, pay all operating costs, provide for amortization, and allow for depreciation and reserves.

Duplication of available existing cooperative facilities shall be avoided.

Cooperative enterprises or services will be established only in communities where a cooperative spirit is evident.

There shall be evidence in the facts submitted or in written authoritative statement made that the association is unable to secure a loan from the Farm Credit Administration.

Loans for relief in stricken agricultural areas include those for the establishment of medical care cooperatives which provide certain benefits to participating members. Beneficial memberships in cooperatives for medical care shall be restricted to Farm Security Administration clients and to persons eligible to become Farm Security Administration clients. Persons may become members of medical care cooperatives if their official duties so require but shall not be entitled to medical care benefits when their membership is granted solely to enable them to exercise supervisory activities.

All loan agreements entered into by the Farm Security Administration and cooperative associations organized or operated in connection with approved resettlement community projects must provide that cooperative associations, insofar as they engage in the cooperative production of goods or performance of services which are to be sold in competition with the goods or services of private enterprises, or insofar as they employ nonmembers in production or in the performance of services, will maintain standards of wages, hours, and conditions of employment, at least equal to those prevailing for similar occupations in private enterprises with which they are in direct competition as determined from time to time by the Administrator acting for the Secretary of Agriculture upon the recommendation of the Directors of the Labor Relations and Resettlement Divisions of the Farm Security Administration. Such conditions will be set forth in Notice of Labor Standards which may be authorized from time to time by the Administrator acting for the Secretary of Agriculture, and which will be effective for the duration of the Farm Security Administration's supervision of the cooperative activities. These requirements will not apply to medical and dental cooperatives which do not maintain hospital facilities or which are not located on community projects of the Farm Security Administration. [Par. 3, FSA Instr. 831a, Sept. 26, 1936, as amended by pars. 1, 2, Supp. 3, Jan. 14, 1937, and par. 1, Supp. 6, Jan. 18, 1938]

CROSS REFERENCE: For requirements for loans from the Farm Credit Administration to cooperative associations, see 6 CFR Part 44.

(c) *Eligibility for receiving loans.* Any community and cooperative association, incorporated or unincorporated, organized or operated, in furtherance of rural rehabilitation or relief in stricken agricultural areas, or in connection with approved resettlement community projects, is eligible for a loan under this subpart: *Provided,* That (1) It is a bona fide agency or cooperative association, and (2) it fulfills the other requirements of this subpart. [Par. 4a]

(d) *Purposes for which loans may be used.* (1) Loans may be made to approved community and cooperative associations, either to those which further rural rehabilitation or relief in stricken agricultural areas or to those organized in connection with approved resettlement community projects; or to individuals to participate in such associations or to acquire property or services jointly or individually for joint benefit, for the following purposes: (i) to acquire property, real or personal, or any interest therein, necessary for the proper conduct of the enterprise; (ii) to construct buildings, install equipment, and purchase goods and services necessary for the proper conduct of the enterprise; (iii) to provide necessary operating capital; (iv) to refinance or re-establish existing cooperative associations; and (v) to conduct any cooperative activity for the rural rehabilitation or relief of its members, including the making of advances to producers of products handled by the association under marketing agreements.

(2) The following is a partial list of facilities, services, or cooperative activities which are acceptable, provided they can be justified in accordance with the policies set forth in this subpart:

(i) *Home conveniences.* Facilities, not feasible economically in individual low-income homes, for laundering, for the making and repairing of wearing apparel, furniture, and other household and home needs.

(ii) *Food conservation and processing.* Facilities for canning, preserving, and dehydrating fruits and vegetables; for curing and processing meats for home use.

(iii) *General farm needs.* Facilities for farm machinery repairing, mixing of fertilizers, terracing, feed grinding and mixing, seed cleaning and treatment, spraying, and other general farm needs.

(iv) *Crop harvesting.* Facilities for threshing, hulling, baling, ensilage cutting, and other crop harvesting needs.

(v) *Processing.* Facilities for the processing of agricultural and other products for marketing purposes.

(vi) *Handicrafts.* Facilities for the making and marketing of handicraft products.

(vii) *Grading, packing and storing.* Facilities for the grading, packing, and storing of perishable commodities, including cold storage and warehousing.

(viii) *Marketing and purchasing.* Facilities for the purchase or sale of raw or processed materials and goods, including the general merchandising of goods and services.

(ix) *Livestock improvement.* Facilities for livestock improvement, such as the acquisition of purebred sires, and so forth.

(x) *Medical and health services.*

(3) Requests for loans for participation in facilities or services other than those listed above may be submitted, and may be approved, if the facilities or services are determined by the Administrator to be proper purposes for which the Farm Security Administration is authorized to make loans. [Par 5]

(e) *Security.* Where a loan made to an association for the purpose of acquiring specific property or for the purpose of producing a crop, such loan shall be secured by a mortgage, chattel mortgage, or lien on the property or crop so acquired or produced, and may be further secured by a mortgage, chattel mortgage, or lien on any other property or crop of the association, and/or by an assignment of fees, tolls, and rights under marketing and service agreements.

Where local law or the individual situation of the association makes a different type of security more desirable, a different form of security may be used on approval of the Solicitor. The Farm Security Administration will not in any case waive its rights as a general creditor.

Loans for purposes other than to acquire specific property or produce a crop shall be secured by such security as may be approved by the Administrator. [Par. 7a]

(f) *Period of loan.* Loans will be for the shortest period consistent with the purpose and policies of this subpart, considering the use to which the proceeds thereof are to be put, the financial resources and earning capacity of the borrower, and, in the case of loans to finance the purchase of specific property, the probable rate of depreciation, the estimated life thereof, and the amount of the loan as compared with the total purchase price, but in no case will the period exceed 40 years. When a loan is made for purposes which dictate different maximum periods of payment, repayment will be computed and will be required for each type of loan in accordance with this section. [Par. 8]

(g) *Amortization.* Loans which have a maturity of less than 2 years will be repaid in such instalments of principal and interest as the Administrator may determine. Efforts will be made, however, to have such loans repayable in quarterly, semiannual, or annual equal instalments of principal and interest.

Loans which have a maturity in excess of 2 years will be repayable in equal annual instalments of principal with interest added or in equal annual instalments including interest: *Provided, however,* That when the loan is for a period of 5 years or more, and, in the opinion of the Administrator, the financial condition of the organization so justifies, there need be no requirement that any payment be made on the principal during the first 3 years after the loan is made, but, in such cases, interest shall be paid annually each of the 3 years. Provision may be made for repayments in such instalments as the regional director may determine to be in accordance with the anticipated maximum ability of the borrower to repay: *Provided only,* That the total amount of the loan which is required to be repaid by the end of any particular year will not be less than the total amount of the loan that would have been required to be repaid if the loan has been payable in equal annual instalments. [Pars. 9a, 9b I]

(h) *Rate of interest.* In the case of loans to associations, interest will be charged at the rate of 3 percent per annum on balances remaining unpaid from time to time. [Par. 10a]

(i) *Reports.* Any association or group which receives a loan will file with the Administrator, during the period of the Loan Agreement, reports, in the form prescribed by the Administrator, and referred to the division concerned. [Par. 11a]

(j) *Bonding of employees of borrowing associations.* The regional director or his delegated representative will require that all officers, agents, and employees of the borrowing association, charged with the custody of any of its funds or property shall furnish adequate bond at the expense of the borrower. [Par. 12c]

(k) *Control over expenditures.* All Loan Agreements to associations will provide that property and services of the Farm Security Administration may be advanced to the association in lieu of cash, and that the obligation therefor will be in an amount equal to the actual value of such property or services to the Farm Security Administration.

If the Administrator determines that the association, organized in connection with a community resettlement project, has assets sufficient to serve as security for any loans made to it, no detailed control will be extended over the expenditure of any moneys obtained from the proceeds of loans made to it. This does not exempt the cooperative from making such reports as the Administrator may determine to be essential.

If the association organized in connection with a community resettlement project has insufficient assets to secure properly the loans made to it, other than the property to be acquired from the proceeds of loans, the Administrator will indicate for each project the procedure necessary to insure that the funds are expended in accordance with the Loan Agreement. [Par. 13a II]

(l) *Control over construction.* All plans and specifications for any new construction for an association organized in connection with a community resettlement project will be submitted to the Administrator for approval if such construction involves a cost exceeding

two thousand five hundred dollars ($2,500).

All major construction for an association organized in connection with a community resettlement project will have such inspection as the Administrator will prescribe. [Par. 13a III A] *[FSA Instr. 831a, Sept. 26, 1936, as amended, as noted in text]

[F. R. Doc. 40-5957; Filed, December 30, 1940; 12:58 p. m.]

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1941-2]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

1941 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

Supplement No. 2

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as Amended, the 1941 Agricultural Conservation Program Bulletin is hereby amended by inserting the following in lieu of § 701.201,[1] paragraph (b), subparagraph (2), to show the national and State cotton acreage allotments (calculated pursuant to section 344 (c) (1) and including the additional acreage allotted to counties pursuant to section 344 (e) of the Agricultural Adjustment Act of 1938, as amended) established for the purposes of said program:

(2) The national and State acreage allotments of cotton are as follows:

State:	*Acres*
Alabama	2,129,407
Arizona	189,725
Arkansas	2,153,805
California	391,665
Florida	75,857
Georgia	2,104,700
Illinois	4,950
Kansas	768
Kentucky	17,844
Louisiana	1,186,929
Missisippi	2,552,800
Missouri	379,036
New Mexico	110,071
North Carolina	877,041
Oklahoma	2,011,042
South Carolina	1,269,349
Tennessee	728,383
Texas	9,366,201
Virginia	50,281
Total	25,599,849

Done at Washington, D. C., this 31st day of December, 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 40-16; Filed, January 2, 1941; 10:37 a. m.]

[1] Part 701 appears at 5 F.R. 2915.

[ACP-1941-4]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

1941 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

Supplement No. 4[2]

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, the 1941 Agricultural Conservation Program Bulletin[2] is hereby amended as follows:

Section 701.201, *allotments, yields, productivity indexes, payments, and deductions*, paragraph (h), subparagraph (6), subdivision (iii), is amended by the addition of the following:

The county normal yields of wheat in bushels per acre, established by the Secretary, are as follows:

County and Normal Yield of Wheat in Bushels per Acre

Alabama: Jackson, 9.6; Lauderdale, 9.6; Limestone, 9.6; Madison, 9.6; Morgan, 9.6.

Arizona: Apache, 13.3; Cochise, 19.7; Coconino, 11.8; Gila, 13.0; Graham, 23.0; Greenlee, 20.7; Maricopa, 23.6; Mohave, 12.0; Navajo, 18.8; Pima, 13.5; Pinal, 20.4; Santa Cruz, 13.0; Yavapai, 18.0; Yuma, 20.7.

Arkansas: Arkansas, 10.5; Baxter, 6.6; Benton, 9.0; Boone, 7.9; Carroll, 9.0; Clay, 9.8; Cleburne, 7.0; Craighead, 8.8; Crawford, 11.4; Crittenden, 12.6; Cross, 9.6; Franklin, 7.1; Fulton, 7.0; Garland, 7.6; Greene, 9.5; Hempstead, 8.0; Hot Spring, 8.2; Independence, 9.8; Izard, 6.5; Jackson, 10.4; Johnson, 11.0; Lawrence, 9.6; Logan, 8.5; Lonoke, 10.4; Madison, 8.6; Marion, 8.4; Mississippi, 10.8; Montgomery, 7.2; Newton, 8.3; Phillips, 13.8; Poinsett, 10.4; Polk, 7.2; Pope, 7.7; Prairie, 10.0; Pulaski, 11.0; Randolph, 9.3; St. Francis, 9.4; Saline, 8.5; Scott, 9.5; Searcy, 7.6; Sebastian, 7.8; Sharp, 6.9; Stone, 6.8; Van Buren, 6.9; Washington, 8.9; White, 8.4; Woodruff, 10.4; Yell, 8.2.

California: Alameda, 20.4; Amador, 21.0; Butte, 18.4; Calaveras, 13.4; Colusa, 18.0; Contra Costa, 20.8; Fresno, 19.2; Glenn, 16.5; Humboldt, 19.3; Imperial, 27.3; Inyo, 25.3; Kern, 15.4; Kings, 27.0; Lake, 17.6; Lassen, 13.7; Los Angeles, 10.6; Madera, 11.0; Marin, 25.6; Mendocino, 19.8; Merced, 16.7; Modoc, 13.4; Mono, 27.5; Monterey, 15.4; Napa, 23.2; Orange, 16.3; Placer, 12.1; Plumas, 17.0; Riverside, 13.6; Sacramento, 14.6; San Benito, 14.8; San Bernardino, 21.5; San Diego, 14.0; San Joaquin, 16.6; San Luis Obispo, 13.0; Santa Barbara, 15.0; Santa Clara, 22.5; Shasta, 13.1; Sierra, 12.8; Siskiyou, 17.6; Solano, 18.5; Sonoma, 19.7; Stanislaus, 14.3; Sutter, 21.8; Tehama, 16.0; Trinity, 13.3; Tulare, 11.0; Tuolumne, 14.6; Ventura, 17.1; Yolo, 22.0; Yuba, 12.1.

Colorado: Adams, 9.5; Alamosa, 18.8; Arapahoe, 8.6; Archuleta, 16.0; Baca, 5.1; Bent, 23.4; Boulder, 20.8; Chaffee, 20.0; Cheyenne, 4.6; Conejos, 19.8; Costilla, 20.4; Crowley, 19.5; Custer, 14.8; Delta, 25.4; Dolores, 9.5; Douglas, 11.6; Eagle, 28.8; Elbert, 6.8; El Paso, 7.9; Fremont, 17.9; Garfield, 22.0; Gilpin, 15.6; Grand, 20.7; Gunnison, 20.2; Huerfano, 10.7; Jackson, 11.7; Jefferson, 21.0; Kiowa, 5.0; Kit Carson, 5.3; La Plata, 19.6; Larimer, 18.4; Las Animas, 11.1; Lincoln, 4.8; Logan, 7.4; Mesa, 21.2; Moffat, 11.6; Montezuma, 15.1; Montrose, 25.6; Morgan, 6.8; Otero, 24.3; Ouray, 18.2; Park, 10.7; Phillips, 8.0; Pitkin, 28.2; Prowers, 10.3; Pueblo, 10.5; Rio Blanco, 14.4; Rio Grande, 20.8; Routt, 16.9; Saguache, 19.3; San Miguel, 16.0; Sedgwick, 8.0; Summit, 19.6; Teller, 11.8; Washington, 5.0; Weld, 11.7; Yuma, 7.5.

Delaware: Kent, 16.6; New Castle, 20.0; Sussex, 14.8.

Georgia: Appling, 8.7; Atkinson, 7.8; Bacon, 5.9; Baker, 7.6; Baldwin, 9.8; Banks, 8.8; Barrow, 8.9; Bartow, 9.4; Ben Hill, 8.0; Berrien, 5.1; Bibb, 11.4; Bleckley, 10.4; Brooks, 8.6; Bryan, 5.3; Bulloch, 9.3; Burke, 8.2; Butts, 9.2; Calhoun, 8.4; Chandler, 8.4; Carroll, 8.3; Catoosa, 8.8; Charlton, 5.2; Chattahoochee, 9.4; Chattooga, 7.8; Cherokee, 7.7; Clarke, 8.6; Clay, 9.7; Clayton, 8.6; Cobb, 8.8; Coffee, 8.4; Colquitt, 10.1; Columbia, 7.9; Cook, 8.9; Coweta, 8.0; Crawford, 8.0; Crisp, 8.6; Dade, 8.6; Dawson, 6.6; Decatur, 6.0; De Kalb, 7.9; Dodge, 10.8; Dooly, 9.7; Dougherty, 11.0; Douglas, 8.7; Early, 8.7; Effingham, 8.0; Elbert, 7.8; Emanuel, 9.2; Evans, 5.2; Fannin, 6.5; Fayette, 8.3; Floyd, 8.6; Forsyth, 7.1; Franklin, 8.0; Fulton, 9.1; Gilmer, 7.5; Glascock, 8.3; Gordon, 8.0; Grady, 10.1; Greene, 7.0; Gwinnett, 7.8; Habersham, 8.6; Hall, 7.2; Hancock, 6.7; Haralson, 8.2; Harris, 7.9; Hart, 8.5; Heard, 7.5; Henry, 9.6; Houston, 10.3; Irwin, 9.7; Jackson, 9.1; Jasper, 9.4; Jeff Davis, 5.6; Jefferson, 8.6; Jenkins, 11.3; Johnson, 8.1; Jones, 8.2; Lamar, 9.0; Lanier, 5.3; Laurens, 9.8; Lee, 7.8; Liberty, 5.4; Lincoln, 7.0; Long, 5.4; Lowndes, 8.6; Lumpkin, 6.7; McDuffie, 7.8; Macon, 10.9; Madison, 8.4; Marion, 8.5; Meriwether, 8.1; Miller, 8.6; Mitchell, 10.0; Monroe, 8.4; Montgomery, 9.2; Morgan, 8.5; Murray, 8.8; Muscogee, 9.3; Newton, 8.9; Oconee, 8.9; Oglethorpe, 8.2; Paulding, 8.4; Peach, 11.7; Pickens, 7.1; Pierce, 7.8; Pike, 8.8; Polk, 7.7; Pulaski, 9.5; Putnam, 7.4; Rabun, 9.0; Randolph, 10.4; Richmond, 9.2; Rockdale, 8.0; Schley, 9.5; Screven, 8.2; Seminole, 7.6; Spalding, 9.0; Stephens, 8.2; Stewart, 6.4; Sumter, 9.5; Talbot, 7.5; Taliaferro, 5.8; Tattnall, 9.0; Taylor, 10.1; Telfair, 10.8; Terrell, 9.4; Thomas, 8.6; Tift, 8.8; Toombs, 9.3; Towns, 8.0; Treutlen, 7.7; Troup, 8.5; Turner, 7.8; Twiggs, 7.2; Union, 7.4; Upson, 8.5; Walker, 8.2; Walton, 9.4; Ware, 6.6; War-

[2] Supplement 3 appears at 5 F.R. 4888.

ren, 7.2; Washington, 10.1; Wayne, 8.4; Webster, 7.2; Wheeler, 8.0; White, 7.0; Whitfield, 8.5; Wilcox, 8.2; Wilkes, 7.3; Wilkinson, 7.4; Worth, 8.3.

Idaho: Ada, 34.5; Adams, 16.0; Bannock, 16.9; Bear Lake, 14.4; Benewah, 22.7; Bingham, 33.6; Blaine, 17.5; Boise, 16.4; Bonner, 16.6; Bonneville, 22.0; Boundary, 32.0; Butte, 25.5; Camas, 14.8; Canyon, 37.7; Caribou, 16.3; Cassia, 22.4; Clark, 17.0; Clearwater, 20.1; Custer, 22.8; Elmore, 19.6; Franklin, 17.7; Fremont, 19.0; Gem, 28.4; Gooding, 31.8; Idaho, 23.7; Jefferson, 30.3; Jerome, 39.4; Kootenai, 18.4; Latah, 24.6; Lemhi, 29.6; Lewis, 24.6; Lincoln, 29.2; Madison, 17.7; Minidoka, 36.2; Nez Perce, 24.6; Oneida, 15.5; Owyhee, 37.4; Payette, 32.7; Power, 13.0; Teton, 14.1; Twin Falls, 39.5; Valley, 14.3; Washington, 19.2.

Illinois: Adams, 14.9; Alexander, 13.9; Bond, 14.1; Boone, 16.8; Brown, 14.0; Bureau, 21.6; Calhoun, 18.3; Carroll, 19.6; Cass, 18.1; Champaign, 18.9; Christian, 18.8; Clark, 14.5; Clay, 11.6; Clinton, 16.7; Coles, 17.0; Cook, 18.3; Crawford, 14.1; Cumberland, 14.0; De Kalb, 18.7; De Witt, 18.8; Douglas, 18.4; Du Page, 18.3; Edgar, 18.3; Edwards, 14.8; Effingham, 14.3; Fayette, 12.9; Ford, 18.8; Franklin, 12.7; Fulton, 18.4; Gallatin, 14.8; Greene, 17.5; Grundy, 16.6; Hamilton, 12.8; Hancock, 16.8; Hardin, 12.2; Henderson, 18.5; Henry, 21.3; Iroquois, 18.3; Jackson, 14.7; Jasper, 12.8; Jefferson, 13.6; Jersey, 18.5; Jo Daviess, 17.6; Johnson, 12.5; Kane, 18.8; Kankakee, 17.8; Kendall, 19.0; Knox, 18.1; Lake, 18.9; La Salle, 18.3; Lawrence, 13.0; Lee, 19.7; Livingston, 17.4; Logan, 20.2; McDonough, 18.5; McHenry, 17.2; McLean, 19.6; Macon, 19.8; Macoupin, 16.2; Madison, 16.6; Marion, 13.2; Marshall, 18.5; Mason, 15.6; Massac, 13.2; Menard, 18.7; Mercer, 20.7; Monroe, 17.1; Montgomery, 16.0; Morgan, 20.2; Moultrie, 17.8; Ogle, 17.8; Peoria, 17.7; Perry, 12.1; Piatt, 19.5; Pike, 15.4; Pope, 11.3; Pulaski, 14.0; Putnam, 20.9; Randolph, 14.6; Richland, 13.2; Rock Island, 19.6; St. Clair, 17.0; Saline, 14.2; Sangamon, 19.6; Schuyler, 16.6; Scott, 18.1; Shelby, 15.8; Stark, 19.7; Stephenson, 17.2; Tazewell, 19.2; Union, 14.7; Vermilion, 17.7; Wabash, 15.5; Warren, 19.5; Washington, 14.1; Wayne, 12.5; White, 13.8; Whiteside, 20.0; Will, 18.4; Williamson, 12.9; Winnebago, 16.5; Woodford, 20.1.

Indiana: Adams, 19.5; Allen, 20.0; Bartholomew, 15.0; Benton, 17.2; Blackford, 18.0; Boone, 19.2; Brown, 12.2; Carroll, 18.3; Cass, 17.5; Clark, 14.5; Clay, 13.3; Clinton, 19.5; Crawford, 11.0; Daviess, 13.5; Dearborn, 14.6; Decatur, 17.0; De Kalb, 19.6; Delaware, 18.8; Dubois, 14.0; Elkhart, 19.0; Fayette, 17.8; Floyd, 14.8; Fountain, 15.9; Franklin, 15.1; Fulton, 15.5; Gibson, 14.8; Grant, 20.0; Greene, 14.9; Hamilton, 19.8; Hancock, 18.7; Harrison, 14.1; Hendricks, 18.4; Henry, 19.4; Howard, 20.8; Huntington, 19.5; Jackson, 14.0; Jasper, 16.5; Jay, 19.0 Jefferson, 13.4; Jennings, 13.2; Johnson, 18.6; Knox, 15.5; Kosciusko, 17.8; Lagrange, 16.7; Lake, 18.4; La Porte, 16.7; Lawrence, 13.9; Madison, 20.4, Marion, 19.2; Marshall, 18.0; Martin, 12.6; Miami, 19.1; Monroe, 14.3; Montgomery, 17.9; Morgan, 15.0; Newton, 18.5; Noble, 19.5; Ohio, 14.5; Orange, 13.6; Owen, 12.7; Parke, 16.0; Perry 13.2; Pike, 13.1; Porter, 17.1; Posey, 14.3; Pulaski, 16.8; Putnam, 14.4; Randolph, 19.7; Ripley, 14.5; Rush, 17.3; St. Joseph, 19.0 Scott, 13.4; Shelby, 15.1; Spencer, 13.3; Starke, 16.0; Steuben, 18.8; Sullivan, 14.2; Switzerland, 13.7; Tippecanoe, 16.4; Tipton, 19.8; Union, 18.5; Vanderburgh, 16.3; Vermillion, 15.5; Vigo, 14.7; Wabash, 19.2; Warren, 15.5; Warrick, 14.2; Washington, 14.5; Wayne, 18.4; Wells, 19.1; White, 17.1; Whitley, 18.8.

Iowa: Adair, 15.0; Adams, 15.3; Allamakee, 15.8; Appanoose, 11.4; Audubon, 16.2; Benton, 17.2; Black Hawk, 17.2; Boone, 18.1; Bremer, 16.1; Buchanan, 15.1; Buena Vista, 16.1; Butler, 15.7; Calhoun, 16.3; Carroll, 17.3; Cass, 17.3; Cedar, 19.9; Cerro Gordo, 16.2; Cherokee, 15.5; Chickasaw, 14.8; Clarke, 12.4; Clay, 15.8; Clayton, 16.7; Clinton, 17.5; Crawford, 15.0; Dallas, 17.3; Davis, 12.5; Decatur, 10.8; Delaware, 15.9; Des Moines, 18.6; Dickinson, 14.8; Dubuque, 16.5; Emmet, 16.3; Fayette, 14.6; Floyd, 17.0; Franklin, 16.9; Fremont, 18.1; Greene, 17.8; Grundy, 17.3; Guthrie, 15.2; Hamilton, 17.6; Hancock, 16.2; Hardin, 17.7; Harrison, 16.3; Henry, 16.1; Howard, 14.4; Humboldt, 17.9; Ida, 14.7; Iowa, 16.3; Jackson, 14.5; Jasper, 17.6; Jefferson, 14.0; Johnson, 17.5; Jones, 15.8; Keokuk, 15.3; Kossuth, 16.4; Lee, 15.4; Linn, 19.3; Louisa, 17.5; Lucas, 12.0; Lyon, 16.2; Madison, 16.6; Mahaska, 17.1; Marion, 16.0; Marshall, 18.8; Mills, 18.8; Mitchell, 15.1; Monona, 17.8; Monroe, 12.2; Montgomery, 18.4; Muscatine, 18.0; O'Brien, 16.1; Osceola, 14.8; Page, 18.8; Palo Alto, 15.5; Plymouth, 14.5; Pocahontas, 17.1; Polk, 18.2; E. Pottawattamie, 17.6; W. Pottawattamie, 18.8; Poweshiek, 15.6; Ringgold, 11.8; Sac, 17.2; Scott, 20.0; Shelby, 15.7; Sioux, 15.9; Story, 18.4; Tama, 17.1; Taylor, 14.4; Union, 12.7; Van Buren, 12.5; Wapello, 15.8; Warren, 16.0; Washington, 17.4; Wayne, 10.7; Webster, 17.8; Winnebago, 16.3; Winneshiek, 14.2; Woodbury, 16.6; Worth, 16.5; Wright, 16.5.

Kansas: Allen, 13.9; Anderson, 14.5; Atchison, 15.6; Barber, 11.6; Barton, 12.5; Bourbon, 12.6; Brown, 18.5; Butler, 13.4; Chase, 19.7; Chautauqua, 13.1; Cherokee, 12.2; Cheyenne, 9.3; Clark, 10.9; Clay, 14.9; Cloud, 13.2; Coffey, 15.5; Comanche, 11.0; Cowley, 13.7; Crawford, 12.5; Decatur, 9.6; Dickinson, 15.2; Doniphan, 16.4; Douglas, 16.7; Edwards, 12.0; Elk, 13.2; Ellis, 12.2; Ellsworth, 12.3; Finney, 10.1; Ford, 11.4; Franklin, 15.2; Geary, 18.0; Gove, 9.6; Graham, 10.0; Grant, 8.3; Gray, 10.2; Greeley, 8.2; Greenwood, 14.1; Hamilton, 8.5; Harper, 12.8; Harvey, 14.2; Haskell, 9.6; Hodgeman, 10.0; Jackson, 14.8; Jefferson, 15.9; Jewell, 13.0; Johnson, 15.2; Kearny, 8.6; Kingman, 12.4; Kiowa, 11.8; Labette, 12.4; Lane, 10.6; Leavenworth, 16.1; Lincoln, 12.7; Linn, 14.1; Logan, 8.1; Lyon, 15.8; McPherson, 13.9; Marion, 13.6; Marshall, 16.0; Meade, 10.4; Miami, 14.1; Mitchell, 13.2; Montgomery, 12.7; Morris, 16.7; Morton, 6.8; Nemaha, 16.0; Neosho, 12.6; Ness, 11.5; Norton, 10.0; Osage, 15.4; Osborne, 11.9; Ottawa, 13.3; Pawnee, 12.6; Phillips, 11.0; Pottawatomie, 17.5; Pratt, 12.8; Rawlins, 9.5; Reno, 13.6; Republic, 14.3; Rice, 12.4; Riley, 18.2; Rooks, 10.5; Rush, 12.2; Russell, 12.7; Saline, 13.3; Scott, 9.8; Sedgwick, 14.4; Seward, 9.0; Shawnee, 17.7; Sheridan, 9.7; Sherman, 8.0; Smith, 12.0; Stafford, 12.2; Stanton, 8.2; Stevens, 7.5; Sumner, 13.0; Thomas, 8.9; Trego, 10.0; Wabaunsee, 18.7; Wallace, 7.3; Washington, 14.6; Wichita, 8.6; Wilson, 14.8; Woodson, 13.5; Wyandotte, 17.9.

