FEDERAL REGISTER

VOLUME 4 NUMBER 175

Washington, Tuesday, September 12, 1939

The President

PROCLAIMING THE NEUTRALITY OF THE UNITED STATES IN THE WAR BETWEEN GERMANY, ON THE ONE HAND, AND CANADA, ON THE OTHER HAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a state of war unhappily exists between Germany, on the one hand, and Canada, on the other hand;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that all of the provisions of my proclamation of September 5, 1939,[1] proclaiming the neutrality of the United States in a war between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand apply equally in respect to Canada.

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

DONE at the city of Washington this 10th day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2359]

[F. R. Doc. 39-3324; Filed, September 11, 1939; 12:27 p. m.]

[1] 4 F.R. 3809 DI.

EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR TO CANADA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 1 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended February 29, 1936, provides in part as follows:

"Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to any belligerent state named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state."

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution, do hereby proclaim that all of the provisions of my

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THE PRESIDENT

RULES, REGULATIONS, ORDERS

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FEDERAL REGISTER

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proclamation of September 5, 1939,[1] in regard to the export of arms, ammunition, and implements of war to France; Germany; Poland; and the United Kingdom, India, Australia, and New Zealand, henceforth apply to Canada.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

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

DONE at the city of Washington this 10th day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2360]

[F. R. Doc. 39-3325; Filed, September 11, 1939; 12:27 p. m.]

[1] 4 F.R. 3819 DI.

WORLD'S FAIR, NEW YORK CITY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS there is now in progress at New York City a World's Fair for the purpose of celebrating the one hundred and fiftieth anniversary of the inauguration of the first President of the United States of America and of the establishment of the national government in the city of New York; and

WHEREAS it has been made evident that through the medium of the World's Fair at New York peaceful intercourse between nations is promoted, and the exchange of ideas, experience, and technical knowledge between many parts of the earth has been encouraged; and

WHEREAS, especially at the present time, it is fitting and proper that the ideal of peaceful intercourse be firmly maintained as offering the only ultimate hope towards progress and peace; and

WHEREAS a Joint Resolution of Congress, approved June 15, 1936, reads in part as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and respectfully requested by proclamation, or in such manner as he may deem proper, to invite foreign countries and nations to such proposed world's fair with a request that they participate therein.";

AND WHEREAS by proclamation dated the sixteenth day of November, 1936,[1] in compliance with the aforesaid Joint Resolution, I invited the participation of the nations in this World's Fair, and many nations are presently participating therein:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in compliance with the aforesaid Joint Resolution of Congress, do invite the nations presently participating in the said World's Fair to continue their participation therein during the calendar year 1940, or such part thereof as may seem appropriate.

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

DONE at the city of Washington this 8th day of September in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2358]

[F. R. Doc. 39-3326; Filed, September 11, 1939; 12:27 p. m.]

[1] 1 F.R. 1978.

ENLARGING THE CHATTAHOOCHEE NATIONAL FOREST—GEORGIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain lands adjacent to the Chattahoochee National Forest within the State of Georgia have been acquired or may hereafter be acquired by the United States under authority of the act of March 1, 1911, c. 186, 36 Stat. 961 (U.S.C., title 16, sec. 516), as amended by the act of June 7, 1924, 43 Stat. 653 (U.S.C., title 16, sec. 515); and

WHEREAS it appears that the said lands are suitable for national-forest purposes and that it would be in the public interest to reserve them as a part of the Chattahoochee National Forest;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103 (U.S.C., title 16, sec. 471), and the act of June 4, 1897, 30 Stat. 34, 36 (U.S.C., title 16, sec. 473), and the abovementioned act of March 1, 1911, as amended, do proclaim (1) that all lands of the United States within the area hereinafter described, and shown on the diagram attached hereto and made a part hereof,[1] are hereby added to and reserved as part of the Chattahoochee National Forest in the State of Georgia, and that all lands within such area which may hereafter be acquired by the United States under authority of the aforesaid act of March 1, 1911, as amended, shall upon acquisition of title thereto become, and be administered as, part of the said Chattahoochee National Forest:

Lying and being on the watersheds of Armuchee and Mill Creeks, the Chattooga and Oostanaula Rivers, tributaries of the Coosa River and Chickamauga Creek, a tributary of the Tennessee River, in Catoosa, Chatooga, Floyd, Gordon, Walker, and Whitfield Counties, Georgia;

Beginning at the intersection of Georgia Highways #2 and #95, at the western foot of Taylor Ridge, approximately six miles east of LaFayette, Georgia;

Thence, northeastwardly, along Georgia Highway #95, approximately one and three-quarter miles to its intersection with the county road to Ringgold;

Thence, northeastwardly along the county road to Ringgold, crossing the Walker-Catoosa County Line, approximately thirteen and one-half miles to the intersection of said road with the center of south Chickamauga Creek, on the south edge of Ringgold;

Thence, southeastwardly with the center of South Chickamauga Creek, crossing the N. C. & St. L. Railroad three times, approximately three miles to the mouth of East Chickamauga Creek;

Thence, southwardly, along the center of East Chickamauga Creek crossing the N. C. & St. L. Railroad three times, four and a half miles to its intersection with the county road up Dogwood Valley;

Thence, southwardly along the county road up Dogwood Valley, crossing the Catoosa-Whitfield County Line, approximately four and one-half miles to its intersection with the Trickum-Nickajack Gap Road;

Thence, westwardly, along the Nickajack Gap Road, approximately one-quarter of a mile to its intersection with a county road to the south;

Thence, southwardly, along the county road, approximately two and three-quarter miles to its intersection with the Georgia Highway #2;

Thence, southwardly along Georgia Highway #2, approximately two and one-half miles to its intersection with the Whitfield-Walker County Line;

Thence, east with the Whitfield-Walker County Line approximately two and one-half miles to its intersection with the county road down Mill Creek;

Thence, northeastwardly and then northwardly along the county road down Mill Creek, approximately seven and one-half miles to its intersection with U. S. Highway #41, Georgia Highways #2 and #3 near Rocky Face;

Thence, southeastwardly along U. S. Highway #41, Georgia Highways #2 and #3, crossing Mill Creek, approximately one and three-quarter miles to its intersection with a county road to the south;

Thence, southwardly along the county road to the south, crossing the Southern Railroad and Swamp Creek, approximately eleven and one-quarter miles to Carbondale;

Thence, southwardly, continuing along the county road, crossing the Southern Railroad twice, and crossing Blue Spring Creek, passing the Whitfield-Gordon County Line, approximately three and a quarter miles to Hill City;

Thence, southwestwardly, continuing along the county road, approximately two and one-quarter miles to its intersection with Georgia Highway #143;

Thence, southwardly along Georgia Highway #143, approximately one-half mile to its intersection with a county road to the southwest;

Thence, southwestwardly and then southwardly, along the county road, crossing Snake and Bow Creeks, approximately nine miles to its intersection with the county road between Reeves and Curryville;

Thence, southwestwardly along the county road to Curryville, approximately one-half mile to its intersection with the county road to Everett Springs;

Thence, northwestwardly, along the county road to Everett Springs, crossing Rocky and Johns Creeks and the Gordon-Floyd County Line, approximately five and one-quarter miles to its intersection with the county road between Everett Springs and Rosedale;

Thence, southwardly, along the county road, approximately four miles to Rosedale;

Thence, southwestwardly along the county road, crossing Muck and Lovejoy Creeks, approximately three miles to Floyd Springs;

Thence, southwardly along the paved county road, approximately one mile to its intersection with a county road from the southwest;

Thence, southwestwardly, along the county road, approximately two miles to its intersection with the county road up Armuchee Creek;

Thence, northwestwardly, along the county road up Armuchee Creek, approximately two and three-quarter miles to its intersection with the Floyd-Chattooga County Line;

Thence, southwestwardly along the county line, crossing Armuchee Creek, approximately one-third of a mile to its intersection with the county road up Sand Mountain;

Thence, southwestwardly along the county road, approximately one and three-quarter miles to its intersection with U. S. Highway #27, Georgia Highway #1, one-third of a mile northwest of Crystal Springs;

Thence, southeastwardly, with U. S. Highway #27, Georgia Highway #1, one-third of a mile to Crystal Springs, Georgia;

Thence, southwardly and then southwestwardly, along the county road up Big Texas Valley approximately ten miles to its intersection with the old Kitchen Gap Road, from the northwest;

Thence, northwestwardly along the old Kitchen Gap Road, crossing the Floyd-Chattooga County line at the top of Simms Mountain, approximately one and three quarter miles to its intersection with the Holland-Rome County Road;

Thence, northwardly, along the county road, approximately three quarters of a mile to its intersection with the Central of Georgia Railroad at Holland, Georgia;

Thence, northeastwardly along the Central of Georgia Railroad, approximately one mile to its intersection with the county road to Summerville, Georgia;

Thence, northwestwardly and then northwardly along the county road, approximately two miles to its intersection with the county road to Gore, Georgia;

Thence, northwardly along the county road to Summerville, approximately two and one-half miles to its intersection with an old county road along the western foot of Taylor Ridge;

Thence, northeastwardly along the county road and the foot of Taylor Ridge, approximately five miles to its intersection with U. S. Highway #27, Georgia Highway #1;

[1] See page 3861.

Thence, northeastwardly, along the county road known as the Old Alabama Road, approximately seven and one-half miles to its intersection with the Trion-Subligna County Road;

Thence, northeastwardly, continuing along the county road known as the Old Alabama Road, crossing the Chattooga-Floyd County Line, and Cane Creek, approximately ten and one-half miles to its intersection with Georgia Highway #2 at Naomi;

Thence, northeastwardly, along Georgia Highway #2, approximately one and one-half miles to the point of beginning; CONTAINING a total of 231,500 acres, be the same more or less.

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 sixth day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2355]

[F. R. Doc. 39-3310; Filed, September 9, 1939; 11:45 a. m.]

CACHE NATIONAL FOREST—IDAHO AND UTAH

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it appears that the public lands in the hereinafter-described area, in Utah, within a grazing district established by the Secretary of the Interior April 8, 1935, under the provisions of section 1 of the act of June 28, 1934 (ch. 865, 48 Stat. 1269; 43 U.S.C. 315), lie within a watershed forming a part of the Cache National Forest and can best be administered in connection with such national forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the authority vested in me by section 13 of the aforesaid act of June 28, 1934 (43 U.S.C. 315L), section 24 of the act of March 3, 1891 (26 Stat. 1103), as amended (16 U.S.C. 471), and the act of June 4, 1897 (30 Stat. 36; 16 U.S.C. 473), do proclaim that the following-described lands are hereby placed within and made a part of the Cache National Forest, and that such lands shall be subject to all the laws and regulations relating to national forests:

SALT LAKE MERIDIAN

T. 10 N., R. 1 W.,
sec. 4, W½;
secs. 5 to 8, inclusive;
sec. 9, W½, SE¼;
secs. 16 to 21, inclusive;
sec. 22, W½;
sec. 26, S½;
sec. 27, W½, SE¼;
secs. 28 to 36, inclusive;
T. 11 N., R. 1 W.,
sec. 7, W½;
sec. 18, W½E½, W½;
secs. 19, 29, 30, 31, and 32;
sec. 33, W½W½;
T. 10 N., R. 2 W.,
secs. 1, 2, and 3;
sec. 4, E½E½;
secs. 10 to 14, inclusive;
sec. 15, NE¼;
sec. 23, N½, SE¼;
secs. 24 and 25;
sec. 36, E½;
T. 11 N., R. 2 W.,
sec. 1, W½, SE¼;
secs. 2 to 4 and secs. 9 to 16, inclusive;
sec. 21, N½, SE¼;
secs. 22 to 27, inclusive;
sec. 28, E½E½;
sec. 33, E½E½;
secs. 34, 35, and 36;
T. 12 N., R. 2 W.,
secs. 26 to 28 and secs. 33 to 35, inclusive;
sec. 36, SW¼;
aggregating 43,331.83 acres.

The reservation made by this proclamation shall, as to all lands to which legal rights have been acquired under any of the public-land laws or which are reserved for any public purpose, be subject to, and shall not interfere with or defeat such legal rights or prevent the use for such public purpose of lands so reserved, so long as such rights are legally maintained or such reservation remains in force.

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 sixth day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2356]

[F. R. Doc. 39-3311; Filed, September 9, 1939; 11:45 a. m.]

