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OF THE UNITED STATES

FEDERAL REGISTER

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Washington, Wednesday, February 3, 1937

PRESIDENT OF THE UNITED STATES.

EMERGENCY DUE TO FLOOD CONDITIONS—FREE IMPORTATION OF FOOD, CLOTHING, AND MEDICAL, SURGICAL AND OTHER SUPPLIES FOR USE IN EMERGENCY WORK

By the President of the United States of America

A PROCLAMATION

WHEREAS there have recently occurred and are occurring disastrous floods in various localities in the valleys of the Ohio and Mississippi rivers and tributaries thereof, resulting in great loss of life and property and causing much sickness, suffering, and privation among the residents of the stricken localities, making it necessary for charitable, philanthropic, relief, and other organizations to extend aid on a large scale to the flood sufferers;

AND WHEREAS section 318 of the Tariff Act of 1930 (46 Stat. 696) provides:

“Whenever the President shall by proclamation declare an emergency to exist by reason of a state of war, or otherwise, he may authorize the Secretary of the Treasury to extend during the continuance of such emergency the time herein prescribed for the performance of any act, and may authorize the Secretary of the Treasury to permit, under such regulations as the Secretary of the Treasury may prescribe, the importation free of duty of food, clothing, and medical, surgical, and other supplies for use in emergency relief work. * * *”;

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provisions of section 318 of the Tariff Act of 1930, do by this proclamation declare an emergency to exist, and I do hereby authorize the Secretary of the Treasury to permit, during the continuance of such emergency (the termination of which will be determined by the President and declared by his Proclamation), within such limits and subject to such conditions as he may deem necessary to meet the emergency, the importation free of duty of such food, clothing, and medical, surgical, and other supplies as he may designate and under such regulations as he may prescribe, when imported for use in such emergency relief work.

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

DONE at the City of Washington this 1st day of February in the year of our Lord nineteen hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-first.

By the President:
CORDELL HULL,
Secretary of State.

FRANKLIN D. ROOSEVELT

[No. 2223]

[F. R. Doc. 37-336; Filed, February 2, 1937; 10:48 a. m.]

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48787]

CUSTOMS REGULATIONS AMENDED—TRADE-MARKS AND TRADE NAMES

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in section 251, Revised Statutes (U. S. C., title 19, sec. 66), section 27 of the Trade-Mark Act of 1905 (U. S. C., title 15, sec. 106), section 6 of the Trade-Mark Act of 1920 (U. S. C., title 15, sec. 126); and sections 526 and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1526 and 1624), articles 519 and 521 (as amended by Treasury Decision 45658) and article 520 of the Customs Regulations of 1931 are amended to read as follows:

ART. 519. *Trade-Marks—Recording.*—(a) Domestic or foreign manufacturers or traders, to avail themselves of the privileges of the law concerning trade-marks, are required to register their trade-marks with the Commissioner of Patents before the Treasury Department can act.

(b) To record a trade-mark with the Treasury Department an application must be addressed to the Treasury Department, Bureau of Customs, Washington, D. C., (which may be in the form of a letter) stating therein the name, residence, and citizenship of the owner or owners (if a partnership, the citizenship of each partner; if a corporation or association, the country or state within which it was organized or created); the name of the locality in which the goods are manufactured, and the names of the ports of entry to which the applicant desires to have facsimiles of the trade-mark transmitted. The application must be accompanied by one certified copy of the original certificate of registration issued by the Commissioner of Patents in accordance with the Trade-Mark Act of February 20, 1905, or the Trade-Mark Act of March 19, 1920; such of the documents mentioned in paragraph (c) as are required to show the ownership of the applicant; three uncertified printed Patent Office facsimiles of the trade-mark for deposit in the Treasury Department, and a sufficient number of such facsimiles to enable the Bureau to forward copies to the port or ports of entry named in the application. The number of facsimiles necessary for each of the ports of entry is as follows:

Four facsimiles for each of the ports of New York and Chicago.
Three facsimiles for each of the ports of Baltimore and Boston.
Two facsimiles for each of the ports of Nogales, Buffalo, Tampa, Key West, Los Angeles, Portland, Me., Detroit, New Orleans, Cleveland, Cincinnati, Portland, Oreg., Philadelphia, Pittsburgh, San Antonio, San Francisco, St. Louis, St. Albans, Vt., Seattle, Milwaukee, and Saint Thomas, Virgin Islands.

