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# FEDERAL REGISTER

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## Rules, Regulations, Orders

### TITLE 6—AGRICULTURAL CREDIT CHAPTER I—FARM CREDIT ADMINISTRATION

[FCA 171]

#### THE FEDERAL LAND BANK OF BERKELEY APPLICATION APPRAISAL FEES, ALL TYPES OF LOANS

Section 31.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 31.1 *Application appraisal fees, all types of loans.*

\$15.00 with each application for a loan of \$100 to \$15,000.

\$20.00 with each application for a loan of \$15,100 to \$20,000.

\$25.00 with each application for a loan of \$20,100 to \$25,000.

\$30.00 with each application for a loan of \$25,100 to \$30,000.

\$35.00 with each application for a loan of \$30,100 to \$35,000.

\$40.00 with each application for a loan of \$35,100 to \$40,000.

\$45.00 with each application for a loan of \$40,100 to \$45,000.

\$50.00 with each application for a loan of \$45,100 to \$57,500.

If an additional or refunding loan is applied for the application appraisal fee shall be based on the new funds requested. (Sec. 7, 39 Stat. 365, as amended, sec. 13 "Ninth", 39 Stat. 372, secs. 32, 33, 48 Stat. 48, 49, as amended; 12 U.S.C. 723 (e), 781 "Ninth", 1016 (e), 1017, and Sup.; 6 CFR 19.4019 and 19.4022) [Res. Ex. Com., December 1, 1939]

[SEAL] FEDERAL LAND BANK  
OF BERKELEY,  
By WALTER C. DEAN,  
Vice President.

[F. R. Doc. 40-1455; Filed, April 10, 1940;  
11:45 a. m.]

## TITLE 24—HOUSING CREDIT

### CHAPTER V—FEDERAL HOUSING ADMINISTRATION

#### AMENDMENT TO ADMINISTRATIVE RULES UNDER SECTION 207 OF THE NATIONAL HOUSING ACT FOR LARGE SCALE MUL- TIFAMILY HOUSING INSURANCE

The Administrative Rules of the Federal Housing Administrator under section 207 of the National Housing Act for Large Scale Multifamily Housing Insurance, issued March 1, 1940, (Part 532<sup>1</sup> Code of Federal Regulations) are hereby amended as follows:

Paragraph 3 of section VI of said Administrative Rules (§ 532.22) is amended by adding immediately at the end thereof the following:

"Nothing contained in the foregoing limitations shall be construed to prevent the Administrator from insuring mortgages on properties on which is located a building or buildings designed principally for residential use conforming to standards satisfactory to the Administrator, if such properties were theretofore covered by an insured mortgage."

This amendment is effective immediately.

Issued at Washington, D. C., this second day of April 1940.

[SEAL] STEWART McDONALD,  
Administrator.  
By ABNER H. FERGUSON,  
Acting Administrator.

[F. R. Doc. 40-1447; Filed, April 9, 1940;  
1:58 p. m.]

#### AMENDMENT TO THE ADMINISTRATIVE RULES UNDER SECTION 207 OF THE NATIONAL HOUSING ACT FOR SMALL SCALE MULTIFAMILY AND REHABILITA- TION HOUSING INSURANCE

The Administrative Rules of the Federal Housing Administrator under sec-

<sup>1</sup>5 F.R. 1031.

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tion 207 of the National Housing Act for Small Scale Multifamily and Rehabilitation Housing Insurance, issued March 1, 1940 (Part 532 Code of Federal Regulations) are hereby amended as follows:

Paragraph 3 of section VII of said Administrative Rules (§ 532.54) is amended by adding immediately at the end thereof the following:

"Nothing contained in the foregoing limitations shall be construed to prevent the Administrator from insuring mortgages on properties on which is located a building or buildings designed principally for residential use conforming to standards satisfactory to the Administrator, if such properties were theretofore covered by an insured mortgage."

This amendment is effective immediately.

Issued at Washington, D. C., this second day of April, 1940.

[SEAL] STEWART McDONALD,  
Administrator.  
By ABNER H. FERGUSON,  
Acting Administrator.

[F. R. Doc. 40-1446; Filed, April 9, 1940;  
1:58 p. m.]

### Notices

#### TREASURY DEPARTMENT.

Federal Alcohol Administration Division.

#### VITAMIN REFERENCES

APRIL 4, 1940.

The Administration has had occasion to consider applications for approval of

15 F. R. 1031.

labels containing references to natural and added vitamin content. These references have been in both general and specific terms. The products were in all cases capable of and intended for beverage use.