SHAWNEE NATIONAL FOREST—ILLINOIS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain lands within the State of Illinois have been acquired or are in process of acquisition by the United States of America under the authority of the act of March 1, 1911, 36 Stat. 961, 962 (U.S.C., title 16, sec. 516), as amended by the act of June 7, 1924, 43 Stat. 653 (U.S.C., title 16, sec. 515), the act of March 31, 1933, c. 348, 48 Stat. 22 (U.S.C., title 16, sec. 585), the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195, 202, U.S.C., title 40, sec. 403), the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, 49 Stat. 115, and Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, U.S.C., title 7, sec. 1010); and

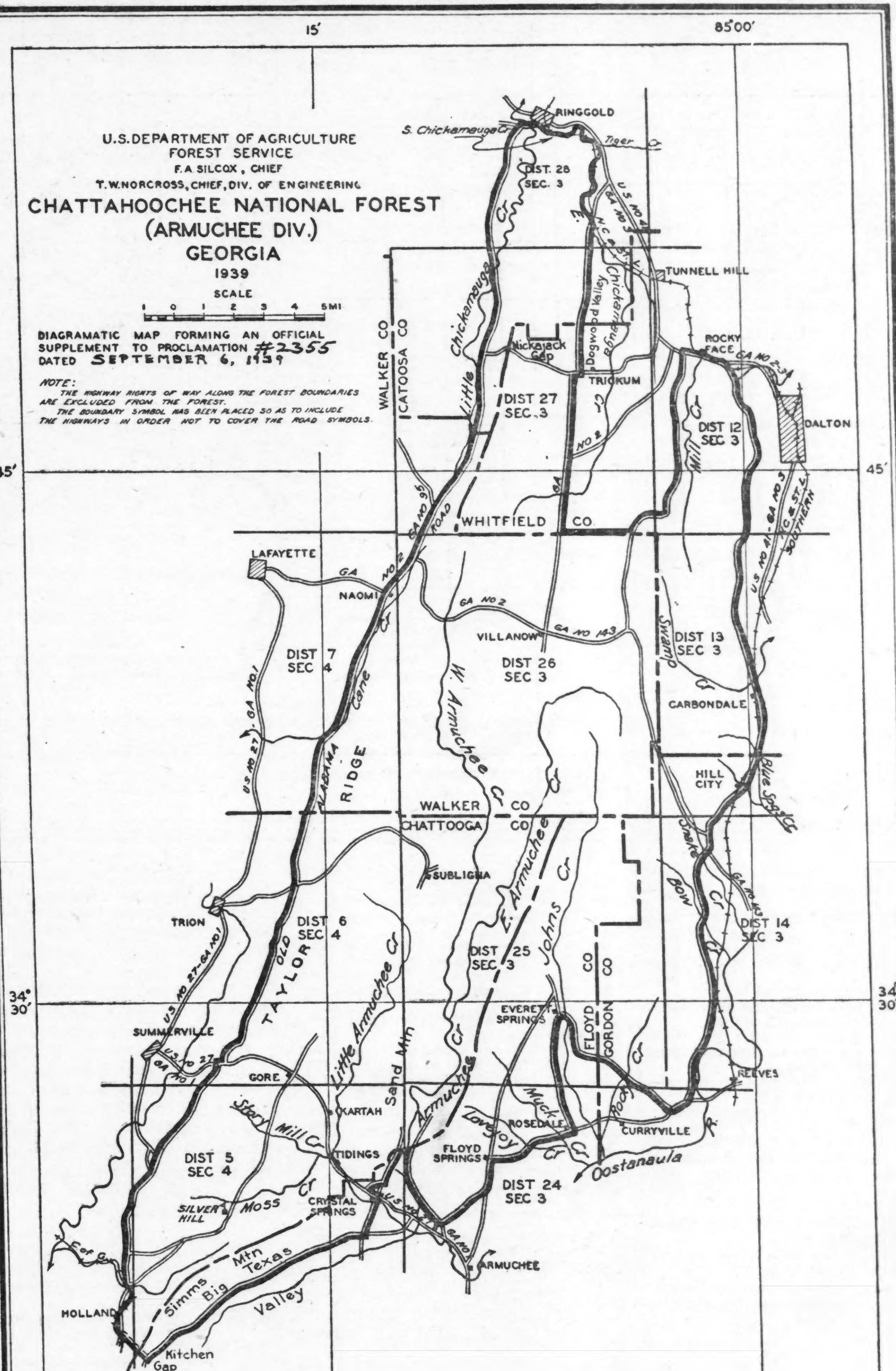
WHEREAS it appears that it would be in the public interest to give such lands, together with any intermingled public lands, a national-forest status:

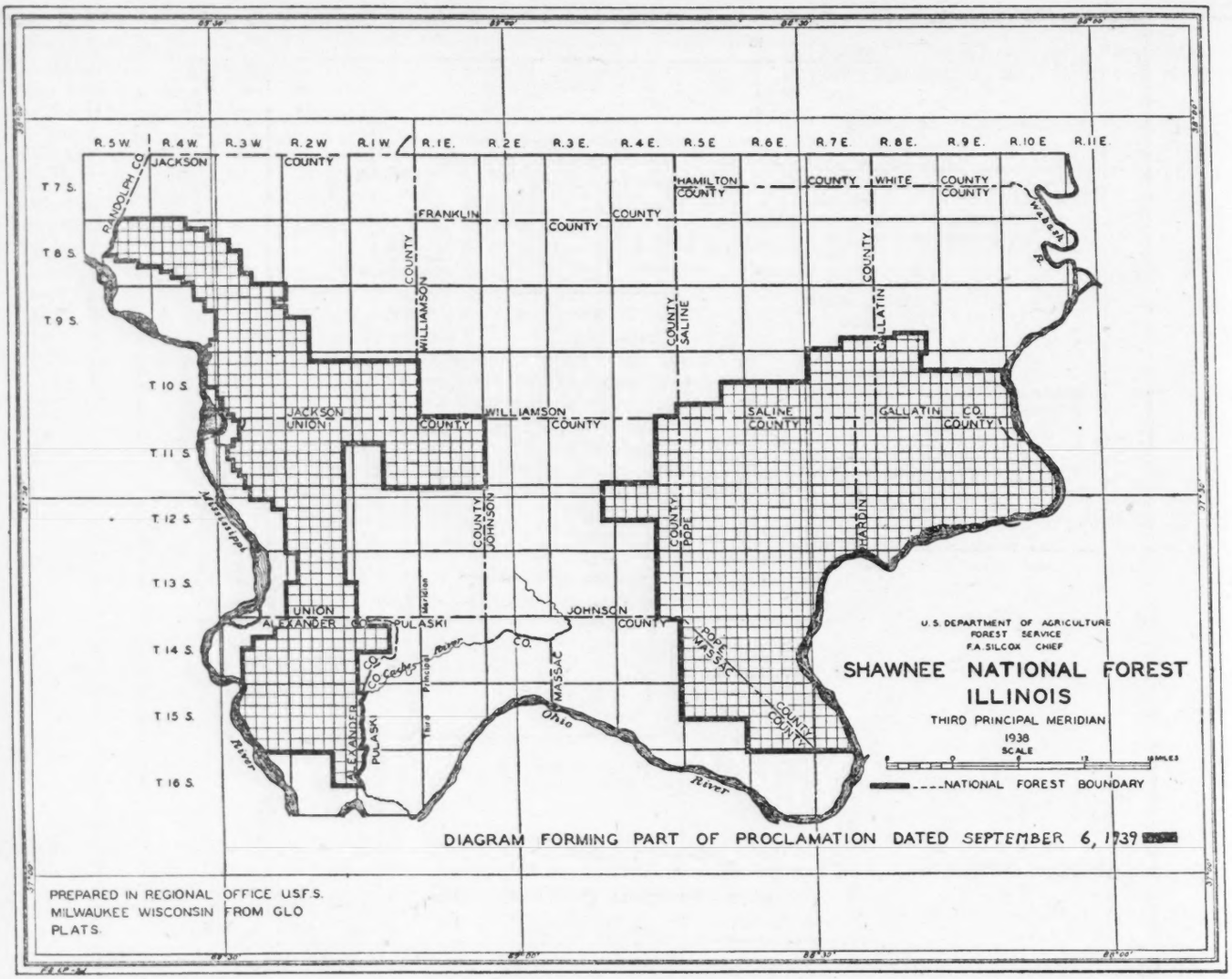
NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103 (U.S.C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U.S.C., title 16, sec. 473), and the acts above mentioned, do proclaim (1) that there are hereby reserved and set apart as the Shawnee National Forest all lands of the United States within the areas hereinafter described and shown on the diagram attached hereto and made a part hereof,[1] and (2) that all lands within such boundaries which are now in process of acquisition by the United States under authority of any of the above-mentioned acts shall upon acquisition of title become and be administered as part of said Forest:

THIRD PRINCIPAL MERIDIAN

T. 8 S., R. 3 W., secs. 18 to 20, inclusive; secs. 29 to 33, inclusive.
T. 8 S., R. 4 W., secs. 4 to 11, inclusive; secs. 13 to 28, inclusive; N½ sec. 29; N½ sec. 34, secs. 35 and 36.
T. 8 S., R. 5 W., secs. 1 and 2; all that part of secs. 3, 4, and 9 lying in Jackson County; secs. 10 to 15, inclusive; all that part of sec. 16 lying in Jackson County; N½ of secs. 22 and 23; sec. 24.
T. 9 S., R. 7 E., secs. 34 to 36, inclusive.
T. 9 S., R. 8 E., SW¼ sec. 26; S½ of secs. 27 and 28; secs. 31 to 34, inclusive; W½ sec. 35.
T. 9 S., R. 2 W., secs. 19 and 20; secs. 29 to 32, inclusive.
T. 9 S., R. 3 W., secs. 1 to 11, inclusive; secs. 13 to 36, inclusive.
T. 9 S., R. 4 W., secs. 1, 2, and 12; all that part of the S½ sec. 35 lying east of the Mississippi River; NE¼ and all that part of the S½ of sec. 36 lying east of the Mississippi River.
T. 10 S., R. 5 E., secs. 23 to 26, inclusive; secs. 31 to 36, inclusive.
T. 10 S., R. 6 E., secs 19 to 36, inclusive.
T. 10 S., R. 7 E., all.
T. 10 S., R. 8 E., secs. 3 to 10, inclusive; secs. 13 to 36, inclusive.
T. 10 S., R. 9 E., all that part of sec. 13 lying west of the Ohio River; secs. 14 to 23, inclusive; all that part of sec. 24 lying west of the Ohio River; secs. 25 to 36, inclusive.
T. 10 S., R. 10 E., all that part of secs. 19, 30, and 31 lying west of the Ohio River.
T. 10 S., R. 1 W., secs. 7 to 36, inclusive.
T. 10 S., R. 2 W., secs. 5 to 36, inclusive.
T. 10 S., R. 3 W., secs. 1 to 29, inclusive; E½ sec. 30, N½ and SE¼ of sec. 32; secs. 33 to 36, inclusive.
T. 10 S., R. 4 W., all that part of secs. 1, 11, 12, 13, and 14 lying east of the Mississippi River.
T. 11 S., R. 1 E., all.
T. 11 S., R. 4 E., secs. 1 and 2; secs. 11 to 14, inclusive; secs. 23 to 26, inclusive; secs. 35 and 36.
Tps. 11 S., Rs. 5, 6, 7, 8, and 9 E., all.
T. 11 S., R. 10 E., all that part lying west of the Ohio River.
T. 11 S., R. 1 W., secs. 1 to 15, inclusive; secs. 22 to 27, inclusive; secs. 34 to 36, inclusive.

[1] See page 3862.


U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
F.A. SILCOX, CHIEF
T.W. NORCROSS, CHIEF, DIV. OF ENGINEERING
CHATTAHOOCHEE NATIONAL FOREST
(ARMUCHEE DIV.)
GEORGIA
1939
SCALE
1 0 1 2 3 4 5 MI
DIAGRAMATIC MAP FORMING AN OFFICIAL SUPPLEMENT TO PROCLAMATION #2355 DATED SEPTEMBER 6, 1939
NOTE:
THE HIGHWAY RIGHTS OF WAY ALONG THE FOREST BOUNDARIES ARE EXCLUDED FROM THE FOREST.
THE BOUNDARY SYMBOL HAS BEEN PLACED SO AS TO INCLUDE THE HIGHWAYS IN ORDER NOT TO COVER THE ROAD SYMBOLS.
15'
85°00'
45'
34° 30'
RINGGOLD
S. Chickamauga Cr
Tiger Cr
DIST. 28 SEC. 3
TUNNELL HILL
ROCKY FACE
DALTON
Nickajack Gap
TRICKUM
DIST 27 SEC. 3
DIST 12 SEC 3
WALKER CO
CATOOSA CO
WHITFIELD CO
LAFAYETTE
NAOMI
VILLANOW
DIST 7 SEC 4
DIST 26 SEC 3
DIST 13 SEC 3
CARBONDALE
HILL CITY
ALABAMA RIDGE
WALKER CO
CHATTOOGA CO
SUBLIGNA
TRION
DIST 6 SEC 4
DIST 25 SEC 3
DIST 14 SEC 3
TAYLOR OLD
SUMMERVILLE
EVERETT SPRINGS
FLOYD CO
GORDON CO
GORE
KARTAH
REEVES
ROSEDALE
CURRYVILLE
TIDINGS
FLOYD SPRINGS
DIST 5 SEC 4
DIST 24 SEC 3
Oostanaula R.
SILVER HILL
Moss Cr
CRYSTAL SPRINGS
ARMUCHEE
HOLLAND
Simms Big Mtn
Texas Valley
Kitchen Gap
PREPARED IN REGIONAL OFFICE, ATLANTA GA.