Kentucky: Adair, 9.8; Allen, 9.9; Anderson, 11.1; Ballard, 12.1; Barren, 11.3; Bath, 13.1; Boone, 12.4; Bourbon, 14.8; Boyd, 10.5; Boyle, 14.1; Bracken, 12.8; Breathitt, 8.7; Breckenridge, 12.2; Bullitt, 13.5; Butler, 10.0; Caldwell, 13.4; Calloway, 12.6; Campbell, 13.1; Carlisle, 11.6; Carroll, 13.4; Carter, 9.5; Casey, 10.5; Christian, 13.1; Clark, 14.8; Clay, 9.0; Clinton, 9.5; Crittenden, 12.3; Cumberland, 9.0; Daviess, 15.3; Edmonson, 9.5; Elliott, 7.9; Estill, 9.0; Fayette, 15.0; Fleming, 12.2; Floyd, 9.0; Franklin, 13.2; Fulton, 13.9; Gallatin, 13.2; Garrard, 13.0; Grant, 12.5; Graves, 12.5; Grayson, 10.0; Green, 10.6; Greenup, 11.2; Hancock, 14.2; Hardin, 11.3; Harrison, 13.4; Hart, 10.6; Henderson, 14.6; Henry, 13.1; Hickman, 12.6; Hopkins, 12.7; Jackson, 8.8; Jefferson, 16.0; Jessamine, 13.9; Johnson, 7.2; Kenton, 12.7; Knott, 11.4; Knox, 8.6; Larue, 10.6 Laurel, 8.4; Lawrence, 8.5; Lee, 7.2; Letcher, 7.4; Lewis, 11.0; Lincoln, 12.0; Livingston, 13.1; Logan, 13.9; Lyon, 12.9; McCracken, 12.1; McCreary, 8.6; McLean, 13.3; Madison, 12.5; Magoffin, 8.0; Marion, 12.2; Marshall, 12.3; Mason, 13.8; Meade, 11.9; Menifee, 7.3; Mercer, 13.4; Metcalfe, 10.6; Monroe, 9.3; Montgomery, 13.5; Morgan, 7.8; Muhlenberg, 11.6; Nelson, 12.9; Nicholas, 12.9; Ohio, 12.0; Oldham, 14.5; Owen, 12.5; Owsley, 9.1; Pendelton, 12.5; Pike, 9.9; Powell, 9.0; Pulaski, 10.2; Robertson, 12.4; Rockcastle, 9.8; Rowan, 9.0; Russell, 9.3; Scott, 14.4; Shelby, 12.7; Simpson, 13.1; Spencer, 12.0; Taylor, 11.1; Todd, 13.4; Trigg, 11.8; Trimble, 13.9; Union, 14.4; Warren, 13.2; Washington, 11.9; Wayne, 10.8; Webster, 12.7; Whitley, 9.0; Wolfe, 7.0; Woodford, 15.2.

Maryland: Allegany, 14.5; Anne Arundel, 13.4; Baltimore, 21.3; Calvert, 13.7; Caroline, 15.8; Carroll, 20.4; Cecil, 21.4; Charles, 13.6; Dorchester, 17.0; Frederick, 19.4; Garrett, 19.3; Harford, 23.0; Howard, 20.5; Kent, 18.6; Montgomery, 20.6; Prince Georges, 14.6; Queen Annes, 17.2; St. Marys, 15.6; Somerset, 16.5; Talbot, 18.2; Washington, 19.2; Wicomico, 14.8; Worcester, 15.6.

Michigan: Alcona, 16.4; Alger, 14.6; Allegan, 19.0; Alpena, 15.6; Antrim, 14.7; Arenac, 17.9; Baraga, 14.7; Barry, 19.5; Bay, 22.9; Benzie, 11.6; Berrien, 18.6; Branch, 17.5; Calhoun, 17.8; Cass, 16.5; Charlevoix, 17.7; Cheboygan, 14.6; Chip-

pewa, 15.2; Clare, 14.6; Clinton, 21.5; Crawford, 12.5; Delta, 14.8; Dickinson, 15.7; Eaton, 22.7; Emmet, 14.7; Genesee, 21.3; Gladwin, 15.5; Gogebic, 14.0; Grand Traverse, 14.8; Gratiot, 22.5; Hillsdale, 19.8; Houghton, 15.7; Huron, 21.9; Ingham, 21.3; Ionia, 20.6; Iosco, 15.5; Iron, 15.2; Isabella, 19.8; Jackson, 18.7; Kalamazoo, 17.6; Kalkaska, 12.8; Kent, 19.1; Keweenaw, 12.0; Lake, 13.0; Lapeer, 20.3; Leelanau, 15.5; Lenawee, 23.3; Livingston, 19.6; Luce, 14.8; Mackinac, 16.8; Macomb, 21.1; Manistee, 13.3; Marquette, 13.0; Mason, 16.7; Mecosta, 15.2; Menominee, 16.0; Midland, 21.8; Missaukee, 15.1; Monroe, 23.5; Montcalm, 18.5; Montmorency, 16.3; Muskegon, 17.5; Newaygo, 16.8; Oakland, 19.9; Oceana, 16.3; Ogemaw, 15.0; Ontonagon, 14.7; Osceola, 16.0; Oscoda, 14.1; Otsego, 14.4; Ottawa, 19.8; Presque Isle, 16.0; Roscommon, 14.6; Saginaw, 22.6; St. Clair, 19.5; St. Joseph, 15.4; Sanilac, 20.8; Schoolcraft, 13.3; Shiawassee, 19.7; Tuscola, 23.3; Van Buren, 16.5; Washtenaw, 22.6; Wayne, 21.9; Wexford, 12.1.

Minnesota: Aitkin, 13.2; Anoka, 11.2; Becker, 11.4; Beltrami, 14.8; Benton, 11.2; Big Stone, 11.0; Blue Earth, 15.7; Brown, 15.6; Carlton, 13.6; Carver, 19.3; Cass, 12.2; Chippewa, 12.5; Chisago, 13.7; Clay, 12.0; Clearwater, 14.6; Cottonwood, 13.4; Crow Wing, 11.3; Dakota, 14.4; Dodge, 14.1; Douglas, 12.2; Faribault, 14.9; Fillmore, 15.0; Freeborn, 15.2; Goodhue, 14.7; Grant, 11.4; Hennepin, 16.0; Houston, 16.6; Hubbard, 10.8; Isanti, 12.3; Itasca, 15.8; Jackson, 14.6; Kanabec, 11.8; Kandiyohi, 12.8; Kittson, 12.2; Koochiching, 16.0; Lac Qui Parle, 12.1; Lake, 15.5; Lake of the Woods, 15.9; LeSueur, 16.9; Lincoln, 12.2; Lyon, 13.2; McLeod, 16.9; Mahnomen, 11.9; Marshall, 12.0; Martin, 15.0; Meeker, 14.4; Mille Lacs, 13.7; Morrison, 10.1; Mower, 13.7; Murray, 14.2; Nicollet, 16.0; Nobles, 14.5; Norman, 13.3; Olmsted, 14.3; E. Otter Tail, 11.2; W. Otter Tail, 11.8; Pennington, 12.5; Pine, 12.5; Pipestone, 12.8; E. Polk, 14.3; W. Polk, 13.9; Pope, 11.4; Ramsey, 14.1; Red Lake, 13.6; Redwood, 14.2; Renville, 14.7; Rice, 16.7; Rock, 13.4; Roseau, 13.8; N. St. Louis, 16.3; S. St. Louis, 16.6; Scott, 18.4; Sherburne, 10.5; Sibley, 16.1; Stearns, 12.7; Steele, 16.0; Stevens, 11.0; Swift, 10.9; Todd, 11.5; Traverse, 10.9; Wabasha, 14.1; Wadena, 9.5; Waseca, 15.5; Washington, 13.9; Watonwan, 15.3; Wilkin, 11.1; Winona, 14.9; Wright, 15.9; Yellow Medicine, 13.2.

Missouri: Adair, 11.6; Andrew, 15.3; Atchison, 17.2; Audrain, 11.2; Barry, 10.4; Barton, 13.6; Bates, 14.0; Benton, 13.0; Bollinger, 10.3; Boone, 13.0; Buchanan, 16.1; Butler, 10.1; Caldwell, 12.3; Callaway, 13.2; Camden, 11.0; Cape Girardeau, 12.9; Carroll, 15.8; Carter, 7.8; Cass, 14.6; Cedar, 11.9; Chariton, 15.2; Christian, 11.6; Clark, 15.3; Clay, 14.9; Clinton, 14.0; Cole, 13.5; Cooper, 11.9; Crawford, 11.0; Dade, 12.2; Dallas, 10.0; Daviess, 12.7; De Kalb, 12.1; Dent, 9.4; Douglas, 9.0; Dunklin, 11.0; Franklin, 12.9; Gasconade, 11.7; Gentry, 13.4; Green, 12.7; Grundy, 12.9; Harrison, 13.0; Henry, 13.3; Hickory, 11.2; Holt, 18.5; Howard, 13.5; Howell, 8.4; Iron, 10.4; Jackson, 15.6; Jasper, 13.0; Jefferson, 13.0; Johnson, 13.7; Knox, 11.6; Laclede, 9.8; Lafayette, 16.3; Lawrence, 12.1; Lewis, 13.0; Lincoln, 13.2; Linn, 13.2; Livingston, 13.1; McDonald, 10.5; Macon, 12.2; Madison, 10.3; Maries, 10.5; Marion, 14.7; Mercer, 12.0; Miller, 11.9; Mississippi, 11.9; Moniteau, 12.0; Monroe, 12.2; Montgomery, 12.7; Morgan, 12.7; New Madrid, 13.1; Newton, 12.0; Nodaway, 14.7; Oregon, 8.4; Osage, 12.5; Ozark, 7.7; Pemiscot, 13.1; Perry, 13.3; Pettis, 13.4; Phelps, 11.7; Pike, 13.6; Platte, 17.0; Polk, 11.9; Pulaski, 11.0; Putnam, 13.2; Ralls, 12.9; Randolph, 13.4; Ray, 15.3; Reynolds, 8.2; Ripley, 7.6; St. Charles, 16.2; St. Clair, 12.4; St. Francois, 12.5; St. Louis, 16.3; Ste. Genevieve, 12.7; Saline, 14.1; Schuyler, 13.0; Scotland, 12.5; Scott, 11.7; Shannon, 9.1; Shelby, 12.7; Stoddard, 11.2; Stone, 10.4; Sullivan, 12.9; Taney, 7.7; Texas, 10.4; Vernon, 13.9; Warren, 14.0; Washington, 12.0; Wayne, 9.0; Webster, 10.7; Worth, 13.3; Wright, 9.6.

Montana: Beaverhead, 16.9; Big Horn, 11.6; Blaine, 10.3; Broadwater, 12.0; Carbon, 14.8; Carter, 7.9; Cascade, 13.3; Chouteau, 11.3; Custer, 7.5; Daniels, 8.6; Dawson, 7.9; Deer Lodge, 15.8; Fallon, 7.9; Fergus, 11.6; Flathead, 15.4; Gallatin, 17.8; Garfield, 6.7; Glacier, 10.2; Golden Valley, 7.3; Granite, 13.1; Hill, 9.2; Jefferson, 13.3; Judith Basin, 10.8; Lake, 14.7; Lewis and Clark, 11.6; Liberty, 9.1; Lincoln, 13.7; McCone, 7.9; Madison, 15.4; Meagher, 10.3; Mineral, 12.1; Missoula, 14.0; Musselshell, 6.9; Park, 14.0; Petroleum, 6.4; Phillips, 8.2; Pondera, 14.1; Powder River, 8.2; Powell, 13.6; Prairie, 6.6; Ravalli, 16.6; Richland, 9.2; Roosevelt, 8.7; Rosebud, 7.1; Sanders, 14.1; Sheridan, 9.0; Silver Bow, 13.8; Stillwater, 10.8; Sweet Grass, 11.1; Teton, 13.7; Toole, 9.8; Treasure, 8.8; Valley, 8.8; Wheatland, 7.4; Wibaux, 8.0; Yellowstone, 12.5.

Nebraska: Adams, 11.9; Antelope, 11.6; Arthur, 9.2; Banner, 10.5; Blaine, 8.5; Boone, 13.3; Box Butte, 9.8; Boyd, 10.4; Brown, 9.2; Buffalo, 12.1; Burt, 19.4; Butler, 16.6; Cass, 18.4; Cedar, 13.2; Chase, 10.0; Cherry, 9.2; Cheyenne, 10.6; Clay, 12.6; Colfax, 17.0; Cuming, 17.8; Custer, 11.7; Dakota, 16.1; Dawes, 10.6; Dawson, 12.4; Deuel, 11.0; Dixon, 15.2; Dodge, 19.0; Douglas, 17.8; Dundy, 9.8; Fillmore, 13.7; Franklin, 9.6; Frontier, 9.8; Furnas, 9.7; Gage, 17.2; Garden, 11.1; Garfield, 10.6; Gosper, 10.3; Grant, 8.1; Greeley, 11.4; Hall, 13.7; Hamilton, 14.2; Harlan, 9.6; Hayes, 9.6; Hitchcock, 9.6; Holt, 9.6; Hooker, 8.6; Howard, 12.6; Jefferson, 15.9; Johnson, 16.5; Kearney, 10.8; Keith, 11.4; Keyapaha, 8.6; Kimball, 9.6; Knox, 11.4; Lancaster, 17.3; Lincoln, 9.7; Logan, 10.4; Loup, 10.3; McPherson, 7.6; Madison, 14.4; Merrick, 14.3; Morrill, 10.2; Nance, 14.6; Nemaha, 19.0; Nuckolls, 12.5; Otoe, 17.9; Pawnee, 16.5; Perkins, 9.7; Phelps, 10.4; Pierce, 12.8; Platte, 15.6; Polk, 16.4; Redwillow, 9.9; Richardson, 20.6; Rock, 8.5; Saline, 17.1; Sarpy, 18.4; Saunders, 17.6; Scotts Bluff, 13.6; Seward, 16.7; Sheridan, 10.0; Sherman, 10.6; Sioux, 10.0; Stanton, 15.6; Thayer, 14.6; Thomas, 8.2; Thurston, 15.2; Valley, 11.6; Washington, 19.2; Wayne, 16.4; Webster, 10.1; Wheeler, 9.7; York, 14.5.

Nevada: Churchill, 24.8; Clark, 23.8; Douglas, 29.8; Elko, 21.2; Esmeralda, 25.0; Eureka, 25.0; Humboldt, 19.3; Lander, 22.3; Lincoln, 25.4; Lyon, 24.7; Mineral, 9.3; Nye, 21.0; Ormsby, 21.7; Pershing, 24.8; Storey, 26.7; Washoe, 26.6; White Pine, 26.8.

New Jersey: Bergen, 18.0; Burlington, 19.0; Camden, 18.8; Cape May, 24.0; Cumberland, 21.2; Essex, 20.2; Gloucester, 18.3; Hunterdon, 20.9; Mercer, 21.8; Middlesex, 22.1; Monmouth, 21.4; Morris, 19.8; Ocean, 19.6; Passaic, 20.3; Salem, 22.4; Somerset, 21.1; Sussex, 19.4; Union, 20.6; Warren, 20.1.

New Mexico: Bernalillo, 19.0; Catron, 11.5; Chaves, 27.2; Colfax, 10.0; Curry, 7.7; De Baca, 12.5; Dona Ana, 24.6; Eddy, 22.7; Grant, 20.8; Guadalupe, 7.6; Harding, 7.0; Hidalgo, 22.4; Lea, 10.0; Lincoln, 19.2; Luna, 19.9; McKinley, 10.3; Mora, 8.2; Otero, 16.9; Quay, 7.3; Rio Arriba, 14.3; Roosevelt, 8.0; Sandoval, 15.6; San Juan, 21.6; San Miguel, 10.6; Santa Fe, 13.3; Sierra, 24.4; Socorro, 17.8; Taos, 16.4; Torrance, 11.2; Union, 7.0; Valencia, 16.8.

New York: Albany, 18.3; Allegany, 17.9; Broome, 19.3; Cattaraugus, 18.4; Cayuga, 21.8; Chautauqua, 19.2; Chemung, 20.9; Chenango, 22.1; Clinton, 19.2; Columbia, 15.3; Cortland, 23.9; Delaware, 17.5; Dutchess, 20.3; Erie, 17.3; Essex, 18.1; Franklin, 17.5; Genesee, 20.9; Greene, 16.8; Herkimer, 20.0; Jefferson, 16.4; Lewis, 17.1; Livingston, 20.5; Madison, 22.8; Monroe, 21.7; Montgomery, 19.0; Niagara, 19.0; Oneida, 22.2; Onondaga, 22.5; Ontario, 21.1; Orange, 20.5; Orleans, 20.6; Oswego, 19.5; Otsego, 20.7; Rensselaer, 18.6; St. Lawrence, 17.7; Saratoga, 18.2; Schenectady, 18.3; Schoharie, 20.8; Schuyler, 18.7; Seneca, 20.1; Steuben, 18.9; Suffolk, 23.7; Sullivan, 17.4; Tioga, 21.1; Tompkins, 20.0; Ulster, 19.0; Washington, 20.6; Wayne, 20.6; Wyoming, 21.3; Yates, 20.9.

North Carolina: Alamance, 10.7; Alexander, 9.7; Alleghany, 9.8; Anson, 9.2; Ashe, 10.1; Avery, 9.7; Beaufort, 13.6; Bertie, 13.3; Bladen, 12.9; Brunswick, 14.5; Buncombe, 10.5; Burke, 9.8; Cabarrus, 10.4; Caldwell, 9.3; Camden, 12.6; Carteret, 11.1; Caswell, 9.5; Catawba, 10.8; Chatham, 9.7; Cherokee, 9.0; Chowan, 12.8; Clay, 8.8; Cleveland, 11.8; Columbus, 14.0; Craven, 14.1; Cumberland, 13.2; Currituck, 13.0; Dare, 16.0; Davidson, 11.4; Davie, 11.0; Duplin, 13.7; Durham, 9.6; Edgecombe, 12.8; Forsyth, 12.1; Franklin, 9.2; Gaston, 11.5; Gates, 13.0; Graham, 8.3; Granville, 9.5; Greene, 14.1; Guilford, 11.3; Halifax, 12.7; Harnett, 12.1; Haywood, 10.7; Henderson, 11.1; Hertford, 13.9; Hoke, 12.9; Hyde, 13.8; Iredell, 10.7; Jackson, 9.9; Johnston, 13.6; Jones, 13.5; Lee, 9.7; Lenoir, 13.3; Lincoln, 11.9; McDowell, 9.9; Macon, 9.7;

Madison, 9.4; Martin, 13.7; Mecklenburg, 10.9; Mitchell, 9.6; Montgomery, 9.1; Moore, 9.3; Nash, 13.2; New Hanover, 11.3; Northampton, 12.0; Onslow, 12.3; Orange, 9.4; Pamlico, 12.8; Pasquotank, 12.3; Pender, 13.5; Perquimans, 12.1; Person, 9.3; Pitt, 13.7; Polk, 10.0; Randolph, 11.1; Richmond, 9.1; Robeson, 14.0; Rockingham, 10.1; Rowan, 12.2; Rutherford, 10.2; Sampson, 13.6; Scotland, 12.8; Stanly, 10.6; Stokes, 10.2; Surry, 9.7; Swain, 8.9; Transylvania, 11.8; Tyrrell, 12.8; Union, 10.4; Vance, 9.2; Wake, 9.6; Warren, 9.9; Washington, 12.6; Watauga, 10.2; Wayne, 13.9; Wilkes, 9.6; Wilson, 13.8; Yadkin, 9.9; Yancey, 9.2.

North Dakota: Adams, 7.0; Barnes, 9.3; Benson, 9.0; Billings, 6.1; Bottineau, 8.0; Bowman, 6.8; Burke, 7.6; Burleigh, 7.3; Cass, 12.5; Cavalier, 10.6; Dickey, 8.0; Divide, 7.9; Dunn, 7.0; Eddy, 8.5; Emmons, 7.1; Foster, 8.0; Golden Valley, 8.7; Grand Forks, 12.7; Grant, 6.8; Griggs, 8.2; Hettinger, 7.2; Kidder, 6.8; La Moure, 8.3; Logan, 7.1; McHenry, 7.3; McIntosh, 6.4; McKenzie, 7.9; McLean, 8.1; Mercer, 8.1; Morton, 7.6; Mountrail, 7.0; Nelson, 10.0; Oliver, 7.6; Pembina, 12.5; Pierce, 8.4; Ramsey, 10.5; Ransom, 8.7; Renville, 8.1; Richland, 10.0; Rolette, 8.9; Sargent, 9.4; Sheridan, 8.2; Sioux, 6.2; Slope, 7.0; Stark, 8.0; Steele, 9.4; Stutsman, 8.0; Towner, 9.7; Traill, 12.8; Walsh, 12.5; Ward, 7.6; Wells, 8.6; Williams, 7.5.

Ohio: Adams, 13.0; Allen, 20.5; Ashland, 19.1; Ashtabula, 19.2; Athens, 16.0; Auglaize, 20.6; Belmont, 17.0; Brown, 12.5; Butler, 17.6; Carroll, 16.9; Champaign, 20.5; Clark, 20.3; Clermont, 13.8; Clinton, 18.7; Columbiana, 18.9; Coshocton, 16.8; Crawford, 20.0; Cuyahoga, 21.8; Darke, 19.8; Defiance, 19.2; Delaware, 19.1; Erie, 22.3; Fairfield, 17.9; Fayette, 18.6; Franklin, 19.5; Fulton, 23.2; Gallia, 14.5; Geauga, 20.7; Greene, 20.0; Guernsey, 15.1; Hamilton, 17.7; Hancock, 20.4; Hardin, 20.5; Harrison, 17.0; Henry, 21.6; Highland, 15.0; Hocking, 14.5; Holmes, 18.9; Huron, 20.9; Jackson, 13.8; Jefferson, 17.5; Knox, 17.6; Lake, 21.5; Lawrence, 15.0; Licking, 17.5; Logan, 20.8; Lorain, 21.1; Lucas, 23.9; Madison, 20.1; Mahoning, 20.1; Marion, 19.6; Medina, 20.9; Meigs, 16.2; Mercer, 20.6; Miami, 21.1; Monroe, 15.3; Montgomery, 20.1; Morgan, 16.8; Morrow, 18.4; Muskingum, 16.6; Noble, 15.0; Ottawa, 21.8; Paulding, 16.6; Perry, 16.6; Pickaway, 18.1; Pike, 13.8; Portage, 20.2; Preble, 19.3; Putnam, 20.0; Richland, 18.6; Ross, 16.9; Sandusky, 21.9; Scioto, 16.1; Seneca, 20.7; Shelby, 21.4; Stark, 20.1; Summit, 21.0; Trumbull, 19.0; Tuscarawas, 18.9; Union, 19.1; Van Wert, 20.3; Vinton, 14.0; Warren, 17.2; Washington, 16.6; Wayne, 22.2; Williams, 22.6; Wood, 21.0; Wyandot, 19.6.

Oklahoma: Adair, 9.8; Alfalfa, 13.5; Atoka, 10.9; Beaver, 8.1; Beckham, 9.3; Blaine, 12.5; Bryan, 11.1; Caddo, 12.8; Canadian, 12.0; Carter, 10.4; Cherokee, 9.4; Choctaw, 9.3; Cimarron, 7.5; Cleveland, 11.1; Coal, 9.7; Comanche, 9.7; Cotton, 10.4; Craig, 10.0; Creek, 11.6; Custer, 11.8; Delaware, 10.2; Dewey, 10.7; Ellis, 9.2; Garfield, 13.3; Garvin, 13.0; Grady, 11.6; Grant, 13.4; Greer, 11.2; Harmon, 10.2; Harper, 8.5; Haskell, 10.1; Hughes, 10.3; Jackson, 11.0; Jefferson, 10.3; Johnston, 11.6; Kay, 12.8; Kingfisher, 12.5; Kiowa, 12.2; Latimer, 8.8; Le Flore, 8.8; Lincoln, 11.3; Logan, 11.4; Love, 10.9; McClain, 11.8; McIntosh, 10.2; Major, 12.2; Marshall, 11.2; Mayes, 10.3; Murray, 12.2; Muskogee, 10.8; Noble, 10.9; Nowata, 10.3; Okfuskee, 11.5; Oklahoma, 11.6; Okmulgee, 9.4; Osage, 11.2; Ottawa, 10.5; Pawnee, 10.8; Payne, 11.0; Pittsburg, 8.9; Pontotoc, 12.0; Pottawatomie, 11.4; Pushmataha, 10.0; Roger Mills, 9.2; Rogers, 9.6; Seminole, 9.6; Sequoyah, 11.1; Stephens, 10.2; Texas, 8.1; Tillman, 12.3; Tulsa, 10.8; Wagoner, 10.3; Washington, 11.4; Washita, 11.4; Woods, 10.5; Woodward, 8.9.

Oregon: Baker, 24.0; Benton, 19.8; Clackamas, 25.9; Clatsop, 29.8; Columbia, 27.3; Coos, 26.0; Crook, 23.2; Curry, 25.2; Deschutes, 23.5; Douglas, 19.2; Gilliam, 12.4; Grant, 20.7; Harney, 14.8; Hood River, 26.4; Jackson, 24.2; Jefferson, 9.2; Josephine, 20.4; Klamath, 23.4; Lake, 17.2; Lane, 17.6; Lincoln, 22.1; Linn, 20.0; Malheur, 34.2; Marion, 24.5; Morrow, 12.8; Multnomah, 28.1; Polk, 20.7; Sherman, 17.2; Umatilla, 26.1; Union, 24.9; Wallowa, 18.8; Wasco, 19.0; Washington, 27.4; Wheeler, 16.3; Yamhill, 23.7.

Pennsylvania: Adams, 17.9; Allegheny, 17.4; Armstrong, 15.3; Beaver, 16.7; Bedford, 16.1; Berks, 19.6; Blair, 17.0; Bradford, 18.8; Bucks, 21.4; Butler, 17.0; Cambria, 18.5; Cameron, 17.2; Carbon, 18.1; Centre, 16.8; Chester, 23.8; Clarion, 16.8; Clearfield, 17.9; Clinton, 17.6; Columbia, 19.1; Crawford, 18.9; Cumberland, 17.7; Dauphin, 17.9; Delaware, 22.0; Elk, 17.7; Erie, 18.8; Fayette, 18.0; Forest, 16.3; Franklin, 18.3; Fulton, 13.9; Greene, 15.9; Huntingdon, 14.5; Indiana, 16.5; Jefferson, 16.9; Juniata, 16.2; Lackawanna, 17.9; Lancaster, 25.6; Lawrence, 16.9; Lebanon, 21.5; Lehigh, 19.3; Luzerne, 19.7; Lycoming, 17.1; McKean, 19.1; Mercer, 17.4; Mifflin, 16.5; Monroe, 16.7; Montgomery, 20.9; Montour, 17.2; Northampton, 20.6; Northumberland, 16.8; Perry, 15.8; Philadelphia, 21.9; Pike, 16.2; Potter, 18.4; Schuylkill, 19.0; Snyder, 15.2; Somerset, 20.2; Sullivan, 16.4; Susquehanna, 17.8; Tioga, 18.2; Union, 17.5; Venango, 17.0; Warren, 17.9; Washington, 17.4; Wayne, 17.2; Westmoreland, 17.6; Wyoming, 18.6; York, 21.7.

South Carolina: Abbeville, 8.6; Aiken, 8.4; Allendale, 15.4; Anderson, 10.3; Bamberg, 11.0; Barnwell, 11.2; Calhoun, 11.1; Cherokee, 9.8; Chester, 9.6; Chesterfield, 9.6; Clarendon, 12.0; Darlington, 12.8; Dillon, 13.0; Edgefield, 9.2; Fairfield, 8.4; Florence, 12.8; Greenville, 9.7; Greenwood, 8.5; Kershaw, 9.8; Lancaster, 8.7; Laurens, 9.6; Lee, 11.8; Lexington, 8.3; McCormick, 7.9; Marion, 11.7; Marlboro, 12.7; Newberry, 9.2; Oconee, 9.5; Orangeburg, 11.3; Pickens, 9.5; Richland, 8.7; Saluda, 8.4; Spartanburg, 9.1; Sumter, 12.4; Union, 9.3; York, 8.9.

South Dakota: Aurora, 7.9; Beadle, 7.2; Bennett, 8.9; Bon Homme, 10.9; Brookings, 10.0; Brown, 8.6; Brule, 7.7; Buffalo, 8.0; Butte, 14.2; Campbell, 7.1; Charles Mix, 8.9; Clark, 8.2; Clay, 14.1; Codington, 9.3; Corson, 6.8; Custer, 9.8; Davison, 9.3; Day, 9.0; Deuel, 10.7; Dewey, 6.9; Douglas, 8.8; Edmunds, 7.1; Fall River, 8.1; Faulk, 7.1; Grant, 9.4; Gregory, 9.7; Haakon, 8.2; Hamlin, 9.6; Hand, 7.1; Hanson, 9.1; Harding, 7.8; Hughes, 6.8; Hutchinson, 9.9; Hyde, 6.4; Jackson, 7.6; Jerauld, 8.2; Jones, 9.2; Kingsbury, 8.9; Lake, 11.1; Lawrence, 15.4; Lincoln, 12.5; Lyman, 9.2; McCook, 9.9; McPherson, 7.0; Marshall, 9.0; Meade, 9.3; Mellette, 7.8; Miner, 8.4; Minnehaha, 12.8; Moody, 11.7; Pennington, 9.2; Perkins, 7.2; Potter, 7.6; Roberts, 9.9; Sanborn, 8.4; Shannon, 9.1; Spink, 7.5; Stanley, 7.6; Sully, 7.0; Todd, 7.7; Tripp, 9.5; Turner, 11.4; Union, 14.4; Walworth, 7.4; Washabaugh, 7.9; Washington, 7.5; Yankton, 11.7; Ziebach, 6.8.

Tennessee: Anderson, 10.2; Bedford, 10.0; Benton, 10.3; Bledsoe, 8.8; Blount, 10.8; Bradley, 10.0; Campbell, 11.1; Cannon, 9.0; Carroll, 10.5; Carter, 12.3; Cheatham, 14.5; Chester, 11.2; Claiborne, 10.3; Clay, 7.9; Cocke, 10.0; Coffee, 10.0; Crockett, 11.6; Cumberland, 8.4; Davidson, 12.5; Decatur, 10.9; DeKalb, 8.5; Dickson, 9.7; Dyer, 12.7; Fayette, 11.6; Fentress, 8.2; Franklin, 11.6; Gibson, 11.8; Giles, 10.1; Grainger, 10.8; Greene, 10.1; Grundy, 11.6; Hamblen, 12.4; Hamilton, 10.7; Hancock, 9.4; Hardeman, 9.7; Hardin, 11.2; Hawkins, 10.2; Haywood, 10.8; Henderson, 11.1; Henry, 12.0; Hickman, 9.2; Houston, 10.3; Humphreys, 10.5; Jackson, 8.0; Jefferson, 11.3; Johnson, 11.4; Knox, 11.7; Lake, 13.6; Lauderdale, 12.7; Lawrence, 10.3; Lewis, 10.1; Lincoln, 10.2; Loudon, 10.0; McMinn, 9.9; McNairy, 10.4; Macon, 8.5; Madison, 10.1; Marion, 10.3; Marshall, 9.9; Maury, 11.3; Meigs, 9.4; Monroe, 9.7; Montgomery, 13.4; Moore, 10.6; Morgan, 9.9; Obion, 13.2; Overton, 8.0; Perry, 8.5; Pickett, 7.9; Polk, 9.9; Putnam, 8.3; Rhea, 10.0; Roane, 9.5; Robertson, 14.1; Rutherford, 9.9; Scott, 8.8; Sequatchie, 9.1; Sevier, 9.4; Shelby, 13.1; Smith, 8.5; Stewart, 11.4; Sullivan, 12.2; Sumner, 10.3; Tipton, 12.0; Trousdale, 8.9; Unicoi, 13.9; Union, 9.9; Van Buren, 11.1; Warren, 10.3; Washington, 12.4; Wayne, 9.0; Weakley, 12.2; White, 10.0; Williamson, 11.2; Wilson, 9.0.