The labeling regulations applicable to these products prohibit the appearance of any irrelevant, scientific or technical matter that tends to create a misleading impression, and also forbid any representation that the use of the product has curative or therapeutic effects if such statement tends to create a misleading impression. Therefore, whether vitamin references allude to the curative or therapeutic benefits to be derived from the use of the product, or merely make a plain statement of fact as to vitamin content, the regulations preclude the use of either type of reference if a misleading impression will be created.

In view of the widespread sale and use in the medicinal and dietary fields of remedies having a vitamin content, the Administration is unable to avoid the conclusion that vitamin references on any distilled spirit, wine or malt beverage label will lead a substantial number of consumers to believe that consumption of the product on which the label appears will be of curative or therapeutic benefit due to its vitamin content. In all the cases called to its attention, where the product was capable of and made for beverage use, the facts were such as to indicate that this consumer expectation would not be fulfilled. Therefore, in these cases the Administration has ruled that the references in question are in conflict with the regulatory provisions referred to above.

It is, of course, appreciated that there are on the market bona fide preparations for tonic and special dietary uses which are sold as such and not as beverages. With respect to such products, made with a base of distilled spirits, wine or malt beverages to which vitamins and possibly tonic ingredients have been added, the Administration is of the opinion that they are not subject to the labeling requirements of this Administration's regulations if they are sold to consumers under labels which clearly indicate that they are for dietary or tonic rather than beverage use and if their composition conforms to all requirements of the Federal Food, Drug and Cosmetic Act with respect to products so labeled.

[SEAL] W. S. ALEXANDER,  
Administrator.

[F. R. Doc. 40-1448; Filed, April 9, 1940;  
3:17 p. m.]

#### DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[ACP 1940]

#### AGRICULTURAL CONSERVATION PROGRAM BULLETIN, SPECIAL COUNTIES, KANSAS

APPLICABLE ONLY IN GRANT, GREELEY,  
HAMILTON, KEARNY, MORTON, SEWARD,  
STANTON, STEVENS, WALLACE, AND WICHITA  
COUNTIES

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Payments will be made in 1940 in Grant, Greeley, Hamilton, Kearny, Norton, Seward, Stanton, Stevens, Wallace, and Wichita Counties, Kansas, in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

SECTION 1. *Farm acreage allotments and goals.* The county committee with the assistance of other local committees in the county shall determine farm acreage allotments, restoration land, and soil-building goals in accordance

with the provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The soil-depleting acreage allotments determined for all farms in the county shall not exceed the county acreage allotments established for the county, and the sum of the acreage allotments for farms furnishing required forms and information shall not exceed their proportionate share of the respective county acreage allotments.

(a) *Wheat allotment.* Acreage allotments of wheat shall be determined for farms on which wheat has been planted for harvest in one or more of the years 1937, 1938, and 1939, on the basis of tillable acreage and crop rotation practices, as reflected in the usual acreage of wheat on the farm, or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in the county on which wheat was not planted for harvest in any one of the three years 1937, 1938, and 1939, but on which wheat is planted for harvest in 1940. This apportionment shall be made on the basis of the tillable acreage, crop rotation practices, type of soil, and topography. The wheat acreage allotment determined for any farm shall be comparable with the allotment determined for other farms in the same community which are similar with respect to such factors. In no event shall a wheat acreage allotment be determined for a farm which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or wind erosion control purposes. The wheat acreage allotments determined for farms in the county shall not exceed their proportionate share of the county wheat acreage allotment.

(1) *Non-wheat allotment farm* means (i) a farm for which no wheat acreage allotment is determined, (ii) a farm for which a wheat acreage allotment is determined and the persons having an interest in the wheat planted on the farm elect, in accordance with instructions issued by the Agricultural Adjustment Administration, to have such farm considered for the purposes of the 1940 program as a non-wheat allotment farm, or (iii) a farm which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion control purposes.

(2) *Acreage planted to wheat* means (a) any acreage seeded to wheat except when such crop is seeded in a mixture

containing 25 percent or more of winter barley or vetch and the crop when harvested contains the same proportions of threshed grain; (b) any acreage of volunteer wheat which is harvested or which remains on the land after May 1, 1940; and (c) any acreage of land which is seeded to a mixture containing wheat designated under (a) above but the crops other than wheat fail to reach maturity and the wheat is harvested for grain or hay or reaches maturity.