One facsimile for each of the other ports of entry.
No fee is charged for recording trade-marks in the Treasury Department.

(c) If ownership of a registered trade-mark is claimed by an applicant by virtue of an assignment of such trade-mark, there must be transmitted with the application for recording, in addition to the documents and information specified in paragraph (b) of this article, a certified abstract of title from the records of the United States Patent Office showing the ownership of the applicant. Similar documentary evidence must accompany an application for recording if the commercial name of the applicant has been changed subsequent to registration of the trade-mark. If the application for recording is presented after the expiration of the period for which the certificate of registration, or a renewal thereof, was issued, the application must be accompanied by a certified copy of a certificate of renewal from the United States Patent Office showing that the registration is in force. In order to continue to receive the protection of the trade-



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mark statutes with respect to imported merchandise, such a certified copy of a certificate of renewal must be filed with the Treasury Department if the period of protection expires after the trade-mark has been recorded.

ART. 520. *Trade Names—Recording.*—(a) To record the trade name (not a trade-mark) of a manufacturer or trader, an application must be addressed to the Treasury Department, Bureau of Customs, Washington, D. C. (which may be in the form of a letter), stating therein the trade name; the name, residence, and citizenship of the owner or owners (if a partnership, the citizenship of each partner; if a corporation or association, the country or state within which it was organized or created); a description of the class or kind of merchandise to which the trade name is applied, and the name of the locality in which the merchandise is manufactured. The application must be accompanied by supporting evidence, in the form of affidavits by the owner or owners and by at least two other persons having first-hand knowledge of the facts, showing that the applicant has used the trade name, in connection with the class or kind of merchandise described in the application, for a designated period of time and has the sole and exclusive right to the use of such trade name in connection with merchandise of such class or kind.

(b) Such affidavits accompanying an application to record the trade name of a manufacturer or trader located in a foreign country should be acknowledged before an American consular officer.

No fee is charged for recording trade names in the Treasury Department.

ART. 521. *Notice to Collectors—Action by Collectors.*—Upon receiving notice from the Bureau of the recording of a trade-mark or a trade name the collector will issue appropriate instructions

to prevent the unauthorized importation or entry at the custom-house of articles bearing marks or names which violate the statutory rights of the owner of the recorded trade-mark or trade name.

[SEAL]

JAMES H. MOYLE,
Commissioner of Customs.

Approved, January 28, 1937.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 37-332; Filed, February 1, 1937; 3:57 p. m.]

[T. D. 48788]

CUSTOMS REGULATIONS AMENDED—VESSEL SUPPLIES

To Collectors of Customs and Others Concerned:

Pursuant to sections 309 (a) and 624 of the Tariff Act of 1930 (U. S. C., secs. 1309 (a) and 1624), the Customs Regulations of 1931 are amended as follows:

Paragraph (c) of article 455, as amended by T. D. 48243,¹ is amended to read as follows:

(c) A vessel is not considered to be actually engaged in the foreign trade, or in trade between the Atlantic and Pacific ports of the United States, or between the United States and its possessions, as the case may be, unless it is—

(1) Operating on a regular schedule in a class of trade which entitles it to the privilege;

(2) Actually transporting passengers or merchandise to or from a foreign port, a port on the opposite coast of the United States, or between a port in a possession of the United States and a port in the United States or in another of its possessions;

(3) Documented for foreign trade, is proceeding in ballast to another domestic port to load passengers or cargo for a foreign port, and its last carriage of passengers or cargo prior to departure from the port of withdrawal was not exclusively between ports in the same great district; or

(4) Departing in ballast from the port at which the withdrawal is made directly for a foreign port, a port on the opposite coast of the United States, a port in one of the possessions of the United States, or, where the port of withdrawal is in a possession of the United States, departing directly for a port in the United States or in another of its possessions.

Article 457, as amended by T. D. 48495,² is further amended by deleting paragraphs (a) and (c), redesignating paragraphs (b) and (d) as paragraphs (d) and (e), respectively, and inserting the following new paragraphs:

(a) Withdrawals shall be made on customs Form 7506 and shall be supported by an affidavit of the owner, operator, master, or agent of the vessel, that the articles are to be used as supplies on the vessel.