Texas: Archer, 8.8; Armstrong, 10.0; Bailey, 9.6; Bandera, 7.8; Baylor, 10.1; Bell, 11.2; Bexar, 8.3; Blanco, 8.4; Borden, 8.9; Bosque, 11.4; Briscoe, 8.7; Brown, 10.4; Burnet, 8.8; Callahan, 10.2; Carson, 10.2; Castro, 8.6; Childress, 7.4; Clay, 9.6; Cochran, 7.4; Coke, 8.1; Coleman, 11.3; Collin, 13.5; Collingsworth, 7.8; Comal, 8.3; Comanche, 10.6; Concho, 10.0; Cooke, 11.8; Coryell, 11.0; Cottle, 8.1; Crosby, 8.7; Dallam, 7.5; Dallas, 12.6; Dawson, 7.4; Deaf Smith, 8.1; Delta, 11.0; Denton, 13.0; Dickens, 8.6; Donley, 10.0; Eastland, 10.6; Ellis, 11.5; Erath, 10.2; Falls, 11.0; Fannin, 10.9; Fisher, 7.9; Floyd, 8.5; Foard, 10.5; Garza, 8.9; Gillespie, 10.0; Gray, 10.4; Grayson, 11.4; Hale, 8.3;

Hall, 8.4; Hamilton, 11.2; Hansford, 8.2; Hardeman, 10.0; Hartley, 7.5; Haskell, 10.1; Hays, 8.3; Hemphill, 10.2; Hill, 10.5; Hockley, 8.9; Hood, 10.2; Howard, 7.4; Hunt, 11.0; Hutchinson, 8.5; Jack, 10.0; Johnson, 11.7; Jones, 9.0; Kaufman, 11.0; Kendall, 8.5; Kent, 8.9; Kerr, 8.0; King, 8.9; Knox, 11.0; Lamar, 11.0; Lamb, 9.7; Lampasas, 9.6; Limestone, 11.0; Lipscomb, 8.9; Lubbock, 8.0; Lynn, 7.3; McCulloch, 10.5; McLennan, 10.6; Martin, 7.4; Medina, 8.3; Menard, 8.0; Milam, 11.0; Mills, 10.2; Mitchell, 8.9; Montague, 9.2; Moore, 8.0; Motley, 8.5; Navarro, 11.0; Nolan, 8.8; Ochiltree, 9.2; Oldham, 7.8; Palo Pinto, 9.8; Parker, 9.9; Parmer, 8.8; Pecos, 7.4; Potter, 8.8; Rains, 11.0; Randall, 8.8; Red River, 11.0; Roberts, 11.7; Rockwall, 11.0; Runnels, 10.8; San Saba, 9.3; Scurry, 7.4; Shackelford, 10.0; Sherman, 8.0; Somervell, 9.7; Stephens, 8.9; Sterling, 8.3; Stonewall, 8.9; Swisher, 8.6; Tarrant, 11.5; Taylor, 10.4; Throckmorton, 11.0; Tom Green, 9.4; Wheeler, 8.7; Witchita, 9.4; Wilbarger, 10.3; Williamson, 11.0; Wise, 11.0; Young, 9.7.

Utah: Beaver, 24.8; Box Elder, 17.8; Cache, 21.0; Carbon, 25.0; Daggett, 25.5; Davis, 23.7; Duchesne, 22.4; Emery, 21.4; Garfield, 22.9; Grand, 25.0; Iron, 25.3 Juab, 13.5; Kane, 16.7; Millard, 15.5; Morgan, 25.0; Piute, 25.4; Rich, 16.5; Salt Lake, 18.2; San Juan, 12.6; Sanpete, 19.2; Sevier, 29.0; Summit, 22.0; Tooele, 10.6; Uintah, 23.8; Utah, 25.2; Wasatch, 30.5; Washington, 16.4; Wayne, 23.0; Weber, 23.8.

Virginia: Accomac, 13.0; Albemarle, 13.5; Alleghany, 14.5; Amelia, 16.0; Amherst, 14.0; Appomattox, 16.5; Arlington, 17.8; Augusta, 17.1; Bath, 15.0; Bedford, 14.5; Bland, 14.2; Botetourt, 13.7; Brunswick, 18.0; Buchanan, 9.8; Buckingham, 14.7; Campbell, 14.5; Caroline, 16.3; Carroll, 14.5; Charles City, 14.8; Charlotte, 15.0; Chesterfield, 14.0; Clarke, 16.8; Craig, 14.5; Culpeper, 16.0; Cumberland, 15.0; Dickenson, 8.9; Dinwiddie, 14.3; Elizabeth City, 14.3; Essex, 14.5; Fairfax, 17.7; Fauquier, 15.8; Floyd, 11.3; Fluvanna, 13.7; Franklin, 14.0; Frederick, 14.6; Giles, 13.5; Gloucester, 13.5; Goochland, 15.5; Grayson, 13.5; Greene, 12.3; Greensville, 12.5; Halifax, 12.5; Hanover, 16.6; Henrico, 14.5; Henry, 10.2; Highland, 16.9; Isle of Wight, 11.2; James City, 15.8; King and Queen, 15.0; King George, 15.5; King William, 13.0; Lancaster, 17.0; Lee, 11.0; Loudoun, 17.0; Louisa, 15.0; Lunenburg, 14.5; Madison, 15.0; Mathews, 15.0; Mecklenburg, 18.0; Middlesex, 14.0; Montgomery, 15.0; Nansemond, 15.5; Nelson, 14.5; New Kent, 12.9; Norfolk, 12.5; Northampton, 15.5; Northumberland, 17.7; Nottoway, 15.6; Orange, 15.0; Page, 16.0; Patrick, 12.0; Pittsylvania, 13.4; Powhatan, 15.7; Prince Edward, 16.0; Prince George, 17.0; Prince William, 14.6; Princess Anne, 13.6; Pulaski, 14.0; Rappahannock, 14.0; Richmond, 17.6; Roanoke, 18.7; Rockbridge, 12.6; Rockingham, 18.2; Russell, 14.4; Scott, 13.0; Shenandoah, 16.4; Smyth, 14.5; Southampton, 10.9; Spotsylvania, 15.0; Stafford, 15.0; Surry, 10.2; Sussex, 10.5; Tazewell, 14.5; Warren, 15.0; Warwick, 17.7; Washington, 14.0; Westmoreland, 18.5; Wise, 10.8; Wythe, 15.0; York, 15.1.

Washington: Adams, 14.7; Asotin, 17.4; Benton, 13.5; Chelan, 13.8; Clallam, 39.3; Clark, 23.4; Columbia, 26.8; Cowlitz, 24.8; Douglas, 14.3; Ferry, 15.8; Franklin, 14.2; Garfield, 27.7; Grant, 12.8; Grays Harbor, 26.8; Island, 34.5; Jefferson, 21.5; King, 29.1; Kitsap, 25.6; Kittitas, 31.0; Klickitat, 16.8; Lewis, 26.7; Lincoln, 19.0; Mason, 24.8; Okanogan, 15.2; Pacific, 23.5; Pend Oreille, 16.8; Pierce, 24.3; San Juan, 25.0; Skagit, 36.9; Skamania, 19.0; Snohomish, 34.3; Spokane, 22.2; Stevens, 19.2; Thurston, 22.0; Walla Walla, 25.2; Whatcom, 28.5; Whitman, 27.6; Yakima, 27.9.

West Virginia: Barbour, 13.9; Berkeley, 14.7; Boone, 9.8; Braxton, 10.4; Brooke, 13.5; Cabell, 12.4; Calhoun, 9.7; Clay, 9.2; Doddridge, 11.4; Fayette, 12.9; Gilmer, 10.2; Grant, 15.1; Greenbrier, 16.7; Hampshire, 13.6; Hancock, 13.7; Hardy, 15.8; Harrison, 14.5; Jackson, 12.3; Jefferson, 17.5; Kanawha, 11.2; Lewis, 14.6; Lincoln, 10.9; Logan, 11.2; Marion, 12.8; Marshall, 13.0; Mason, 13.3; Mercer, 13.3; Mineral, 15.4; Monongalia, 15.5; Monroe, 15.4; Morgan, 11.8; Nicholas, 12.6; Ohio, 14.9; Pendleton, 15.1; Pleasants, 12.5; Pocahontas, 17.7; Preston, 17.2; Putnam, 10.5; Raleigh, 12.1; Randolph, 15.8; Ritchie, 13.4; Roane, 10.4; Summers, 12.8; Taylor, 14.2; Tucker, 15.2; Tyler, 11.8; Upshur, 14.5; Wayne, 11.0; Webster, 12.1; Wetzel, 11.2; Wirt, 10.4; Wood, 14.1; Wyoming, 11.4.

Wisconsin: Adams, 11.8; Ashland, 14.4; Barron, 16.0; Bayfield, 16.2; Brown, 17.5; Buffalo, 16.6; Burnett, 14.2; Calumet, 18.7; Chippewa, 14.5; Clark, 14.4; Columbia, 16.2; Crawford, 15.2; Dane, 18.5; Dodge, 19.4; Door, 15.7; Douglas, 15.2; Dunn, 15.2; Eau Claire, 14.9; Florence, 13.4; Fond du Lac, 18.6; Forest, 12.7; Grant, 15.9; Green, 16.8; Green Lake, 15.9; Iowa, 14.8; Iron, 13.4; Jackson, 15.2; Jefferson, 19.4; Juneau, 16.3; Kenosha, 19.4; Kewaunee, 16.6; La Crosse, 18.0; Lafayette, 16.8; Langlade, 13.8; Lincoln, 14.8; Manitowoc, 18.2; Marathon, 14.2; Marinette, 14.0; Marquette, 14.2; Milwaukee, 17.8; Monroe, 16.3; Oconto, 14.6; Oneida, 12.8; Outagamie, 18.2; Ozaukee, 17.9; Pepin, 14.9; Pierce, 14.9; Polk, 15.4; Portage, 14.0; Price, 13.9; Racine, 19.4; Richland, 16.5; Rock, 17.3; Rusk, 14.4; St. Croix, 14.6; Sauk, 16.6; Sawyer, 14.0; Shawano, 16.8; Sheboygan, 19.0; Taylor, 14.4; Trempealeau, 15.6; Vernon, 16.6; Vilas, 12.6; Walworth, 18.0; Washburn, 13.2; Washington, 19.0; Waukesha, 17.7; Waupaca, 14.6; Waushara, 12.9; Winnebago, 18.6; Wood, 14.0.

Wyoming: Albany, 11.6; Big Horn, 19.0; Campbell, 7.9; Carbon, 11.2; Converse, 6.4; Crook, 10.0; Fremont, 20.0; Goshen, 8.4; Hot Springs, 14.9; Johnson, 11.0; Laramie, 7.2; Lincoln, 11.6; Natrona, 7.6; Niobrara, 6.1; Park, 20.7; Platte, 8.0; Sheridan, 12.8; Sublette, 13.7; Sweetwater, 14.3; Teton, 11.1; Uinta, 14.4; Washakie, 24.0; Weston, 11.2.

Done at Washington, D. C., this 31st day of December, 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-11; Filed, January 2, 1941; 10:36 a. m.]

[ACP-1941-5]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

1941 AGRICULTURAL CONSERVATION PROGRAM

Supplement No. 5

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as Amended, the 1941 Agricultural Conservation Program is amended as follows:

Section 701.201,[1] paragraph (a), subparagraph (2) is hereby amended by the addition of the following sentence:

(1) The State acreage allotments of corn for each State in the commercial corn-producing area and the total acreage allotment for such area are as follows:

State:	*Corn allotment*
Illinois	6,527,756
Indiana	3,208,908
Iowa	8,184,781
Michigan	391,511
Minnesota	3,153,973
Missouri	2,920,469
Nebraska	5,923,431
Ohio	2,386,441
South Dakota	1,393,515
Wisconsin	661,622
Delaware	46,578
Kansas	1,589,175
Kentucky	320,804
Maryland	224,979
Pennsylvania	366,057
Total	37,300,000

Section 701.201, paragraph (a), subparagraph (3) is hereby amended by the addition of the following sentence:

The 1941 county corn acreage allotments shall be the 1941 county corn acreage allotments approved by the Secretary pursuant to the provisions of Title III of the Agricultural Adjustment Act of 1938, as Amended.

Section 701.201, paragraph (a), subparagraph (5), subdivision (iii) is hereby amended by the addition of the following sentence:

The county normal yields of corn for 1941 shall be the county normal yields of corn for 1941 approved by the Secretary pursuant to the provisions of Title III of the Agricultural Adjustment Act of 1938, as Amended.

Done at Washington, D. C., this 31st day of December 1940. Witness my hand

[1] Part 701 appears at 5 F.R. 2915.

and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-19; Filed, January 2, 1941; 10:38 a. m.]

PART 721—CORN

PROCLAMATIONS AND DETERMINATIONS RELATING TO CORN ALLOTMENTS; DETERMINATION OF COUNTY CORN ACREAGE ALLOTMENTS FOR 1941

§ 721.303 *County corn acreage allotments for 1941.* Pursuant to the authority vested in the Secretary of Agriculture under section 329 (a) of the Agricultural Adjustment Act of 1938, as amended, the corn acreage allotment for the commercial corn-producing area for 1941 as established by the proclamation dated December 7, 1940, is hereby apportioned among the commercial corn-producing counties as follows:

County and Corn Allotment

Illinois: Adams, 65,011; Alexander, 17,733; Bond, 28,113; Boone, 38,682; Brown, 25,646; Bureau, 145,689; Calhoun, 14,789; Carroll, 51,240; Cass, 42,887; Champaign, 184,405; Christian, 92,408; Clark, 45,691; Clay, 37,107; Clinton, 34,568; Coles, 70,265; Cook, 42,774; Crawford, 38,408; Cumberland, 34,138; De Kalb, 111,851; De Witt, 70,246; Douglas, 68,459; Du Page, 31,098; Edgar, 87,252; Edwards, 20,838; Effingham, 37,757 Fayette, 57,984; Ford, 94,012; Fulton, 91,069; Gallatin, 33,742; Greene, 59,522; Grundy, 80,184; Hamilton, 29,698; Hancock, 78,389; Hardin, 8,736; Henderson, 50,679; Henry, 132,618; Iroquois, 203,925; Jackson, 33,325; Jasper, 45,749; Jersey, 29,229; Jo Daviess, 42,447; Johnson, 18,444; Kane, 72,615; Kankakee, 107,319; Kendall, 55,006; Knox, 99,550; Lake, 29,702; La Salle, 207,827; Lawrence, 35,227; Lee, 116,871; Livingston, 206,836; Logan, 103,211; McDonough, 81,518; McHenry, 77,521; McLean, 230,872; Macon, 94,246; Macoupin, 73,003; Madison, 53,689; Marion, 35,695; Marshall, 60,225; Mason, 66,663; Massac, 16,436; Menard, 41,165; Mercer, 80,631; Monroe, 22,013; Montgomery, 61,775; Morgan, 72,307; Moultrie, 53,073; Ogle, 104,441; Peoria, 71,923; Perry, 22,594; Piatt, 72,962; Pike, 71,577; Pope, 15,013; Pulaski, 17,107; Putnam, 22,670; Randolph, 31,539; Richland, 28,330; Rock Island, 50,021; St. Clair, 42,983; Saline, 28,988; Sangamon, 121,900; Schuyler, 36,548; Scott, 32,495; Shelby, 91,870; Stark, 50,109; Stephenson, 65,694; Tazewell, 92,438; Union, 21,462; Vermilion, 140,528; Wabash, 23,049; Warren, 90,756; Washington, 28,958; Wayne, 50,582; White, 54,802; Whiteside, 104,589; Will, 115,963; Winnebago, 59,546; Woodford, 84,511. State, 6,527,756.

Indiana: Adams, 31,323; Allen, 56,666; Bartholomew, 38,155; Benton, 73,450; Blackford, 17,030; Boone, 56,360; Carroll, 48,539; Cass, 49,429; Clay, 27,363; Clinton, 56,181; Daviess, 38,876, Dearborn, 16,064; Decatur, 41,363; De Kalb, 26,657; Delaware, 44,920; Dubois, 23,972; Elkhart, 33,966; Fayette, 22,019; Fountain, 42,336; Franklin, 28,472; Fulton, 41,160; Gibson, 47,020; Grant, 46,531; Greene, 32,972; Hamilton, 50,539; Hancock, 41,364; Hendricks, 49,474; Henry, 48,999; Howard, 36,907; Huntington, 37,241; Jackson, 33,830; Jasper, 69,384; Jay, 35,204; Jennings, 18,990; Johnson, 38,202; Knox, 55,077; Kosciusko, 51,409; Lagrange, 30,865; Lake, 40,880; La Porte, 57,655; Lawrence, 21,787; Madison, 57,552; Marion, 31,932; Marshall, 43,443; Martin, 13,788; Miami, 41,458; Monroe, 15,859; Montgomery, 59,372; Morgan, 36,820; Newton, 52,920; Noble, 33,752; Orange, 19,974; Owen, 16,992; Parke, 36,529; Pike, 21,796; Porter, 36,623; Posey, 43,143; Pulaski, 46,171; Putnam, 39,274; Randolph, 54,985; Ripley, 28,050; Rush, 59,509; St. Joseph, 36,580; Scott, 10,706; Shelby, 56,525; Spencer, 28,008; Starke, 29,695; Steuben, 20,569; Sullivan, 39,263; Tippecanoe, 66,801; Tipton, 36,782; Union, 18,830; Vanderburgh, 18,618; Vermillion, 26,923; Vigo, 39,931; Wabash, 42,883; Warren, 48,661; Warrick, 25,114; Washington, 26,408; Wayne, 44,098; Wells, 41,770; White, 73,518; Whitley, 28,452. State, 3,208,908.

Iowa: Adair, 86,219; Adams, 61,020; Allamakee, 36,589; Appanoose, 31,535; Audubon, 73,151; Benton, 108,391; Black Hawk, 82,456; Boone, 101,476; Bremer, 55,613; Buchanan, 83,449; Buena Vista, 106,558; Butler, 89,325; Calhoun, 107,545; Carroll, 102,493; Cass, 94,278; Cedar, 80,835; Cerro Gordo, 87,090; Cherokee, 99,396; Chicasaw, 60,678; Clarke, 42,538; Clay, 96,561; Clayton, 63,501; Clinton, 100,733; Crawford, 119,960; Dallas, 102,880; Davis, 33,349; Decatur, 43,620; Delaware, 73,551; Des Moines, 48,002; Dickinson, 60,658; Dubuque, 55,744; Emmet, 67,439; Fayette, 80,984; Floyd, 76,005; Franklin, 102,772; Fremont, 113,172; Greene, 111,877; Grundy, 82,120; Guthrie, 88,852; Hamilton, 106,701; Hancock, 94,821; Hardin, 99,588; Harrison, 134,912; Henry, 51,143; Howard, 49,629; Humboldt, 80,280; Ida, 80,928; Iowa, 74,954; Jackson, 51,962; Jasper, 113,621; Jefferson, 46,361; Johnson, 80,013; Jones, 64,512; Keokuk, 76,803; Kossuth, 169,784; Lee, 35,678; Linn, 92,512; Louisa, 51,550; Lucas, 36,345; Lyon, 100,421; Madison, 71,747; Mahaska, 82,662; Marion, 72,763; Marshall, 91,050; Mills, 87,999; Mitchell, 60,319; Monona, 125,007; Monroe, 32,253; Montgomery, 74,908; Muscatine, 56,010; O'Brien, 99,088; Osceola, 68,183; Page, 89,771; Palo Alto, 97,385; Plymouth, 155,882; Pocahontas, 109,074; Polk, 85,241; Pottawattamie, 188,287; Poweshiek, 86,094; Ringgold, 55,467; Sac, 105,184; Scott, 60,259; Shelby, 110,187; Sioux, 137,334; Story, 110,354; Tama, 100,021; Taylor, 70,618; Union, 50,162; Van Buren, 31,912; Wapello, 40,895; Warren, 69,360; Washington, 76,455; Wayne, 46,572; Webster, 123,247; Winnebago, 63,105; Winneshiek, 65,309; Woodbury, 169,037; Worth, 53,782; Wright, 106,865. State, 8,184,781.

Michigan: Berrien, 25,549; Branch, 32,652; Calhoun, 32,186; Cass, 28,500; Hillsdale, 35,540; Jackson, 30,619; Kalamazoo, 23,540; Lenawee, 57,073; Monroe, 43,976; St. Joseph, 30,742; Washtenaw, 36,920; Wayne, 14,350. State, 391,511.

Minnesota: Big Stone, 41,679; Blue Earth, 96,184; Brown, 69,535; Carver, 29,046; Chippewa, 76,071; Cottonwood, 87,408; Dakota, 49,000; Dodge, 45,351; Faribault, 98,767; Fillmore, 56,118; Freeborn, 81,802; Goodhue, 47,780; Grant, 41,161; Hennepin, 27,214; Houston, 27,332; Jackson, 104,800; Kandiyohi, 71,773; Lac Qui Parle, 89,830; Le Sueur, 40,110; Lincoln, 59,030; Lyon, 99,475; McLeod, 45,786; Martin, 117,925; Meeker, 53,354; Mower, 71,310; Murray, 101,092; Nicollet, 45,455; Nobles, 112,457; Olmsted, 56,320; Pipestone, 66,406; Pope, 39,183; Redwood, 122,050; Renville, 119,243; Rice, 45,100; Rock, 76,927; Scott, 28,003; Sibley, 56,126; Stearns, 86,393; Steele, 45,800; Stevens, 56,912; Swift, 71,104; Traverse, 50,092; Wabasha, 30,442; Waseca, 46,518; Washington, 27,180; Watonwan, 63,122; Winona, 30,704; Wright, 51,303; Yellow Medicine, 98,200. State, 3,153,973.

Missouri: Adair, 29,745; Andrew, 46,196; Atchison, 105,954; Audrain, 74,182; Bates, 73,858; Benton, 32,866; Boone, 42,189; Buchanan, 35,849; Caldwell, 44,556; Callaway, 39,469; Cape Girardeau, 33,510; Carroll, 62,714; Cass, 65,817; Chariton, 61,796; Clark, 33,046; Clay, 30,710; Clinton, 46,611; Cooper, 38,484; Daviess, 49,442; De Kalb, 45,093; Dunklin, 49,683; Gentry, 45,708; Grundy, 32,594; Harrison, 51,991; Henry, 62,885; Holt, 69,954; Howard, 29,781; Jackson, 39,467; Johnson, 58,603; Knox, 37,245; Lafayette, 63,985; Lewis, 30,247; Lincoln, 39,848; Linn, 42,560; Livingston, 40,786; Macon, 56,614; Marion, 30,047; Mercer, 27,690; Mississippi, 46,498; Moniteau, 21,673; Monroe, 50,543; Montgomery, 35,146; New Madrid, 66,692; Nodaway, 116,106; Pemiscot, 40,008; Perry, 20,082; Pettis, 54,601; Pike, 45,989; Platte, 32,501; Putnam, 25,882; Ralls, 36,307; Randolph, 31,841; Ray, 58,960; St. Charles, 29,832; St. Clair, 43,906; Saline, 80,151; Schuyler, 14,282; Scotland, 27,161; Scott, 39,531; Shelby, 40,399; Stoddard, 65,376; Vernon, 70,682; Worth, 24,545. State, 2,920,469.

Nebraska: Adams, 69,746; Antelope, 139,505; Boone, 123,650; Buffalo, 137,648; Burt, 101,360; Butler, 98,775; Cass, 109,106; Cedar, 135,521; Chase, 88,059; Clay, 80,518; Colfax, 68,379; Cuming, 107,114; Custer, 246,622; Dakota, 47,037; Dawson, 123,612; Dixon, 91,290; Dodge, 98,193; Douglas, 56,500; Fillmore, 85,483; Franklin, 74,074; Frontier, 114,655; Furnas, 101,795; Gage, 116,287; Gosper, 71,842; Greeley, 70,761; Hall, 67,572; Hamilton, 89,459; Harlan, 78,703; Hayes, 74,322; Hitchcock, 63,425; Howard, 67,189; Jefferson, 67,224; Johnson, 50,592; Kearney, 63,040; Knox, 148,322; Lancaster, 125,655;

Lincoln, 159,127; Madison, 110,098; Merrick, 61,000; Nance, 71,648; Nemaha, 67,081; Nuckolls, 82,314; Otoe, 100,690; Pawnee, 52,295; Perkins, 112,306; Phelps, 88,394; Pierce, 99,209; Platte, 129,145; Polk, 80,156; Redwillow, 83,121; Richardson, 84,144; Saline, 70,426; Sarpy, 46,739; Saunders, 145,453; Seward, 94,149; Sherman, 69,182; Stanton, 74,627; Thayer, 73,482; Thurston, 82,237; Valley, 79,614; Washington, 71,688; Wayne, 91,853; Webster, 81,353; York, 108,865. State, 5,923,431.

Ohio: Adams, 26,145; Allen, 36,980; Ashland, 22,338; Auglaize, 41,283; Brown, 35,804; Butler, 44,466; Champaign, 45,803; Clark, 43,134; Clermont, 32,378; Clinton, 50,688; Coshocton, 18,717; Crawford, 33,807; Darke, 72,092; Defiance, 31,539; Delaware, 36,434; Erie, 16,716; Fairfield, 44,189; Fayette, 53,913; Franklin, 45,385; Fulton, 39,648; Greene, 48,261; Hamilton, 13,957; Hancock, 56,069; Hardin, 47,163; Henry, 49,979; Highland, 47,743; Holmes, 19,899; Huron, 32,737; Jackson, 9,791; Knox, 30,466; Licking, 42,812; Logan, 40,468; Lorain, 23,368; Lucas, 21,458; Madison, 59,913; Marion, 43,063; Medina, 21,297; Mercer, 45,397; Miami, 47,313; Montgomery, 41,635; Morrow, 27,230; Muskingum, 20,830; Ottawa, 17,992; Paulding, 45,360; Perry, 14,957; Pickaway, 60,512; Pike, 20,629; Preble, 49,579; Putnam, 53,120; Richland, 26,881; Ross, 52,005; Sandusky, 38,715; Scioto, 20,786; Seneca, 49,030; Shelby, 41,320; Stark, 26,126; Union, 40,067; Van Wert, 47,302; Warren, 39,283; Wayne, 36,320; Williams, 32,080; Wood, 75,123; Wyandot, 36,946. State, 2,386,441.

South Dakota: Bon Homme, 75,238; Brookings, 97,981; Clay, 74,755; Deuel, 45,143; Grant, 47,348; Hamlin, 43,820; Hanson, 55,176; Hutchinson, 88,996; Kingsbury, 76,931; Lake, 78,983; Lincoln, 102,400; McCook, 81,989; Minnehaha, 128,497; Moody, 80,023; Roberts, 67,146; Turner, 92,606; Union, 86,080; Yankton, 70,403. State, 1,393,515.

Wisconsin: Columbia, 60,813; Crawford, 21,669; Dane, 104,593; Grant, 79,467; Green, 50,111; Iowa, 39,927; Jefferson, 44,520; Lafayette, 53,461; Richland, 24,171; Rock, 78,471; Sauk, 49,844; Walworth, 54,575. State, 661,622.

Kansas: Anderson, 39,163; Atchison, 41,872; Brown, 82,718; Coffey, 42,851; Doniphan, 51,770; Douglas, 32,196; Franklin, 43,527; Jackson, 67,547; Jefferson, 49,432; Jewell, 98,023; Johnson, 35,225; Leavenworth, 29,999; Linn, 44,272; Marshall, 110,239; Miami, 51,998; Nemaha, 101,906; Norton, 94,355; Osage, 59,758; Phillips, 91,908; Pottawatomie, 59,745; Republic, 87,655; Riley, 37,957; Shawnee, 41,594; Smith, 103,500; Washington, 90,165. State, 1,589,175.

Delaware: Kent, 29,616; New Castle, 16,963; State, 46,579.

Kentucky: Ballard, 25,975; Carlisle, 16,332; Crittenden, 22,414; Daviess, 37,921; Fulton, 21,261; Hancock, 11,320; Henderson, 55,119; Hickman, 25,422; Livingston, 21,771; McLean, 19,884; Union, 37,220; Webster, 26,165. State, 320,804.

Maryland: Baltimore, 17,664; Caroline, 18,734; Carroll, 26,576; Cecil, 13,781; Frederick, 38,358; Harford, 15,512; Howard, 10,613; Kent, 17,023; Montgomery, 20,539; Queen Annes, 22,466; Washington, 23,713. State, 224,979.

Pennsylvania: Adams, 27,535; Berks, 40,489; Chester, 37,886; Cumberland, 31,200; Dauphin, 20,304; Franklin, 37,212; Fulton, 8,819; Lancaster, 68,968; Lebanon, 19,498; Perry, 15,823; York, 58,323. State, 366,057.

[Sec. 329 (a), 52 Stat. 52; 7 U.S.C. 1329]

Done at Washington, D. C., this 31st day of December 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-18; Filed, January 2, 1941; 10:38 a. m.]