(b) *Total soil-depleting acreage allotment.* The total soil-depleting acreage allotment for any farm shall be determined on the basis of good soil management, tillable acreage, type of soil, topography, degree of erosion, and the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration wheat acreage allotments determined for the farm.

(c) *Restoration land.* Restoration land on any farm shall be designated on the basis of the land in the farm which was designated as restoration land under the 1938 or 1939 programs and any additional land in the farm which has been cropped at least once since January 1, 1930, but on which, because of its physical condition and texture and because of climatic conditions, a permanent vegetative cover should be restored: *Provided,* That new restoration land shall be designated only on a farm which is operated by the owner or where such designation has been approved by the owner in the case of a tenant-operated farm. The county committee shall designate practices to be carried out on restoration land determined to be in need of additional practices. Land formerly designated as restoration land may, if such land was improperly designated, be restored to its former cropland status, with the approval of the State committee, when offset by an equal acreage of land in the county which is properly designated for 1940 as restoration land.

(d) *Soil-building goal.* The soil-building goal for any farm shall be one soil-building practice unit for:

- (1) each acre of cropland;
- (2) each acre of restoration land; and
- (3) each 10 acres of grazing land in the farm.

The county committee shall determine which of the practices listed in Section 5 of this bulletin are applicable and the location and extent to which each such practice shall count toward meeting the soil-building goal for the farm.

The county committee may, upon prior notification to the operator, designate the location and extent of certain practices which must be carried out on the farm. If the operator fails to carry out such practices, the county committee may withhold all of the payment for the farm or they may withhold that

portion of the maximum farm payment for the farm which would have been earned by the carrying out of such designated practices.

Sec. 2. *Rates of payment*—(a) *County rate.* The county rate shall be as follows:

|               | Cents |
|---------------|-------|
| Grant.....    | 72    |
| Greeley.....  | 69    |
| Hamilton..... | 73    |
| Kearny.....   | 74    |
| Morton.....   | 67    |
| Seward.....   | 77    |
| Stanton.....  | 70    |
| Stevens.....  | 70    |
| Wallace.....  | 60    |
| Wichita.....  | 70    |

(b) *Maximum farm payment.* The maximum farm payment that may be made with respect to any farm in a county shall be the county rate, adjusted for productivity, multiplied by the sum of (1) the acreage of cropland, (2) the acreage of restoration land, and (3) one-tenth of the acreage of grazing land.

Sec. 3. *Yields and productivity indexes*—(a) *Wheat yields.* The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a wheat acreage allotment is determined or a deduction is computed a normal yield for wheat in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions:

(i) Where reliable records of the actual average yields per acre of wheat for the ten years 1929 to 1938 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions.

(ii) If for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield because wheat was not produced on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period.

(iii) The yields determined under subdivision (ii) of this subparagraph shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the wheat acreage allotments determined for such farms) shall not exceed the county yield established by the Secretary.

(b) *Productivity index.* A productivity index shall be established for each farm by the county committee, with the assistance of other local committees and with the approval of the State committee. Such productivity index shall be

based upon the normal yield of wheat per acre for the farm as compared with the normal yield of wheat per acre in the county. Where the normal yield of wheat does not accurately reflect the productivity of a farm, the yield of grain sorghums or any other crop, or any farming practice adopted during the year, that reflects the productivity of the farm may be used, provided that the productivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity. The average productivity index for all farms in the county shall not exceed 100.

**SEC. 4. Soil-depleting acreage.** Soil-depleting acreage means the acreage of land devoted during the 1940 crop year to one or more of the following crops or uses (land on which a volunteer crop is harvested shall be classified as if the crop had been planted):

- (1) Corn planted for any purpose, except sweet corn or popcorn grown in home gardens for use on the farm;
- (2) Grain sorghums planted for any purpose;
- (3) Sugar beets planted for any purpose;
- (4) Broomcorn planted for any purpose;
- (5) Mangels or cowbeets planted for any purpose;
- (6) Potatoes, annual truck or vegetable crops planted for any purpose, except when grown in home gardens for use on the farm;
- (7) Soybeans harvested for seed or when seed matures;
- (8) Field beans planted for any purpose, except when grown in home gardens for use on the farm or when incorporated into the soil as green manure;
- (9) Peas planted for canning, freezing, or dried peas, except when grown in home gardens for use on the farm or when incorporated into the soil as green manure;
- (10) Wheat planted, or regarded as planted, for any purpose on a wheat allotment farm;
- (11) Wheat on a non-wheat allotment farm, oats, barley, rye, emmer, speltz, or mixtures of these crops, harvested for grain or for any other purpose after reaching maturity;
- (12) Wheat on a non-wheat allotment farm, oats, barley, rye, emmer, speltz, or mixtures of these crops (including designated mixtures containing wheat on any farm), harvested for hay, except when such crops are used as nurse crops for legumes or perennial grasses which are seeded in a workmanlike manner and the nurse crop is cut green for hay;
- (13) Sudan grass or millet harvested for grain or seed;
- (14) Sweet sorghums harvested for grain, seed, or sirup; and