T. 11 S., R. 2 W., secs. 1 to 12, inclusive; secs. 14 to 23, inclusive; secs. 26 to 35, inclusive.
T. 11 S., R. 3 W., secs. 1 to 4, inclusive; secs. 9 to 16, inclusive; NE¼ and S½ of sec. 17; N½ and SE¼ of sec. 20; secs. 21 to 28, inclusive; NE¼ sec. 29; E½ sec. 33; secs. 34 to 36, inclusive.
T. 12 S., R. 3 E., secs. 1, 12, and 13.
T. 12 S., R. 4 E., secs. 1 to 18, inclusive; secs. 23 to 26, inclusive; secs. 35 and 36.
Tps. 12 S., Rs. 5, 6, and 7 E., all.
Tps. 12 S., Rs. 8 and 9 E., all that part lying north of the Ohio River.
T. 12 S., R. 10 E., all that part lying north and west of the Ohio River.
T. 12 S., R. 2 W., secs. 2 to 11, inclusive; secs. 14 to 23, inclusive; secs. 26 to 35, inclusive.
T. 12 S., R. 3 W., secs. 1, 2, 3, and 12.
T. 13 S., R. 4 E., secs. 1 and 2; secs. 11 to 14, inclusive; secs. 23 to 26, inclusive; secs. 35 and 36.
Tps. 13 S., Rs. 5 and 6 E., all.
T. 13 S., R. 7 E., all that part lying northeast and west of the Ohio River.
T. 13 S., R. 8 E., all that part lying north of the Ohio River.
T. 13 S., R. 2 W., secs. 2 to 5, inclusive; secs. 8 to 11, inclusive; secs. 14 to 17, inclusive; secs. 19 to 36, inclusive.
T. 14 S., R. 5 E., all.
T. 14 S., R. 6 E., all that part lying west of the Ohio River.
T. 14 S., R. 1 W., secs. 7 to 9, inclusive; secs. 16 to 18, inclusive.
T. 14 S., R. 2 W., all.
T. 14 S., R. 3 W., secs. 12 to 15, inclusive; secs. 21 to 28, inclusive; secs. 33 to 36, inclusive.
T. 15 S., R. 5 E., secs. 1 to 18, inclusive.
T. 15 S., R. 6 E., all.
T. 15 S., R. 7 E., all that part lying west of the Ohio River.
T. 15 S., R. 1 W., all that part of secs. 7, 18, 19, and 30 lying west of the Cache River, and that part of sec. 31 lying west and south of the Cache River.
T. 15 S., R. 2 W., all.
T. 15 S., R. 3 W., all that part lying east of the Mississippi River.
T. 16 S., R. 1 W., all that part of secs. 6, 7, and 18 lying west of the Cache River.
T. 16 S., R. 2 W., secs. 1, 2, and 11; all that part of secs. 12 and 13 lying west of the Cache River; sec. 14.

The reservation made by this proclamation shall as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than classification, be subject to and shall not interfere with or defeat legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

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 sixth day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2357]

[F. R. Doc. 39-3312; Filed, September 9, 1939; 11:45 a. m.]

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE ENFORCEMENT OF THE NEUTRALITY OF THE UNITED STATES

WHEREAS, under the treaties of the United States and the law of nations it is the duty of the United States, in any war in which the United States is a neutral, not to permit the commission of unneutral acts within the jurisdiction of the United States;

AND WHEREAS, a proclamation was issued by me on the 8th day of September [1] declaring the neutrality of the United States of America in the war now existing between Germany, on the one hand, and the Union of South Africa, on the other hand:

NOW, THEREFORE, in order to make more effective the enforcement of the provisions of said treaties, law of nations, and proclamation, I hereby prescribe that the provisions of my Executive Order No. 8233 of September 5, 1939,[2] prescribing regulations governing the enforcement of the neutrality of the United States, apply equally in respect to the Union of South Africa.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
8th September, 1939.

[No. 8243]

[F. R. Doc. 39-3299; Filed, September 8, 1939; 3:08 p. m.]

EXECUTIVE ORDER

AUTHORIZING AN INCREASE IN THE STRENGTH OF THE ARMY

WHEREAS a proclamation issued by me on September 8, 1939,[1] proclaimed that a national emergency exists in connection with and to the extent necessary for the proper observance, safeguarding, and enforcing of the neutrality of the United States and the strengthening of our national defense within the limits of peace-time authorizations; and

WHEREAS the authorized enlisted strength of the active list of the Regular Army in peace time is 280,000 men; and the authorized enlisted strength of the National Guard in peace time is not less than 424,800 men; and

WHEREAS the military forces will be charged with additional and important duties in connection with such national emergency requiring an increase in the present enlisted strength within the limits of this authorization;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and by section 2 of the National Defense Act of 1916, as amended by section 2 of the act of June 4, 1920, 41 Stat. 759, and by Revised Statutes, section 3667, as amended (U.S.C., title 31, sec. 665); section 62 and section 37 *a* of the National Defense Act as amended (U.S.C. title 32, sec. 121; U.S.C. title 10; sec. 369), it is hereby ordered as follows:

1. The enlisted strength of the active list of the Regular Army shall be increased as rapidly as possible by voluntary enlistments to 227,000 men.

2. The commissioned strength of the Regular Army may be supplemented by the use of reserve officers as may be necessary, provided the limitation on numbers and grades prescribed in the act approved April 3, 1939 (Pub. 18, 76th Congress) is not exceeded.

3. The increase, as quickly as possible, in the enlisted strength of the existing active units of the National Guard to 235,000 men, is authorized, with such increase in commissioned strength as is essential for command.

4. To the extent made necessary by this order the Department of War is authorized to waive or modify the monthly or other apportionment of its appropriation for contingent expenses or other general purposes for the fiscal year ending June 30, 1940.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 8, 1939.

[No. 8244]

[F. R. Doc. 39-3300; Filed, September 8, 1939; 3:25 p. m.]

EXECUTIVE ORDER

AUTHORIZING INCREASES IN THE ENLISTED STRENGTHS OF THE NAVY AND THE MARINE CORPS

WHEREAS a proclamation issued by me on September 8, 1939, proclaimed that a national emergency exists in connection with and to the extent necessary for the proper observance, safeguarding, and enforcing of the neutrality of the United States and the strengthening of our national defense within the limits of peace-time authorizations; and

WHEREAS the authorized enlisted strength of the active list of the Regular Navy in peace time is 131,485 men with authority in the President when a sufficient emergency exists to increase this strength to 191,000 men, and the authorized enlisted strength of the active list of the Marine Corps in peace time is 20 per centum of the total authorized enlisted strength of the active list of the Navy; and

WHEREAS the Navy and the Marine Corps will be charged with additional and important duties in connection with such national emergency requiring increases in their present enlisted strengths within the limits of these authorizations:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and by the act of July 1, 1918, as amended by the act of July 11, 1919 (U.S.C., title 34, sec. 151), section 15 (d) of the act of June 23, 1938 (U.S.C., title 34, sec. 691), by the act of July 1, 1918, as amended by section 17 of the act of June 10, 1922 (U.S.C., title 34, sec. 423), by the act of June 25, 1938, Title I, section 5 (U.S.C., Supp. title 34, section 853c), and Revised Statutes, section 3667, as amended (U.S.C., title 31, sec. 665), it is hereby ordered as follows:

1. The enlisted strength of the active list of the Regular Navy shall be increased as rapidly as possible by voluntary enlistments as may be deemed necessary by the Secretary of the Navy not to exceed 145,000 men.

2. The enlisted strength of the active list of the Marine Corps shall be increased as rapidly as possible by voluntary enlistments to 25,000 men.

3. The Secretary of the Navy is authorized, in his discretion, to order to active duty such commissioned and warrant officers of the Navy and Marine Corps on the retired list, and such transferred members of the Fleet Reserve and the Marine Corps Fleet Reserve as he may deem necessary.

4. The Secretary of the Navy is also authorized to order to active duty such officers and men of the Naval Reserve and Marine Corps Reserve other than transferred members of the Fleet Reserve and the Fleet Marine Corps Reserve, including aviation cadets, as he may deem necessary and as agree voluntarily to serve.

5. To the extent made necessary by this order, the Department of the Navy is hereby authorized to waive or modify the monthly or other apportionments of its appropriations for contingent expenses or other general purposes for the fiscal year ending June 30, 1940.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 8, 1939.

[No. 8245]

[F. R. Doc. 39-3301; Filed, September 8, 1939; 3:25 p. m.]

EXECUTIVE ORDER

MAKING FUNDS AVAILABLE FOR THE PROTECTION OF AMERICAN CITIZENS IN FOREIGN COUNTRIES DURING THE EXISTING EMERGENCY

WHEREAS the Department of State Appropriation Act, 1940 (53 Stat. 890), provides, in part, as follows:

"EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE

"Emergencies arising in the Diplomatic and Consular Service: To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the Neutrality Act, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U.S.C. 107),

[1] 4 F.R. 3851 DI.
[2] 4 F.R. 3822 DI.

$175,000: *Provided,* That whenever the President shall find that a state of emergency exists endangering the lives of American citizens in any foreign country, he may make available for expenditure for the protection of such citizens, by transfer to this appropriation, not to exceed $500,000 from the various appropriations contained herein under the heading 'Foreign Intercourse'; and reimbursements by American citizens to whom relief has been extended shall be credited to any appropriation from which funds have been transferred for the purposes hereof, except that reimbursements so credited to any appropriation shall not exceed the amount transferred therefrom."

AND WHEREAS I find and declare that an emergency exists endangering the lives of American citizens in foreign countries within the meaning of the said Act:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the above-quoted statutory provisions, and in order to meet such emergency and make funds available for the protection of American citizens in foreign countries, I hereby direct the Secretary of the Treasury, when so requested by the Secretary of State, to transfer on the books of the Treasury, for expenditure from the appropriation "Emergencies Arising in the Diplomatic and Consular Service", from any appropriation in the said Act under the heading "Foreign Intercourse", such sums not to exceed in all $500,000 as the Secretary of State may from time to time during the existing emergency find necessary; and funds so transferred shall be expended subject only to the requirement of section 291 of the Revised Statutes of the United States (31 U.S.C. 107).

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 8, 1939.

[No. 8246]

[F. R. Doc. 39-3302; Filed, September 8, 1939; 3:25 p. m.]

EXECUTIVE ORDER

AUTHORIZING INCREASES IN THE PERSONNEL OF THE FEDERAL BUREAU OF INVESTIGATION, DEPARTMENT OF JUSTICE

WHEREAS a proclamation issued by me on September 8, 1939, proclaimed that a national emergency exists in connection with and to the extent necessary for the proper observance, safeguarding, and enforcing of the neutrality of the United States and the strengthening of our national defense within the limits of peace-time authorizations; and

WHEREAS the Federal Bureau of Investigation, Department of Justice, will be charged with additional and important duties in connection with such national emergency, requiring an increase in its personnel:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and by Revised Statutes, section 3667, as amended (U.S.C., title 31, sec. 665), it is hereby ordered as follows:

1. The Attorney General shall increase the personnel of the Federal Bureau of Investigation, Department of Justice, in such number, not exceeding 150, as he shall find necessary for the proper performance of the additional duties imposed upon the Department of Justice in connection with the national emergency.

2. To the extent made necessary by this order the Department of Justice is hereby authorized to waive or modify the monthly or other apportionments of its appropriations for contingent expenses or other general purposes for the fiscal year ending June 30, 1940.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 8, 1939.

[No. 8247]

[F. R. Doc. 39-3303; Filed, September 8, 1939; 3:25 p. m.]