PART 721—CORN

PROCLAMATION AND DETERMINATIONS RELATING TO CORN ALLOTMENTS—DETERMINATION OF COUNTY NORMAL YIELDS OF CORN FOR 1941

§ 721.304 *County normal yields of corn for 1941.* Pursuant to the authority vested in the Secretary of Agriculture under section 301 (b) (13) (A) and (C) of the Agricultural Adjustment Act of 1938, as amended, the normal yields of corn for 1941 for such counties are hereby established as follows:

County and Corn Yield

Illinois: Adams, 38.9; Alexander, 31.6; Bond, 27.7; Boone, 41.2; Brown, 36.7; Bureau, 48.3; Calhoun, 41.5; Carroll, 48.2; Cass, 40.3; Champaign, 48.6; Christian, 41.7; Clark, 37.7; Clay, 24.2; Clinton, 33.3; Coles, 40.6; Cook, 38.9; Crawford, 35.9; Cumberland, 32.2; De Kalb, 49.5; De Witt, 45.4; Douglas, 43.6; Du Page, 41.4; Edgar, 45.6; Edwards, 33.1; Effingham, 28.9; Fayette, 25.8; Ford, 45.1; Fulton, 45.7; Gallatin, 32.5; Greene, 38.9; Grundy, 41.4; Hamilton, 25.1; Hancock, 40.8; Hardin, 25.5; Henderson, 47.6; Henry, 49.6; Iroquois, 45.0; Jackson, 30.8; Jasper, 30.0; Jersey, 37.6; Jo Daviess, 44.7; Johnson, 24.6; Kane, 47.6; Kankakee, 40.1; Kendall, 43.1; Knox, 49.4; Lake, 38.7; La Salle, 47.6; Lawrence, 33.4; Lee, 46.4; Livingston, 45.5; Logan, 45.5; McDonough, 44.7; McHenry, 39.7; McLean, 45.5; Macon, 44.9; Macoupin, 35.4; Madison, 35.0; Marion, 24.6; Marshall, 45.4; Mason, 37.1; Massac, 30.9; Menard, 43.1; Mercer, 46.9; Monroe, 38.2; Montgomery, 34.3; Morgan, 39.7; Moultrie, 40.3; Ogle, 44.8; Peoria, 48.0; Perry, 23.8; Piatt, 47.6; Pike, 38.5; Pope, 24.3; Pulaski, 30.4; Putnam, 50.5; Randolph, 29.8; Richland, 27.0; Rock Island, 46.9; St. Clair, 34.8; Saline, 29.9; Sangamon, 43.1; Schuyler, 42.9; Scott, 39.8; Shelby, 35.7; Stark, 47.6; Stephenson, 44.2; Tazewell, 47.5; Union, 31.4; Vermilion, 43.6; Wabash, 36.6; Warren, 49.4; Washington, 25.3; Wayne, 22.7; White, 31.1; Whiteside, 46.7; Will, 40.6; Winnebago, 42.2; Woodford, 50.3.

Indiana: Adams, 43.7; Allen, 40.6; Bartholomew, 39.8; Benton, 40.9; Blackford, 38.8; Boone, 42.7; Carroll, 45.0; Cass, 42.7; Clay, 36.2; Clinton, 44.4; Daviess, 34.6; Dearborn, 33.2; Decatur, 43.3; De Kalb, 38.5; Delaware, 47.5; Dubois, 34.8; Elkhart, 38.6; Fayette, 47.8; Fountain, 38.7; Franklin, 42.8; Fulton, 41.1; Gibson, 36.1; Grant, 48.0; Greene, 36.4; Hamilton, 44.5; Hancock, 42.2; Hendricks, 41.0; Henry, 41.2; Howard, 49.6; Huntington, 42.8; Jackson, 34.2; Jasper, 34.5; Jay, 39.0; Jennings, 31.9; Johnson, 46.0; Knox, 35.7; Kosciusko, 41.5; Lagrange, 38.0; Lake, 38.4; La Porte, 38.1; Lawrence, 34.0; Madison, 47.1; Marion, 39.3; Marshall, 39.8; Martin, 33.2; Miami, 47.3; Monroe 33.3; Montgomery, 42.0; Morgan, 40.4; Newton, 39.7; Noble, 40.5; Orange, 32.5; Owen, 33.2; Parke, 37.9; Pike, 31.1; Porter, 36.6; Posey, 36.0; Pulaski, 35.5; Putnam, 39.9; Randolph, 42.5; Ripley, 32.0; Rush, 48.8; St. Joseph, 37.3; Scott, 28.4; Shelby, 40.8; Spencer, 31.5; Starke, 34.8; Steuben, 39.5; Sullivan, 34.3; Tippecanoe, 38.7; Tipton, 50.0; Union, 48.1; Vanderburgh, 39.8; Vermillion, 34.9; Vigo, 35.3; Wabash, 45.5; Warren, 39.5; Warrick, 30.9; Washington, 32.0; Wayne, 45.3; Wells, 45.4; White, 41.2; Whitley, 40.3.

Iowa: Adair, 38.3; Adams, 35.2; Allamakee, 45.3; Appanoose, 28.7; Audubon, 40.9; Benton, 49.9; Black Hawk, 47.0; Boone, 47.1; Bremer, 43.8; Buchanan, 43.0; Buena Vista, 47.0; Butler, 42.0; Calhoun, 47.6; Carroll, 44.0; Cass, 37.8; Cedar, 53.9; Cerro Gordo, 40.9; Cherokee, 41.8; Chickasaw, 38.3; Clarke, 31.6; Clay, 44.7; Clayton, 49.4; Clinton, 50.4; Crawford, 34.6; Dallas, 44.3; Davis, 30.3; Decatur, 28.5; Delaware, 46.4; Des Moines, 44.9; Dickinson, 42.5; Dubuque, 46.8; Emmet, 44.8; Fayette, 43.7; Floyd, 39.2; Franklin, 46.1; Fremont, 36.2; Greene, 43.9; Grundy, 49.9; Guthrie, 39.8; Hamilton, 47.5; Hancock, 44.5; Hardin, 46.8; Harrison, 32.8; Henry, 46.8; Howard, 37.6; Humboldt, 48.5; Ida, 35.7; Iowa, 49.1; Jackson, 48.0; Jasper, 47.0; Jefferson, 38.0; Johnson, 49.3; Jones, 51.4; Keokuk, 44.0; Kossuth, 45.7; Lee, 35.8; Linn, 47.2; Louisa, 44.8; Lucas, 30.3; Lyon, 37.5; Madison, 40.0; Mahaska, 42.7; Marion, 39.5; Marshall, 49.5; Mills, 37.9; Mitchell, 42.3; Monona, 34.5; Monroe, 30.5; Montgomery, 38.4; Muscatine, 48.2; O'Brien, 47.1; Osceola, 43.0; Page, 35.2; Palo Alto, 43.9; Plymouth, 32.4; Pocahontas, 47.8; Polk, 46.3; Pottawattamie, 38.3; Poweshiek, 48.8; Ringgold, 28.7; Sac, 42.8; Scott, 53.5; Shelby, 39.6; Sioux, 39.3; Story, 49.3; Tama, 49.8; Taylor, 30.8; Union, 33.6; Van Buren, 33.4; Wapello, 37.4; Warren, 39.5; Washington, 48.8; Wayne, 29.0; Webster, 47.4; Winnebago, 44.4; Winneshiek, 44.8; Woodbury, 32.2; Worth, 43.0; Wright, 47.4.

Michigan: Berrien, 32.1; Branch, 34.6; Calhoun, 34.7; Cass, 31.6; Hillsdale, 36.0; Jackson, 35.5; Kalamazoo, 33.3; Lenawee, 36.7; Monroe, 39.6; St. Joseph, 30.8; Washtenaw, 35.9; Wayne, 31.5.

Minnesota: Big Stone, 25.4; Blue Earth, 41.6; Brown, 42.1; Carver, 45.8; Chippewa, 29.8; Cottonwood, 37.7; Dakota, 37.4; Dodge, 37.3; Faribault, 42.8; Fillmore, 40.6; Freeborn, 43.0; Goodhue, 42.2; Grant, 25.7; Hennepin, 33.7; Houston, 45.6; Jackson, 40.9; Kandiyohi, 33.5; Lac Qui Parle, 26.2; Le Sueur, 43.8; Lincoln, 29.1; Lyon, 31.9; McLeod, 41.3; Martin, 41.5; Meeker, 34.7; Mower, 40.3; Murray, 36.5; Nicollet, 45.0; Nobles, 39.9; Olmsted, 40.4; Pipestone, 31.1; Pope, 27.6; Redwood, 34.8; Renville, 35.8; Rice, 42.6; Rock, 36.2; Scott, 44.0; Sibley, 44.8; Stearns, 29.4; Steele, 43.4; Stevens, 28.0; Swift, 28.2; Traverse, 24.1; Wabasha, 41.7; Waseca, 42.8; Washington, 30.2; Watonwan, 39.6; Winona, 40.8; Wright, 32.8; Yellow Medicine, 31.6.

Missouri: Adair, 26.0; Andrew, 27.7; Atchison, 31.9; Audrain, 21.3; Bates, 18.2; Benton, 19.6; Boone, 25.7; Buchanan, 30.4; Caldwell, 24.7; Callaway, 22.6; Cape Girardeau, 26.0; Carroll, 26.3; Cass, 20.2; Chariton, 26.9; Clark, 27.1; Clay, 25.5; Clinton, 26.7; Cooper, 23.3; Daviess, 25.4; De Kalb, 23.3; Dunklin, 24.6; Gentry, 24.4; Grundy, 25.4; Harrison, 25.4; Henry, 17.0; Holt, 30.4; Howard, 27.5; Jackson, 25.4; Johnson, 20.4; Knox, 25.2; Lafayette, 28.5; Lewis, 25.8; Lincoln, 26.2; Linn, 25.9; Livingston, 26.3; Macon, 23.6; Marion, 29.4; Mercer, 26.3; Mississippi, 25.3; Moniteau, 23.4; Monroe, 25.8; Montgomery, 24.2; New Madrid, 24.7; Nodaway, 25.7; Pemiscot, 25.0; Perry, 25.6; Pettis, 22.6; Pike, 30.1; Platte, 29.3; Putnam, 28.2; Ralls, 26.1; Randolph, 24.3; Ray, 27.1; St. Charles, 32.9; St. Clair, 17.5; Saline, 28.8; Schuyler, 26.5; Scotland, 26.1; Scott, 24.4; Shelby, 25.1; Stoddard, 21.7; Vernon, 16.8; Worth, 24.5.

Nebraska: Adams, 15.2; Antelope, 18.6; Boone, 18.3; Buffalo, 17.7; Burt, 33.0; Butler, 24.6; Cass, 27.4; Cedar, 24.0; Chase, 15.1; Clay, 16.1; Colfax, 26.8; Cuming, 32.2; Custer, 14.2; Dakota, 31.3; Dawson, 19.7; Dixon, 27.0; Dodge, 30.2; Douglas, 31.0; Fillmore, 19.1; Franklin, 14.1; Frontier, 14.6; Furnas, 16.1; Gage, 22.0; Gosper, 15.3; Greeley, 15.6; Hall, 18.2; Hamilton, 18.6; Harlan, 14.8; Hayes, 15.1; Hitchcock, 14.6; Howard, 16.1; Jefferson, 19.7; Johnson, 23.0; Kearney, 15.4; Knox, 18.1; Lancaster, 24.1; Lincoln, 15.1; Madison, 22.1; Merrick, 20.5; Nance, 20.1; Nemaha, 29.5; Nuckolls, 15.6; Otoe, 25.7; Pawnee, 23.0; Perkins, 15.2; Phelps, 16.2; Pierce, 23.1; Platte, 24.1; Polk, 24.6; Redwillow, 14.1; Richardson, 28.0; Saline, 20.6; Sarpy, 31.0; Saunders, 25.5; Seward, 24.6; Sherman, 15.2; Stanton, 25.6; Thayer, 16.6; Thurston, 29.6; Valley, 15.7; Washington, 32.0; Wayne, 28.0; Webster, 13.7; York, 22.1.

Ohio: Adams, 30.4; Allen, 44.5; Ashland, 39.8; Auglaize, 44.9; Brown, 30.8; Butler, 41.4; Champaign, 44.1; Clark, 45.7; Clermont, 31.9; Clinton, 46.0; Coshocton, 43.2; Crawford, 42.7; Darke, 43.4; Defiance, 40.3; Delaware, 41.6; Erie, 42.2; Fairfield, 46.1; Fayette, 46.0; Franklin, 44.1; Fulton, 45.4; Greene, 46.8; Hamilton, 41.1; Hancock, 43.5; Hardin, 44.8; Henry, 45.7; Highland, 36.7; Holmes, 42.1; Huron, 39.3; Jackson, 35.0; Knox, 42.9; Licking, 45.2; Logan, 42.0; Lorain, 44.2; Lucas, 46.4; Madison, 41.4; Marion, 40.4; Medina, 39.9; Mercer, 45.8; Miami, 45.2; Montgomery, 43.9; Morrow, 39.4; Muskingum, 41.4; Ottawa, 42.2; Paulding, 38.0; Perry, 39.1; Pickaway, 45.9; Pike, 34.6; Preble, 47.0; Putnam, 43.2; Richland, 41.1; Ross, 44.2; Sandusky, 43.4; Scioto, 41.2; Seneca, 41.2; Shelby, 44.0; Stark, 44.0; Union, 42.0; Van Wert, 44.0; Warren, 39.8; Wayne, 44.8; Williams, 42.9; Wood, 44.1; Wyandot, 42.3.

South Dakota: Bon Homme, 14.4; Brookings, 21.3; Clay, 24.1; Deuel, 20.2; Grant, 19.2; Hamlin, 17.7; Hanson, 12.0; Hutchinson, 14.0; Kingsbury, 15.6; Lake, 19.6; Lincoln, 26.1; McCook, 18.2; Minnehaha, 25.6; Moody, 23.7; Roberts, 19.3; Turner, 20.4; Union, 29.5; Yankton, 18.2.

Wisconsin: Columbia, 37.4; Crawford, 38.2; Dane, 37.9; Grant, 39.2; Green, 38.0; Iowa, 38.0; Jefferson, 39.0; Lafayette, 38.3; Richland, 38.1; Rock, 38.7; Sauk, 37.1; Walworth, 39.2.

Kansas: Anderson, 16.2; Atchison, 23.4; Brown, 24.9; Coffey, 17.7; Doniphan, 28.2; Douglas, 20.2; Franklin, 17.4; Jackson, 19.1; Jefferson, 21.3; Jewell, 14.2; Johnson, 21.0; Leavenworth, 21.4; Linn, 15.8; Marshall, 19.1; Miami, 18.9; Nemaha, 20.7; Norton, 13.5; Osage, 18.5; Phillips, 13.5; Pottawatomie, 22.2; Republic, 15.9; Riley, 20.5; Shawnee, 21.3; Smith, 13.4; Washington, 17.9.

Delaware: Kent, 28.4; New Castle, 36.7.

Kentucky: Ballard, 23.1; Carlisle, 23.5; Crittenden, 20.6; Daviess, 26.3; Fulton, 28.4; Hancock, 24.2; Henderson, 28.3, Hickman, 25.8; Livingston, 21.3; McLean, 23.2; Union, 30.2; Webster, 21.1.

Maryland: Baltimore, 41.6; Caroline, 28.7; Carroll, 43.8; Cecil, 37.4; Frederick, 39.5; Harford, 45.7; Howard, 39.6; Kent, 31.8; Montgomery, 38.5; Queen Annes, 31.0; Washington, 35.5.

Pennsylvania: Adams, 42.1; Berks, 45.0; Chester, 51.0; Cumberland, 40.4; Dauphin, 40.1; Franklin, 41.4; Fulton, 34.1; Lancaster, 53.6; Lebanon, 47.3; Perry, 38.7; York, 46.3.

(Sec. 301 (b) (13) (A) and (C), 52 Stat. 38, 202; 54 Stat. 727; 7 U. S. C. Supp. V, 1301)

Done at Washington, D. C., this 31st day of December 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-13; Filed, January 2, 1941; 10.36 a. m.]

PART 721—CORN

PROCLAMATIONS AND DETERMINATIONS RELATING TO CORN ALLOTMENTS

Regulations Governing the Determination of 1941 Farm Corn Acreage Allotments and Normal Yields Under Title III of the Agricultural Adjustment Act of 1938, as Amended

Sec.

By virtue of the authority vested in the Secretary of Agriculture by Sections 301, 329, and 375 of the Agricultural Adjustment Act of 1938, as Amended, I do prescribe the following regulations applicable for determining farm corn acreage allotments and normal yields for the 1941 crop in counties in the commercial corn-producing area under Title III of said Act, to be in force and effect until rescinded, amended, or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

Section 329 (b) of said Act, provides that:

> The acreage allotment to the county for corn shall be apportioned by the Secretary, through the local committees, among the farms within the county on the basis of tillable acreage, crop-rotation practices, type of soil, and topography.

Section 301, (b) (13) (E) of said Act, provides that:

> "Normal yield" for any farm, in the case of corn * * * shall be the average yield per acre of corn * * * for the farm, adjusted for abnormal weather conditions and * * * for trends in yields, during the ten calendar years * * * immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations of the Secretary, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available.

§ 721.311 *Determination of farm corn acreage allotments for 1941.* The county committee, with the assistance of other local committees in the county, and subject to the approval of the State committee, shall determine farm corn acreage allotments for farms in the commercial corn-producing area for the calendar year 1941 on the basis of tillable acreage, crop-rotation practices, type of soil and topography of the cropland as follows:

(a) *Determination with respect to tillable acreage, crop-rotation practices, types of soil and topography.* For those farms for which 1940 farm corn allotments reflect these factors in accordance with the conditions as applicable

in 1941, the 1940 allotments may be used in determining the 1941 allotments. The county and community committees shall review the 1940 allotments for the several farms and determine whether any allotment is not representative for the farm. In making this determination the committees should consider factors such as a change in type of farming operations, change in farm land, change in cropland acreage, drought, flood, and any other unusual conditions which may apply to the farm at the time the determination is made. Consideration may also be given to the acreage of corn planted on the farm in 1940. For those farms for which consideration is given to the 1940 planted acreage of corn, the county committee may determine a revised 1940 allotment for purposes of establishing the 1941 allotment by weighting the 1940 allotment with the 1940 planted acreage.

If it is determined that the 1940 corn allotment or the 1940 revised allotment, as the case may be, is not representative for the farm, the committees shall appraise a 1941 recommended allotment which is more representative for the farm. This appraisal shall be based on the corn acreage allotments for a group of one or more similar farms in the county and shall be subject to the limitations described in the following sentences:

A group of one or more farms having similar crop-rotation practices, types of soil and topography, shall be selected, and the ratio of corn allotment to cropland for the group of similar farms shall be computed. This ratio shall be applied to the cropland on the farm for which an appraisal is to be made. In those cases in which the allotment or 1940 revised allotment is to be increased it shall not be in excess of the figure computed, and in those cases in which the allotment or 1940 revised allotment is to be decreased it shall not be less than the figure computed.

For farms in the commercial corn-producing area for the first time in 1941, as a basis for giving consideration to tillable acres and crop-rotation practices in the apportionment of the county corn acreage allotment to farms, the committees shall first determine for each farm the usual acreage of corn. This usual acreage shall be the average acreage of corn planted during the years 1939 and 1940. If, with respect to any farm, the committees find that the average acreage planted to corn in 1939 and 1940 does not reflect the acreage that would normally be planted to corn on the farm because of conditions applicable to the farm, the usual acreage of corn for the farm will be determined by committee appraisal. This usual acreage shall be based on the usual acreages for similar farms in the county or community. In making adjustments for types of soil and topography, the usual acreage for any farm shall not be adjusted in excess of fifty percent.

(b) *Adjustment to county acreage allotment.* The 1941 recommended acreage allotments or adjusted usual acreages determined under paragraph (a), adjusted pro rata to equal the county corn acreage allotment, shall be the farm acreage allotments.

§ 721.312 *Determination of individual farm corn yields.* Individual farm yields for corn shall be determined on the basis of the historical record for the farm for the period 1931–1940, inclusive, adjusted for abnormal weather conditions and for trends in yields, or, where accurate corn yield records are not available, the farm yield will be determined by appraisal, taking into consideration abnormal weather conditions, the normal yield for the county and other similar farms, the yields in years for which data are available, and the normal yield established for the farm in 1940. Individual farm corn yields shall be weighted by the individual farm corn acreage allotments and shall be adjusted, except for farms for which yields are determined on the basis of actual records, so that the average of all farm yields in the county does not exceed the county normal corn yield.*

*§§ 721.311 to 721.314 issued under the authority contained in sec. 329 (b), 52 Stat. 52, sec. 375 (b), 52 Stat. 66, sec. 301 (b) 13 (E), 52 Stat. 202, Public, No. 879, approved November 25, 1940, 7 U.S.C. 1329, 1375, 1301.

§ 721.313 *Miscellaneous provisions applicable to farm corn acreage allotments and yields*—(a) *Opportunity to furnish data.* Any person owning or operating a farm in a commercial corn-producing county may submit to the county committee any information or data which is relevant to the factors to be taken into consideration by the county committee in determining the farm corn acreage allotment and yield.

(b) *Appeals.* Any person who is dissatisfied with the determination of the county committee with respect to the corn acreage allotment and/or yield for any farm in which he has an interest may, within 15 days after notice of such allotment is forwarded to or made available to him, appeal from such determination by following the procedure governing appeals under the 1941 Agricultural Conservation Program.

(c) *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued with his approval such instructions and forms as may be required to carry out these regulations.*

§ 721.314 *Definitions.* As used in these regulations and in all forms and documents in connection therewith, unless the content or subject matter otherwise requires, the following terms shall have the meaning ascribed:

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

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

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

(d) The term "commercial corn-producing area" means that area determined and established by § 721.301 (the proclamation of commercial corn-producing area for the year 1941 made by the Secretary of Agriculture.)

(e) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(f) The term "acreage allotment of corn for 1941" means that acreage in the commercial corn-producing area determined and established under § 721.302 (the proclamation of corn acreage allotment for the commercial corn-producing area issued by the Secretary of Agriculture).

(g) The term "county corn acreage allotment" for the calendar year 1941 means that acreage of corn apportioned to the county under § 721.303 (the determination of county corn acreage allotments issued by the Secretary of Agriculture).

(h) The term "county normal corn yield" for the calendar year 1941 means that normal yield of corn determined for the county under § 721.304 (the determination of county normal yields of corn for 1941 issued by the Secretary of Agriculture).

(i) The term "farm corn acreage allotment" means the acreage allotment established for a farm with respect to corn by apportioning the county acreage allotment of corn among all the corn-producing farms in the county.

(j) The term "State committee" means the group of persons designated within any State to assist in the administration of the agricultural conservation programs in such State.

(k) The term "county committee" means the group of persons elected within any county to assist in the ad-

ministration of the agricultural conservation programs in such county.

(l) The term "local committee" means any committee, whether or not a county committee, utilized under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as Amended.*

Done at Washington, D. C., this 31st day of December, 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-14; Filed, January 2, 1941; 10:37 a.m.]

PART 722—COTTON

RESULTS OF COTTON REFERENDUM, 1941-42 MARKETING YEAR

I, Claude R. Wickard, Secretary of Agriculture, acting under and pursuant to, and by virtue of, the authority vested in me by Sec. 347 of the Agricultural Adjustment Act of 1938, as amended, do hereby make the following proclamation.

§ 722.302 *Results of cotton referendum.* (a) In the referendum of farmers who are engaged in production of the 1940 crop of cotton, conducted by the Secretary of Agriculture on December 7, 1940, to determine whether such farmers were in favor of or opposed to marketing quotas for cotton for the marketing year beginning August 1, 1941, the total number of votes cast were 918,861 and of the total number of votes so cast 848,432 votes, or 92.3 percent, were in favor of, and 70,429 votes, or 7.7 percent, were opposed to, such marketing quotas.

(b) The national marketing quota for cotton for the marketing year beginning August 1, 1941, proclaimed by the Secretary of Agriculture on September 17, 1940, will be in effect for such year. (Sec. 347, 52 Stat. 59; 7 U.S.C., Sup. 1347)

Done at Washington, D. C., this 31st day of December 1940. Witness my hand and the seal of the Department of Agriculture.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-8; Filed, January 2, 1941; 10:35 a. m.]

[Cotton 529]

PART 722—COTTON

1941 COUNTY COTTON ACREAGE ALLOTMENTS

§ 722.302 *County cotton acreage allotments for 1941.* The county cotton acreage allotments established with respect to the marketing year beginning August 1, 1941, in accordance with the provisions of Section 344 of the Agricultural Adjustment Act of 1938, as Amended, for the purposes of the cotton marketing quota provisions (Part IV, Subtitle B, Title III) of said Act are as follows:

County and Cotton Acreage Allotment

Alabama: Autauga, 29,101; Baldwin, 5,753; Barbour, 39,929; Bibb, 11,602; Blount, 31,196; Bullock, 29,259; Butler, 30,561; Calhoun, 27,038; Chambers, 38,276; Cherokee, 34,673; Chilton, 25,387; Choctaw, 16,016; Clarke, 19,449; Clay, 17,904; Cleburne, 12,625; Coffee, 39,772; Colbert, 31,871; Conecuh, 26,564; Coosa, 11,135; Covington, 40,792; Crenshaw, 33,118; Cullman, 48,344; Dale, 24,431; Dallas, 66,193; De Kalb, 43,149; Elmore, 44,081; Escambia, 19,536; Etowah, 28,076; Fayette, 22,181; Franklin, 26,046; Geneva, 39,179; Greene, 28,792; Hale, 37,696; Henry, 33,365; Houston, 50,187; Jackson, 36,010; Jefferson, 8,726; Lamar, 26,824; Lauderdale, 46,467; Lawrence, 48,325; Lee, 38,026 Limestone, 61,093; Lowndes, 28,004; Macon, 40,166; Madison, 77,438; Marengo, 48,237; Marion, 24,887; Marshall, 48,917; Mobile, 6,505; Monroe, 38,098; Montgomery, 31,681; Morgan, 41,734; Perry, 38,464; Pickens, 36,419; Pike, 42,606; Randolph, 29,308; Russell, 30,952; St. Clair, 16,933; Shelby, 14,351; Sumter, 33,077; Talladega, 38,857; Tallapoosa, 29,573; Tuscaloosa, 36,916; Walker, 17,509; Washington, 5,448; Wilcox, 28,942; Winston, 15,637. Total county allotments, 2,129,407; 4 percent State reserve, 72,443; State reserve for new growers, 18,111; total, Alabama, 2,219,961.

Arizona: Cochise, 12; Gila, 12; Graham, 12,858; Greenlee, 971; Maricopa, 111,090; Mohave, 18; Pima, 6,551; Pinal, 44,594; Santa Cruz, 564; Yuma, 13,055. Total County Allotments, 189,725; 4 percent State reserve, 4,643; State reserve for new growers, 1,161; total, Arizona, 195,529.

Arkansas: Arkansas, 14,645; Ashley, 37,448; Baxter, 2,965; Boone, 609; Bradley, 17,983; Calhoun, 14,848; Carroll, 1; Chicot, 49,942; Clark, 23,345; Clay, 39,667; Cleburne, 14,347; Cleveland, 23,444; Columbia, 52,268; Conway, 38,878; Craighead, 64,830; Crawford, 9,339; Crittenden, 99,316; Cross, 40,104; Dallas, 10,343; Desha, 45,825; Drew, 26,944; Faulkner, 45,250; Franklin, 10,181; Fulton, 6,558; Garland, 2,681; Grant, 9,289; Greene, 34,249; Hempstead, 44,846; Hot Spring, 9,508; Howard, 20,540; Independence, 23,996; Izard, 14,333; Jackson, 55,669; Jefferson, 81,006; Johnson, 9,515; Lafayette, 34,696; Lawrence, 33,358; Lee, 56,450; Lincoln, 47,919; Little River, 27,310; Logan, 22,977; Lonoke, 70,178; Marion, 2,950; Miller, 40,322; Mississippi, 179,566; Monroe, 40,847; Montgomery, 6,043; Nevada, 30,332; Newton, 712; Ouachita, 17,141; Perry, 10,542; Phillips, 68,832; Pike, 10,296; Poinsett, 51,300; Polk, 5,827; Pope, 33,289; Prairie, 17,347; Pulaski, 41,190; Randolph, 20,602; St. Francis, 66,979; Saline, 3,929; Scott, 9,017; Searcy, 2,055; Sebastian, 10,877; Sevier, 11,484; Sharp, 12,370; Stone, 3,180; Union, 27,028; Van Buren, 11,786; Washington, 80; White, 53,818; Woodruff, 43,424; Yell, 33,040. Total county allotments, 2,153,805; 4 percent State reserve, 73,562; State reserve for new growers, 18,391; total, Arkansas, 2,245,758.

California: Fresno, 85,274; Imperial, 8,371; Kern, 75,839; Kings, 40,750; Madera, 50,126; Merced, 28,127; Riverside, 12,140; San Benito, 180; San Bernardino, 43; San Diego, 36; San Joaquin, 42; Stanislaus, 1,267; Tulare, 89,470. Total county allotments, 391,665; 4 percent State reserve, 8,968; State reserve for new growers, 2,242; total, California, 402,875.

Florida: Alachua, 488; Baker, 188; Bay, 91; Bradford, 5; Calhoun, 701; Clay, 1; Columbia, 2,583; Dixie, 32; Escambia, 4,125; Flagler, 1; Gadsden, 322; Gilchrist, 40; Gulf, 5; Hamilton, 3,413; Holmes, 9,404; Jackson, 14,955; Jefferson, 3,101; Lafayette, 743; Leon, 4,428; Levy, 162; Liberty, 1; Madison, 5,693; Marion, 13; Okaloosa, 4,813; Putnam, 3; Santa Rosa, 8,774; Sumter, 69; Suwanee 3,877; Taylor, 163; Union, 47; Volusia, 1; Wakulla, 99; Walton, 5,059; Washington, 2,420; others, 37. Total county allotments, 75,857; 4 percent State reserve, 2,699; State reserve for new growers, 675; total, Florida, 79,231.