(15) Land summer fallowed and not protected from wind and water erosion by methods approved by the State committee.

**SEC. 5. Soil-building practices.** The soil-building practices listed in the following schedule shall count toward the achievement of the soil-building goal when carried out during the period January 1, 1940, through November 30, 1940, in accordance with specifications issued by the State committee with the approval of the Director of the Western Division, and when performed in a workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than one-half of the total cost of carrying out such practice one-half of such practice shall be counted toward the achievement of the soil-building goal; provided that labor, seed, and materials furnished to a State, a political subdivision of a State or an agency thereof by an agency of the same State shall not be deemed to have been furnished by "any State agency" within the meaning of this paragraph.

Full credit for meeting the soil-building goal will be given for any of the practices listed in the following schedule which are carried out under the Department's water facilities program if the entire cost of labor, materials, and equipment used in carrying out such practices is paid by the owner or operator or covered by a loan agreement executed by him. If a portion of such cost is not paid by the owner or operator or covered by a loan agreement executed by him and such portion constitutes less than one-half of such cost, one-half credit will be given. If such portion constitutes one-half or more of such cost, no credit for meeting the soil-building goal will be given for such practices.

Wind erosion control practices and restoration land measures carried out with the use of equipment furnished by the Soil Conservation Service on a farm which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion control purposes shall not (by virtue of

the use of such equipment) be deemed to have been paid for in whole or in part by a State or Federal agency.

#### Schedule of Soil-Building Practices

Where the county committee determines that the carrying out of any of Practices A-(1); A-(2); A-(3); B-(1); B-(2); or C-(9) has not resulted in the establishment of sufficient cover to adequately protect the land, credit will not be given for such practice unless the land on which sufficient cover was not established is deep listed in the fall of 1940.

A. Each acre of the following shall be counted as one unit:

- (1) Establishing a cover of sorghum in wide-spaced rows.
- (2) Establishing a cover of small grain stubble or for leaving on the land all growth of alfalfa after September 15, 1940.
- (3) Stripcropping.
- (4) Protecting summer fallow.

B. Each acre of the following shall be counted as two units:

- (1) Border planting of sorghums, including broomcorn and Sudan grass.
- (2) Contour farming of intertilled crops.
- (3) Green manure crops of which a good stand and a good growth is plowed or disked under on irrigated land.

C. Each of the following shall be counted as one unit:

- (1) Contour listing: 1½ acres.
- (2) Listing on non-irrigated cropland not otherwise protected from wind or water erosion during the period September 1 through November 30, 1940: 1½ acres.
- (3) Basin furrowing: 2 acres.
- (4) Pit cultivation: 4 acres.
- (5) Contour seeding of small grains: 3 acres.
- (6) Natural vegetative cover. All of the credit for this practice is to be given to the person determined to be the owner by the county committee: 4 acres.
- (7) Construction of 75 linear feet of standard terraces for which proper outlets are provided.
- (8) Protecting restoration land, which was properly designated as restoration land in 1938 or 1939, on which the county committee finds that no soil-building practice is needed in 1940 for the establishment of a permanent vegetative cover: 2 acres.
- (9) Leaving on land as protection against wind erosion the stalks of sorghums, including broomcorn and Sudan grass: ⅔ of an acre.

D. Each acre of the following shall be counted as six units:

- (1) Seeding alfalfa on irrigated land.

E. Each acre of the following shall be counted as four units:

- (1) Seeding perennial grasses and biennial sweet clover.

F. Each acre of the following shall be counted as ten units:

(1) Control of seriously infested plots of perennial noxious weeds designated by the Agricultural Adjustment Administration on cropland, in organized weed control areas, in accordance with good chemical or tillage methods.