EXECUTIVE ORDER

ESTABLISHING THE DIVISIONS OF THE EXECUTIVE OFFICE OF THE PRESIDENT AND DEFINING THEIR FUNCTIONS AND DUTIES

By virtue of the authority vested in me by the Constitution and Statutes, and in order to effectuate the purposes of the Reorganization Act of 1939, Public No. 19, Seventy-sixth Congress, approved April 3, 1939, and of Reorganization Plans Nos. I and II [1] submitted to the Congress by the President and made effective as of July 1, 1939 by Public Resolution No. 2, Seventy-sixth Congress, approved June 7, 1939, by organizing the Executive Office of the President with functions and duties so prescribed and responsibilities so fixed that the President will have adequate machinery for the administrative management of the Executive branch of the Government, it is hereby ordered as follows:

I

There shall be within the Executive Office of the President the following principal divisions, namely: (1) The White House Office, (2) the Bureau of the Budget, (3) the National Resources Planning Board, (4) the Liaison Office for Personnel Management, (5) the Office of Government Reports, and (6) in the event of a national emergency, or threat of a national emergency, such office for emergency management as the President shall determine.

II

The functions and duties of the divisions of the Executive Office of the President are hereby defined as follows:

1. *The White House Office.* In general, to serve the President in an intimate capacity in the performance of the many detailed activities incident to his immediate office. To that end, The White House Office shall be composed of the following principal subdivisions, with particular functions and duties as indicated:

(a) *The Secretaries to the President.* To facilitate and maintain quick and easy communication with the Congress, the individual members of the Congress, the heads of executive departments and agencies, the press, the radio, and the general public.

(b) *The Executive Clerk.* To provide for the orderly handling of documents and correspondence within The White House Office, and to organize and supervise all clerical services and procedure relating thereto.

(c) *The Administrative Assistants to the President.* To assist the President in such matters as he may direct, and at the specific request of the President, to get information and to condense and summarize it for his use. These Administrative Assistants shall be personal aides to the President and shall have no authority over anyone in any department or agency, including the Executive Office of the President, other than the personnel assigned to their immediate offices. In no event shall the Administrative Assistants be interposed between the President and the head of any department or agency, or between the President and any one of the divisions in the Executive Office of the President.

2. *The Bureau of the Budget.* (a) To assist the President in the preparation of the Budget and the formulation of the fiscal program of the Government.

(b) To supervise and control the administration of the Budget.

(c) To conduct research in the development of improved plans of administrative management, and to advise the executive departments and agencies of the Government with respect to improved administrative organization and practice.

(d) To aid the President to bring about more efficient and economical conduct of Government service.

(e) To assist the President by clearing and coordinating departmental advice on proposed legislation and by making recommendations as to Presidential action on legislative enactments, in accordance with past practice.

(f) To assist in the consideration and clearance and, where necessary, in the preparation of proposed Executive orders and proclamations, in accordance with the provisions of Executive Order No. 7298 of February 18, 1936.

(g) To plan and promote the improvement, development, and coordination of Federal and other statistical services.

(h) To keep the President informed of the progress of activities by agencies of the Government with respect to work proposed, work actually initiated, and work completed, together with the relative timing of work between the several agencies of the Government; all to the end that the work programs of the sev-

[1] 4 F.R. 2727, 2733 DI.

eral agencies of the Executive branch of the Government may be coordinated and that the monies appropriated by the Congress may be expended in the most economical manner possible with the least possible overlapping and duplication of effort.

3. *The National Resources Planning Board.* (a) To survey, collect data on, and analyze problems pertaining to national resources, both natural and human, and to recommend to the President and the Congress long-time plans and programs for the wise use and fullest development of such resources.

(b) To consult with Federal, regional, state, local, and private agencies in developing orderly programs of public works and to list for the President and the Congress all proposed public works in the order of their relative importance with respect to (1) the greatest good to the greatest number of people, (2) the emergency necessities of the Nation, and (3) the social, economic, and cultural advancement of the people of the United States.

(c) To inform the President of the general trend of economic conditions and to recommend measures leading to their improvement of stabilization.

(d) To act as a clearing house and means of coordination for planning activities, linking together various levels and fields of planning.

4. *The Liaison Office for Personnel Management.* In accordance with the statement of purpose made in the Message to Congress of April 25, 1939, accompanying Reorganization Plan No. I, one of the Administrative Assistants to the President, authorized in the Reorganization Act of 1939, shall be designated by the President as Liaison Officer for Personnel Management and shall be in charge of the Liaison Office for Personnel Management. The functions of this office shall be:

(a) To assist the President in the better execution of the duties imposed upon him by the Provisions of the Constitution and the laws with respect to personnel management, especially the Civil Service Act of 1883, as amended, and the rules promulgated by the President under authority of that Act.

(b) To assist the President in maintaining closer contact with all agencies dealing with personnel matters insofar as they affect or tend to determine the personnel management policies of the Executive branch of the Government.

5. *The Office of Government Reports.* (a) To provide a central clearing house through which individual citizens, organizations of citizens, state or local governmental bodies, and, where appropriate, agencies of the Federal Government, may transmit inquiries and complaints and receive advice and information.

(b) To assist the President in dealing with special problems requiring the clearance of information between the Federal Government and state and local governments and private institutions.

(c) To collect and distribute information concerning the purposes and activities of executive departments and agencies for the use of the Congress, administrative officials, and the public.

(d) To keep the President currently informed of the opinions, desires, and complaints of citizens and groups of citizens and of state and local governments with respect to the work of Federal agencies.

(e) To report to the President on the basis of the information it has obtained possible ways and means for reducing the cost of the operation of the Government.

III

The Bureau of the Budget, the National Resources Planning Board, and the Liaison Office for Personnel Management shall constitute the three principal management arms of the Government for the (1) preparation and administration of the Budget and improvement of administrative management and organization, (2) planning for conservation and utilization of the resources of the Nation, and (3) coordination of the administration of personnel, none of which belongs in any department but which are necessary for the over-all management of the Executive branch of the Government, so that the President will be enabled the better to carry out his Constitutional duties of informing the Congress with respect to the state of the Union, of recommending appropriate and expedient measures, and of seeing that the laws are faithfully executed.

IV

To facilitate the orderly transaction of business within each of the five divisions herein defined and to clarify the relations of these divisions with each other and with the President, I direct that the Bureau of the Budget, the National Resources Planning Board, the Liaison Office for Personnel Management, and the Office of Government Reports shall respectively prepare regulations for the governance of their internal organizations and procedures. Such regulations shall be in effect when approved by the President and shall remain in force until changed by new regulations approved by him. The President will prescribe regulations governing the conduct of the business of the division of The White House Office.

V

The Director of the Bureau of the Budget shall prepare a consolidated budget for the Executive Office of the President for submission by the President to the Congress. Annually, pursuant to the regular request issued by the Bureau of the Budget, each division of the Executive Office of the President shall prepare and submit to the Bureau estimates of proposed appropriations for the succeeding fiscal year. The form of the estimates and the manner of their consideration for incorporation in the Budget shall be the same as prescribed for other Executive departments and agencies.

The Bureau of the Budget shall likewise perform with respect to the several divisions of the Executive Office of the President such functions and duties relating to supplemental estimates, apportionments, and budget administration as are exercised by it for other agencies of the Federal Government.

VI

Space already has been assigned in the State, War and Navy Building, adjacent to The White House, sufficient to accommodate the Bureau of the Budget with its various divisions (including the Central Statistical Board), the central office of the National Resources Planning Board, the Liaison Office for Personnel Management, and the Administrative Assistants to the President, and although for the time being, a considerable portion of the work of the National Resources Planning Board and all of that of the Office of Government Reports will have to be conducted in other quarters, if and when the Congress makes provision for the housing of the Department of State in a building appropriate to its function and dignity and provision is made for the other agencies now accommodated in the State, War and Navy Building, it then will be possible to bring into this building, close to The White House, all of the personnel of the Executive Office of the President except The White House Office.

This Order shall take effect on September 11th 1939.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 8th 1939.

[No. 8248]

[F. R. Doc. 39-3306; Filed, September 9, 1939; 10:04 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q.-Q. 52]

MODIFICATIONS OF PINK BOLLWORM QUARANTINE REGULATIONS

REVISION OF REGULATIONS 2, 3, AND 4, EFFECTIVE SEPTEMBER 15, 1939

Introductory Note

Owing to the recent discovery of the pink bollworm in okra, these regulations are amended to add okra to the list of articles the interstate movement of which is restricted from regulated areas. This amendment also adds the Texas counties of Duval, Jim Hogg, La Salle, Maverick, Webb, and Zapata to the reg-

ulated areas because of the finding of new areas of infestation.

AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

AMENDMENT NO. 1 TO THE REVISED REGULATIONS SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 52

[Approved September 11, 1939; effective September 15, 1939]

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), it is ordered that regulations 2, 3, and 4 (Secs. 301.52–2, 3, and 4) of the revised regulations supplemental to Notice of Quarantine No. 52 (Sec. 301.52) on account of the pink bollworm, which were promulgated March 7, 1939,[1] are hereby amended to read as follows:

Regulation 2

§ 301.52–2 *Regulated areas.* The following areas are hereby designated as regulated areas within the meaning of these regulations and are further classed as heavily or lightly infested:

Heavily infested areas—Texas. Counties of Brewster, Culberson, Jeff Davis, Presidio, and Terrell, and all of *Hudspeth County,* except that part of the northwest corner of said county lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.

Lightly infested areas—Arizona. Counties of Cochise, Graham, Greenlee, Maricopa, Pinal, and Santa Cruz, and all of *Pima County*[2] except that part lying west of the western boundary line of range 8 east.

New Mexico. Counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Roosevelt, Sierra, Socorro, and Valencia.

Texas. Counties of Andrews, Brooks, Cameron, Cochran, Crane, Dawson, Duval, Ector, El Paso, Gaines, Glasscock, Hidalgo, Hockley, Howard, Jim Hogg, Jim Wells, Kenedy, Kleberg, La Salle, Loving, Martin, Maverick, Midland, Nueces, Pecos, Reeves, Starr, Terry, Upton, Ward, Webb, Willacy, Winkler, Yoakum, and Zapata; that part of *Bailey County* lying south of the following-described boundary line: Beginning on the east line of said county where the county line intersects the northern boundary line of league 207; thence west following the northern boundary line of leagues 207, 203, 191, 188, 175, and 171 to the northeast corner of league 171; thence south on the western line of league 171 to the northeast corner of the W. H. L. survey; thence west along the northern boundary of the W. H. L. survey and the northern boundary of sections 68, 67, 66, 65, 64, 63, 62, 61, and 60 of block A of the M. B. & B. survey to the western boundary of said county; that part of *Lamb County* lying south of the following-described boundary line: Beginning on the east line of said county where the county line intersects the northern boundary line of section 9 of the R. M. Thomson survey; thence west following the northern boundary line of sections 9 and 10 of the R. M. Thomson survey and the northern boundary line of sections 6, 5, 4, 3, 2, and 1 of the T. A. Thompson survey and the northern boundary line of leagues 637, 636, and 635 to the southeast corner of league 239; thence north on the eastern boundary line of league 239 to the northeast corner of said league; thence west on the northern boundary line of leagues 239, 238, 233, 222, 218, and 207 to the western boundary line of said county; and that part of the northwest corner of *Hudspeth County* lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.[3]

Regulation 3

§ 301.52–3 *Articles the interstate movement of which is restricted or prohibited—(a) Articles prohibited movement.* The interstate movement from any regulated area of gin trash and cotton waste from gins and mills, and all untreated or unmanufactured cotton products other than seed cotton, cotton lint and linters, either baled or unbaled, cottonseed, cottonseed hulls, and cottonseed meal and cake is prohibited.

(*b*) *Articles authorized interstate movement.* Seed cotton, cotton lint, and linters, either baled or unbaled, cottonseed, cottonseed hulls, cottonseed meal and cake, and okra may be moved interstate from regulated areas as prescribed herein.[3]

Regulation 4

§ 301.52–4 *Conditions governing the issuance of certificates—(a) Cotton lint and linters.* A certificate may be issued for the interstate movement of cotton lint or linters, either baled or unbaled, originating in a regulated area when they have been ginned in an approved gin and have been passed in bat form between heavy steel rollers set not more than 1/64 inch apart, or have been given approved vacuum fumigation under the supervision of an inspector: *Provided,* That lint produced in a lightly infested area may be given standard or high density compression in lieu of either rolling or fumigation: *Provided further,* That certificates may be issued for the interstate movement of linters produced from sterilized seed originating in a lightly infested area when produced in an authorized oil mill.

(*b*) *Cottonseed.* A certificate may be issued for the interstate movement of cottonseed produced in a regulated area when it has been ginned in an approved gin and has been sterilized under the supervision of an inspector by heat treatment at a required temperature of 150° F. for a period of 30 seconds: *Provided,* That certificates may be issued for interstate movement of sterilized cottonseed originating in heavily infested areas only to contiguous regulated areas for processing in authorized oil mills.