Georgia: Appling, 8,771; Atkinson, 2,875; Bacon, 4,763; Baker, 8,412; Baldwin, 8,582; Banks, 10,925; Barrow, 16,562; Bartow, 28,501; Ben Hill, 10,044; Berrien, 7,168; Bibb, 4,090; Bleckley, 13,832; Brantley, 237; Brooks, 15,070; Bryan, 1,194; Bulloch, 35,261; Burke, 63,982; Butts, 10,448; Calhoun, 10,687; Camden, 19; Candler, 12,349; Carroll, 44,036; Catoosa, 4,466; Charlton, 37; Chatham, 211; Chattahoochee, 3,129; Chattooga, 11,873; Cherokee, 13,237; Clarke, 7,626; Clay, 8,638; Clayton, 6,967; Clinch, 313; Cobb, 18,523; Coffee, 13,069; Colquitt, 27,284; Columbia, 12,157; Cook, 5,239; Coweta, 20,636; Crawford, 7,379; Crisp, 18,551; Dade, 1,422; Dawson, 2,555; Decatur, 7,274; De Kalb, 6,995; Dodge, 32,650; Dooly, 34,031; Dougherty, 4,662; Douglas, 9,114; Early, 25,928; Echols, 379; Effingham, 4,237; Elbert, 21,990; Emanuel, 40,217; Evans, 6,468; Fayette, 13,072; Floyd, 24,337; Forsyth, 15,409; Franklin, 23,287; Fulton, 15,877; Gilmer, 566; Glascock, 8,515; Glynn, 10; Gordon, 20,055; Grady, 6,469; Greene, 11,084; Gwinnett, 29,312; Habersham, 3,393; Hall, 17,923; Hancock, 14,267; Haralson, 12,307; Harris, 9,383; Hart, 28,106; Heard, 13,661; Henry, 27,365; Houston, 15,082; Irwin, 16,364; Jackson, 28,397; Jasper, 10,865; Jeff Davis, 4,021; Jefferson, 35,208; Jenkins, 23,668; Johnson, 24,322; Jones, 4,599; Lamar, 9,437; Lanier, 1,255; Laurens, 54,720; Lee, 6,220; Liberty, 1,198; Lincoln, 9,894; Long, 1,317; Lowndes, 6,655; Lumpkin, 1,637; McDuffie, 14,736; McIntosh, 11; Macon, 27,917; Madison, 22,670; Marion, 9,533; Meriwether, 26,592; Miller, 9,836; Mitchell, 24,004; Monroe, 8,153; Montgomery, 12,659; Morgan, 20,533; Murray, 9,236; Muscogee, 3,778; Newton, 15,593; Oconee, 14,138; Oglethorpe, 20,405; Paulding, 14,036; Peach, 9,653; Pickens, 4,887; Pierce, 4,469; Pike, 16,900; Polk, 17,396; Pulaski, 15,406; Putnam, 6,426; Quitman, 4,170; Randolph, 20,095; Richmond, 10,733; Rockdale, 7,820; Schley, 8,950; Screven, 32,494; Seminole, 7,054; Spalding, 10,931; Stephens, 6,680; Stewart, 10,850; Sumter, 25,598; Talbot, 6,200; Taliaferro, 7,872; Tattnall, 10,109; Taylor, 14,885; Telfair, 15,106; Terrell,

21,016; Thomas, 11,356; Tift, 11,515; Toombs, 17,520; Treutlen, 12,063; Troup, 15,046; Turner, 11,869; Twiggs, 9,452; Upson, 7,475; Walker, 10,024; Walton, 32,476; Ware, 2,132; Warren, 20,618; Washington, 30,358; Wayne, 6,285; Webster, 6,092; Wheeler, 14,302; White, 2,971; Whitfield, 9,506; Wilcox, 25,153; Wilkes, 19,391; Wilkinson, 8,632; Worth, 26,540. Total county allotments, 2,104,700; 4 percent State reserve, 70,363; State reserve for new growers, 17,591; total—Georgia, 2,192,654.

Illinois: Alexander, 3,401; Jackson, 4; Massac, 1; Pulaski, 1,544. Total county allotments, 4,950; 4 percent State reserve, 200; State reserve for new growers, 50; total—Illinois, 5,200.

Kansas: Chautauqua, 40; Montgomery, 723. Total county allotments, 763; 4 percent State reserve, 31; State reserve for new growers, 8; total—Kansas, 802.

Kentucky: Ballard, 23; Barron, 4; Calloway, 1,637; Carlisle, 643; Fulton, 10,144; Graves, 652; Hickman, 3,977; McCracken, 30; Marshall, 724; Metcalf, 4; Trigg, 6. Total county allotments, 17,844; 4 percent State reserve, 588; State reserve for new growers, 147; total—Kentucky, 18,579.

Louisiana: Acadia, 24,627; Allen, 3,908; Ascension, 1,085; Assumption, 20; Avoyelles, 33,619; Beauregard, 2,915; Bienville, 42,927; Bossier, 42,623; Caddo, 71,570; Calcasieu, 4,793; Caldwell, 9,531; Cameron, 4,648; Catahoula, 17,054; Claiborne, 54,724; Concordia, 16,219; De Soto, 49,182; East Baton Rouge, 7,432; East Carroll, 31,709; East Feliciana, 13,318; Evangeline, 30,679; Franklin, 58,304; Grant, 9,650; Iberia, 2,167; Iberville, 1,030; Jackson, 13,379; Jefferson, 18; Jefferson Davis, 7,378; Lafayette, 30,062; Lafourche, 1,221; La Salle, 2,413; Lincoln, 38,628; Livingston, 2,335; Madison, 24,455; Morehouse, 38,321; Natchitoches, 49,653; Orleans, 21; Ouachita, 22,550; Pointe Coupee, 16,522; Rapides, 27,169; Red River, 33,442; Richland, 50,036; Sabine, 20,953; St. Charles, 2; St. Helena, 5,742; St. James, 84; St. John the Baptist, 5; St. Landry, 56,245; St. Martin, 9,933; St. Mary, 215; St. Tammany, 2,076; Tangipahoa, 6,926; Tensas, 27,852; Terrebonne, 3; Union, 34,719; Vermilion, 18,913; Vernon, 8,391; Washington, 20,211; Webster, 36,691; West Baton Rouge, 1,313; West Carroll, 29,589; West Feliciana, 5,968; Winn, 9,761. Total county allotments, 1,186,929; 4 percent State reserve, 40,711; State reserve for new growers, 10,178; total, Louisiana, 1,237,818.

Mississippi: Adams, 10,861; Alcorn, 20,671; Amite, 24,697; Attala, 26,620; Benton, 13,465; Bolivar, 166,082; Calhoun, 20,207; Carroll, 26,236; Chickasaw, 24,433; Choctaw, 10,797; Claiborne, 13,718; Clarke, 13,542; Clay, 18,632; Coahoma, 107,620; Copiah, 19,915; Covington, 23,377; De Soto, 51,182; Forrest, 5,158; Franklin, 9,722; George, 4,021; Greene, 3,005; Grenada, 18,739; Hancock, 414; Harrison, 504; Hinds, 54,779; Holmes, 59,650; Humphreys, 58,468; Issaquena, 20,010; Itawamba, 20,767; Jackson, 330; Jasper, 21,044; Jefferson, 13,924; Jefferson Davis, 26,370; Jones, 24,646; Kemper, 25,878; Lafayette, 23,668; Lamar, 8,758; Lauderdale, 21,154; Lawrence, 18,531; Leake, 27,860; Lee, 42,465; Leflore, 95,828; Lincoln, 24,702; Lowndes, 28,090; Madison, 54,513; Marion, 23,016; Marshall, 39,371; Monroe, 46,039; Montgomery, 17,773; Neshoba, 34,274; Newton, 27,896; Noxubee, 34,222; Oktibbeha, 13,133; Panola, 54,946; Pearl River, 4,155; Perry, 4,859; Pike, 22,237; Pontotoc, 28,341; Prentiss 22,768; Quitman, 59,858; Rankin, 20,253; Scott, 21,270; Sharkey, 37,616; Simpson, 23,835; Smith, 22,276; Stone, 1,263; Sunflower, 162,313; Tallahatchie, 69,394; Tate, 32,292; Tippah, 24,646; Tishomingo, 15,665; Tunica, 61,943; Union, 26,053; Walthall, 27,067; Warren, 13,438; Washington, 108,881; Wayne, 13,346; Webster, 16,197; Wilkinson, 10,425; Winston, 22,425; Yalobusha, 17,551; Yazoo, 66,710. Total county allotments, 2,552,800; 4 percent State reserve, 87,018; State reserve for new growers, 21,754; total, Mississippi, 2,661,572.

Missouri: Barton, 2; Bollinger, 94; Butler, 11,793; Cape Girardeau, 124; Carter, 14; Dunklin, 83,342; Howell, 475; Mississippi, 29,366; New Madrid, 88,412; Oregon, 1,035; Ozark, 632; Pemiscot, 109,441; Reynolds, 1; Ripley, 4,537; Scott, 17,494; Stoddard, 32,042; Taney, 200; Wayne, 32. Total county allotments, 379,036; 4 percent State reserve, 11,132; State reserve for new growers, 2,783; total, Missouri, 392,951.

New Mexico: Chaves, 24,799; Curry, 987; De Baca, 73; Dona Ana, 35,561; Eddy, 24,544; Grant, 24; Harding, 205; Hidalgo, 340; Lea, 1,196 Luna, 1,737; Otero, 457; Quay, 3,142; Roosevelt, 16,244; Sierra, 696; Socorro, 66. Total county allotments, 110,071; 4 percent State reserve, 3,338; State reserve for new growers, 834; total, New Mexico, 114,243.

North Carolina: Alamance, 971; Alexander, 3,292; Anson, 31,290; Beaufort, 5,435; Bertie, 8,086; Bladen, 6,695; Brunswick, 525; Burke, 1,010; Cabarrus, 13,649; Caldwell, 242; Camden, 2,481; Carteret, 862; Caswell, 109; Catawba, 12,078; Chatham, 5,210; Chowan, 4,442; Cleveland, 49,768; Columbus, 3,508; Craven, 2,518; Cumberland, 22,330; Currituck, 1,474; Davidson, 2,788; Davie, 5,087; Duplin, 9,724; Durham, 624; Edgecombe, 25,627; Forsyth, 430; Franklin, 18,167; Gaston, 14,795; Gates, 4,656; Granville, 1,998; Greene, 8,820; Guilford, 559; Halifax, 36,281; Harnett, 23,490; Hertford, 5,093; Hoke, 18,245; Hyde, 3,095; Iredell, 21,805; Johnston, 41,448; Jones, 2,843; Lee, 4,784; Lenoir, 9.476; Lincoln, 17,706; McDowell, 24; Martin, 5,955; Mecklenburg, 25,630; Montgomery, 4,647; Moore, 3,647; Nash, 22,444; New Hanover, 57; Northampton, 25,439; Onslow, 2,646; Orange, 1,160; Pamlico, 3,229; Pasquotank, 2,569; Pender, 2,002; Perquimans, 5,442; Person, 8; Pitt, 14,140; Polk, 4,892; Randolph, 979; Richmond, 14,506; Robeson, 51,255; Rockingham, 11; Rowan, 16,247; Rutherford, 23,628; Sampson, 35,169; Scotland, 24,670; Stanly, 9,091; Tyrrell, 851; Union, 40,819; Vance, 4,126; Wake, 17,833; Warren, 16,741; Washington, 1,975; Wayne, 24,023; Wilkes, 212; Wilson, 17,035; Yadkin, 423. Total county allotments, 877,041; 4 percent State reserve, 30,219; State reserve for new growers, 7,555; total, North Carolina, 914,815.

Oklahoma: Adair, 274; Alfalfa, 241; Atoka, 13,662; Beckham, 87,628; Blaine, 27,170; Bryan, 45,581; Caddo, 104,059; Canadian, 21,878; Carter, 18,607; Cherokee, 4,400; Choctaw, 26,578; Cleveland, 14,983; Coal, 14,579; Comanche, 38,089; Cotton, 41,819; Craig, 820; Creek, 29,890; Custer, 34,986; Delaware, 180; Dewey, 18,525; Ellis, 4,040; Garfield, 1,071; Garvin, 43,177; Grady, 69,275; Grant, 79; Greer, 73,813; Harmon, 57,836; Harper, 58; Haskell, 20,270; Hughes, 30,644; Jackson, 99,499; Jefferson, 46,351; Johnston, 16,663; Kay, 637; Kingfisher, 8,809; Kiowa, 87,761; Latimer, 4,028; Le Flore, 32,835; Lincoln, 32,046; Logan, 19,164; Love, 22,656; McClain, 46,132; McCurtain, 37,089; McIntosh, 44,915; Major, 3,303; Marshall, 14,865; Mayes, 6,189; Murray, 9,599; Muskogee, 51,571; Noble, 4,528; Nowata, 1,780; Okfuskee, 41,119; Oklahoma, 12,410; Okmulgee, 33,878; Osage, 8,686; Ottawa, 37; Pawnee, 8,327; Payne, 15,925; Pittsburg, 29,570; Pontotoc, 18,197; Pottawatomie, 27,243; Pushmataha, 7,009; Roger Mills, 44,706; Rogers, 5,819; Seminole, 21,307; Sequoyah, 18,949; Stephens, 39,634; Tillman, 103,322; Tulsa, 8,003; Wagoner, 29,019; Washington, 244; Washita, 101,294; Woods, 31; Woodward, 1,761. Total county allotments, 2,011,042; 4 percent State reserve, 75,987; State reserve for new growers, 18,997; total, Oklahoma, 2,106,026.

South Carolina: Abbeville, 26,536; Aiken, 41,691; Allendale, 16,549; Anderson, 81,811; Bamberg, 22,146; Barnwell, 31,594; Beaufort, 1,699; Berkeley, 9,521; Calhoun, 24,331; Charleston, 1,981; Cherokee, 28,678; Chester, 27,329; Chesterfield, 43,708; Clarendon, 30,668; Colleton, 16,828; Darlington, 34,062; Dillon, 25,154; Dorchester, 13,113; Edgefield, 18,934; Fairfield, 18,029; Florence, 28,410; Georgetown, 1,720; Greenville, 49,203; Greenwood, 22,690; Hampton, 13,750; Horry, 2,965; Jasper, 3,490; Kershaw, 34,762; Lancaster, 21,992; Laurens, 44,540; Lee, 38,610; Lexington, 20,471; McCormick, 12,095; Marion, 11,291; Marlboro, 49,631; Newberry, 26,323; Oconee, 26,470; Orangeburg, 80,762; Pickens, 22,530; Richland, 17,879; Saluda, 19,043; Spartanburg, 75,765; Sumter, 44,525; Union, 21,485; Williamsburg, 25,609; York, 38,976. Total county allotments, 1,269,349; 4 percent State reserve, 42,903; State reserve for new growers, 10,726; total, South Carolina, 1,322,978.

Tennessee: Bedford, 2,708; Benton, 5,515; Blount, 2; Bradley, 3,932; Cannon, 101; Carroll, 23,989; Chester, 13,961; Coffee, 2,314; Crockett, 27,863; Davidson, 26; Decatur, 7,784; De Kalb, 45; Dickson, 13; Dyer, 41,073; Fayette, 58,737; Frank-

lin, 6,535; Gibson, 47,642; Giles, 15,315; Grundy, 202; Hamilton, 2,008; Hardeman, 25,450; Hardin, 13,192; Haywood, 47,096; Henderson, 23,128; Henry, 10,841; Hickman, 61; Humphreys, 118; Knox, 32; Lake, 27,528; Lauderdale, 33,920; Lawrence, 24,469; Lewis, 495; Lincoln, 15,187; Loudon, 13; McMinn, 4,003; McNairy, 23,815; Madison, 38,834; Marion, 773; Marshall, 822; Maury, 523; Meigs, 1,307; Monroe, 976; Moore, 196; Obion, 17,588; Overton, 8; Perry, 387; Polk, 4,001; Putnam, 1; Rhea, 29; Roane, 7; Rutherford, 12,451; Sequatchie, 12; Shelby, 70,868; Stewart, 36; Tipton, 50,359; Van Buren, 12; Warren, 1,286; Wayne, 4,627; Weakley, 13,327; White, 292; Williamson, 342; Wilson, 206. Total county allotments, 728,383; 4 percent State reserve, 24,584; State reserve for new growers, 6,146; total, Tennessee, 759,113.

Texas: Anderson, 39,668; Andrews, 2,407; Angelina, 16,663; Aransas, 2,023; Archer, 8,448; Armstrong, 2,761; Atascosa, 29,942; Austin, 33,371; Bailey, 60,728; Bandera, 139; Bastrop, 39,775; Baylor, 28,855; Bee, 32,366; Bell, 121,133; Bexar, 24,195; Blanco, 3,362; Borden, 14,153; Bosque, 40,043; Bowie, 53,576; Brazoria, 18,518; Brazos, 35,059; Brewster, 311; Briscoe, 24,328; Brooks, 6,508; Brown, 25,785; Burleson, 51,553; Burnet, 21,742; Caldwell, 53,180; Calhoun, 20,998; Callahan, 21,362; Cameron, 50,990; Camp, 14,985; Carson, 537; Cass, 57,649; Castro, 11,394; Chambers, 1,426; Cherokee, 52,573; Childress, 62,455; Clay, 41,181; Cochran, 42,419; Coke, 19,712; Coleman, 72,754; Collin, 125,543; Collingsworth, 78,136; Colorado, 27,280; Comal, 5,674; Comanche, 25,539; Concho, 41,016; Cooke, 38,941; Coryell, 67,990; Cottle, 66,331; Crockett, 5; Crosby, 87,419; Culberson, 1; Dallas, 81,302; Dawson, 122,059; Deaf Smith, 566; Delta, 45,821; Denton, 60,977; De Witt, 51,919; Dickens, 58,166; Dimmit, 648; Donley, 42,708; Duval, 30,005; Eastland, 11,479; Ector, 341; Ellis, 177,380; El Paso, 30,278; Erath, 35,507; Falls, 124,582; Fannin, 103,895; Fayette, 57,108; Fisher, 97,423; Floyd, 48,001; Foard, 24,576; Fort Bend, 78,706; Franklin, 18,758; Freestone, 47,102; Frio, 2,548; Gaines, 16,951; Galveston, 305; Garza, 36,501; Gillespie, 5,420; Glasscock, 4,267; Goliad, 22,410; Gonzales, 56,072; Gray, 7,322; Grayson, 89,278; Gregg, 12,773; Grimes, 44,734; Guadalupe, 60,520; Hale, 74,429; Hall, 89,060; Hamilton, 34,402; Hansford, 12; Hardeman, 55,497; Hardin, 656; Harris, 16,992; Harrison, 66,682; Haskell, 102,338; Hays, 21,818; Hemphill, 9,781; Henderson, 46,827; Hidalgo, 79,555; Hill, 154,127; Hockley, 116,359; Hood, 10,250; Hopkins, 74,726; Houston, 64,445; Howard, 63,717; Hudspeth, 8,026; Hunt, 132,975; Hutchinson, 32; Irion, 1,163; Jack, 8,507; Jackson, 29,758; Jasper, 5,608; Jeff Davis, 1; Jefferson, 1,928; Jim Hogg, 7,839; Jim Wells, 42,100; Johnson, 67,273; Jones, 135,016; Karnes, 86,364; Kaufman, 114,974; Kendall, 452; Kenedy, 115; Kent, 27,867; Kerr, 292; Kimble, 1,785; King, 11,490; Kinney, 30; Kleberg, 13,186; Knox, 65,820; Lamar, 88,719; Lamb, 128,412; Lampasas, 14,520; La Salle, 7,533; Lavaca, 50,052; Lee, 25,006; Leon, 39,130; Liberty, 9,505; Limestone, 125,350; Lipscomb, 580; Live Oak, 34,850; Llano, 3,670; Lubbock, 171,107; Lynn, 143,910; McCulloch, 45,932; McLennan, 150,772; McMullen, 3,717; Madison, 31,795; Marion, 14,855; Martin, 54,662; Mason, 6,120; Matagorda, 18,479; Maverick, 98; Medina, 4,093; Menard, 3,281; Midland, 23,205; Milam, 105,624; Mills, 15,534; Mitchell, 72,243; Montague, 24,221; Montgomery, 9,133; Moore, 114; Morris, 17,144; Motley, 40,439; Nacogdoches, 44,999; Navarro, 158,074; Newton, 2,857; Nolan, 46,043; Nueces, 147,955; Ochiltree, 72; Orange, 409; Palo Pinto, 8,077; Panola, 49,912; Parker, 14,008; Parmer, 17,879; Pecos, 5,745; Polk, 14,076; Presidio, 3,810; Rains, 20,081; Randall, 336; Reagan, 3; Real, 7; Red River, 67,492; Reeves, 5,495; Refugio, 18,935; Roberts, 41; Robertson, 69,658; Rockwall, 29,320; Runnels, 107,647; Rusk, 66,077; Sabine, 10,999; San Augustine, 18,416; San Jacinto, 10,693; San Patricio, 93,328; San Saba, 20,694; Schleicher, 9,900; Scurry, 72,588; Shackelford, 8,174; Shelby, 47,727; Smith, 69,868; Somervell, 4,678; Starr, 21,580; Stephens, 2,805; Sterling, 845; Stonewall, 38,212; Sutton, 90; Swisher, 9,491; Tarrant, 24,347; Taylor, 68,629; Terrell, 36; Terry, 85,048; Throckmorton, 12,754; Titus, 26,638; Tom Green, 47,849; Travis, 63,669; Trinity, 14,291; Tyler, 3,972; Upshur, 37,603; Uvalde, 1,757; Van Zandt, 79,612; Victoria, 34,595; Walker, 20,303; Waller, 15,123; Ward, 7,331; Washington, 52,008; Webb, 3,915; Wharton, 82,421; Wheeler, 53,150; Wichita, 27,076; Wilbarger, 69,802; Willacy, 45,715; Williamson, 150,151; Wilson, 30,254; Wise, 19,645; Wood, 38,668; Yoakum, 8,964; Young, 30,261; Zapata, 3,358; Zavala, 945. Total county allotments, 9,360,375; 4 percent State reserve, 333,648; State reserve for new growers, 83,412; total, Texas, 9,777,435.

Virginia: Amelia, 6; Brunswick, 6,941; Charlotte, 582; Chesterfield, 29; Dinwiddie, 946; Greensville, 7,428; Halifax, 244; Isle of Wight, 2,314; Lunenburg, 1,160; Mecklenburg, 7,337; Middlesex, 2; Nansemond, 5,427; New Kent, 50; Norfolk, 1,027; Northampton, 1; Nottoway, 176; Pittsylvania, 22; Prince Edward, 8; Prince George, 233; Princess Anne, 262; Southampton, 12,643; Surry, 320; Sussex, 3,123. Total county allotments, 50,281; 4 percent State reserve, 1,677; State reserve for new growers, 419; total, Virginia, 52,377.

Done at Washington, D. C., this 31st day of December 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–17; Filed, January 2, 1941; 10:37 a. m.]

PART 724—BURLEY TOBACCO

PROCLAMATION OF RESULTS OF REFERENDUM ON MARKETING QUOTAS FOR BURLEY TOBACCO FOR THE THREE MARKETING YEARS BEGINNING OCTOBER 1, 1941

I, Claude R. Wickard, Secretary of Agriculture, acting under and pursuant to, and by virtue of, the authority vested in me by Section 312 of the Agricultural Adjustment Act of 1938, as amended, do hereby make the following proclamation:

§ 724.302 *Marketing quotas for Burley tobacco for the three marketing years beginning October 1, 1941.* In the referendum of farmers engaged in the production of the 1940 crop of Burley tobacco, conducted by the Secretary of Agriculture on the twenty-third day of November, 1940, the total number of votes cast was 145,089 of which 111,045, or 76.5 per centum were in favor of the quota which had been proclaimed for the marketing year beginning October 1, 1941, and in favor of having marketing quotas in effect for the three marketing years beginning on that date; 4,521, or 3.1 per centum were opposed to having marketing quotas in effect for the three marketing years, but in favor of the quota proclaimed for the marketing year beginning October 1, 1941; and 29,523, or 20.4 per centum were opposed to the proclaimed quota and to having marketing quotas in effect for the three marketing years. Therefore, the national marketing quota of 292,000,000 pounds, proclaimed by the Secretary of Agriculture on November 9, 1940, will be in effect for such marketing year and marketing quotas for Burley tobacco will be in effect for the three marketing years, beginning on October 1, 1941. (Sec. 312 (c), 52 Stat. 46; 7 U.S.C. Supp. V, 1312; as amended by Public No. 628, 76th Congress, approved June 13, 1940)

Done at Washington, D. C., this 31st day of December 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–12; Filed, January 2, 1941; 10:36 a. m.]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

PROCLAMATION OF RESULTS OF REFERENDUM ON MARKETING QUOTAS FOR FIRE-CURED TOBACCO FOR THE THREE MARKETING YEARS BEGINNING OCTOBER 1, 1941

I, Claude R. Wickard, Secretary of Agriculture, acting under and pursuant to, and by virtue of, the authority vested in me by Section 312 of the Agricultural Adjustment Act of 1938, as amended, do hereby make the following proclamation:

§ 726.302 *Marketing quotas for fire-cured tobacco for the three marketing*

years beginning October 1, 1941. In the referendum of farmers engaged in the production of the 1940 crop of fire-cured tobacco, conducted by the Secretary of Agriculture on the twenty-third day of November, 1940, the total number of votes cast was 23,296 of which 20,109, or 86.3 per centum were in favor of the quota which had been proclaimed for the marketing year beginning October 1, 1941, and in favor of having marketing quotas in effect for the three marketing years beginning on that date; 490, or 2.1 percentum were opposed to having marketing quotas in effect for the three marketing years, but in favor of the quota proclaimed for the marketing year beginning October 1, 1941; and 2,697, or 11.6 per centum were opposed to the proclaimed quota and to having marketing quotas in effect for the three marketing years. Therefore, the national marketing quota of 67,000,000 pounds, proclaimed by the Secretary of Agriculture on November 23, 1940, will be in effect for such marketing year, and marketing quotas for fire-cured tobacco will be in effect for the three marketing years, beginning on October 1, 1941. (Sec. 312 (c), 52 Stat. 46; 7 U.S.C. Supp. V, 1312; as amended by Public No. 628, 76th Congress, approved June 13, 1940; and by Public No. 876, 76th Congress, approved November 22, 1940)

Done at Washington, D. C., this 31st day of December 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-10; Filed, January 2, 1941; 10:35 a. m.]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

PROCLAMATION OF RESULTS OF REFERENDUM ON MARKETING QUOTAS FOR DARK AIR-CURED TOBACCO FOR THE THREE MARKETING YEARS BEGINNING OCTOBER 1, 1941

I, Claude R. Wickard, Secretary of Agriculture, acting under and pursuant to, and by virtue of the authority vested in me by Section 312 of the Agricultural Adjustment Act of 1938, as amended, do hereby make the following proclamation:

§ 726.352 *Marketing quotas for dark air-cured tobacco for the three marketing years beginning October 1, 1941.* In the referendum of farmers engaged in the production of the 1940 crop of dark air-cured tobacco, conducted by the Secretary of Agriculture on the twenty-third day of November 1940, the total number of votes cast was 10,578, of which 8,910, or 84.2 percentum were in favor of the quota which had been proclaimed for the marketing year beginning October 1, 1941, and in favor of having marketing quotas in effect for the three marketing years beginning on that date; 235, or 2.2 percentum were opposed to having marketing quotas in effect for the three marketing years, but in favor of the quota proclaimed for the marketing year beginning October 1, 1941; and 1,433, or 13.6 percentum were opposed to the proclaimed quota and to having marketing quotas in effect for the three marketing years. Therefore, the national marketing quota of 27,000,000 pounds, proclaimed by the Secretary of Agriculture on November 23, 1940, will be in effect for such marketing year, and marketing quotas for dark air-cured tobacco will be in effect for the three marketing years, beginning on October 1, 1941. (Sec. 312 (c), 52 Stat. 46; 7 U.S.C. Supp. V, 1312, as amended by Public No. 628, 76th Congress, approved June 13, 1940; and by Public No. 876, 76th Congress, approved November 22, 1940)

Done at Washington, D. C., this 31st day of December 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9; Filed, January 2, 1941; 10:35 a. m.]

PART 728—WHEAT

1941 COUNTY NORMAL YIELDS OF WHEAT

Pursuant to the authority vested in the Secretary of Agriculture under section 301 (b) (13) (A) and (C) of Subtitle A, Title III, of the Agricultural Adjustment Act of 1938, as amended, the county normal yields of wheat for 1941 are as follows:

§ 728.204 *1941 county normal yields of wheat.* The county normal yields of wheat for 1941 are identical with the county normal yields of wheat for 1941 established by the Secretary pursuant to the provisions of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, which are listed in Supplement Number 4 to the 1941 Agricultural Conservation Program Bulletin. (Sec. 301, as amended, 52 Stat. 38,202; Public, No. 716, approved July 2, 1940; 7 U.S.C., Supp. V, 1301)

Done at Washington, D. C., this 31st day of December 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-15; Filed, January 2, 1941; 10:37 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 61—OFFICERS' RESERVE CORPS [1]

§ 61.4 *Appointments.*

* * * * *

(b) *Appointment above initial grade.* Except where otherwise specifically provided, the examination of an applicant for appointment to a grade higher than the initial grade in any section authorized herein will include the examinations and tests prescribed for promotion to the grade sought, and may, if deemed necessary by the board, include those for promotion to all lower grades.