G. Each of the following shall be counted as one unit when carried out on grazing land or restoration land on the farm:

- (1) Contour listing, furrowing, or subsoiling: 2500 linear feet.
- (2) Contour ridging: 500 linear feet.
- (3) Spreader terraces: 150 linear feet.
- (4) Reseeding grazing land or restoration land: 3 pounds of seed.

H. Each of the following shall be counted as one unit when carried out on grazing land on the farm:

- (1) Earthen reservoirs and dams: 5 cubic yards of earth moved.
- (2) Wells.
  - (i) For drilling or digging wells with casing not less than four inches in diameter, for the purpose of providing water for livestock:  $\frac{1}{3}$  of a foot.
  - (ii) For drilling wells with casing less than four inches in diameter, or for drilling an artesian well, for the purpose of providing water for livestock:  $\frac{3}{4}$  of a foot.

SEC. 6. Net farm payment or deduction. The net payment or net deduction computed for any farm in the county shall be the maximum farm payment less the sum of the following:

(a) Reductions for excess acreages of soil-depleting crops—(1) Wheat. 50 cents per bushel of the normal yield for the farm for each acre planted to wheat in excess of the wheat acreage allotment on a wheat allotment farm or in excess of its wheat acreage allotment or 10 acres, whichever is larger, on a nonwheat allotment farm.

(2) Total soil-depleting acreage. \$4.00, adjusted for productivity, for each acre of soil-depleting crops in excess of the total soil-depleting acreage allotment less the acreage for which deduction is made for exceeding the wheat acreage allotment.

(b) Failure to carry out soil-building practices. The county rate, adjusted for productivity, for each unit by which the soil-building goal is not reached.

(c) Cropping restoration land. \$3.00 for each acre of restoration land which is plowed or tilled in 1940 for any purpose other than tillage practices to protect the land from wind erosion or tillage operation in connection with the seeding of an approved non-depleting cover crop or permanent grass mixture.

(d) Breaking out native sod. \$3.00 for each acre of native sod or any other land on which a permanent vegetative cover has been established, broken out during the 1940 program year, less the

acreage broken out with the approval of the county committee as a good farming practice for which an acreage of cropland other than restoration land is restored to a permanent vegetative cover.

(e) Failure to prevent wind erosion. 25 cents per acre for each time wind erosion control methods recommended by the county committee are not carried out in 1940 by the date specified by the county committee.

SEC. 7. Division of payments and deductions. The net payment or net deduction computed with respect to any farm shall be divided between the landlord and tenant in proportion to the extent to which such landlord and tenant contributed to the carrying out of soil-building practices on the farm. The tenant shall be deemed to have contributed 80 percent and the landlord 20 percent to the carrying out of soil-building practices on the farm unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were different from such respective percentages, in which event such payment or deduction shall be divided in the proportion in which the county committee determines that each such person contributed to the carrying out of the soil-building practices on the farm. On any farm where there is more than one landlord, the division of the landlord's share of the net payment or net deduction between the several landlords shall be in proportion to the contribution made by each such landlord to the total soil-depleting acreage allotment determined for the farm, unless such landlord establishes to the satisfaction of the county committee that his respective contribution to carrying out the practices was different from such respective percentage, in which event such payment or deduction shall be divided in the proportion in which the county committee determines that such landlord contributed to the carrying out of the soil-building practices on the farm.

SEC. 8. Increase in small payments. The payment computed for any person with respect to any farm shall be increased as follows:

- (1) Any payment amounting to 71 cents or less shall be increased to \$1;
- (2) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent;
- (3) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

| Amount of payment computed: | Increase in payment |
|-----------------------------|---------------------|
| \$1.00 to \$1.99            | \$0.40              |
| \$2.00 to \$2.99            | .80                 |
| \$3.00 to \$3.99            | 1.20                |
| \$4.00 to \$4.99            | 1.60                |
| \$5.00 to \$5.99            | 2.00                |
| \$6.00 to \$6.99            | 2.40                |
| \$7.00 to \$7.99            | 2.80                |
| \$8.00 to \$8.99            | 3.20                |
| \$9.00 to \$9.99            | 3.60                |
| \$10.00 to \$10.99          | 4.00                |
| \$11.00 to \$11.99          | 4.40                |