(*c*) *Cottonseed hulls, cake, and meal.* Certificates may be issued for the interstate movement of cottonseed hulls, cake, and meal produced from sterilized seed originating in a regulated area when these products have been processed in an authorized oil mill under the supervision of an inspector.

(*d*) *Seed cotton.* The interstate movement of seed cotton will be allowed only from lightly infested areas into contiguous regulated areas for the purpose of ginning for which movement no permit is required.

(*e*) *Okra.* Certificates may be issued for the interstate movement of okra under any one of the following conditions: (1) When inspected by an inspector and found to be free from infestation; (2) when produced under such conditions as to render it free from infestation; (3) when processed or treated in accordance with methods which may be determined and approved by the Chief of the Bureau of Entomology and Plant Quarantine.

(*f*) *Movement to contiguous infested area.* No certificates are required for the interstate movement of restricted articles from a lightly infested area to a contiguous, lightly or heavily infested area, or from a heavily infested area to a contiguous, heavily infested area.[3]

This amendment shall be effective on and after September 15, 1939.

Done at the city of Washington this 11th day of September 1939.

Witness my hand and the seal of the United States Department of Agriculture.

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

[F. R. Doc. 39–3329; Filed, September 11, 1939; 12:35 p. m.]

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[1] 4 F.R. 1161 DI.

[2] Part of the lightly infested area in Arizona is regulated on account of the Thurberia weevil under quarantine No. 61, and shipments therefrom must comply with the requirements of that quarantine.

[3] Secs. 301.52–2 to 301.52–4 issued under authority of sec. 8, 37 Stat. 318; 39 Stat. 1165; 44 Stat. 250; 7 U.S.C. 161.

AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP–40]

PART 701—1940 AGRICULTURAL CONSERVATION PROGRAM BULLETIN*†

CONTENTS

Payments and grants of aid will be made for participation in the 1940 Agricultural Conservation Program (hereinafter referred to as the 1940 program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

§ 701.101 *Allotments, yields, productivity indexes, payments, and deductions*[1]—(a) *Corn*—(1) *National Goal.* The 1940 national goal for corn is _____ to _____ acres.

(2) *National and State acreage allotments.* The national and State corn acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* County acreage allotments of corn for counties in the commercial corn area shall be established by the Agricultural Adjustment Administration with the assistance of the State committee by distributing the corn acreage allotment established for the commercial corn area within the State among such counties in such State pro rata on the basis of the acreage seeded for the production of corn plus the acreage diverted from corn under the agricultural adjustment and conservation programs in such counties during the ten years 1929 to 1938, with adjustments for abnormal weather conditions and trends in acreage in accordance with a procedure approved by the Secretary.

(4) *Farm acreage allotments.* Acreage allotments of corn shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, for farms in the commercial corn area on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The allotment for any farm shall compare with the allotments for other farms in the same community which are similar with respect to such factors. For any farm with respect to which a corn acreage allotment of ten acres or less is determined, if the persons having an interest in the corn planted on the farm so elect, such farm shall be considered as a non-corn-allotment farm. The corn acreage allotments determined for the farms in a county shall not exceed the county corn acreage allotment.

(5) *Normal yields.* The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a corn acreage allotment is determined or a deduction is computed a normal yield for corn in accordance with instructions issued by the Agricultural Adjustment Adminstration and the following provisions:

(i) Where reliable records of the actual average yields per acre of corn for the ten years 1930 to 1939 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 corn was not planted 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; and

(iii) The yields determined under subdivision (ii) of this subparagraph (5) shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the respective corn acreage allotments determined for such farms) shall not exceed the county yield established by the Secretary.

(6) *Commercial corn area or commercial corn-producing area* means counties in the States of Ohio, Michigan, Indiana, Kentucky, Illinois, Wisconsin, Minnesota, Iowa, Missouri, South Dakota, Nebraska, and Kansas designated by the Administrator with the approval of the Secretary.

(7) *Non-corn-allotment farm* means a farm in the commercial corn area (a) for which no corn acreage allotment is determined, or (b) for which a corn acreage allotment of ten acres or less is determined and the persons having an interest in the corn planted on the farm elect to have such farm considered as a non-corn-allotment farm for the purposes of the 1940 program.

(8) *Acreage planted to corn* means the acreage of land seeded to field corn, sweet corn, or popcorn, except (1) any acreage of sweet corn contracted to be sold for canning, (2) any acreage of sweet corn sold or to be sold for canning or roasting ears, (3) any acreage of sweet corn sold or used or to be sold or used as seed, (4) any acreage of popcorn sold or used or to be sold or used as seed, (5) any acreage of sown corn used as a cover crop or green manure crop, and (6) any acreage of sweet corn or popcorn in home gardens for use on the farm.

(9) *Usual acreage of corn for grain.* Usual acreages of corn for grain shall be determined for all farms in Area C for which a payment is computed with respect to a potato, tobacco, or wheat acreage allotment and on which the usual

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*Sections 701.101 to 701.115 are issued under the authority contained in Sections 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 16 U.S.C., Sup. IV, 590g–590q.

†The source of Sections 701.101 to 701.115 is ACP–40, AAA, September 6, 1939.

[1] The national goals and rates of payment and deduction which are not included in this bulletin will be determined and announced by the Secretary as soon as the statistics upon which they are required to be based become available.

acreage of corn for grain is more than 10 acres. The usual acreage of corn for grain shall be determined on the basis of the average annual acreage of corn harvested for grain or diverted therefrom during the years 1937, 1938, and 1939, with appropriate adjustments for crop rotation practices. The sum of the usual acreages of corn for grain determined for such farms in a county shall not exceed the sum of the average annual acreages of corn harvested for grain or diverted therefrom on such farms during the years 1937, 1938, and 1939.

(10) *Payment:* _____ cents per bushel of the normal yield of corn for the farm for each acre in the corn acreage allotment.

(11) *Deduction:* (i) (Farms in the commercial corn area, except non-corn-allotment farms) _____ cents per bushel of the normal yield for the farm for each acre planted to corn in excess of the corn acreage allotment.

(ii) (Non-corn-allotment farms in the commercial corn area) _____ cents per bushel of the normal yield for the farm for each acre planted to corn in excess of 10 acres.

(iii) (Farms in Area C for which a potato, tobacco, or wheat acreage allotment is determined) $_____ per acre for each acre of corn harvested for grain in excess of the larger of the usual acreage of corn for grain determined for the farm or 10 acres.

(b) *Cotton*—(1) *National goal.* The 1940 national goal for cotton is _____ to _____ acres.

(2) *National and State acreage allotments.* The national and State cotton acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* (i) County cotton acreage allotments shall be determined by the Agricultural Adjustment Administration as follows: The State acreage allotment of cotton (less 2 percent for use in making allotments to farms on which cotton will be planted in 1940 but on which cotton was not planted in any of the years 1937, 1938, and 1939) shall be prorated among the counties in the State on the basis of the acreage planted to cotton plus the acreage diverted from cotton under agricultural adjustment or conservation programs during the five years 1934 to 1938: *Provided,* That there shall be added to the acreage allotment so determined for each county the number of acres required to provide an acreage allotment in such county of not less than 60 percent of the acreage planted to cotton in such county in 1937 plus 60 percent of the acreage diverted from cotton in the county under the 1937 Agricultural Conservation Program (hereinafter referred to as the 1937 program).

(ii) If the Agricultural Adjustment Administration finds that, because of differences in types, kinds, and productivity of the soil or other conditions, one or more of the administrative areas in any county should be treated separately in order to prevent discrimination, the county acreage allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton in 1937 plus the acreage diverted from cotton under the 1937 program, or, if the Agricultural Adjustment Administration determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, then on the basis of the cotton base acreages determined under the 1937 Cotton Price Adjustment Payment Plan. Allotments to the farms within each such administrative area shall be made in the manner provided in subparagraph (4) of this paragraph (b) for the apportionment of county cotton acreage allotments among farms.

(4) *Farm acreage allotments.* Farm acreage allotments for cotton shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions:

(i) County cotton acreage allotments shall be apportioned among the farms in the county on which cotton was planted in any one or more of the years 1937, 1938, and 1939 in a manner that will result in a cotton acreage allotment for each such farm which is a percentage (which shall be the same percentage for all farms in the county or administrative area) of the land in the farm in 1939 which was tilled annually or in regular rotation exclusive of the acres of such land normally devoted to the production of sugarcane for sugar, wheat, tobacco, or rice for market, or wheat or rice for feeding to livestock for market, except that:

(a) For any such farm with respect to which the highest acreage planted to cotton and diverted from cotton under agricultural conservation programs in any one of the three years 1937, 1938, and 1939 is less than 5 acres the cotton acreage allotment for the farm shall be such highest number of acres if the county cotton acreage allotment is sufficient therefor;

(b) For any such farm with respect to which the highest number of acres planted to cotton and diverted from cotton under agricultural conservation programs in any one of the three years 1937, 1938, and 1939 is 5 acres or more the allotment for the farm shall not be less than 5 acres if the county cotton acreage allotment is sufficient therefor; and

(c) Notwithstanding the foregoing provisions of this subdivision (i), a number of acres equal to not more than 3 percent of the county acreage allotment in excess of the allotments made to farms on which the highest number of acres planted to cotton plus the acres diverted from cotton under agricultural conservation programs for any of the years 1937, 1938, and 1939 was less than 5 acres and the number of acres required for allotments of 5 acres for each other farm in the county on which cotton was planted in 1937, 1938, or 1939 may be apportioned among farms in the county on which cotton was planted in 1937, 1938, or 1939, and for which the allotment otherwise provided is 5 acres or more but less than 15 acres and less than the highest number of acres planted to cotton and diverted from cotton under agricultural conservation programs in any one of the years 1937, 1938, and 1939.

In making such allotments under item (c) of this subdivision (i) due consideration and weight shall be given to the land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other facilities affecting the production of cotton, and such increases shall not be such as to increase the allotment to any farm above 15 acres. In no event shall the allotment for any farm under this subdivision (i) exceed the highest number of acres planted to cotton and diverted from cotton under agricultural conservation programs in any one of the three years 1937, 1938, and 1939.

(ii) In case the county allotment is insufficient to provide allotments to farms in the county which are determined to be adequate and representative in view of their past production of cotton and their tilled land, there shall be apportioned to such farms such part of a State reserve equal to 4 percent of the State acreage allotment as is necessary to give such farms allotments in conformity with subdivision (i) which are as nearly adequate and representative as such 4-percent reserve will permit. Such additional allotment shall be used first to increase allotments to farms under items (a) and (b) of subdivision (i).

(iii) If the cotton acreage allotments for any farms are substantially smaller than the cotton acreage allotments which would have been made without regard to the provisions of items (a) and (b) of subdivision (i) above, the cotton acreage allotments for such farms shall be increased to the acreage which would have resulted in the absence of such provisions insofar as the remaining portion of the 4-percent State reserve will permit after making allotments under subdivision (ii) above.

(iv) After allotments have been made from the 4-percent State reserve as provided in subdivisions (ii) and (iii) above, one-half of any remainder of the 4-percent reserve shall be apportioned to farms for which the acreage allotment otherwise determined is less than 50 percent of the sum of the acreage planted to cotton in 1937 and the acreage diverted from cotton production in 1937 under the 1937 program, and the other one-half of any remainder of the 4-percent reserve shall be available for increasing the allotments for any farms which are determined to be inadequate and not representative in view

of past production on the farm: *Provided,* That the cotton acreage allotment for any farm shall not be increased under this subdivision (iv) above the highest number of acres planted to cotton and diverted from cotton under agricultural conservation programs in any one of the three years 1937, 1938, and 1939: *Provided further,* That the cotton acreage allotment for any farm shall not be increased under this subdivision (iv) above 40 percent of the acreage on such farm which is tilled annually or in regular rotation, except, in States where the total acreage available for such adjustment is less than 5,000 acres, in irrigated areas where the Agricultural Adjustment Administration determines that the application of this limitation would prevent the determination of allotments which are adequate and representative in view of past production on the farms.