(b) If the withdrawal is made by other than the principal on the warehouse or rewarehouse entry, as the case may be, the assent of such principal shall be indorsed on the withdrawal, unless the principal has, in writing, otherwise authorized such withdrawal.

(c) A bond on customs Form 7561 shall be taken when the withdrawal is made by a person other than the principal on the warehouse or rewarehouse entry, as the case may be, except where the vessel departs from the port of withdrawal directly for a foreign port.

Article 458 (c), as amended by T. D. 46724, is further amended by substituting the words "departs from" for the words "clears at" in the first line.

Article 459 is amended to read as follows:

ART. 459. *Intermediate Ports.*—A copy of the store list, when required, showing the articles withdrawn and taken on board shall be made on or attached to the manifest accompanying the vessel at the time of departure from the port of withdrawal. When the vessel touches at an intermediate port in the United States, the collector at such port shall notify the collector at the port of withdrawal if any portion of the supplies is landed at the intermediate port, in order that duty may be collected under the bond.

The first sentence of article 460 is amended to read as follows:

When a vessel which has taken on board supplies free of duty is withdrawn from trade, or is diverted to a class of trade not entitled to the privilege, the parties in interest shall immediately notify the collector at the port of withdrawal, who shall credit the bond with only such portion of the supplies used while the vessel was in a proper class of trade, and collect duty on the balance.

¹ 1 F. R. 181.

² 1 F. R. 1431.

Article 461, as amended by T. D. 48495, is further amended by inserting after the word "supplies" in the first line a comma and the following:

"or the charge against the warehouse or rewarehouse entry bond, as the case may be,"

[SEAL]

JAMES H. MOYLE,
Commissioner of Customs.

Approved, January 28, 1937.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 37-333; Filed, February 1, 1937; 3:57 p. m.]

DEPARTMENT OF THE INTERIOR.

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 108, MONTANA

JANUARY 26, 1937.

It appearing that the following-described tract of public land in Montana is necessary for the purpose, it is ordered, under and pursuant to the provisions of section seven of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and section four of the act of May 24, 1928 (45 Stat. 728), that such land be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for use by the Department of Commerce in the maintenance of air-navigation facilities:

T. 3 N., R. 9 W., P. M., sec. 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of lot 3, 2.5 acres.

And it is further ordered that departmental order of November 3, 1936,¹ establishing Montana Grazing District No. 5 under the act of June 28, 1934 (48 Stat. 1269), is hereby modified in so far as it affects the above-described tract and made subject to the withdrawal made by this order.

T. A. WALTERS,
First Assistant Secretary.

[F. R. Doc. 37-334; Filed, February 2, 1937; 9:23 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

ADOPTION OF ANNUAL REPORT FORM O

The Telegraph Division at its regular meeting on October 20, 1936, adopted Annual Report Form O² for telegraph, cable, and radio-telegraph carriers for the year 1936, as revised.

[SEAL]

JOHN B. REYNOLDS,
Acting Secretary.

[F. R. Doc. 37-335; Filed, February 2, 1937; 9:26 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of January A. D. 1937.

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

[Docket No. 3020]

IN THE MATTER OF HOLLYWOOD HAT COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal

Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41) and (49 Stat. 1526, U. S. C. A., Sec. 13, as amended),

It is ordered that Edward M. Averill, an 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 Friday, February 5, 1937, at ten o'clock in the forenoon of that day (eastern standard time), room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-337; Filed, February 2, 1937; 11:19 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of January A. D. 1937.

[File No. 2-2637]

IN THE MATTER OF HOUSTON COTTON EXCHANGE BUILDING COMPANY, INCORPORATED

ORDER CONSENTING TO WITHDRAWAL OF REGISTRATION STATEMENT ON REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the protection of investors, upon the request of the registrant received on January 14, 1937, consents to the withdrawal of the registration statement of the above named registrant, and to that effect

It is so ordered.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-339; Filed, February 2, 1937; 12:34 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE HYLAND-CAMPBELL FARM, FILED ON JANUARY 11, 1937, BY GRIMES BROS. ROYALTY CO., RESPONDENT.

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;¹

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on January 22, 1937, be effective as of January 22, 1937; and

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

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-338; Filed, February 2, 1937; 12:34 p. m.]

¹ 2 F. R. 140.

¹ 1 F. R. 2027.

² Filed with the Division of the Federal Register; copies available upon application to Federal Communications Commission.