| Amount of payment computed—Continued. | Increase in payment |
|---------------------------------------|---------------------|
| \$12.00 to \$12.99                    | \$4.80              |
| \$13.00 to \$13.99                    | 5.20                |
| \$14.00 to \$14.99                    | 5.60                |
| \$15.00 to \$15.99                    | 6.00                |
| \$16.00 to \$16.99                    | 6.40                |
| \$17.00 to \$17.99                    | 6.80                |
| \$18.00 to \$18.99                    | 7.20                |
| \$19.00 to \$19.99                    | 7.60                |
| \$20.00 to \$20.99                    | 8.00                |
| \$21.00 to \$21.99                    | 8.20                |
| \$22.00 to \$22.99                    | 8.40                |
| \$23.00 to \$23.99                    | 8.60                |
| \$24.00 to \$24.99                    | 8.80                |
| \$25.00 to \$25.99                    | 9.00                |
| \$26.00 to \$26.99                    | 9.20                |
| \$27.00 to \$27.99                    | 9.40                |
| \$28.00 to \$28.99                    | 9.60                |
| \$29.00 to \$29.99                    | 9.80                |
| \$30.00 to \$30.99                    | 10.00               |
| \$31.00 to \$31.99                    | 10.20               |
| \$32.00 to \$32.99                    | 10.40               |
| \$33.00 to \$33.99                    | 10.60               |
| \$34.00 to \$34.99                    | 10.80               |
| \$35.00 to \$35.99                    | 11.00               |
| \$36.00 to \$36.99                    | 11.20               |
| \$37.00 to \$37.99                    | 11.40               |
| \$38.00 to \$38.99                    | 11.60               |
| \$39.00 to \$39.99                    | 11.80               |
| \$40.00 to \$40.99                    | 12.00               |
| \$41.00 to \$41.99                    | 12.10               |
| \$42.00 to \$42.99                    | 12.20               |
| \$43.00 to \$43.99                    | 12.30               |
| \$44.00 to \$44.99                    | 12.40               |
| \$45.00 to \$45.99                    | 12.50               |
| \$46.00 to \$46.99                    | 12.60               |
| \$47.00 to \$47.99                    | 12.70               |
| \$48.00 to \$48.99                    | 12.80               |
| \$49.00 to \$49.99                    | 12.90               |
| \$50.00 to \$50.99                    | 13.00               |
| \$51.00 to \$51.99                    | 13.10               |
| \$52.00 to \$52.99                    | 13.20               |
| \$53.00 to \$53.99                    | 13.30               |
| \$54.00 to \$54.99                    | 13.40               |
| \$55.00 to \$55.99                    | 13.50               |
| \$56.00 to \$56.99                    | 13.60               |
| \$57.00 to \$57.99                    | 13.70               |
| \$58.00 to \$58.99                    | 13.80               |
| \$59.00 to \$59.99                    | 13.90               |
| \$60.00 to \$185.99                   | 14.00               |
| \$186.00 to \$199.99                  | ( <sup>1</sup> )    |
| \$200.00 and over                     | ( <sup>2</sup> )    |

<sup>1</sup> Increase to \$200.00.  
<sup>2</sup> No increase.

SEC. 9. Payments limited to \$10,000.

The total of all payments made in connection with programs for 1940 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization,

revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

SEC. 10. *Deductions incurred on other farms*—(a) *Other farms in the same county.* If a net deduction is computed with respect to any farm in a county, the landlord's or tenant's share of the net deduction shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farm or farms in such county.

(b) *Other farms in the State.* If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on the other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farm or farms in the State if the State committee finds that the crops grown and practices adopted on the farm or farms with respect to which such deductions are computed substantially offset the contribution to the program made on such other farm or farms.

SEC. 11. *Deduction for association expenses.* There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

SEC. 12. *General provisions relating to payments*—(a) *Payment restricted to effectuation of purposes of the program.* (1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned (a) if he adopts or has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs, (b) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (c) if, with respect to forest land or woodland owned or controlled by him, he adopts or has adopted any practice which the Agricultural Adjustment Administration finds is contrary to sound conservation practices.

(2) No payment will be made to any person with respect to any farm which such person owns or operates in a county if the county committee finds that such person has been negligent and careless in his farming operations by failing to carry out approved wind erosion control measures on land under his control to the extent that any part of such land has become a wind erosion

hazard in 1940 to other land in the community in which such farm is located.

(b) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in paragraph (d) of this section and indebtedness to the United States subject to set-off under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.* If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device, (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program.