(v) Notwithstanding the provisions of subdivisions (i), (ii), (iii), and (iv) above, the cotton acreage allotment for any farm shall be increased by such amount as may be necessary to provide an allotment of not less than 50 percent of the sum of the acreage determined by the county committee to have been planted to cotton in 1937 and the acreage so determined to have been diverted from cotton under the 1937 program: *Provided,* That the cotton acreage allotment for any farm shall not be increased under this subdivision to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

(vi) After making the cotton acreage allotments according to the foregoing provisions of this subparagraph (4) any part of the cotton acreage allotment apportioned to any farm which the operator releases to the county committee because it will not be planted to cotton in 1940 shall be deducted from the allotment to such farm and the acreage so deducted may be apportioned to other cotton farms in the State, preference being given to farms in the same county receiving allotments which are inadequate and not representative in view of the past production of cotton on each farm. In such apportionment the county committee shall consider only the character and adaptability of the soil and other physical facilities affecting the production of cotton and the need of the operator of the farm for an additional allotment to meet the requirements of the families engaged in the production of cotton in 1940 on the farm: *Provided,* That the cotton acreage allotment for any farm shall not be increased under this subdivision to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

(vii) That portion of the State acreage allotment not apportioned among the counties under section 701.101 (b) (3) (i) shall be apportioned to farms in the State on which cotton will be planted in 1940 but on which cotton was not planted in any of the years 1937, 1938, and 1939, so as to result in allotments which compare with allotments to farms which are similar with respect to land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other physical facilities affecting the production of cotton. The acreage on the farm which will be tilled in 1940 or was tilled in 1939 shall, as a reflection of the several factors to be taken into consideration, be regarded as the basic index of the farm's capacity for cotton production. The county committee shall report, through the State committee, to the Agricultural Adjustment Administration the acreage required for the allotments to such farms in the county together with such substantiating data as may be required by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall allot to the county the proportion of that part of the State acreage allotment reserved for this purpose which it finds reasonable on the basis of the data so reported.

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

(i) Where reliable records of the actual average yield of cotton per acre for the five years 1935 to 1939 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 abnormal weather conditions;

(ii) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield because cotton 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 five-year period; and

(iii) The yields determined under subdivision (ii) of this subparagraph (5) shall be adjusted so that the average of the normal yields determined for all farms in the county or administrative area (weighted by the cotton acreage allotments determined for such farms) shall conform to the county or administrative area yield established by the Secretary.

(6) *Acreage planted to cotton* means the acreage of land seeded to cotton the staple of which is normally less than 1½ inches in length and which reaches the stage of growth at which bolls are first formed.

(7) Payment: _____ cents per pound of the normal yield of cotton for the farm for each acre in its cotton acreage allotment.

(8) Deduction: _____ cents per pound of the normal yield of cotton for the farm for each acre planted to cotton in excess of its cotton acreage allotment.

(c) *Peanuts*—(1) *National goal.* The 1939 national goal for peanuts is _____ to _____ acres.

(2) *National and State acreage allotments.* The national and State peanut acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* County acreage allotments of peanuts for market for counties in the commercial peanut area shall be determined by the Agricultural Adjustment Administration, with the assistance of the State committee, by distributing the State peanut acreage allotment among such counties on the basis of the county acreage allotments established under the 1939 program, or, if counties are included in 1940 for which peanut acreage allotments were not established under the 1939 program, on the basis of the 1938 and 1939 acreages of peanuts in the counties, taking into consideration trends in acreage on commercial peanut farms.

(4) *Farm acreage allotments.* In counties included in the commercial peanut area peanut acreage allotments for farms shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, on the basis of the acreage of peanuts for market customarily grown and the tillable acreage on the farm, taking into consideration other special crop acreage allotments established for the farm. The peanut acreage allotments determined for the farms in a county shall not exceed their proportionate share of the county peanut acreage allotment.

(5) *Normal yields.* The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a peanut acreage allotment is determined or a deduction is computed a normal yield for peanuts in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions: The normal yield of peanuts for market for any farm shall be determined on the basis of the yields of peanuts made on the farm with due consideration for type of soil, production practices, and the general fertility of the land. The average yield for all farms in any county shall not exceed the county yield established by the Secretary.

(6) *Commercial peanut area* means Virginia, North Carolina, Georgia, Alabama, Florida, and Texas: *Provided,* That any county in any of such States in which not more than 300 acres of peanuts for market were grown in 1939 and there is no tendency to substantially increase such acreage may be excluded from the commercial peanut area upon recommendation of the State committee and

approval by the Agricultural Adjustment Administration.

(7) *Peanuts for market* means all peanuts harvested for nuts on a farm on which peanuts are separated from the vines by mechanical means and from which the major portion of the production is sold to persons not living on the farm.

(8) *Payment:* _____ dollars per ton of the normal yield of peanuts for the farm for each acre in its peanut acreage allotment.

(9) *Deduction:* (For farms in commercial peanut area) _____ dollars per ton of the normal yield for the farm for each acre of peanuts for market in excess of its peanut acreage allotment.

(d) *Potatoes*—(1) *National goal.* The 1940 national goal for potatoes is _____ to _____ acres.

(2) *National and State acreage allotments.* The national and State potato acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* County acreage allotments of potatoes for counties in the commercial potato area shall be determined by the Agricultural Adjustment Administration, with the assistance of the State committee, by distributing the State acreage allotment of potatoes among such counties in such State on the basis of the acreage allotments determined under the 1939 program, or, if counties are included for which acreage allotments were not determined under the 1939 program, on the basis of the average acreage devoted to potatoes in such counties during the five years 1935 to 1939, taking into consideration trends in acreage on commercial potato farms and the acreage of potatoes on noncommercial potato farms.

(4) *Farm acreage allotments.* In counties included in the commercial potato area, a potato acreage allotment shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, for each farm for which the normal acreage of potatoes is determined to be three acres or more: *Provided,* That in areas designated by the Agricultural Adjustment Administration where more than three acres of potatoes are grown for home use on a substantial number of farms a potato acreage allotment shall be determined for each farm for which the normal acreage of potatoes for market is three acres or more. Potato acreage allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The potato acreage allotment for any farm shall compare with the potato acreage allotments for other farms in the same community which are similar with respect to such factors. The potato acreage allotments determined for farms in a county shall not exceed their proportionate share of the county potato acreage allotment.

(5) *Normal yields.* The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a potato acreage allotment is determined or a deduction is computed a normal yield for potatoes in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions: The normal yield of potatoes for any farm shall be determined on the basis of the yields of potatoes made on the farm, with due consideration for type of soil, production practices, and the general fertility of the land. The average yield for all farms in any county shall not exceed the county yield established by the Secretary.

(6) *Commercial potato area* means counties designated by the Agricultural Adjustment Administration as counties normally producing substantial quantities of potatoes for market.

(7) *Payment*: _____ cents per bushel of the normal yield of potatoes for the farm for each acre in its potato allotment.

(8) *Deduction*: (Farms in the commercial potato area) _____ cents per bushel of the normal yield for the farm for each acre planted to potatoes in excess of the larger of its potato acreage allotment or three acres, or, on farms for which no allotment is determined, in areas designated by the Agricultural Adjustment Administration where more than three acres of potatoes are grown for home use on a substantial number of farms, for each acre planted to potatoes for market in excess of three acres.

(e) *Rice*—(1) *National goal.* The 1940 national goal for rice is _____ to _____ acres.

(2) *National and State acreage allotments.* The national and State rice acreage allotments will be established by the Secretary.

(3) *Farm acreage allotments.* A rice acreage allotment shall be determined by State and county committees, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, for each producer who is participating in the production of rice in 1940.

(i) The acreage allotment for a producer who participated in the production of rice in one or more of the five years 1935 to 1939 shall be determined on the basis of the past production of rice adjusted to the acreage adapted to the production of rice, taking into consideration crop rotation practices, soil fertility, the acreage diverted under previous agricultural adjustment or conservation programs and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(ii) An acreage not to exceed 3 percent of the State rice acreage allotment shall be apportioned among producers who in 1940 are participating in the production of rice for the first time since 1934, on the basis of the applicable standards of apportionment set forth in this subparagraph, except that the rice acreage allotment to any farm operated by any person(s) who in 1940 is participating in the production of rice for the first time since 1934 shall not exceed 75 percent of the rice acreage allotment that would have been made to the farm had such person(s) participated in the production of rice in one or more of the five years 1935 to 1939.

(4) *Normal yields.* The State and county committees, with the assistance of other local committees in the county, shall determine for each farm for which a rice acreage allotment is determined or a deduction is computed a normal yield for rice in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions:

(i) Where reliable records of the actual average yield of rice per acre for the five years 1935 to 1939 are presented by the farmer or are available to the committee, the normal yield of rice for the farm shall be the average of such yields.

(ii) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the 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 yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under subdivision (i) of this subparagraph (4).

(iii) If the average of the normal yields for all farms participating in the 1940 program in the State (weighted by the rice acreage allotments therein) exceeds the average yield per acre for the State during the five years 1935 to 1939 established by the Secretary, the normal yields for such farms, determined under subdivisions (i) and (ii) of this subparagraph (4) shall be reduced pro rata so that the average of such normal yields shall not exceed such State average yield.

(5) *Payment:* _____ cents per 100 pounds of the normal yield per acre of rice for the farm for each acre in its rice acreage allotment.

(6) *Deduction:* _____ cents per 100 pounds of the normal yield for the farm for each acre planted to rice in excess of its rice acreage allotment.

(f) *Tobacco*—(1) *National goal.* The 1939 national goal for—

Burley tobacco is _____ to _____ acres;

Flue-cured tobacco is _____ to _____ acres;

Fire-cured and dark air-cured tobacco is _____ to _____ acres;

Cigar filler and binder tobacco is _____ to _____ acres;

Georgia-Florida Type 62 tobacco is _____ to _____ acres.

(2) *National and State acreage allotments.* The national and State acreage allotments for each kind of tobacco will be established by the Secretary.

(3) *Farm acreage allotments.* The acreage allotment for each kind of tobacco for any farm on which tobacco was produced in one or more of the five years 1935–1939 shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, on the basis of the past acreage of tobacco (harvested and diverted) with due allowance for drought, flood, hail, other abnormal weather conditions; plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Special consideration shall be given to farms for which acreage allotments are small.

The allotment for any farm on which tobacco is produced in 1940 for the first time since 1934 shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, on the basis of the tobacco-producing experience of the farm operator, land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

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

(i) The normal yield for any farm on which tobacco was produced in one or more of the five years 1935–1939 shall be determined on the basis of the yields of tobacco made on the farm in such five-year period, taking into consideration the soil and other physical factors affecting production of tobacco on the farm, and the yields obtained on other farms in the locality which are similar with respect to such factors.

(ii) The normal yield for any farm on which tobacco is produced in 1940 for the first time since 1934 shall be that yield per acre which the local committee determines is fair and reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

(iii) The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county by the Secretary.

(5) *Payment:* The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in its tobacco acreage allotment for each of the following kinds of tobacco:

Burley, _____ cent.

Flue-cured, _____ cent.

Fire-cured and dark air-cured, _____ cents.

Cigar filler and binder (except Type 45), _____ cent.

_____ cent.

Georgia-Florida Type 62, _____ cents.

(6) *Deduction:* _____ cents per pound of the normal yield for the farm for each acre of tobacco harvested in excess of the applicable tobacco acreage allotment.

(g) *Commercial vegetables*—(1) *Farm acreage allotments.* In counties included in the commercial vegetable area a commercial vegetable acreage allotment shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, for each farm on which the average acreage of land normally planted to commercial vegetables is three acres or more, or in areas designated by the Agricultural Adjustment Administration, on the basis of recommendations by the State committee, for each farm on which such average acreage is one acre or more. The commercial vegetable acreage allotment shall be determined on the basis of the average acreage for 1936 and 1937 or the average of a later period adjusted to the 1936–1937 level, with adjustments for abnormal weather conditions, taking into consideration the tillable acreage on the farm, type of soil, production facilities, crop rotation practices, and changes in farming practices. The sum of the commercial vegetable acreage allotments determined for such farms in the county shall not exceed the sum of the average annual acreages of land planted to commercial vegetables on all such farms in the county in 1936 and 1937 except that fair and reasonable adjustments in such acreage may be made, by the State committee in accordance with instructions issued by the Agricultural Adjustment Administration, among commercial vegetable counties in the State on the basis of shifts in commercial vegetable production.

(2) *Commercial vegetable area* means counties or administrative areas for which the 1936–1937 average acreage of commercial vegetables (other than potatoes, sweet potatoes, cantaloupes, and annual strawberries) is 200 acres or more; except any such county or area for which the State committee, with the approval of the Agricultural Adjustment Administration, determines that the distribution of commercial vegetables from such county or area is confined to small local markets, that there is no tendency towards acreage expansion in such county or area, and that its elimination would not jeopardize the effectiveness of the program.