Classes of persons, for what eligible, how appointed

Classes of persons	For what eligible	How appointed
(1) Former officers of the Army at any time between Apr. 6, 1917, and June 30, 1919; former Regular Army officers; former Reserve officers whose appointment was not based on National Guard status; excepting in all cases those officers separated from the Army as a result of their own misconduct or who have been eliminated from the Regular Army under the provisions of sec. 24b, National Defense Act.	In the Infantry, Cavalry, Field Artillery, Coast Artillery Corps, and Air Corps to any grade not above the highest held by them at any time in the Army of the United States as defined by sec. 1 of the National Defense Act except that they will not be appointed to a grade above the lowest in the section unless a vacancy exists under ahe procurement objective of the War Department, except that no vacancy will be required for first lieutenant in any section, and provided where appointment is made to fill a vacancy in the corps area assignment group there is no member of the Officers' Reserve Corps in the pertinent promotion area holding an appropriate certificate of capacity for the existing vacancy.	Upon approved recommendation of an examining board. Immediately upon the appointment of an officer from this class of persons, full credit will be given the officer for promotion under paragraph 31, AR 140-5, for all commissioned service at any time in the Army or in the federally recognized National Guard subsequent to Apr. 6, 1917, or in both, performed under previous commissions in the same grade in which appointment is made or in higher grade, excepting for service in the Inactive Reserve or in a status without eligibility for assignment, active duty, or promotion.
(2) Former officers of the Army at any time between April 6, 1917, and June 30, 1919; former Regular Army officers; former Reserve officers whose appointment was not based on National Guard status; excepting in all cases those officers separated from the Army as a result of their own misconduct or who have been eliminated from the Regular Army under the provisions of sec. 24b, National Defense Act.	In any section except the Infantry, Cavalry, Field Artillery, Coast Artillery Corps, and Air Corps and to any grade except that they will not be appointed to a grade above the lowest in the section unless a vacancy exists under the procurement objective of the War Department, except that no vacancy will be required for first lieutenant in any section, and provided where appointment is made to fill a vacancy in the corps area assignment group there is no member of the Officers' Reserve Corps in the pertinent promotion area holding an appropriate certificate of capacity for the existing vacancy.	Upon approved recommendation of an examining board. Immediately upon the appointment of an officer from this class of persons, full credit will be given the officer for promotion under paragraph 31 for all commissioned service at any time in the Army or in the federally recognized National Guard subsequent to Apr. 6, 1917, or in both, performed under previous commissions in the same grade in which appointment is made or in higher grade, excepting for service in the Inactive Reserve or in a status without eligibility for assignment, active duty, or promotion.

[1] § 61.4 (b) (1) is amended. §§ 61.4 (b) (2) to 61.4 (b) (8), inclusive, are redesignated 61.4 (b) (3) to 61.4 (b) (9) respectively and § 61.4 (b) (2) is added.

(Sec. 37, 39 Stat. 189, sec. 3, 48 Stat. 154, 48 Stat. 939; 10 U.S.C. 352, 353) [Par. 19, AR 140-5, June 16, 1936 as amended by Cir. 155, W.D., Dec. 20, 1940]

* * * * *

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

[F. R. Doc. 41-4; Filed, January 2, 1941; 9:49 a. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER II—FOREST SERVICE

PART 251—LAND USES

By virtue of the authority vested in the Secretary of Agriculture by the Act of October 17, 1940, Public No. 867, Seventy-sixth Congress, the following regulation for the occupancy, use, protection and administration of the national forest lands, described in the act, which lands are to be used as a source of water supply for the town of Petersburg, Alaska, is made and issued:

§ 251.35 *Petersburg watershed.* All persons are hereby prohibited from entering upon the lands within the Tongass National Forest, described in the Act of October 17, 1940, Public No. 867, Seventy-sixth Congress, except federal and territorial officials, officials and employees of the town of Petersburg, Alaska, who may be required to enter thereon to operate, maintain, or improve the town's water system, and persons who have obtained permits from the proper town official, which are countersigned by a local forest officer. Timber may be removed from the area under the regulations relating to the disposal of national forest timber. However, the Forest Supervisor in charge of the Tongass National Forest shall permit such removal only under conditions which will adequately safeguard the water supply of the town of Petersburg. [Reg. U-35]

In testimony whereof, I have hereunto set my hand and official seal at the city of Washington this 31st day of December 1940.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-20; Filed, January 2, 1941; 10:38 a. m.]

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC CONTRACTS

PART 202—MINIMUM WAGE DETERMINATION

STRUCTURAL CLAY PRODUCTS INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes" (hereinafter called the Act).

On March 12, 1940, the Administrator of the Division of Public Contracts, Department of Labor, issued a notice of hearing and of opportunity to show cause why the Secretary of Labor should not determine, pursuant to section 1 (b) of the Act, the prevailing minimum wages for the structural clay products industry, hereinafter defined, to be 30 cents an hour in the States of Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Arkansas, Louisiana, Oklahoma, and Texas; and 40 cents an hour in the other States of the United States and the District of Columbia.

Notice was sent to all known members of the industry, to trade unions, to trade publications, and to trade associations in the field, and was published in the FEDERAL REGISTER (5 F.R. 1056).

At the public hearing, evidence was presented showing the wages paid in the industry, and certain briefs and letters were received in evidence, which briefs and letters in general expressed approval of the proposed action. The evidence before the Board, however, showed that the minimum wage prevailing in Maryland, the District of Columbia, and New Mexico, was 30 cents per hour instead of 40 cents as set forth in the notice. Other evidence before the Board shows that the prevailing minimum wage in the industry for the other States of the Union is in accordance with the provisions of the notice.

It is noted that there exists in the industry a practice whereby the employees of the industry pay, through the instrumentality of the employer's disbursing office, certain obligations. It is suggested that the practice exists for the convenience of the employee in paying the obligations. Whether or not such practice contravenes the provisions of section 1 (b) of the Act is a matter of course that can be decided only upon full disclosure of all facts involved.

Where there exists at the plant of any bidder on Government contracts subject to the provisions of the Public Contracts Act a practice of so using its disbursing office for the convenience of its employees, and where this practice has been in existence at the plant for a long continued period of time, the bidder should submit a full statement of the facts to the Administrator of the Division of Public Contracts for a determination as to whether or not they contravene provisions of section 1 (b) of the Act.

I have considered all evidence in this matter, and in the light of all facts I hereby determine:

(a) The Structural Clay Products Industry to be that industry which manufactures common brick, face brick, (including glazed and enameled brick), salt glazed brick, manhole brick, structural clay tile (including glazed tile), unglazed facing tile, paving brick, and clay or shale granules;

(b) The prevailing minimum wages for persons employed in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), for the manufacture or supply of the products of the Structural Clay Products Industry, to be 30 cents an hour or $12.00 per week of forty hours, arrived at either upon a time or piece work basis, in the States of Maryland, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Louisiana, Arkansas, Oklahoma, Texas, New Mexico, and the District of Columbia; and 40 cents an hour or $16.00 per week of forty hours, arrived at either upon a time or piece work basis for the remaining States of the United States.

This determination shall be effective and the minimum wages hereby established shall apply to all such contracts, bids for which are solicited on or after January 10, 1941.

Dated: December 27, 1940.

[SEAL] FRANCES PERKINS,
The Secretary of Labor.

[F. R. Doc. 41-7; Filed, January 2, 1941; 9:50 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 6999 qm-1; O. I. No. 1-41]

SUMMARY OF COST-PLUS-A-FIXED-FEE CONSTRUCTION CONTRACT

CONTRACTOR: JOHN C. HESLEP AND C. Y. THOMASON COMPANY, OF COLUMBIA AND GREENWOOD, SOUTH CAROLINA, RESPECTIVELY

Fixed-fee: $67,755.00.

Contract for: Construction of a General Hospital.

Place: Charleston, South Carolina.

Estimated cost of project: $1,344,316.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: QM 7910 P1-3211 A 0540.068-N.

This Contract, entered into this 5th day of December 1940.

Statement of work. The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: Construction of a * * * General Hospital including necessary utilities and appurtenances thereto at Charleston, South Carolina.

It is estimated that the total cost of the construction work covered by this

contract will be approximately one million three hundred forty-four thousand three hundred sixteen dollars ($1,344,316.00) exclusive of the Contractor's fee.

In consideration for his undertaking under this contract the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in article II.

(b) Rental for Contractor's equipment as provided in article II.

(c) A fixed fee in the amount of sixty-seven thousand seven hundred fifty-five dollars ($67,755.00) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Contractor shall be entitled to be reimbursed under article II, sha" vest in the Government.

Payments.

Reimbursement for cost. The Government will currently reimburse the Contractor for expenditures made in accordance with article II upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials, or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for Contractor's equipment. Rental as provided in article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed-fee. The fixed-fee prescribed in article I shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

Termination of contract by Government. Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract authorized by the following law:

Public No. 703—76th Congress, Approved July 2, 1940.

NEAL H. MCKAY,
Major, Quartermaster Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–5; Filed, January 2, 1941: 9:49 a. m.]

[Contract No. W 6999 qm–2; O.I No. 2–41]

SUMMARY OF COST-PLUS-A-FIXED-FEE ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: LAFAYE, LAFAYE AND FAIR, COLUMBIA, SOUTH CAROLINA

Amount of Fixed-Fee: $15,390.00.

Estimated cost of construction project: $1,412,071.00.

Type of construction project: Construction of a General Hospital.

Location: Charleston, South Carolina.

Type of service: Architectural-Engineering.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority No. QM 7909 P1–3211 A 0540.068–N, the available balance of which is sufficient to cover the cost of same.

This Contract, entered into this 6th day of December 1940.

ARTICLE I. *Description of the work.* The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: Construction of a * * * General Hospital, including the temporary buildings, at Charleston, South Carolina, and estimated to cost $1,412,071.00.

ART. III. *Data to be furnished by the Government.* The Government shall furnish the Architect-Engineer available schedules of preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

ART. VI. *Fixed-Fee and reimbursement of expenditures.* In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

A fixed fee in the amount of fifteen thousand three hundred ninety dollars ($15,390.00) which shall constitute complete compensation for the Architect-Engineer's services.

Reimbursement for the following expenditures: The actual cost of expenditures made by the Architect-Engineer under the provisions of Article IV and Article VII of this contract, subject to the provisions of paragraph 1 b (2) above.

Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and the amount of the Architect-Engineer's fixed fee earned.

ART. IX. All drawings, specifications, and blue prints are to become the property of the Government on completion of payments.

ART. XII. *Changes in scope of project.* The Contracting Officer may at any time, by a written order, make changes in the scope of the work contemplated by this contract.

ART. XIII. *Termination for cause or for convenience of the Government.* The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following law:

Public No. 703—76th Congress, Approved July 2, 1940.

NEAL H. MCKAY,
Major, Quartermaster Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–6; Filed, January 2, 1941; 9:50 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–252]

PETITION OF DUQUESNE COAL & COKE COMPANY FOR REVISION OF PRICE CLASSIFICATIONS AND MINIMUM PRICES AT ITS AURORA MINE, MINE INDEX NO. 8, DISTRICT 2

MEMORANDUM OPINION AND ORDER CONCERNING TEMPORARY RELIEF AND WITHDRAWAL OF PETITION OF INTERVENTION

This matter was instituted on the original petition filed on October 28, 1940, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Duquesne Coal & Coke Company, a code member producer in District 2. The original petition prayed for the issuance of temporary, as well as final, orders reducing the effective price classifications and minimum prices for petitioner's ⅜" x 0 coals.

An informal conference concerning the matter of temporary relief, pending final disposition of the petition, was held on November 22, 1940. At the conference, among other things, adequacy of the notice given by the original petitioner was discussed. As a result of this discussion, the petitioner agreed to and did, on December 2, 1940, file an amended petition stating more fully the nature of its request and also requesting another informal conference.

Marston Coal Company, operating the Waverly Mine (Mine Index No. 301), and Jefferson Coal and Coke Corporation, operating the Jefferson Mine (Mine Index Nos. 106 and 272), two other producers of District 2, filed petitions of intervention on December 4 and December 11, 1940, respectively. The intervening petitions asked for the extension of the relief requested in the original petition to interveners.

Ford Collieries Company, a producer in District 2, also filed a petition of intervention on November 20, 1940, and was represented at the informal conference held on November 22, 1940. By letter of December 2, however, it requested permission to withdraw its petition of intervention. The company was not represented at the later informal conference held on December 13. There has been no objection to the request for withdrawal, and accordingly the petition of intervention of Ford Collieries Company is deemed to be withdrawn.

Upon telegraphic notice to interested parties, a second informal conference was held on December 13, 1940, in Washington, D. C., at which all interested persons were afforded an opportunity to express their views concerning the temporary relief prayed for. Represented at this informal conference were the original petitioner; intervener Marston Coal Company; Clyde E. Speer Coal Company, exclusive sales agent of Jefferson Coal and Coke Corporation; District Board 2; and the Consumers' Counsel Division.

The amended original petition and the intervening petitions of Marston and Jefferson request that the presently effective minimum prices be revised by establishing for the 3/8" x 0 raw slack (Size Group 10) coals of those mines prices 20¢ less than the minimum prices applicable to such coals in the 3/4" x 0 size (Size Group 9) for shipment into Market Areas 1 to 13. However, the original and intervening petitioners limit their requests for temporary relief to revision of the minimum prices for shipment only into Market Areas 7 to 13.

In general Docket No. 15 minimum prices were not established for Size Group 10 (3/8" x 0) coals at the Aurora, Waverly, and Jefferson mines. The applicable price instructions provide that the prices effective for the 3/4" x 0 size group (Size Group 9) shall also apply for the 3/8" x 0 (Size Group 10) coals at those mines.

Price differentials were established between 3/4" x 0 and 3/8" x 0 coals of certain mines in District 2 where evidence introduced in General Docket No. 15 indicated that the 3/8" x 0 coals were clearly analytically inferior to the 3/4" x 0 coals of such mines and had consequently delivered at prices lower than those for the larger and analytically superior slack. Such price differentials, reflecting analytical differences between the two size groups and designed to preserve to the analytically inferior 3/8" x 0 coals, their fair existing competitive opportunities were provided for only nine mines in District 2, all of which are named in the original petition. No such differential exceeded 10¢.

The original and intervening petitioners have asked that a 20¢ differential be established between their coals in the two size groups. Their requests are grounded first, in the contention that the 3/8" x 0 slacks are not as readily salable because they are dustier and harder to transport and handle, and, second, in the contention that the 3/8" x 0 slacks are analytically inferior to the 3/4" x 0 size.

Although petitioners ascribe 10¢ of the requested 20¢ differential to alleged differences between physical characteristics of 3/4" x 0 and 3/8" x 0 coals, they have not demonstrated that such differences, if they do exist, are at all significant in so far as market values of the two sizes are concerned.

Nor do comparisons of the analyses of 3/8" x 0 and 3/4" x 0 sizes which petitioners have supplied appear to confirm their contention that the 3/8" x 0 size is definitely inferior analytically. At the conferences, none of the petitioners submitted such analyses of the two sizes of coal as might permit fair comparison. Subsequent to the second conference and in accordance with a request there made, however, recent analyses of both sizes of Duquesne's Aurora Mine were submitted. From a comparison of these analyses, it appears that there is very little difference between the larger and smaller slack coals, and certainly not enough difference is evident to justify a differential in price based on analysis. No such analyses of the two sizes were submitted for the Waverly or Jefferson mines as would permit a fair comparison of the analytical characteristics of those coals. From analyses made three years ago at the Jefferson mine, very little difference between the two sizes in analytical characteristics appears.

At no time during the course of the conference was a satisfactory showing made that petitioners could not sell their 3/8" x 0 coal because of the absence of the differential prayed for. It was shown that petitioners had had great difficulty in disposing of their 3/8" x 0 coal, but this may well be attributable to reasons such as the large stock of coals held by large consumers such as Cleveland Electric Illuminating Co., which was Duquesne's largest 3/8" x 0 customer in 1940. The true facts concerning difficulty in disposing of slack coals can be explored only at a final hearing, in which all interested persons may participate and adduce evidence.

It does appear, however, that since the original petitioner has been loading its slack coals by machine, they have significantly depreciated in analysis. Thus, the recent analysis of the 3/4" x 0 (Size Group 9) coals is clearly inferior to that of the same size taken in 1938 and introduced in General Docket No. 15. For example, the 1938 analysis shows an ash content of 11% as contrasted to the ash content of 16% disclosed by the recent December, 1940, analysis; similarly, the B. t. u. contents are 12,800 and 11,710 units respectively. These analyses and statements at the conference indicate that the alleged difficulties now encountered by the original petitioner in disposing of its slack coals may be due to an impropriety in the classification of its 3/4" x 0 size group (Size Group 9) in the light of its changed method of loading rather than to the absence of a differential between its 3/4" x 0 and 3/8" x 0 coals.

The Director has carefully considered the requests for temporary relief in this matter, and the views expressed and data submitted at the informal conferences. The Director is of the opinion that no adequate showing has been made that the 3/8" x 0 coals of petitioners are inferior either physically or analytically to their 3/4" x 0 coals, or that petitioners' failure to dispose of their 3/8" x 0 slack is attributable to the absence of a price differential between the 3/4" x 0 coals and the smaller slack size. Furthermore, it appears that the granting of the relief requested, in advance of the final hearing in this matter, would unduly prejudice other persons. No sufficiently clear showing has been made that petitioners are entitled at this time to the temporary relief in the form requested.

Petitioner, Duquesne Coal & Coke Company, has not requested a reduction in the classification of its 3/4" x 0 coals. On the other hand, in view of the representations at the informal conference as to the quality of petitioner's 3/4" x 0 coals as it has been affected by the change in petitioner's method of loading, it appears that the classification heretofore established for petitioner's 3/4" x 0 coals may no longer be proper. Despite petitioner's failure to request a reduction in the classification for its 3/4" x 0 coal, the Director is of the opinion that to the extent feasible at this time, upon the basis of the data which has been submitted, that classification should be reduced pending final hearing in order to prevent possible injury to the original petitioner. Pending a thorough exploration of the question of the precise extent to which said 3/4" x 0 coals should be reduced, the classification for the coals of Duquesne Coal & Coke Company's Aurora mine in Size Group 9 should, therefore, be temporarily reduced from "J" to "K" (the lowest classification now available for District 2 coals in that size group).

It should be noted that the reduction of the classification for Size Group 9 likewise effects a reduction for the 3/8" x 0 (Size Group 10) coals of Duquesne, resulting in a price for the latter coals lower than most and not higher than any 3/8" x 0 coals of District 2.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before

the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Accordingly, it is so ordered.

Dated: December 28, 1940.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 40-6003; Filed, December 31, 1940; 2:42 p. m.]

[Docket No. A-112]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 8 FOR A CHANGE IN CLASSIFICATION OF COALS OF SIZE GROUPS 1 TO 4, INCLUSIVE, AND SIZE GROUPS 18 TO 21, INCLUSIVE, PRODUCED BY AMHERST COAL COMPANY, BUFFALO CHILTON COAL COMPANY, BUFFALO EAGLE MINES, INC., GUYAN EAGLE COAL COMPANY, AND LORADO COAL MINING COMPANY, CODE MEMBERS OF DISTRICT NO. 8, FOR SHIPMENTS TO ALL MARKET AREAS

ORDER OF DISMISSAL

Petitioner in the above-entitled matter, having requested the dismissal of its petition;

It is ordered, That the above-entitled petition is dismissed without prejudice.

Dated: December 30, 1940.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 40-5996; Filed, December 31, 1940; 1:20 p. m.]

[Docket No. A-299]

PETITION OF THE HAWK COAL COMPANY FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 782, DISTRICT NO. 4, IN SIZE GROUPS 4 AND 7

MEMORANDUM OPINION AND ORDER CONCERNING PRAYER FOR TEMPORARY RELIEF

The original petition in the above-entitled matter prays for the issuance of temporary and final orders reducing the effective minimum prices established for petitioner's 2" x 0 slack and 2" x 4" egg. The Director by order dated December 23, 1940, has scheduled a final hearing in this matter to be held on January 9, 1941, at 10 a. m.

On November 26, 1940, an informal conference concerning the prayer for temporary relief in this matter was held by this Division pursuant to section 301.106 (d) of the Rules and Regulations Governing Practice and Procedure in 4 II (d) Proceedings. The conference was held after notice to the petitioner, District Board 4, the Statistical Bureau for District 4, the Director of the Consumers' Counsel Division, and all code members in Athens, Hocking, and Perry Counties, Ohio, shipping coal by rail or truck. Petitioner also gave telegraphic notice to all persons named in the Affidavit of Service attached to its original petition. The following were represented at the conference: petitioner, District Board 4, Consumers' Counsel Division, and the Sunday Creek Coal Company.

In its petition, petitioner requested that its effective minimum prices be revised, pending final disposition of its petition, as follows: (1) So that it may deliver its 2" x 0 slack by truck into Columbus, Ohio, at a price of $3.01 per net ton to consumers served by rail facilities and at a price of $3.31 per net ton to consumers not served by rail facilities; (2) so that it may sell its 2" x 4" egg coal f. o. b. the mine at $2.10 per net ton.

In respect to Item (1), petitioner represented at the conference that its prayer for temporary relief was confined to sales of 2" x 0 slack to the State School for the Blind and the State School for the Deaf, located in Columbus, Ohio; that prior to February 1940, petitioner sold about 4,000 tons of 2" x 0 slack a year to these institutions but since this date they have purchased this size from other truck mine producers, competitors of petitioner, who operate mines in the vicinity of petitioner's mine and whose 2" x 0 slack takes the same minimum prices as that established for petitioner's 2" x 0 slack; that since October 1, 1940, the effective date of minimum prices, petitioner has been unable to sell to these institutions and thus recover business previously lost, because petitioner, in compliance with Price Instruction No. 6 set forth in the Effective Minimum Price Schedule for District No. 4 for Truck Shipments, Supplement No. 1, is required to add to its established effective minimum f. o. b. mine price its actual cost of transporting coal by truck (from $1.75 to $2.25 per net ton), while its competitors sell 2" x 0 slack in Columbus at a delivered price which indicates that they are not adding their actual cost of transportation to their minimum f. o. b. mine price, but are in reality adding considerably less than their actual cost of transportation; that, as a result of this situation, petitioner has been obliged to pile up surplus slack at the mine, which, if not disposed of, may force the closing of its mine.

In opposition to petitioner's prayer for temporary relief in Item (1), it was represented at the conference that, in order to determine the nature and extent of the relief, if any, to be granted, a hearing should be held and evidence introduced concerning the costs to competitive producers of transporting 2" x 0 slack by truck into the Columbus area; that if temporary relief were granted pending final hearing, damage might occur to producers shipping by rail as well as to producers shipping by truck who might desire to compete for the business of the State School for the Blind and the State School for the Deaf; that petitioner made no showing that it would be irreparably damaged if relief were not granted pending the final hearing.

The representations of petitioners show that the minimum prices of petitioner and its competitors for 2" x 0 slack are the same and that petitioner and its competitors are almost the same distance from the contested market. If, as petitioner represents, its competitors are violating the Effective Minimum Price Schedule by charging a delivered price to the above-named institutions which is less than the minimum price plus the actual cost of transportation, it should be noted that such a practice is in violation of Price Instruction No. 6 of the Schedule, and petitioner may file a complaint against such violation pursuant to the appropriate section of the Bituminous Coal Act and the Rules and Regulations of the Division.

On the basis of all the views expressed and all the data submitted at the informal conference, concerning Item (1), however, the Director is of the opinion that petitioner has not made a sufficient showing that its costs of transportation are higher than those of its competitors or that the effective minimum prices as set forth in Effective Minimum Price Schedule for District No. 4 have placed petitioner in an unfair competitive position compared to that of its competitors. Furthermore, the granting of the requested temporary relief in advance of the hearing in this matter might prejudice the interests of petitioner's competitors, and petitioner has made no adequate showing of actual or impending injury in the event such temporary relief is not granted.

In respect to Item (2), petitioner represented at the conference that it ordinarily sells 2" x 4" egg to truckers, who resell it to consumers for household purposes in Columbus (about 50% is resold in Columbus) and in other Ohio destinations, such as Ravenna, Lancaster, Amanda, Circleville, Sidney, and Freemont, in competition with coal sold by retail dealers who are supplied with coal from rail mines; that since October 1, 1940, petitioner has been unable to sell as much 2" x 4" egg as usual because its minimum price for this size is 40¢ higher than the minimum price established for this size from rail mines, and because the cost of transporting coal from petitioner's mine to the above destinations (approximately $1.75 to $2.25 per net ton) is considerably higher than the cost of transporting this size by rail to these destinations; that since October 1, 1940, surplus quantities of 2" x 4" egg have piled up outside petitioner's mine, and, if not disposed of, will cause financial loss to the petitioner.

In opposition to petitioner's prayer in Item (2), it was represented at the conference that the requested relief involves a reconsideration of the coordination of minimum f. o. b. mine prices of rail and truck mines shipping 2" x 4" egg into common consuming markets in competition with petitioner, and that relief should not be granted until the cost of transporting coal by truck into these markets is more definitely known. It was represented that the requested reduction would give petitioner and any other truck

mines to which it might be extended, a decided advantage over rail producers.

In the opinion of the Director, the requested reduction of 40¢ per net ton in the minimum price of petitioner's 2" x 4" egg coal requires an examination of the minimum prices not only of petitioner's 2" x 4" egg but of the minimum prices of the 2" x 4" egg of its competitors as well in order to determine whether, taking into consideration transportation methods and charges, these prices afford a reasonable opportunity for competition on a fair basis in the common consuming markets. This is a complicated matter and one which should await the presentation of evidence at a hearing and consideration thereof in the absence of a convincing showing of the likelihood of grave damage occurring pending said hearing.

On the basis of the views expressed and the data submitted at the conference, the Director finds, concerning Item (2), that petitioner has made no adequate showing of actual or impending injury in the event that temporary relief is not granted, that the granting of this relief would unduly prejudice other interested persons in advance of a hearing, and that no sufficiently clear showing has been made that petitioner is entitled to the relief prayed.

In view of the foregoing circumstances and findings and the fact that the Director, by order dated December 23, 1940, has scheduled a final hearing in this matter to commence on January 9, 1941, in which all interested parties will be afforded an opportunity to participate, the Director is of the opinion that the temporary relief prayed for in Items (1) and (2) should not now be granted.

Accordingly, it is so ordered.

Dated: December 30, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-5997; Filed, December 31, 1940; 1:20 p. m.]

[Docket No. A-341]

PETITION OF WHEELING VALLEY COAL CORPORATION, COVE HILL COAL COMPANY AND THE BUFFALO COAL AND COKE COMPANY, CODE MEMBERS IN DISTRICT NO. 6, FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICES FOR EX-RIVER SHIPMENTS INTO MARKET AREAS 11, 12, AND 13

MEMORANDUM OPINION AND ORDER CONCERNING TEMPORARY RELIEF IN THE ABOVE-ENTITLED MATTER

On November 8, 1940, a petition was filed with the Bituminous Coal Division in the above-entitled matter by the Wheeling Valley Coal Corporation, Cove Hill Coal Company and Buffalo Coal and Coke Company for temporary and permanent relief under section 4 II (d) of the Bituminous Coal Act from the minimum prices established by the Division for ex-river shipments of coals produced at its mines in District 6 to certain destinations in Market Areas 11, 12, and 13, which permit the same delivered prices for coals shipped all-rail to such destinations as shipped ex-river.

The petitioners in this matter allege generally that the minimum f. o. b. mine prices established by the Division on October 1, 1940, for ex-river shipments of the petitioners' coals to Cleveland, Lorain, Avon, South Lorain, Ceico, Warren, Walford and Youngstown deprive them of the fair competitive opportunities they previously enjoyed; do not have due regard to the interests of the consuming public; and deprive the petitioners of the proper use of equipment acquired for ex-river use. In support of the foregoing allegations, the petitioners state more particularly that they (i. e., the petitioners and their parent corporation, the Costanzo Coal Mining Company) have invested approximately $350,000 for equipment to enable the petitioners to move their coal along the Ohio River to various points where the coal is lifted and carried to Cleveland and other destinations; that this equipment is used for shipments of river and ex-river coal the latter amounting to but 40% of the total shipped over this equipment; that in the past, petitioners have been able to deliver ex-river to Cleveland, et al., below the all-rail costs, and have thereby established a market for substantial tonnages; that since October 1, 1940, consumers refuse to renew ex-river purchases without the price inducements previously granted; and that petitioners have lost approximately 12,000 tons per month of their ex-river business, but do not know what competitive producers, if any, are now supplying this business.

The temporary and final relief sought in this proceeding is the establishment of f. o. b. mine prices upon the petitioners' ex-river coals which will enable them to deliver at the destinations of Cleveland, et al., in Market Areas 11, 12, and 13, at prices beneath rail shipments which will reflect the exact difference between the costs of transportation via rail and ex-river, to wit: (a) that the delivered price in Cleveland, Lorain, Avon, and South Lorain, on all sizes of coal shipped by petitioners by "Ex-River" and through Bellaire, Ohio, be 15 cents per ton lower than the same coal delivered to the same destinations via "Rail"; (b) that coal shipped to Ceico, Ohio, by the petitioners via "Ex-River" and through Colona, Pennsylvania, be 6 cents per ton lower than the same coal delivered to the same destination via "Rail"; (c) that coal shipped to Warren, Ohio, by the petitioners via "Ex-River" through Conway, Pennsylvania, be 11 cents per ton lower than the same coal delivered to the same destination via "Rail"; and (d) that the delivered price of coal shipped by the petitioners to Walford, Ohio, and Youngstown, Ohio, via "Ex-River" through Conway, Pennsylvania, be 28½ cents per ton lower than the same coal delivered to the same destinations via "Rail".

On November 23, 1940, an informal conference was held in respect to this matter. The purpose of the conference was to aid the Director to determine whether temporary relief should be granted to the petitioners, pending the final disposition of the petition herein. Appearances were entered by the petitioners, District Boards for Districts 1, 2, 3, 4, 6; and the Consumers' Counsel Division.

At the informal conference, the Consumers' Counsel Division supported the petitioners' request for temporary and permanent relief, urging that the cheaper costs of ex-river transportation should be passed on to consumers. Although the Consumers' Counsel Division favored the granting of temporary relief, it was upon the basis that the ex-river transportation savings should be passed on to consumers at the earliest possible date, and not upon the basis that the nature and extent of the petitioners' alleged injury from established minimum prices made it imperative that temporary relief be granted. On the other hand, temporary relief was opposed by District Boards 1, 2, 3, 4, and 6.