(d) *Assignments.* Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as

security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with the instructions (ACP-70) issued by the Agricultural Adjustment Administration and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

Nothing contained in this paragraph (d) shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor (as provided in the statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

(e) *Excess cotton acreage.* Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted, during 1940, on land in any farm in which he has an interest, in excess of the cotton acreage allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton, or causes cotton to be planted on his farm in 1940 on acreage in excess of the cotton acreage allotment for the farm for 1940 shall not be eligible for any payment whatsoever, on that farm or any other farm, under the provisions of the 1940 program.

SEC. 13. *Application for payment*—(a) *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any person for whom, under the provisions of Section 7, a share in the payment with respect to the farm may be computed.

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office on or before a date fixed by the regional director but not later than March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such

notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

(c) *Applications for other farms.* If a person makes application for payment with respect to one farm in a county, such person must make application for payment with respect to all farms which he operates or rents to other persons. Upon request by the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another for cash.

SEC. 14. *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment, usual acreage, normal or actual yield, measurement, or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

SEC. 15. *State and regional bulletins, instructions, and forms.* The Agricultural Adjustment Administration is here-

by authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1940 program pursuant to the provisions hereof.

SEC. 16. *Definitions.* For the purposes of the 1940 program, unless the context otherwise requires:

(a) *Officials.* (1) *Secretary* means the Secretary of Agriculture of the United States.

(2) *Regional director* means the director of the division of the Agricultural Adjustment Administration in charge of the agricultural conservation programs in the region.

(3) *State committee or State agricultural conservation committee* means the group of persons designated within the State to assist in the administration of the agricultural conservation programs in the State.

(4) *County committee or county agricultural conservation committee* means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in such county.

(b) *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 in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) *Cropland* means farm land which in 1939 was tilled or was in regular rotation, excluding restoration land and any land which constitutes, or will constitute if such tillage is continued, a wind erosion hazard to the community.

(d) *Miscellaneous.* (1) *Person* means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(2) *Landlord or owner* means a person who owns land and rents such land to another person or operates such land.

(3) *Sharecropper* means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a

share of a crop produced thereon or of the proceeds thereof.

(4) *Tenant* means a person other than sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

(5) *Grazing land* means pasture land other than rotation pasture land on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

SEC. 17. *Authority, availability of funds, and applicability.* (a) 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, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1940, payments will be made for participation in the 1940 program for Grant, Greeley, Hamilton, Kearny, Morton, Seward, Stanton, Stevens, Wallace, and Wichita Counties in Kansas, in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

(b) The provisions of the 1940 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amount of such payments in any county will necessarily be within the limits finally determined by such appropriation, the final estimate of payments which would be made in the county under the 1940 National Agricultural Conservation Program, and the extent of participation in such county. *As an adjustment for participation, the rates of payment and deduction specified herein may be increased or decreased by as much as 10 percent.*

(c) *Applicability.* The provisions of this bulletin are applicable only to Grant, Greeley, Hamilton, Kearney, Morton, Seward, Stanton, Stevens, Wallace, and Wichita Counties in Kansas and are not applicable to public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

Done at Washington, D. C., this 9th day of April 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 40-1449; Filed, April 9, 1940; 3:47 p. m.]

## FEDERAL SURPLUS COMMODITIES CORPORATION.

SURPLUS COMMODITIES BULLETIN No. 5

APRIL 9, 1940.

Effective midnight, E. S. T., April 14, 1940, Surplus Commodities Bulletin No. 4,<sup>1</sup> approved November 29, 1939, is hereby canceled.

Effective 12:01 A. M., E. S. T., April 15, 1940, and until further notice, the following agricultural commodities and products thereof are hereby designated as surplus foods and, subject to the applicable Regulations and Conditions, may be exchanged for blue surplus food order stamps in any retail food store, as defined by the Secretary of Agriculture, in all areas which have been heretofore or which hereafter may be designated:

Butter.  
Raisins.  
Rice.  
Pork Lard.  
Pork.<sup>2</sup>  
Corn Meal.  
Shell Eggs.  
Dried Prunes.  
Fresh Pears.  
Fresh Apples.  
Fresh Oranges.  
Fresh Grapefruit.  
Hominy Grits.  
Dry Edible Beans.  
Wheat Flour and Whole Wheat (Graham) Flour.

[CORPORATION SEAL] By MILO PERKINS.

Approved, April 10, 1940.