(3) *Commercial vegetables* means the acreage of annual vegetables or truck crops (including potatoes not in the commercial potato area, sweet potatoes, tomatoes, sweet corn, cantaloupes, annual strawberries, commercial bulbs and flowers, but excluding peas for canning or freezing and sweet corn for canning) of which the major portion of the production is sold to persons not living on the farm: *Provided,* That in any county designated by the State committee, with the approval of the Agricultural Adjustment Administration, as a county in which substantially all tomatoes or pimientos grown are produced for canning, and in which it is administratively practicable to distinguish between such crops for canning and for other purposes, tomatoes or pimientos for canning shall not be classified as commercial vegetables.

(4) *Payment*: _____ for each acre in the commercial vegetable acreage allotment determined for the farm.

(5) *Deduction:* (Farms in the commercial vegetable area) $20.00 per acre for each acre of land planted to commercial vegetables in excess of the larger of the commercial vegetable acreage allotment determined for the farm or three acres, or, in areas designated under subparagraph (1) above, in excess of the larger of the allotment or one acre.

(h) *Wheat*—(1) *National goal.* The 1940 national goal for wheat is 60 million to 65 million acres.

(2) *National and State acreage allotments.* The national and State wheat acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* County acreage allotments of wheat shall be established by the Agricultural Adjustment Administration, with the assistance of the State committee, by distributing the State acreage allotment of wheat among the counties in such State pro rata on the basis of the acreage seeded for the production of wheat plus the acreage diverted under agricultural adjustment or conservation programs in such counties during the ten years 1929 to 1938, with appropriate adjustments for abnormal weather conditions and trends in acreage.

(4) *Farm acreage allotments.* Acreage allotments of wheat shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, 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 such county on which wheat will be planted for harvest in 1940 but on which wheat was not planted for harvest in any one of the three years 1937, 1938, and 1939, on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The wheat acreage allotment for any farm shall compare with the wheat acreage allotments determined for other farms in the same community which are similar with respect to such factors. For any farm for which a wheat acreage allotment is determined, if the persons having an interest in the wheat planted on the farm so elect, such farm shall be considered for the purposes of the 1940 program as a non-wheat-allotment farm. The wheat acreage allotments determined for farms in a county shall not exceed their proportionate share of the county wheat acreage allotment.

(5) *Usual acreage of wheat.* Usual acreages of wheat shall be determined for all non-wheat-allotment farms in Area B and in Area C on which the normal acreage of wheat harvested as grain, or for any other purpose after reaching maturity, is more than ten acres. The usual acreage of wheat shall be determined on the basis of the past acreage with due allowance for the effects of abnormal weather conditions, tillable acreage, crop rotation practices, type of soil, and topography. The sum of the usual wheat acreages determined for such farms in a county shall not exceed the sum of the 1937–1938 average acreages of wheat harvested for grain, or for any other purpose after reaching maturity, on such farms, except upon approval by the Agricultural Adjustment Administration where it is found that the 1937–1938 average acreage was not representative because of abnormal weather conditions or marked shifts in cropping practices in the county.

(6) *Normal 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 (6) 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.

(7) *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, in an area designated by the Agricultural Adjustment Administration as an area subject to serious erosion, 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.

(8) *Acreage planted to wheat* means (i) any acreage of land devoted to seeded wheat (except when such crop is seeded in a mixture designated by the Agricultural Adjustment Administration upon recommendation of the State committee as a mixture which may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed); (ii) any acreage of volunteer wheat which is harvested or remains on the land after the final date for disposing of volunteer wheat, such date to be specified by the regional director upon recommendation of the State committee; (iii) any acreage of land which is seeded to a mixture containing wheat designated under (i) above but on which the crops other than wheat fail to reach maturity and the wheat is harvested for grain or seed or reaches maturity.

(9) *Payment:* (Wheat allotment farms) ------ cents per bushel of the normal yield of wheat for the farm for each acre in its wheat acreage allotment.

(10) *Deduction:* (i) (Wheat allotment farms) ------ cents per bushel of the normal yield for the farm for each acre planted to wheat in excess of its wheat acreage allotment.

(ii) (Non-wheat-allotment farms) ------ cents per bushel of the normal yield for the farm for each acre of wheat harvested for grain or for any other purpose after reaching maturity in excess of its wheat acreage allotment or 10 acres, whichever is larger, in Area A, and in excess of the usual acreage of wheat for the farm or 10 acres, whichever is larger, in Area B and in Area C.

(i) *General and total soil-depleting*—(1) *National goal.* The 1940 national goal for total soil-depleting crops is -------- to -------- acres.

(2) *National and State acreage allotments.* The national and State total soil-depleting acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* County acreage allotments of total soil-depleting crops shall be determined by the Agricultural Adjustment Administration, with the assistance of the State committee, by distributing the State acreage allotment of total soil-depleting crops among the counties in the State on the basis of the total soil-depleting acreage allotments determined in connection with the 1939 Agricultural Conservation Program (hereinafter referred to as the 1939 program), with due allowance for trends in acreage of soil-depleting crops, changes in area designations and crop classifications, the acreage of food and feed crops needed for home consumption in the county, and the relationship of the special crop acreage allotments established for 1939 to the special crop acreage allotments established for 1940.

(4) *Farm acreage allotments.* The total soil-depleting acreage allotment for any farm shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops, including sugar beets and sugarcane for sugar, customarily grown on the farm, and, in areas where the Agricultural Adjustment Administration finds it applicable, the acreage of food and feed crops needed for home consumption on the farm, taking into consideration special crop acreage allotments determined for the farm. The total soil-depleting acreage allotment for any farm shall compare with the total soil-depleting acreage allotments determined for other farms in the same community which are similar with respect to such factors. Total soil-depleting acreage allotments will be determined for all farms in Area A, farms for which a special crop acreage allotment (other than a commercial vegetable acreage allotment) is established in Area B in the Western and East Central

Regions, and farms in Area B in the Southern Region on which general crops or livestock are produced for market and for which a special crop acreage allotment (other than a commercial vegetable acreage allotment) is determined.

(5) *Productivity indexes.* The Secretary will establish for each county or portion of a county in Area A a county productivity index or per-acre rates of payment and deduction, which will vary among the counties as the productivity of the cropland in the county devoted to the production of general soil-depleting crops varies as compared with the productivity of cropland in the United States devoted to the production of such crops.

A productivity index or per-acre rate shall be determined for each farm in Area A, in accordance with instructions issued by the Agricultural Adjustment Administration, by the county committee with the assistance of other local committees in the county. Such productivity index or per-acre rate shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of any crop that does accurately reflect the productivity of the farm may be used, provided that the productivity index or per-acre rate for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes or per-acre rates for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The average productivity index or per-acre rate for all farms for which productivity indexes or per-acre rates are determined in the county shall not exceed 100 or the county per-acre rate, or, in the North Central Region, the county productivity index, respectively, unless it is determined that farms for which such indexes or per-acre rates are determined are not representative of all farms in the county and a variation is approved by the Agricultural Adjustment Administration.

(6) *Non-general-allotment farm* means a farm in Area A for which a total soil-depleting acreage allotment (excluding the cotton acreage allotment) of 20 acres or less is determined in any case where the persons having an interest in the general soil-depleting crops planted on the farm elect to have such farm considered for the purposes of the 1940 program as a non-general-allotment farm.

(7) *General soil-depleting crops* or *general crops* means all crops and land uses listed in the definition of soil-depleting acreage, except (1) corn, wheat, cotton, rice, tobacco, potatoes, peanuts, commercial vegetables, if a separate payment or deduction is computed for the farm with respect to such crop, and (2) sugar beets and sugar cane for sugar: *Provided,* That corn on a non-corn-allotment farm and wheat on a non-wheat-allotment farm shall always be regarded as general crops for the purpose of determining the division of the net payment or net deduction computed with respect to general crops.

(8) *Payment:* (Farms in Area A, except non-general-allotment farms) _____ per acre, adjusted for the productivity of the farm, for each acre in the total soil-depleting acreage allotment determined for the farm in excess of the sum of (i) the special crop acreage allotments determined for the farm and (ii) the acreage of sugar beets planted for harvest in 1940 for the extraction of sugar.

(9) *Deductions:* (i) (Farms in Area A, except non-general-allotment farms) _____ dollars per acre, adjusted for the productivity of the farm, for each acre of the soil-depleting acreage in excess of the total soil-depleting acreage allotment determined for the farm plus the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section 701.101.

(ii) (Non-general-allotment farms in Area A) _____ dollars per acre, adjusted for the productivity of the farm, for each acre of the soil-depleting acreage in excess of the sum of (1) 20 acres, (2) the cotton acreage allotment determined for the farm, and (3) the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section 701.101.

(iii) (Farms in Area B for which a total soil-depleting acreage allotment is determined) _____ dollars for each acre classified as soil-depleting in excess of the larger of (1) the total soil-depleting acreage allotment determined for the farm plus the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section 701.101, or (2) 20 acres plus the acreages on which cotton is planted or tobacco is harvested.

(j) *Restoration land*—(1) *Farm restoration land.* Restoration land shall be designated by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, on the basis of the land in the farm which was designated as restoration land under the 1939 or 1938 program 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 applied to 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.

(2) *Restoration land* means farm land in any area designated by the Agricultural Adjustment Administration as an area subject to serious wind erosion or as an area containing large acreages unsuited to continued production of cultivated crops, which has been cropped at least once since January 1, 1930, and which is designated by the county committee as land on which because of its physical condition and texture and because of climatic conditions a permanent vegetative cover should be restored.

(3) *Payment:* 15 cents per acre for each acre of restoration land designated for the farm.

(4) *Deduction:* $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 operations in connection with the seeding of an approved non-depleting cover crop or permanent grass mixture.

(k) *Miscellaneous*—(1) *Deduction for failure to prevent wind or water erosion.* $1.00 for each acre of land (other than restoration land), in an area designated by the Agricultural Adjustment Administration as subject to serious wind or water erosion hazards, with respect to which there are not adopted in 1940 methods recommended by the county committee and approved by the State committee for the prevention of wind or water erosion or both: *Provided,* That in counties designated by the Agricultural Adjustment Administration upon recommendation of the State committee the rate shall be 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 committee.

(2) *Deduction for 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 in any area designated by the Agricultural Adjustment Administration as an area subject to serious wind erosion or as an area containing large acreages unsuited to continuing production of cultivated crops, during the period November 1, 1939, to October 31, 1940, inclusive, 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 permanent vegetative cover.

§ 701.102 *Soil-building goals, payments, and practices*—(a) *National goal.* The national goal is the conservation of

the cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as is practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying-out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

(b) *County goals.* Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices in the county and which are most needed in the county in order to conserve and improve soil fertility and to prevent wind and water erosion.

(c) *Farm goals.* The soil-building goal for any farm shall be one unit of soil-building practices for each $1.50 of the payment computed for the farm under paragraph (d) of this section 701.102: *Provided,* That for any farm, in any area designated by the Agricultural Adjustment Administration as an area subject to serious erosion, 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, the soil-building goal shall not be less than one unit for each $2.00 of the total payment computed for the farm and the total payment computed for such a farm shall be considered as a payment in connection with soil-building practices.

Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm, but which are needed on the farm in order to conserve and improve soil fertility and prevent wind and water erosion and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

(d) *Payments.* The payments in connection with soil-building practices shall be the sum of the following: *Provided,* That for any farm with respect to which the sum of the maximum payments computed under sections 701.101 and 701.102 is less than $20.00 the amount determined under this paragraph (d) shall be increased by the amount of the difference:

(1) ------ cents per acre of cropland in the farm in excess of the total soil-depleting acreage allotment for the farm (applicable only to farms in Area A);

(2) ------ per acre of commercial orchards and perennial vegetables on the farm January 1, 1940, except that in the Southern Region (where the commercial orchard and perennial vegetable acreage is not excluded from the acreage of cropland) the rate shall be ------ per acre;

(3) (i) 2 cents per acre of noncrop open pasture land in the farm, plus $1.00 for each animal unit of grazing capacity (on a 12-month basis) of such pasture, in the North Central Region, Kansas, California, Oklahoma, and Texas: *Provided,* That for any county or group of counties where the grazing capacity of the noncrop open pasture land is reasonably uniform such payment may, upon approval of the Agricultural Adjustment Administration, be computed at a flat rate per acre of noncrop open pasture land, such rate to be not greater than the average amount of payment per acre of noncrop pasture land determined for such county or group of counties on the basis of the foregoing rate: *Provided further,* That the amounts computed under this subdivision shall not be less than 10 cents times the number of such acres or 640 acres, whichever is smaller; provided that in states or areas where the range conservation program is applicable and is not combined with the Agricultural Conservation Program all non-crop open pasture land shall be classified as range land upon recommendation of the State committee and approval of the Agricultural Adjustment Administration;

(ii) 3 cents per acre of noncrop open pasture land, plus 75 cents for each animal unit of grazing capacity (on a 12-month basis) of such pasture, in North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Idaho, Oregon, and Washington: *Provided,* That for any county or group of counties where the grazing capacity of the noncrop open pasture land is reasonably uniform such payment may, upon approval of the Agricultural Adjustment Administration, be computed at a flat rate per acre of noncrop open pasture land, such rate to be not greater than the average amount of payment per acre of noncrop pasture land determined for such county or group of counties on the basis of the foregoing rate: *Provided further,* That the amounts computed under this subdivision shall not be less than 10 cents times the number of such acres or 640 acres, whichever is smaller; provided that in states or areas where the range conservation program is applicable and is not combined with the Agricultural Conservation Program all noncrop open pasture land shall be classified as range land upon recommendation of the State committee and approval of the Agricultural Adjustment Administration;

(iii) 25 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land, in the East Central Region and in States in the Southern Region other than Texas and Oklahoma;

(iv) 40 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land, in the Northeast Region.