The petitioners represented that they had invested approximately $350,000 in river facilities which enabled them to ship ex-river to destinations in Market Areas 11, 12, and 13 at lower transportation costs than via rail; that prior to October 1, 1940, they enjoyed a market of about 12,000 tons per month for ex-river coal (approximately 15% of petitioners' total production); that after October 1 they were unable to obtain any ex-river business or even to supply their former customers of ex-river coals by other means of transportation; and their former consumers of ex-river coals had written letters to the petitioner stating that they would not purchase ex-river coals when they could get rail coals at the same delivered price; and that ex-river coals may be entitled to lower prices than rail coals because there is greater degradation and absorption of moisture in transit of ex-river coals, because of the inconvenience to the consumer of continually lifting the coal and putting it down, because of the slowness and uncertainty of delivery incident to ex-river shipments, and because purchasers must buy much larger quantities of ex-river than rail coals.

Neither the petitioners or the Consumers' Counsel Division established, as District Board 2 pointed out, that the alleged loss of business was due to the improper price relationship of ex-river and rail coals. It does not appear that ex-river and rail coals should be related at differentials which will precisely reflect their respective transportation costs where the result will be the disturbance of existing fair competitive opportunities. It appears, on the other hand, that the

petitioners were unable to show any transactions tending to establish that their lost business had been diverted to rail mine operators. Moreover, the evidence of the large stocks on hand which ex-river consumers, such as the Cleveland Electric Illuminating Company, have had stocked since October 1, 1940, in comparison with their normal requirements, indicates the possibility, at least, that they have had no necessity or desire to purchase any coal up to the time of the conference.

The petitioners were unable to offer proof at the conference at what price differentials, if any, ex-river and rail coals had moved to the destinations in Market Areas 11, 12, and 13 in the past. In addition, it is evident that the requested differentials have no relation to the delivered values of the coals, but are merely arbitrary figures representing the difference in transportation charges between ex-river and rail delivery to the various destinations in which the petitioners are interested, and it further appears that the petitioners have made no size consist tests, analytical tests, or plant performance test, or otherwise attempted to ascertain the relative delivered values of rail and ex-river coals.

There was considerable discussion at the conference bearing upon the fundamental question of whether ex-river coals should enjoy f. o. b. mine prices which would permit them to deliver at a price differential below rail coals. Such discussion relates more properly to whether final rather than temporary relief should be granted. On the matter of temporary relief, it does not appear that effective minimum prices have resulted in actual or imminent diversions of the petitioners' business to rail mine competitors, or that the relief requested is so urgent or imperative that irreparable injury will result, if the petitioners are granted no relief pending the final determination of this matter. It is not, however, upon consideration of the petitioners' interests alone that temporary relief herein is denied, but also upon due regard for competitive interests of other producers. It appears that if temporary relief were granted in this matter, consumers might be given an opportunity to purchase and stock coals to the detriment of rail and river producers competing with the petitioners. It also appears, as maintained by District Boards, that inter-district coordination of minimum prices would be jeopardized should temporary relief be granted.

In view of the foregoing circumstances, and the fact that the Director, by order dated December 11, 1940, has scheduled a final hearing in this matter to begin on January 13, 1941, in which all interested parties will be given an opportunity to participate, the Director is of the opinion that the temporary relief prayed for should not be granted at this time.

Accordingly, it is so ordered.

Dated: December 30, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-5998; Filed, December 31, 1940; 1:20 p. m.]

[Docket No. A-241]

PETITION OF NEWCASTLE COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 13, FOR A REDUCTION OF THE EFFECTIVE MINIMUM PRICE IN SIZE GROUP 18 FOR SHIPMENT TO GADSDEN, ALABAMA (MARKET AREA NO. 122)

MEMORANDUM OPINION AND ORDER CONCERNING TEMPORARY RELIEF

The original petition herein prays for the issuance of temporary and final orders reducing the effective minimum price for 1½" x 0 steam coal (Size Group 18) for petitioner's mine, Mine Index No. 47, for shipment to the Alabama Power Company, and other customers, for steam raising purposes at Gadsden, Alabama, in Market Area 122.

On December 12, 1940, an informal conference concerning the matter of temporary relief was held by this Division pursuant to § 301.106 (d) of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The conference was held upon telegraphic notice to District Boards 8 and 13, the petitioner, the Consumers' Counsel Division, and the Statistical Bureaus for Districts Nos. 8 and 13.

Represented at the conference were the original petitioner and District Board 13.

The petitioner represented that it produces no domestic sizes of coal and that all its production is used for steam raising purposes; that it ships its entire production of 1½" x 0 coal to the Alabama Power Company at Gadsden, Alabama; that it is in danger of losing business at Gadsden, Alabama, because effective minimum prices have been established for mines in the Mary Lee seam 10 cents below those established for the petitioner; that the Alabama Power Company operates approximately 9 months of the year on hydroelectric power and approximately 3 months of the year on steam fuel; that the Alabama Power Company would not pay the petitioner 10 cents more per ton than it would pay for coals produced in the Mary Lee seam; that the petitioner's coals are inferior to those produced by the Mary Lee seam; that petitioners had produced no 1½" x 0 coal until 1940 and that its total production of 1½" x 0 coal amounted to 12,000 tons in 1940; that its entire production of 1½" x 0 coal had been sold subsequent to the middle of September 1940 and that a substantial part thereof had been shipped after October 1, 1940, at the effective minimum prices; that since October 1, 1940, the average running time had been about 4 days per week which was equal to the average running time of other mines within the same producing area; that production had not been curtailed since October 1; that if the relief requested were granted petitioner would be enabled to ship 1½" x 0 steam coal to customers not heretofore had; that notwithstanding the fact that there had been sufficient Mary Lee coal available, the Alabama Power Company had purchased 12,000 tons of 1½" x 0 coal from the petitioner at a 10 cent higher price than that established for the Mary Lee coals; that the petitioner would suffer no substantial injury if relief were denied for a period not exceeding 3 weeks; that there is no assurance that if temporary relief is denied that petitioner will lose the business now enjoyed with the Alabama Power Company; and that the petitioner now has unfilled orders for 1½" x 0 steam coal for shipment to the Alabama Power Company.

The Bituminous Coal Producers Board for District No. 13 opposed the granting of the temporary relief on the ground that there is no immediate urgency for the granting of such relief; that should relief be granted herein the relationship between other mines and other grades of coal in Alabama would be disturbed; and that should the relief be granted it would be necessary to establish like reduction for all code members producing 1½" x 0 coal for shipment to the Alabama Power Company.

The Director is of the opinion that it does not appear that effective minimum prices have resulted in actual or imminent diversions of the petitioner's business, or that the relief requested is so urgent or imperative that irreparable injury will result if petitioners are not granted temporary relief pending the final disposition of the petition herein; that a final hearing in this matter should be scheduled as quickly as practicable in which all interested parties will have an opportunity to participate; and that the temporary relief prayed for should not be granted at this time.

Accordingly, is is so ordered.

Dated: December 30, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-5999; Filed, December 31, 1940; 1:21 p. m.]

[Docket No. A-406]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 2 FOR A CHANGE IN MINIMUM PRICES FOR SHIPMENT BY TRUCK TO BEEHIVE COKE OVENS IN MARKET AREA NO. 7

MEMORANDUM OPINION AND ORDER CONCERNING TEMPORARY RELIEF

The original petition herein prays for the issuance of temporary and final orders establishing a minimum price of $2.00 per net ton on all sizes of coal produced by code members in District No. 2 for truck shipments to beehive coke ovens for conversion therein into coke in Market Area No. 7.

On December 18, 1940, an informal conference concerning the matter of temporary relief was held by this Division pursuant to § 301.106 (d) of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The conference was held upon notice to the statistical bureaus for Districts Nos. 1, 2, 3, 4, and 6; the district boards for Districts Nos. 1, 2, 3, 4, 6, 7, and 8; the petitioner; and the Consumer's Counsel Division. The district boards were required to notify interested persons of this conference and the statistical bureaus were required to post conspicuously the notice thereof.

Represented at the conference were the original petitioner, the Consumers' Counsel Division, and the New Alexandria Coal Company, a producer in District No. 2.

The petitioner represented: Since the inauguration of the national defense program there had been an increased demand for beehive coke for shipment to blast furnace and foundry trade, and that approximately 3,000 beehive coke ovens in District No. 2, located principally in the Connellsville Sub-district, had been placed into operation. All of these ovens are now being supplied with coal by truck from mines in District No. 2. The purchasers of coal for use in these beehive coke ovens find it necessary to purchase coal by truck in order to facilitate the handling of the coal at the ovens. Movements of truck coal to beehive ovens are dissimilar to the usual truck movements and have no relation to centralized markets, and, therefore, there was no necessity in the case of coal for use in beehive coke ovens to give effect to differences in transportation charges to such centralized markets. Furthermore, factors considered in connection with the sale of coal to beehive ovens are entirely different from the factors involved in sales of coal for domestic or general industrial application; size consist, structure, stain, origin in a deep mine or a strip mine, or whether it is prepared over modern preparation tipples have no bearing on the relative market values of the coals. For these reasons, all of the coal that moves to beehive coke ovens for the manufacture of coke for metallurgical use should be given the same minimum price.

District Board No. 2 further represented that its proposal of a minimum price of $2.00 for coal for use in beehive coke ovens for shipment by truck was made on the basis of a mathematical average of the prices which have heretofore been proposed for by-product coal for rail shipment from the mines of District No. 2 into Market Area No. 7, and upon the fact that the coking coals of the Connellsville Subdistrict, in which 95 per cent of the coke ovens involved are located, have been priced at $2.00 per ton, and that the prices established for truck coals for general application in both the mine-run sizes and in slack sizes will closely approximate an average of $2.00 per ton. District Board No. 2 further represented that unless the relief requested is granted the competitive relationships among the truck mines in District No. 2 for the sale and shipment of coal for beehive coke oven use will be completely inequitable.

The representative of New Alexandria Coal Company, which operates a truck mine with no rail connections in Derry Township, Westmoreland County, in District No. 2, stated that it produces coal from the Pittsburgh Seam. Thus far in 1940 it has produced approximately 11,000 tons, all of which has been trucked to the beehive ovens of the Keystone Coal and Coke Company, operating a short distance from the mine; that since October 1, 1940, the Keystone Coal and Coke Company was willing to purchase slack sizes of coal from this mine at a minimum price of $1.95 f. o. b. the mine, but that they refused to take mine-run coal, the minimum price for which is $2.15 f. o. b. the mine, with a result that the operation of the mine is no longer economic because it is necessary to screen the 2" lump coal out of the mine-run and store it; that the Keystone Coal and Coke Company would purchase coal on a mine-run basis at $2.00 per ton; that the mine could not continue to stock the 2" lump coal and market only the slack sizes because of the limited storage facilities available and because of the degradation necessarily resulting from the dumping and picking up of lump coal. It was further represented that no adequate market had been found at the presently effective minimum prices for the 2" lump, and, further, that no mine-run coal had been sold since October 1, 1940. Both the representatives of District Board No. 2 and the New Alexandria Coal Company stated that there was no possibility of low sulphur coal moving into sections producing high sulphur coal because the transportation charges would be prohibitive and that, conversely, there would not be a likelihood of high sulphur coal moving into sections producing low sulphur coal, and that for the most part, coal would be trucked only to coke ovens near, or adjacent to, the mines.

The Consumers' Counsel Division opposed the granting of temporary relief on the ground that there had been no showing, except as to the New Alexandria Coal Company, that there had been a dislocation of tonnage, or that there will be a dislocation of tonnage, if the relief is not granted and on the further grounds that it was opposed to the establishment of minimum prices which would be dependent upon the use to which coal is put, and that temporary relief should be denied and the matter set for a final hearing, at which time the facts could be more fully developed, and at which time the Consumers' Counsel Division would be better prepared to present witnesses and examine the matter in detail. Consumers' Counsel Division did not make any showing, however, that any producer of coal would be prejudiced should the temporary relief requested be granted.

The Director is of the opinion that a reasonable necessity has been shown for the temporary relief requested; that there is some showing that the competitive relationships between the truck mines of District No. 2 will be more equitable if the relief requested is granted; that there is no actual or imminent danger that any producer in District No. 2 will be prejudiced should the temporary relief be granted; and that pending the final disposition of the petition herein the Schedule of Effective Minimum Prices for District No. 2, for Truck Shipments Only, should be amended so as to include the following price exception: "When sold for conversion into coke at beehive coke ovens in Market Area 7, the minimum price for all sizes of coal is $2.00 per net ton f. o. b. the mine."

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in proceedings instituted pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: December 30, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-6000; Filed, December 31, 1940; 1:21 p. m.]

[Docket No. A-180]

PETITION OF THE NORTHERN CAMBRIA RETAIL COAL PRODUCERS ASSOCIATION ET AL., FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICE SCHEDULE FOR DISTRICT NO. 1 FOR TRUCK SHIPMENTS, FOR SHIPMENT OF COAL BY TRUCK IN THE NORTHERN CAMBRIA AREA

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties;

It is ordered, That a hearing in the above-entitled matter under the appli-

cable provisions of said Act and the rules of the Division be held on February 4, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 30, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the revision of Effective Minimum Price Schedule for District No. 1 for Truck Shipments of coal into the Northern Cambria Area of Pennsylvania, taking into account transportation methods and charges and their effect upon a reasonable opportunity of all code members to compete in the Northern Cambria Area, and thus to preserve as nearly as may be existing fair competitive opportunities of all code members and to reflect as nearly as possible relative market values of coals delivered into this area.

Dated: December 31, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–22; Filed, January 2, 1941; 11:19 a. m.]

[Docket No. A–241]

PETITION OF NEWCASTLE COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 13, FOR A REDUCTION OF THE EFFECTIVE MINIMUM PRICES IN SIZE GROUP 18 FOR SHIPMENT TO GADSDEN, ALABAMA (MARKET AREA NO. 122)

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 16, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 13, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto; which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition filed by the Newcastle Coal Company, a code member in District No. 13 (Mine Index No. 47), for a reduction in the effective minimum prices in Size Group 18 (1½" x 0 steam coal), for shipment to the Alabama Power Company and other customers for steam raising purposes at Gadsden, Alabama, in Market Area 122.

Dated: December 31, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–23; Filed, January 2, 1941; 11:19 a. m.]

[Docket No. A–352a]

REVISION OF RIVER PRICES IN DISTRICT 8 FOR DELIVERY OF HIGH VOLATILE COAL TO JOSEPH E. SEAGRAM AND SONS, INC., LAWRENCEBURG, INDIANA, PURSUANT TO AUTHORITY TO REVIEW AND REVISE PRICES CONTAINED IN SECTION 4 II (b) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING AND ORDER OF CONSOLIDATION

Informal complaints having been received by the Division on these matters;

It is ordered, That a hearing in the above-entitled matters under the applicable provisions of said Act and the rules of the Division be held on January 10, 1941, at ten o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in

the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the Rules and Regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the changes herein proposed are supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 6, 1941.

All persons are hereby notified that the hearing in the above-titled matters and any orders entered therein, may concern, in addition to the changes specifically proposed, other matters necessarily incidental and related thereto, which may be raised by petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this notice of hearing.

The matter concerned herewith is in regard to District 8 river prices for delivery of high volatile coal to Joseph E. Seagram and Sons, Inc., Lawrenceburg, Indiana, and whether District 8 producers should be permitted to continue to sell high volatile coal to Joseph E. Seagram and Sons, Inc., Lawrenceburg, Indiana, at free alongside prices.

It is further ordered, That this hearing be consolidated with a consolidated hearing in Docket Nos. A–289, A–337, A–89, and A–352.

Dated: December 31, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–27; Filed, January 2, 1941; 11:20 a. m.]

[Docket No. A–410]

PETITION OF GEORGES CREEK COAL COMPANY, A PRODUCER IN DISTRICT 8, FOR RECLASSIFICATION IN SIZE GROUPS 18–21, PURSANT TO SECTION 4 II (D) OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF CONTINUANCE

Petitioner having requested continuance in the above-entitled matter, scheduled for hearing for January 7, 1941, and the Examiner having recommended that the request be granted;

It is ordered, That the hearing is continued to February 25, 1941.

Dated: December 31, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–28; Filed, January 2, 1941; 11:20 a. m.]

[Docket No. A–425]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 2 FOR THE REVISION OF EFFECTIVE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES OF DISTRICT NO. 2 IN SIZE GROUPS 14, 15 AND 16 FOR SHIPMENT INTO ALL MARKET AREAS

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 24, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 21, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the revision of the effective classifications and minimum prices established in General Docket No. 15 (Schedule of Effective Minimum Prices for District No. 2 For All Shipments Except Truck) for the coals of certain mines of District No. 2 listed in the schedule annexed to this order in Size Groups 14, 15 and 16 (by-product, horizontal and vertical retort and water gas use only) for shipment by rail into all market areas.

It is further ordered, That an informal conference concerning temporary relief in this matter having been held on December 13, 1940, pursuant to the Rules and Regulations Governing Practice and Procedure in 4 II (d) Proceedings, particularly § 301.106 (d) thereof, and on notice to parties and interested persons; and District Board No. 2 having appeared in support of the prayer for temporary relief, and no other persons appearing, either in support or in opposition; and a reasonable showing of the necessity therefor having been made; pending final disposition of the petition in the above-entitled matter, the temporary relief prayed for be and the same hereby is granted as follows: Commencing forthwith, the coals of the mines of District No. 2 listed in the schedule hereto annexed (Mine Index Nos. 80, 35, 170, 66, 49, 63, 62, 166, 212, 5, 50, 95, 135, 1, 14, 64, 65, 132, 275) shall be subject to the minimum price classifications and minimum prices shown in that schedule marked "Temporary Supplement" and made a part of this order.[1]

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: December 31, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–26; Filed, January 2, 1941; 11:20 a. m.]

[Docket No. A–482]

PETITION OF THE WYATT COAL COMPANY, A PRODUCER IN DISTRICT 8, FOR A CHANGE IN THE EFFECTIVE MINIMUM PRICES IN RESPECT OF CERTAIN GROUPS OF ITS COALS PRODUCED AT ITS WYMAR MINE

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the appli-

[1] Not filed as a part of the original document.

cable provisions of said Act and the rules of the Division be held on January 27, 1941, at ten o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief, in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 22, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a petition of the Wyatt Coal Company, a producer in District 8, for a reduction in classification of coal from its Wymar mine in Size Groups 1 to 4 from J to M, in Size Groups 5 and 6 from H to L and in Size Group 7 from G to K.

Dated: December 31, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-25; Filed, January 2, 1941; 11:20 a. m.]

[Docket No. A-435]

PETITION OF BATON COAL COMPANY FOR REVISION OF MINIMUM PRICES OF COAL OF THE WILPEN MINE, LOCATED IN DISTRICT NO. 2, FOR SALE TO CANADIAN NATIONAL RAILROAD

MEMORANDUM OPINION, AND ORDER CONCERNING PRAYER FOR TEMPORARY RELIEF

The above named petitioner has filed an original petition under section 4 II (d) of the Bituminous Coal Act, requesting a revision of prices of coal from its Wilpen mine in Size Groups 1-5, inclusive, and Size Group 6. The petition requests a reduction of 15 cents per net ton in order to equalize a freight rate differential between it and competing code members in District No. 1.

The petition contains a prayer for temporary relief and an informal conference was held on December 17, 1940, upon notice to interested persons. The petitioner, District Board No. 2, Rochester and Pittsburgh Coal Company, and District Board No. 1 were represented at the informal conference. The representative for District Board No. 1 and Rochester and Pittsburgh Coal Company opposed the granting of any temporary relief; the representative for District Board No. 2 supported the petitioner's request for temporary relief.

It was represented at the conference that since the effective date of minimum prices the petitioner has lost the business of supplying coal for use in locomotives of the Canadian National Railroad in the city of Toronto. This business was first obtained by the petitioner in March, 1940, shortly after the passage of a smoke ordinance, effective for the city of Toronto, which requires locomotives operating within that city to burn low volatile coal.

Although it appears that petitioner has lost the business of the Canadian National Railroad, it does not appear that this loss was due to the freight rate differential, nor does it appear that the business has been taken by any of the specified competitors who have the freight rate advantage over petitioner. Furthermore, since the effective date of minimum prices the petitioner has been able to move the sizes formerly shipped to the Canadian National Railroad and to maintain a running time comparable to that maintained prior to October 1, 1940.

The Director has carefully considered the request for temporary relief and the views expressed in connection therewith at the informal conference. The Director finds that petitioner has made no adequate showing of actual or impending injury in the event the temporary relief is not granted, and further finds that the granting of this relief would unduly prejudice other interested persons in advance of the hearing, and that no sufficiently clear showing has been made that petitioner is entitled to the relief prayed.

Now, therefore, it is ordered, That the temporary relief requested in the present petition is denied.

Dated: December 31, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-29; Filed, January 2, 1941; 11:21 a. m.]

[Docket No. A-509]

PETITION OF RED ASH SMOKELESS COAL COMPANY, A PRODUCER IN DISTRICT 8, FOR A CHANGE IN CLASSIFICATION OF ITS RED ASH MINE FROM LOW VOLATILE TO HIGH VOLATILE

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 30, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bitumi-

nous Coal Division on or before January 25, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of the Red Ash Smokeless Coal Company, a producer in District 8, for a change in classification of its Red Ash Mine from low volatile to high volatile pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: December 31, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-24; Filed, January 2, 1941; 11:19 a. m.]

[Docket No. A-530]

PROPOSED REVISION OF THE EFFECTIVE MINIMUM PRICES APPLICABLE TO SALES OR DELIVERIES OF COAL BY BERWIND FUEL COMPANY, CARNEGIE DOCK AND FUEL COMPANY, AND CERTAIN OTHER DISTRIBUTORS OR CODE MEMBERS, AND THEIR SUBSIDIARIES OR AFFILIATES, OPERATING DOCKS LOCATED ON LAKE SUPERIOR AND LAKE MICHIGAN, SO AS TO PERMIT THE PERFORMANCE OF CERTAIN OUTSTANDING CONTRACTS IN ACCORDANCE WITH THEIR TERMS

NOTICE OF AND ORDER FOR HEARING

Berwind Fuel Company, a registered distributor of coal, submitted to the Bituminous Coal Division on November 29, 1940, two letters requesting the institution of proceedings by the Director of the Bituminous Coal Division, to review and revise minimum prices in respect to coal sold or delivered on certain contracts which were outstanding as of October 1, 1940. A list of the contracts in question, the tonnage involved, the contract price, and various circumstances connected with such contracts, are set forth in said two letters, each dated November 26, 1940, which are on file for public inspection at the offices of the Division at 734 15th Street NW., Washington, D. C., and are hereby made a part of the official docket in the above-entitled proceeding.

In addition, similar requests for the institution of a proceeding to review and revise minimum prices have been submitted by the following persons who are either code members, subsidiaries or affiliates of code members, registered distributors, subsidiaries or affiliates of registered distributors, or distributors otherwise subject to the jurisdiction of the Division, all being required to observe the minimum prices in respect to bituminous coal sold or delivered by them subsequent to October 1, 1940: Carnegie Dock and Fuel Company; Clarkson Coal Company; Cleveland-Cliffs Dock Company; Great Lakes Coal & Dock Company; Hickman-Williams & Company; Inland Coal & Dock Company; Northern Coal & Dock Company; North Western Fuel Company; M. A. Hanna Coal & Dock Company; Philadelphia & Reading Coal & Iron Company; Picklands Mather & Company; Pittsburgh Coal Company; Cleveland Cliffs Iron Company; Milwaukee Western Fuel Company; Youghiogheny & Ohio Coal Company; Milwaukee Fuel & Dock Company; Wisconsin Ice & Coal Company; United Coal & Dock Company; Arthur Kuesel Coal Company; Leszczynski Fuel Company; Wisconsin Great Lakes Coal & Dock Company and Schneider Fuel and Supply Company. Said requests are embodied in eight letters, two of which are dated December 11, 1940, three of which are dated December 12, 1940, and three of which are dated December 19, 1940. Said letters make reference to the contracts in respect to which a reduction of the applicable minimum prices is sought, the tonnage involved, and other pertinent data concerning such contracts. Said letters and the applicable lists of contracts and related data, are on file for public inspection at the offices of the Division at 734 Fifteenth Street NW., Washington, D. C., and are hereby made a part of the official docket in the above-entitled proceeding.

It is ordered, That a hearing in the above-entitled matter, under the applicable provisions of the Bituminous Coal Act of 1937, be held on January 27, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That Thurlow G. Lewis or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all persons or entities having an interest in these proceedings and eligible to become a party herein. Any person, including the persons specified above who requested the institution of this proceeding, desiring to be admitted as a party to this proceeding, may file a petition of intervention, setting forth clearly and concisely the facts on the basis of which the relief requested by Berwind Fuel Company, Carnegie Dock and Fuel Company, and other persons specified above, is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 13, 1941. Petitions of intervention may incorporate by appropriate reference, matter included in the official docket of the above-entitled proceeding. So far as practicable, the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 shall apply to the proceeding herein.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically referred to herein, other matters necessarily incidental and related thereto, which may be raised by the petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the requests made by Berwind Fuel Company, Carnegie Dock and Fuel Company, et al.

The matter concerned herewith is in regard to the revision of the minimum prices now applicable to the sales or deliveries of coal heretofore or hereafter made, by the following persons subject to the jurisdiction of the Division: Berwind Fuel Company; Carnegie Dock and Fuel Company; Clarkson Coal Company; Cleveland-Cliffs Dock Company; Great Lakes Coal & Dock Company; Hickman, Williams & Company; Inland Coal & Dock Company; Northern Coal & Dock Company; North Western Fuel Company; M. A. Hanna Coal & Dock Company; Philadelphia & Reading Coal & Iron Company; Picklands, Mather & Company; Pittsburgh Coal Company; Cleveland Cliffs Iron Company; Milwaukee Western Fuel Company; Youghiogheny & Ohio Coal Company; Milwaukee Fuel & Dock Company; Wisconsin Ice & Coal Company; United Coal & Dock Company; Arthur Kuesel Coal Company; Leszczynski Fuel Company; Wisconsin Great Lakes Coal & Dock Company and Schneider Fuel and Supply Company, to various purchasers pursuant to contracts entered into prior to October 1, 1940, in respect to coal largely purchased and placed on docks on Lake Superior and Lake Michigan prior to October 1, 1940, a complete list of said contracts and various terms thereof being filed, as aforesaid, in the official docket in the above-entitled proceeding at the offices of the Division in Washington, D. C.

Dated: December 30, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-21; Filed, January 2, 1941; 11:19 a. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

[Order No. 72.]

PROPOSED AMENDMENTS TO THE GENERAL RULES AND REGULATIONS OF THE BOARD OF SUPERVISING INSPECTORS

NOTICE OF PUBLIC HEARING

DECEMBER 30, 1940.

The statutory annual session of the Board of Supervising Inspectors will convene in Room 1851, Department of Commerce, Washington, D. C., on January 15, 1941, at which session a public hearing will be held commencing at 10 A. M. on January 17, 1941, on the proposed amendments to all classes of the General Rules and Regulations, including the Regulations for tank vessels.

The proposed amendments have been published and distributed to all known parties in interest. Any other persons interested may secure a copy of such proposed amendments by addressing the Director, Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C.

The proposed revision of the General Rules and Regulations for Ocean and Coastwise waters will not be acted upon at this session of the Board.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-51; Filed, January 2, 1941; 11:47 a. m.]

Civil Aeronautics Authority.

[Docket No. SA-29]

IN THE MATTER OF INVESTIGATION OF ACCIDENT INVOLVING AIRCRAFT OF UNITED STATES REGISTRY NC 23467 AND NC 31087, WHICH OCCURRED NEAR GRAND FORKS, NORTH DAKOTA, ON DECEMBER 21, 1940

NOTICE OF HEARING [1]

Notice is hereby given that a public hearing in connection with the above entitled matter will be held in the Post Office Building, Grand Forks, North Dakota, at 9:30 A. M. (C. S. T.), Tuesday, January 7, 1941, before the undersigned Examiner.

December 28, 1940.

HENRY L. KNIGHT,
Examiner.

[F. R. Doc. 41-1; Filed, January 2, 1941; 9:49 a. m.]

[Docket No. SA-30]

IN THE MATTER OF INVESTIGATION OF ACCIDENT INVOLVING AIRCRAFT OF UNITED STATES REGISTRY NC 28621 AND NC 20425, WHICH OCCURRED NEAR PROVIDENCE, RHODE ISLAND, ON DECEMBER 22, 1940

NOTICE OF HEARING [1]

Notice is hereby given that a public hearing in connection with the above-entitled matter will be held in the Administration Building, Municipal Airport, Providence, Rhode Island, at 9:00 A. M. (E. S. T.), Tuesday, January 7, 1941, before the undersigned Examiner.

December 31, 1940.

ROBERT W. CHRISP,
Examiner.

[F. R. Doc. 41-2; Filed, January 2, 1941; 9:49 a. m.]

[Docket No. SA-31]

IN THE MATTER OF INVESTIGATION OF ACCIDENT INVOLVING AIRCRAFT OF UNITED STATES REGISTRY NC 27962 AND UNITED STATES NAVY N3N-3, WHICH OCCURED NEAR BROOKLYN, NEW YORK, ON DECEMBER 23, 1940

NOTICE OF HEARING [1]

Notice is hereby given that a public hearing in connection with the above entitled matter will be held in the Administration Building, Floyd Bennett Field, Brooklyn, New York, at 9:30 A. M. (E. S. T.), Thursday, January 9, 1941, before the undersigned Examiner.

December 31, 1940.

ROBERT W. CHRISP,
Examiner.

[F. R. Doc. 41-3; Filed, January 2, 1941; 9:49 a. m.]

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[1] Issued by the Civil Aeronautics Board.

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Determination and Order, November 8, 1939 (4 F.R. 4531) as amended, April 27, 1940 (5 F.R. 1586).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 2-3, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Albert Given Manufacturing Company, East Chicago, Indiana; Apparel; Trousers; 5 percent (75% of the applicable hourly minimum wage); December 30, 1941. (Inadvertently omitted from FEDERAL REGISTER of December 30, 1940.)