H. A. WALLACE,  
*Secretary of Agriculture.*

[F. R. Doc. 40-1453; Filed, April 10, 1940; 11:27 a. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 247]

IN THE MATTER OF THE APPLICATION OF PENNSYLVANIA-CENTRAL AIRLINES CORP. FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938

[Docket No. 296]

IN THE MATTER OF THE CERTIFICATION BY THE POSTMASTER GENERAL PURSUANT TO SECTION 401 (N) OF THE CIVIL AERONAUTICS ACT OF 1938 WITH RESPECT TO THE TRANSPORTATION OF MAIL BY AIRCRAFT BETWEEN PITTSBURGH, PA., AND BUFFALO, N. Y., BY WAY OF ERIE, PA., AND YOUNGSTOWN, OHIO

## NOTICE OF HEARING

The Authority, by its order of April 2, 1940, having granted the petition of

<sup>1</sup> 4 F.R. 4725.<sup>2</sup> Pork shall include all cuts, fresh, including chilled or frozen, pickled, salted, cured, or smoked, but not cooked or packed in metal or glass containers.

Pennsylvania-Central Airlines Corp., for further hearing before decision of the Authority in the above-entitled proceeding, insofar as it relates to the transportation of mail by aircraft between Pittsburgh, Pa., and Buffalo, N. Y., via Youngstown, Ohio and Erie, Pa., said hearing is hereby assigned for April 23, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th Street, N. W., Washington, D. C., before Examiners Francis W. Brown and Thomas L. Wrenn.

Dated Washington, D. C., April 8, 1940.

FRANCIS W. BROWN,  
THOMAS L. WRENN,  
*Examiners.*

[F. R. Doc. 40-1450; Filed, April 10, 1940; 10:46 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 9th day of April, A. D. 1940.

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

[Docket No. 3951]

IN THE MATTER OF LOUIS ESTRIN, CHARLES ESTRIN, SIDNEY ESTRIN, ESTHER ESTRIN, AND BELLE ESTRIN, INDIVIDUALS, TRADING AS HUDSON PUR DYEING COMPANY

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 an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered,* That Lewis C. Russell, 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 Wednesday, April 17, 1940, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

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 upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
*Secretary.*

[F. R. Doc. 40-1451; Filed, April 10, 1940; 10:56 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[No. 28300]

CLASS RATES INVESTIGATION, 1939

[No. 28310]

CONSOLIDATED FREIGHT CLASSIFICATION ORDER EXTENDING DATES FOR FURNISHING INFORMATION

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 30th day of March, A. D. 1940.

Upon consideration of respondents' petition dated March 22, 1940, in the above-entitled proceedings, praying for postponement of the dates fixed for compiling or furnishing certain information required by orders of January 9, 1940,<sup>1</sup> in Nos. 28300 and 28310 jointly, and in No. 28310 separately, for such time as will be necessary for compliance with said orders or as they may be amended upon a petition for modification of said orders which respondents intend to file shortly:

*It is ordered,* That the dates fixed in said orders of January 9, 1940, for compiling or furnishing the information therein described be, and it is hereby, extended to June 1, 1940.

By the Commission, division 2.

[SEAL] W. P. BARTEL,  
*Secretary.*

[F. R. Doc. 40-1452; Filed, April 10, 1940; 11:00 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 offices in the City of Washington, D. C., on the 8th day of April, A. D. 1940.

[File No. 20-675A1]

IN THE MATTER OF AN OFFERING SHEET FILED BY FRASER RIVER GAS & OIL SYNDICATE, RESPONDENT, ON MARCH 22, 1940, COVERING NONPRODUCING PARTICIPATING INTERESTS IN THE FRASER-BARLEY LEASE

ORDER FOR HEARING AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having on March 29, 1940, pursuant to Rule 340 (a) of the General Rules and Regulations under the Securities Act of 1933, entered an order temporarily suspending the effectiveness of the offering sheet, filed on March 22, 1940, by Fraser River Gas & Oil Syndicate, covering nonproducing participating interests in the Fraser-Barley Lease, and the respondent having filed a written request for a hearing in ac-

<sup>1</sup> 5 F.R. 202, 205.



cordance with the provisions of said Rule;

*It is ordered,* Pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, that a hearing be held for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such General Rules and Regulations in the respect, or respects, noted in the Temporary Suspension Order entered on the 29th day of March, 1940; and

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*It is further ordered,* That Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

*It is further ordered,* That the taking of testimony in this proceeding com-

mence on the 19th day of April, 1940, at 10:00 o'clock in the morning, at the principal office of the Securities and Exchange Commission, Room 1102A, 1778 Pennsylvania Avenue, NW., Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon the completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-1454; Filed, April 10, 1940;  
11:32 a. m.]