American Pants Manufacturing Company, 306 East Main Street, Carbondale, Illinois; Apparel; Trousers; 5 percent (75% of the applicable hourly minimum wage); January 3, 1942.

Big Jack Overall Company, Inc., Lee and Sycamore Streets, Bristol, Virginia; Apparel; Shirts & Pants; 200 learners (75% of the applicable hourly minimum wage); May 9, 1941.

Big Jack Overall Company, Inc., Fourth Street, Bristol, Tennessee; Apparel; Overalls, Pants & Coats; 250 learners (75% of the applicable hourly minimum wage); May 9, 1941.

Chicago Sportswear Company, 127 South Market Street, Chicago, Illinois; Apparel; Ladies' Skirts, Jackets & Sportswear; 5 learners (75% of the applicable hourly minimum wage); January 3, 1942.

Joseph Chromow & Company, 951 Broadway, Fall River, Massachusetts; Apparel; Ladies' & Children's Underwear; 5 percent (75% of the applicable hourly minimum wage); January 3, 1942.

Dallas Pant Manufacturing Company, 6113 Lemmon Avenue, Dallas, Texas; Apparel; Single Pants other than 100% Cotton, Single Pants 100% Cotton; 40 learners (75% of the applicable hourly minimum wage); May 9, 1941.

Frank Eyre, Sellersville, Pennsylvania; Apparel; Trousers; 5 learners (75% of the applicable hourly minimum wage); January 3, 1942.

Irwin A. Glickman Company, 751 South Los Angeles Street, Los Angeles, California; Apparel; Suspenders & Belts; 3 learners (75% of the applicable hourly minimum wage); January 3, 1942.

Kenwood Manufacturing Corporation, 15 Sawyer Street, New Bedford, Massachusetts; Apparel; Pants, Jackets, & Overalls, 5 percent (75% of the applicable hourly minimum wage); January 3, 1942.

National Pants Company, Butler Avenue Extension, New Castle, Pennsylvania; Apparel; Work Pants & Shirts; 5

percent (75% of the applicable hourly minimum wage); January 3, 1942.

Royal Manufacturing Company, Coopersburg, Pennsylvania; Apparel; Men's Pants, Shirts, & Union Suits, 5 learners (75% of the applicable hourly minimum wage); January 3, 1942.

Sharlotte Dress Company, Salem Avenue, Burlington, New Jersey; Apparel; Ladies' Dresses; 5 percent (75% of the applicable hourly minimum wage); January 3, 1942.

Jacob Siegel Company, 317 North Broad Street, Philadelphia, Pennsylvania; Apparel; Men's Overcoats & Topcoats; 5 percent (75% of the applicable hourly minimum wage); January 3, 1942.

Stamco Uniforms, Inc., Madison, Georgia; Apparel; Boys' Shirts & Rayon & Cotton Pants; 5 learners (75% of the applicable hourly minimum wage); January 3, 1942.

Stasny-Nachtman Tailoring Company, 17 East Burnside Street, Portland, Oregon; Apparel; Men's Suits & Coats; 3 learners (75% of the applicable hourly minimum wage); January 3, 1942.

Shelburne Shirt Company, Inc., 69 Alden Street, Fall River, Massachusetts; Apparel; Men's Shirts; 5 percent (75% of the applicable hourly minimum wage); January 3, 1942.

Topkis Brothers Company, 217 French Street, Wilmington, Delaware; Apparel; Pajamas & Sport Shirts; 5 percent (75% of the applicable hourly minimum wage); January 3, 1942.

Universal Coat Company, 105 Maplewood Avenue, Gloucester, Massachusetts; Apparel; Leather Jackets, Mackinaws, Sportswear; 5 percent (75% of the applicable hourly minimum wage); Jan. 3, 1942.

A. B. Zuckert Company, 108 North Water Street, Milwaukee, Wisconsin; Apparel; Rubber Clothing; 75 learners (75% of the applicable hourly minimum wage); April 11, 1941.

Real Art Flower Company, 327 W. Adams Street, Chicago, Illinois; Artificial Flower and Feather; Flowers for Decoration of Homes & Windows; February 17, 1941.

Monte Glove Company, 34–38 E. Jackson Street, Shelbyville, Indiana; Glove; Work Glove; 5 learners; January 3, 1942.

Wells Lamont Smith Corporation, Elsberry, Missouri; Glove; Work Glove; 5 percent; January 3, 1942.

Dixie Hosiery Mills, Inc., Mount Gilead, North Carolina; Hosiery; Seamless; 5 learners; January 3, 1942.

Dixie Hosiery Mills, Inc., Mount Gilead, North Carolina; Hosiery; Seamless; 10 learners; September 3, 1941.

Josephine Mills, Inc., Marion, North Carolina; Hosiery; Seamless; 5 percent; January 3, 1942.

Knit Sox Hosiery Mills, Hickory, North Carolina; Hosiery; Seamless; 5 learners; January 3, 1942.

Milton Hosiery Company, Inc., Milton, Delaware; Hosiery; Full Fashioned; 5 learners; January 3, 1942.

Shelton Hosiery Mills, Inc., 549 Howe Avenue, Shelton, Connecticut; Hosiery; Seamless; 5 learners; January 3, 1942.

Shelton Hosiery Mills, Inc., 549 Howe Avenue, Shelton, Connecticut; Hosiery; Seamless; 7 learners; September 3, 1941.

Staley Hosiery Mill Company, Staley, North Carolina; Hosiery; Seamless; 5 percent; January 3, 1942.

The Harrison Telephone Company, 114 Walnut Street, Harrison, Ohio; Independent Branch of the Telephone Industry; to employ learners as indicated in the Telephone Order as commercial and switchboard operators until January 3, 1942.

McLeod County Telephone Company, Glencoe, Minnesota; Independent Branch of the Telephone Industry; to employ learners as indicated in the Telephone Order as commercial and switchboard operators until January 3, 1942.

Gail Knitting Mills, Inc., 1141 Moss Street, Reading, Pennsylvania; Knitted Wear; Sweaters, Bathing Suits; 5 learners; January 3, 1942.

Laros Textiles Company, East Broad Street, Bethlehem, Pennsylvania; Knitted Wear; Knitted Underwear; 5 learners; January 3, 1942.

American Thread Company, Dalton, Georgia; Textile; Cotton Thread & Yarns; 3 percent; January 3, 1942.

American Thread Company, Martins Street, Fall River, Massachusetts; Textile; Cotton; 3 percent; January 3, 1942.

American Thread Company, Main Street, Willimantic, Connecticut; Textile; Cotton; 3 percent; January 3, 1942.

Century Ribbon Mills, Inc., First Street, Radford, Virginia; Textile; Cotton, Silk, & Rayon; 20 learners; April 18, 1941.

Nalven & Son, Inc., Clifton Forge, Virginia; Textile; Ribbons, Hatbands, & Narrow Fabrics; 3 learners; January 3, 1942.

Shelbyville Mills, Shelbyville, Tennessee; Textile; Tire Cord Cotton Fiber; 3 percent; January 3, 1942.

Skyline Mfg. Co., Inc., Skyline Farms, Scottsboro, Alabama; Textile; Silk & Nylon Yarn; 30 learners; May 23, 1941.

Signed at Washington, D. C., this 2d day of January 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–40; Filed, January 2, 1941; 11:32 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 4895]

APPLICATION OF THUMB BROADCASTING CO. (NEW)

NOTICE OF HEARING

Application dated August 20, 1937; for construction permit; class of service, broadcast; class of station, broadcast; location, Brown City, Michigan; operating assignment specified: Frequency, 600 kc.; power, 250 w.; hours of operation, daytime.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant.
2. To determine the nature and effect of any interference which operation of the proposed station would cause to the service of WKZO or to any other service.
3. To determine whether or not the eqipment proposed to be constructed would comply with § 3.41 of the Commission's Rules.
4. To determine the nature and character of the service which applicant may reasonably be expected to provide if granted a permit.
5. To determine whether establishment of the proposed station with the operating assignment applied for would be consistent with good engineering practice.
6. To determine whether or not there is a local frequency which might be used for operation of the proposed station.
7. To determine whether granting of the application would tend toward a fair, efficient and equitable distribution of radio facilities as contemplated by section 307 of the Communications Act.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Thumb Broadcasting Company,
% George W. Eyster, Esq.,
Brown City, Michigan.

December 31, 1940.
By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41–52; Filed, January 2, 1941; 11:49 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION OF UNEMPLOYMENT COMPENSATION LAWS OF INDIANA, NEBRASKA AND WISCONSIN TO THE SECRETARY OF THE TREASURY

Whereas The Social Security Board has heretofore certified to the Secretary of the Treasury the unemployment com-

pensation laws of the States of Indiana, Nebraska and Wisconsin with respect to the taxable year 1940, as provided in section 1603 of the Internal Revenue Code, as amended; and

Whereas The Social Security Board hereby finds that reduced rates of contributions were allowable under the laws of each of said States with respect to the taxable year 1940 only in accordance with the provisions of subsection (a) of section 1602 of said Code;

Now therefore, pursuant to section 1602 (b) (1) of said Code, the Social Security Board hereby certifies to the Secretary of the Treasury the unemployment compensation law of each of the above named States for the taxable year 1940.

SOCIAL SECURITY BOARD,
[SEAL] A. J. ALTMEYER, *Chairman.*
DECEMBER 31, 1940.

Approved:
PAUL V. MCNUTT,
Administrator.
DECEMBER 31, 1940.

[F. R. Doc. 40-6004; Filed, December 31, 1940; 4:31 p. m.]

CERTIFICATION OF CERTAIN PROVISIONS OF THE SOUTH DAKOTA UNEMPLOYMENT COMPENSATION LAW TO THE SECRETARY OF THE TREASURY

Whereas the Social Security Board has heretofore certified to the Secretary of the Treasury, the unemployment compensation law of the State of South Dakota with respect to the taxable year 1940, as provided in section 1603 of the Internal Revenue Code, as amended; and

Whereas the Social Security Board hereby finds that:

1. Under such law, reduced rates of contributions were allowable with respect to the taxable year 1940; and

2. Under section 17.0822 (4) of such law, a part, to-wit, five-sixths, of each such reduced rate of contributions was required to be paid into a reserve account and under section 17.0822 (5) of such law, a part, to-wit, one-sixth, of each such reduced rate of contributions was required to be paid into a partially pooled account; and

3. That part of each such reduced rate of contributions which was required to be paid into a reserve account was allowed under section 17.0822 (3) and (4) of said law, which provisions do fulfill the requirements of subsection (a) of section 1602 of the Internal Revenue Code, as amended; and

4. That part of each such reduced rate of contributions which was required to be paid into a partially pooled account was allowed under section 17.0822 (3) and (5) of said law, which provisions do not fulfill the requirements of subsection (a) of section 1602 of said Code.

Now therefore, pursuant to section 1602 (b) (2) of said Code, the Social Security Board hereby certifies to the Secretary of the Treasury:

1. That the provisions of section 17.0822 (3) and (4) of the unemployment compensation law of the State of South Dakota, to the extent that such provisions require a part of each reduced rate of contributions payable thereunder with respect to the taxable year 1940 to be paid into a reserve account, do fulfill the requirements of subsection (a) of section 1602 of the Internal Revenue Code, as amended; and

2. That one-sixth of the amount by which each such rate of contributions was reduced, was allowable under provisions of said law which do not fulfill the requirements of subsection (a) of section 1602 of said Code, as amended; and

3. That a reduction by one-sixth of the amount of additional credit otherwise allowable under section 1601 (b) of said Code with respect to each such reduced rate of contributions is necessary in order to assure the allowance of additional credits under said section 1601 (b) with respect to the taxable year 1940, only with respect to that part of each reduced rate of contributions which was allowed under said law for the taxable year 1940 under provisions which do fulfill the requirements of subsection (a) of section 1602 of said Code.

SOCIAL SECURITY BOARD,
[SEAL] A. J. ALTMEYER, *Chairman.*
DECEMBER 31, 1940.

Approved:
PAUL V. MCNUTT,
Administrator.
DECEMBER 31, 1940.

[F. R. Doc. 40-6005; Filed, December 31, 1940; 4:31 p. m.]

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO THE SECRETARY OF THE TREASURY

Pursuant to section 1603 (a) of the Internal Revenue Code as amended, the Social Security Board has heretofore approved the unemployment compensation laws of the following States:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

In accordance with the provisions of section 1603 (c) of the Internal Revenue Code, the Social Security Board hereby certifies the foregoing States to the Secretary of the Treasury for the taxable year 1940.

December 31, 1940.

SOCIAL SECURITY BOARD
[SEAL] By A. J. ALTMEYER,
Chairman.

Approved:
PAUL V. MCNUTT,
Administrator,
DECEMBER 31, 1940.

[F. R. Doc. 40-6006; Filed, December 31, 1940; 4:31 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4245]

IN THE MATTER OF LESSING HAT COMPANY, INC., AND JOSEPH LORING, AN INDIVIDUAL TRADING AS LORING HAT COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. Section 41),

It is ordered, That Miles J. Furnas, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, February 4, 1941, at ten o'clock in the forenoon of that day (eastern standard time) at the Hotel St. George, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-34; Filed, January 2, 1941; 11:25 a. m.]

[Docket No. 4268]

IN THE MATTER OF SAMUEL GOTTLIEB AND PETER GOTTLIEB, INDIVIDUALS TRADING AS GOTTLIEB BROTHERS AND AS JACK FROST YARN COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 31st day of December, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Miles J. Furnas, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, January 29, 1941, at ten o'clock in the forenoon of that day (eastern standard time) at the St. George Hotel, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-35; Filed, January 2, 1941; 11:25 a. m.]

[Docket No. 4324]

IN THE MATTER OF SOMERSVILLE MANUFACTURING COMPANY, A CORPORATION, AND J. J. O'DONNELL AND CLINTON ELLIS, INDIVIDUALLY AND TRADING AS O'DONNELL AND ELLIS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41).

It is ordered, That Miles J. Furnas, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, January 16, 1941, at ten o'clock in the forenoon of that day (eastern standard time), at the St. George Hotel, Brooklyn, N. Y.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-36; Filed, January 2, 1941; 11:25 a. m.]

[Docket No. 4236]

IN THE MATTER OF OLD COLONY KNITTING MILLS, INC., A CORPORATION, AND MAINE SPINNING COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 20, 1941, at ten o'clock in the forenoon of that day (eastern standard time), in the Civil Service Room, Post Office Building, Augusta, Maine.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondents. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-33; Filed, January 2, 1941; 11:25 a. m.]

[Docket No. 4341]

IN THE MATTER OF CARLTON MILLS CO., INC., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of December, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 13, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 3088K, Federal Building, 9th and Chestnut Streets, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-37; Filed, January 2, 1941; 11:26 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-177]

AMERICAN UTILITIES SERVICE CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1940.

American Utilities Service Corporation, a registered holding company, having filed an application pursuant to Section 10 of the Public Utility Holding Company Act of 1935, regarding the proposed acquisition of 4% ten-year promissory notes in the aggregate principal amount of $200,000 of The Bluefield Telephone Company, a wholly owned subsidiary of applicant; and

Said application having been filed on October 14, 1940; and an amendment thereto having been filed on November 8, 1940; and a notice of the filing of said application having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that no adverse findings are necessary under section 10 (b) or section 10 (c) (1) of said Act;

It is hereby ordered, Pursuant to said Rule U-8 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-9 promulgated pursuant to said Act, that the aforesaid application be, and the same hereby is granted forthwith.

By the Commission; Commissioner Healy dissented for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-6001; Filed, December 31, 1940; 1:24 p. m.]

[File No. 70-216]

INTERSTATE POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of December, A. D. 1940.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than January 14, 1941, at 4:30 P. M., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Interstate Power Company, an intermediate holding company of the Ogden Corporation holding company system, proposes to acquire, pursuant to tenders, not exceeding $2,740,000 principal amount of its own First Mortgage Gold Bonds, 5% Series due 1957, at $73 for each $100 principal amount of said bonds with July 1, 1941, and subsequent coupons attached, plus accrued interest to the date of acceptance of bonds so tendered. There are presently outstanding $28,775,000 aggregate principal amount of such bonds.

Section 12 (c) of said Act and Rule U-12C-1 promulgated thereunder are considered by Interstate Power Company to be applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-6002; Filed, December 31, 1940; 1:24 p. m.]

[File No. 70-52]

IN THE MATTER OF CAROLINA POWER & LIGHT COMPANY

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1940.

The Commission by its Order in the above matter dated May 29, 1940, having granted the application of Carolina Power & Light Company (hereinafter sometimes termed "Carolina") pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of the said Act of the issue and private sale of $46,000,000 principal amount of Carolina's First Mortgage Bonds, 3¾% Series due 1965, subject, among other conditions, to the condition that:

(7) So long as any of the First Mortgage Bonds, 3¾% Series due 1965, shall be outstanding, Carolina shall not declare or pay any dividends (other than dividends payable in shares of its common stock) on any shares of its common stock, nor shall Carolina make any other distribution on its common stock or purchase or otherwise retire any shares of its common stock out of net income available for such purposes unless the earned surplus after making such declaration, payment, distribution, purchase, or retirement is equal to or greater than the sum of (1) $3,200,000, approximately the earned surplus as set forth in the pro forma balance sheet of March 31, 1940, and (2) an accumulative amount equal to $650,000 per annum, beginning June 1, 1940: *Provided, however,* That such earned surplus required to remain after declaration or payment of such dividends or after such distribution, purchase, or retirement may be reduced for the purpose of this computation by the amount of (1) any surplus adjustments resulting from the writing down or writing off of the excess of carrying value of property now owned by Carolina over the original cost of such property when first devoted to public use, and (2) any other surplus adjustments otherwise properly applicable to earned surplus. The provisions contained in this numbered paragraph shall be subject to modification or revocation in whole or in part by this Commission at any time by its own motion or upon application of Carolina; and

Carolina having on November 5, 1940 filed a supplemental application requesting that the said Order and particularly the said condition be modified or altered in order that Carolina may apply any increase in its annual expenditures and/or appropriations for property retirement and maintenance out of income in excess of 15 per centum of its gross operating revenues (as defined in its Mortgage and Deed of Trust dated May 1, 1940) as a credit against the $650,000 required by the said condition to be retained each year in its surplus account; and

The Commission having duly considered said supplemental application:

It is ordered, That the Order of this Commission dated May 29, 1940 in the above matter and particularly that paragraph numbered (7) of the said Order which contains the above condition be amended to read as follows:

(7) So long as any of the First Mortgage Bonds, 3¾% Series due 1965, shall be outstanding, Carolina shall not declare or pay any dividends (other than dividends payable in shares of its common stock) on any shares of its common stock, nor shall Carolina make any other distribution on its common stock or purchase or otherwise retire any shares of its common stock out of net income available for such purpose unless the earned surplus after making such declaration, payment, distribution, purchase, or retirement is equal to or greater than the sum of (1) $3,200,000, approximately the earned surplus as set forth in the pro forma balance sheet of March 31, 1940, and (2) an accumulative amount equal to $650,000 per annum, beginning June 1, 1940, less the accumulated amount, beginning June 1, 1940, of any expenditure and/or appropriation out of income for property retirement and maintenance in excess of 15 per centum of the gross operating revenues (as defined in its Mortgage and Deed of Trust dated May 1, 1940) of Carolina: *Provided, however,* That such earned surplus required to remain after declaration or payment of such dividends or after such distribution, purchase, or retirement may be reduced for the purpose of this computation by the amount of (1) any surplus adjustments resulting from the writing down or writing off of the excess of carrying value of property now owned by Carolina over the original cost of such property when first devoted to public use, and (2) any other surplus adjustments otherwise properly applicable to earned surplus. The provisions contained in this numbered paragraph shall be subject to modification or revocation in whole or in part by this Commission at any time by its own motion or upon application of Carolina.

It is further ordered, That the said order of this Commission dated May 29, 1940, shall remain in all other respects in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-48; Filed, January 2, 1941; 11:45 a. m.]

[File No. 70-199]

IN THE MATTER OF ARKANSAS WESTERN GAS COMPANY

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 31st day of December, A. D. 1940.

The Commission having in its Order of December 13, 1940, approved, among other things, the amended application of Arkansas Western Gas Company, a subsidiary of Southern Union Gas Company, a registered holding company, filed pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the issue and sale of $800,000 principal amount of First Mortgage Sinking Fund Bonds, 4½% Series, due 1945, and a 4% Promissory Note in the principal amount of $250,000 payable in installments; and

The Commission having conditioned said Order of December 13, 1940, that pending further order no underwriter's fees, commissions or other compensation should be paid in connection with the issuance and sale of the aforesaid Bonds and Note; and

A further public hearing on said matter having been held and it now appearing that the fees, commissions and other compensation to be paid by Arkansas Western Gas Company, including the sum of $24,000 to be paid to E. H. Rollins & Sons, Incorporated, as an underwriter's fee and the sum of $7,000 to be paid to Chapman & Cutler, counsel for the underwriter, are not unreasonable;

It is ordered, That the paragraph numbered "3" of the Commission's Order of December 13, 1940 which reads:

"3. That pending further order of this Commission, no underwriter's fees, commissions, or other compensation shall be paid in connection with the issuance and sale of the First Mortgage Sinking Fund Bonds, 4½% Series, due 1955, or the 4% Promissory Note;"

be, and the same hereby is, no longer in effect.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–47; Filed, January 2, 1941; 11:45 a. m.]

[File No. 70–214]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY AND SAFETY ENGINEERING AND MANAGEMENT COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1940.

Consolidated Electric and Gas Company (hereinafter called Consolidated), a registered holding company, and its subsidiary investment company, Safety Engineering and Management Company (hereinafter called Safety), having filed joint declarations pursuant to the Public Utility Holding Company Act of 1935 and particularly section 12 (c) thereof and Rule U-12C–1 promulgated thereunder with regard to the following transactions:

1. The sale by Safety to Consolidated of $1,778,000 principal amount of the Collateral Trust Bonds of Consolidated at a price equal to 59% of the principal amount thereof (plus accrued interest to the date of sale); Consolidated is to pay for such Bonds by endorsing the amount of the purchase price on certain promissory notes of Safety held by Consolidated;

2. The sale, at a subsequent date, by Safety to Consolidated of $2,218,500 principal amount of the Collateral Trust Bonds of Consolidated at approximately the market value on the date of sale (plus accrued interest to said date of sale); Consolidated is to pay for such Bonds by endorsing the amount of the purchase price on certain promissory notes of Safety held by Consolidated;

Said declarations having been filed on December 13, 1940; notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act; and the Commission not having received a request for hearing with respect to said declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declarations pursuant to Rule U-12C–1 to become effective;

It is ordered, Pursuant to said Rule U-8 and the applicable provisions of said Act that the aforesaid declarations become effective forthwith subject to the terms and conditions prescribed in Rule U-9; and

It is further ordered, That the accounting entries to be made by both Consolidated and Safety on their books of account in connection with this transaction shall be subject to such further Order or Orders as the Commission may deem appropriate in the premises.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–46; Filed, January 2, 1941; 11:45 a. m.]

[File No. 70–222]

IN THE MATTER OF PEOPLES LIGHT AND POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of December, A. D. 1940.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than January 9, 1941, at 4:30 P. M., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Peoples Light and Power Company will borrow from the Provident Trust Company of Philadelphia $475,000 evidenced by promissory notes payable serially over a 3-year period and bearing interest at the rate of 3% per annum.

The company will pledge as collateral security for such loan all of the issued and outstanding shares of capital stock of its subsidiaries (except Texas Public Service Farm Company) which are owned by it and presently pledged under the Trust Indenture securing Peoples Light and Power Company's Collateral Lien Bonds, Series A due 1961.

The proceeds from said loan, together with other available funds, will be used for the redemption on or about March 1, 1941, of all of the company's Collateral Lien Bonds, Series A due 1961 which are presently outstanding, being $1,117,750 in principal amount.

The company has designated sections 6 (a) and 7 as applicable to the bank loan, section 12 (c) as applicable to the retirement of bonds and section 12 (d) as applicable to the pledge of the capital stocks; an exemption from section 12 (c) is claimed by virtue of paragraph (b) (2) of Rule U-12C–1 and from section 12 (d) by virtue of paragraph (d) (2) of Rule U-12D–1.

The company has requested acceleration of the effective date of the declaration, requesting an order of effectiveness on or about January 10, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–45; Filed, January 2, 1941; 11:45 a. m.]

[File Nos. 70–140, 70–144]

IN THE MATTERS OF CENTRAL NEW YORK POWER CORPORATION AND NIAGARA HUDSON POWER CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of January, A. D. 1941.

Notice is hereby given that amendments to the pending applications have

been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than January 14, 1941 at 4:30 P. M., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such applications, as filed or as amended, may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said applications and the amendments thereto, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Central New York Power Corporation, a subsidiary of Niagara Hudson Power Corporation, which, in turn, is a subsidiary of The United Corporation, a registered holding company, proposes to issue and sell $5,000,000 aggregate principal amount of its General Mortgage Bonds, 3½% Series due 1965, to The Equitable Life Assurance Society of the United States, at a price of 101% of the principal amount thereof, plus accrued interest from July 1, 1940 to the closing date. Said Bonds will be issued under and pursuant to the terms of the Mortgage Trust Indenture dated as of October 1, 1937, as supplemented, from Central New York Power Corporation to The Marine Midland Trust Company of New York, as Trustee. It is stated that the proceeds to be derived from the issue and sale of the said General Mortgage Bonds are to be used to apply to the cost of the construction, completion, extension, and improvement of certain electric and gas generating, manufacturing, transmission, and distribution facilities of Central New York Power Corporation.

Central New York Power Corporation also proposes to issue and sell, from time to time, not exceeding 9,000 additional shares of its Preferred Stock 5% Series ($100 par value) to Niagara Hudson Power Corporation at not less than $100 per share to realize proceeds of at least $900,000. It is stated that the proceeds are to be used as additional working capital of Central New York Power Corporation.

In addition, Central New York Power Corporation proposes to sell not exceeding 7,415-12/20 treasury shares of said Preferred Stock 5% Series ($100 par value) reacquired by it in 1938, to Niagara Hudson Power Corporation at not less than $100 per share to realize proceeds of at least $741,560, which proceeds, it is stated, are to be used to reimburse Central New York Power Corporation's treasury for a part of the cost of said reacquisition. It is further stated that said proceeds will then be applied to the payment of $741,560 of indebtedness owed by Central New York Power Corporation, represented by Notes Payable to Banks.

Niagara Hudson Power Corporation owns all the presently outstanding 1,265,696 shares of the Common Stock without par value and 41,515 17/20 shares of the presently outstanding 251,584 9/20 shares of the Preferred Stock 5% Series ($100 par value) of Central New York Power Corporation.

Applicants have designated the third sentence of section 6 (b) of said Act and Section 10 as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-49; Filed, January 2, 1941; 11:47 a. m.]

[File No. 70-223]

IN THE MATTER OF LONE STAR GAS CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of January, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than January 18, 1941, at 4:30 P. M., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Lone Star Gas Corporation, a registered holding company, proposes, pursuant to the terms and provisions of a certain bank loan agreement dated December 17, 1940, to borrow $26,000,000 from the several banks below named, each such bank to lend the amount herein below set opposite its name:

The Union Trust Company of Pittsburgh	$7,750,000
The Mellon National Bank of Pittsburgh	2,000,000
The Chase National Bank of The City of New York	10,000,000
Bankers Trust Company	3,000,000
Chemical Bank & Trust Company	1,500,000
The Farmers Deposit National Bank	750,000
First National Bank at Pittsburgh	750,000
The Union Savings Bank	250,000

Said loans are to be evidenced by bank loan notes proposed to be issued by Lone Star Gas Corporation. Such bank loan notes are to be payable to the order of each of the banks for the respective amounts loaned by each of them; are to be payable in semi-annual installments in the aggregate principal amount of $1,150,000 each, due on August 1, 1941, and on February 1 and August 1 in each year thereafter, to and including August 1, 1950, with interest payable thereon at the rate of 2% per annum, and a final installment in the aggregate principal amount of $4,150,000 due on February 1, 1951, with interest payable on such final installment at the rate of 2¼% per annum. Each of said installments is to be paid ratably, semi-annually as specified in the bank loan notes, in the same proportions that the respective face amounts of such bank loan notes bear to the total amount of the bank loans, and interest on said installments, at the rates aforesaid, is to be paid ratably, quarter-annually on the first days of February, May, August and November in each year, up to and including the date of maturity of each of said installments.

Lone Star Gas Corporation is to have certain rights of prepayment, with or without payment of premium, as in the bank loan agreement provided.

The bank loan agreement contains certain representations and covenants by Lone Star Gas Corporation, both restrictive and affirmative in nature.

As security for the payment of the bank loan notes, Lone Star Gas Corporation is to deposit and pledge certain shares of stock and evidences of debt constituting substantially all of said corporation's holdings of stock and evidences of debt of its subsidiaries.

Lone Star Gas Corporation considers that section 7 of the Public Utility Holding Company Act of 1935 is applicable with respect to the issuance of the proposed bank loan notes.

Lone Star Gas Corporation proposes to use the $26,000,000 proposed to be borrowed, as aforesaid, for the following purposes:

1. To call, redeem and retire its presently outstanding Fifteen Year 3½% Sinking Fund Debentures due August 1, 1953, in the principal amount of $20,000,000, at 105% of such principal amount	$21,000,000
2. To pay its outstanding bank loan notes dated August 22, 1938, in the unpaid principal amount of $6,200,000 with premium of ½% on the principal amount of $5,200,000	6,226,000
Total	27,226,000
To be paid by the Corporation out of current funds	1,226,000
	26,000,000

With respect to the redemption of said now outstanding $20,000,000 principal amount of bonds and the prepayment of said now outstanding $6,200,000 principal amount of bank loan notes dated August 22, 1938, Lone Star Gas Corporation states that it claims exemption from section 9 (a) of said Act by reason of the provisions of Rule U-12C-1, paragraph (b), subparagraphs (2) and (4), promulgated under said Act, but, as an alternative to such claimed exemption, files, with respect to said transactions, an application under section 10 of said Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

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