(4) ------ cents per acre of cropland in excess of the sum of (1) the special crop acreage allotments other than a commercial vegetable acreage allotment and (2) the acreage of sugar beets planted for harvest in 1940 for the extraction of sugar and sugarcane grown for harvest in 1940 for the extraction of sugar (applicable only to farms in Area B and Area C);

(5) ------ cents for each acre in the commercial vegetable acreage allotment for the farm (applicable only to farms in the commercial vegetable area in Area A);

(6) ------ cents per acre, adjusted for the productivity of the farm, for each acre in the total soil-depleting acreage allotment for the farm in excess of the sum of (1) the special crop acreage allotments for the farm and (2) the acreage of sugar beets planted for harvest in 1940 for the extraction of sugar (applicable only to non-general-allotment farms in Area A);

(7) 45 cents per acre for each acre of restoration land for the farm; and

(8) $30.00 or $1.50 times the number of soil-building practice units earned by planting forest trees, whichever is smaller.

(e) *Hurricane damaged woodland.* Payment will be made at the rate of $4.00 per acre of woodland on the farm, which constitutes a serious fire hazard as a result of hurricane damage in September, 1938, for eliminating such hazard, improving the remaining stand of trees, and providing for the restoration of a full stand, provided such work is done with the prior approval of the county committee and in accordance with such approved system of farm woodlot management as is specified by the Agricultural Adjustment Administration. Woodland on which payment is made hereunder shall not be eligible for credit for soil-building practice 39 and payment hereunder shall not exceed $60.00 for any farm. This practice is applicable only to farms in New Hampshire, Massachusetts (except Barnstable and Berkshire Counties), Rhode Island, Connecticut (except Fairfield and Litchfield Counties), Nassau and Suffolk Counties of New York, Cumberland, Oxford, and York Counties of Maine, and Caledonia, Chittenden, Essex, Franklin, Lamoille, Orange, Orleans, Washington, Windham, and Windsor Counties of Vermont.

(f) *Deductions.* $1.50 for each unit by which the soil-building goal is not reached: *Provided,* That for any farm, in any area designated by the Agricultural Adjustment Administration as an area subject to serious erosion, 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 purposes, or a State agency authorized by law to own or lease

land for conservation or erosion-control purposes, the rate shall be $2.00.

(g) *Soil-building practices.* Such of the soil-building practices listed in the following schedule as the Agricultural Adjustment Administration determines are adapted to any region and should be encouraged in such region shall count toward the achievement of the soil-building goal to the extent indicated therein when such practices are carried out under the provisions of the 1940 program during a period of not more than 12 months ending between August 31 and December 31, 1940, inclusive, in areas designated by the Agricultural Adjustment Administration and in accordance with specifications issued by the regional director or by the State committee with the approval of the regional director. The areas designated for any soil-building practice shall be areas in which such practice is desirable and necessary as a conservation measure. The specifications issued shall be such as to assure that the soil-building practice will be performed in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and other 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, trees, 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 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, trees, 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. No credit for meeting the soil-building goal shall be given for the planting and protection of forest trees planted under a cooperative agreement entered into with the Forest Service in connection with the Prairie States Forestry Project.

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, in an area designated by the Agricultural Adjustment Administration as an area subject to serious erosion, 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.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to have been paid for in whole or in part by a State or Federal agency.

The unit credits listed below are the maximum units allowable, and the credit for any practice included may, for any State or area within a State, be adjusted downward by the State committee with the approval of the Agricultural Adjustment Administration in order to reflect relatively lower costs or relative desirability of the practice.

SCHEDULE OF SOIL-BUILDING PRACTICES

Application of Materials

(1) Application of the following materials to or in connection with the seeding of perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, Natal grass, or permanent pasture, and, in the case of 16 percent superphosphate, to or in connection with green manure crops in orchards. If these materials are applied to any of such crops seeded or grown in connection with a soil-depleting crop, only such proportionate part, if any, of the material applied shall be counted as is specified by the Agricultural Adjustment Administration.

(i) 300 pounds of 16 percent superphosphate (or its equivalent)—1 unit.

(ii) 150 pounds of 50-percent muriate of potash (or its equivalent)—1 unit.

(iii) 500 pounds of basic slag or rock (or colloidal) phosphate—1 unit.

(2) Application of 300 pounds of gypsum containing not less than 18 percent sulphur (or its sulphur equivalent)—1 unit.

(3) Application of 1,000 lbs., air-dry weight, of straw or equivalent mulching material (excluding barnyard and stable manure), in commercial orchards or on commercial vegetable land in any area designated by the Agricultural Adjustment Administration as an area in which straw normally costs more than $5.00 per ton—1 unit.

(4) Application of two short tons, air-dry weight, of straw or equivalent mulching materials (excluding barnyard and stable manure), in orchards or on commercial vegetable land—1 unit

(5) Application of the following quantities of ground limestone (or its equivalent) in any area designated by the Agricultural Adjustment Administration as an area in which the average cost of ground limestone to farmers is:

(i) Not more than $2.00 per ton, 2,000 lb.—equal 1 unit.

(ii) More than $2.00 but not more than $3.00 per ton, 1,500 lb.—equal 1 unit.

(iii) More than $3.00 but not more than $5.00 per ton, 1,000 lb.—equal 1 unit.

(iv) More than $5.00 per ton, 600 lb.—equal 1 unit.

Seedings

(6) Seeding alfalfa—2 units per acre.

(7) Seeding permanent grasses or permanent pasture mixtures containing a full seeding of legumes or grasses, or both, other than timothy and redtop (applicable only to varieties and areas designated by the Agricultural Adjustment Administration with respect to which the cost of establishing improved pastures is exceptionally high and their increase is important)—2 units per acre.

(8) Seeding biennial legumes, perennial legumes, perennial grasses (other than timothy or redtop), or mixtures (other than a mixture consisting solely of timothy and redtop) containing biennial legumes, perennial legumes, or perennial grasses (except any of such crops qualifying at a higher rate of credit under any other practice listed in this paragraph (g))—1 unit per acre.

(9) Seeding winter legumes, annual lespedeza, annual ryegrass, crotalaria, sesbania, or annual sweet clover—1 unit per acre.

(10) Establishment of a permanent vegetative cover by planting sod pieces of perennial grasses—3 units per acre.

(11) Establishment of a permanent vegetative cover by planting crowns of kudzu—4 units per acre.

(12) Seeding timothy or redtop or a mixture consisting solely of timothy and redtop—½ unit per acre.

Pasture Improvement

(13) Reseeding depleted pastures or restoration land with good seed of adapted pasture grasses or legumes—10 pounds of seed—1 unit.

(14) Natural reseeding of noncrop open pasture by nongrazing during the normal pasture season on an acreage equal to one-half of the number of acres of such pasture required to carry one animal unit for a 12-month period—1 unit.

(15) With prior approval of the county committee, development of springs or seeps by excavation at the source, 5 cubic feet of soil or gravel or 3 cubic feet of rock formation excavated: *Provided,*

That the source is protected from trampling, and at least 20 cubic feet of available water storage is provided; and *Provided further*, That the minimum credit shall be 13 units and the maximum credit shall be 67 units for this practice (applicable only in arid or semi-arid areas)—1 unit.

(16) *Construction of reservoirs and dams.* 10 cubic yards of material moved in making the fill or excavation or 7 cubic feet of concrete or rubble masonry—1 unit.

Green Manure Crops and Cover Crops

(17) Green manure crops of which a good stand and good growth is plowed or disced under on land not subject to erosion or if subject to erosion such crop is followed by a winter cover crop. Cover crops of which a good stand and good growth is left on land subject to erosion or in orchards or on commercial vegetable or potato land or on such other land as is designated by the Agricultural Adjustment Administration. Green manure crops and cover crops shall not include (1) lespedeza, (2) any crop for which credit is given in 1940 under any other practice, (3) wheat on nonirrigated land except in humid areas designated by the Agricultural Adjustment Administration, and (4) such other crops as may be determined by the Agricultural Adjustment Administration as not qualifiable for any area—1 unit per acre.

(18) Summer legumes not classified as soil-depleting (interplanted or grown in combination with soil-depleting crops) of which a good stand and good growth is obtained and is not harvested—½ unit per acre.

Erosion Control

(19) *Contour ridging or terracing of noncrop open pasture land.* 750 linear feet of ridge or terrace—1 unit.

(20) Construction of 200 linear feet of standard terrace for which proper outlets are provided—1 unit.

(21) Construction of concrete or rubble masonry check dams or drops and measuring weirs for the control of erosion, leaching, and seepage of irrigated cropland and orchard land (applicable only in arid and semi-arid areas)—7 cubic feet of concrete or rubble masonry—1 unit.

(22) Construction of 300 linear feet of ditching with a depth of one foot and a top width of four feet, or the cubic equivalent thereof, for the diversion and spreading of flood water or well water on restoration land, cropland, pasture land, or hay land (applicable only in arid and semiarid areas)—1 unit.

(23) Construction of one cubic yard of rip-rap of rock along active streams for the control of erosion of farm land—1 unit.

(24) Leveling of hummocks created by wind erosion, where such practice has the prior approval of the county committee (applicable only on a farm, in an area designated by the Agricultural Adjustment Administration as an area subject to serious erosion, 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—1 unit per acre.

(25) Protecting muck land subject to serious wind erosion by establishing or maintaining approved shrub windbreaks—½ unit per acre.

(26) Contour listing, deep or shallow subsoiling, or contour furrowing noncrop land (the acreage of this practice shall be computed on the basis of the area so handled, each furrow or strip being considered to occupy an area not in excess of one-half rod in width)—¼ unit per acre.

(27) Leaving on the land as a protection against wind erosion (only in wind-erosion areas designated by the Agricultural Adjustment Administration) the stalks of sorghums (including broomcorn) or Sudan grass, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1941 (except any of such crops qualifying at a higher rate of credit under any other practice listed in this paragraph (g))—¼ unit per acre.

(28) Protecting 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—¼ unit per acre.

(29) Maintenance of a protective vegetative cover on cropland cropped in 1939 and fallowed in 1938 where it is determined by the county committee that such cover is necessary as a protection against wind erosion (applicable only in summer-fallow areas designated by the Agricultural Adjustment Administration upon recommendation of the State committee)—¼ unit per acre.

(30) Stripcropping, including protection of summer fallow by means of strip fallowing—¼ unit per acre.

(31) Protecting summer-fallowed acreage from wind and water erosion by contour listing, pit cultivation, or incorporating stubble and straw into the surface soil (no credit will be given for this practice when carried out on light sandy soils or on soils in any area where destruction of the vegetative cover results in the land becoming subject to serious wind erosion)—¼ unit per acre.

(32) Contour farming intertilled crops—⅛ unit per acre.

(33) Contour listing (except when carried out on protected summer-fallowed acreage or as a part of a seeding operation)—⅙ unit per acre.

(34) Pit cultivation, pits to be at least four inches in depth below surface of soil and constructed so that surface of pit covers at least 25 percent of the ground surface (no credit will be given for this practice when carried out on protected summer-fallowed acreage or as a part of a seeding operation)—⅛ unit per acre.

(35) Contour seeding of small-grain crops—1/10 unit per acre.

(36) Natural vegetative cover or small-grain stubble of crops harvested in 1940 left on cropland not tilled in 1940 after July 1, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1941—1/10 unit per acre.

(37) Contour cultivation with a shallow furrowing or shovel-type implement following a small-grain crop harvested in 1940, furrows being not more than 20 inches apart—1/10 unit per acre.

Forestry

(38) Cultivating, protecting, and maintaining, by replanting if necesary, a good stand of forest trees, or a mixture of forest trees and shrubs, suitable for wildlife and planted between July 1, 1936, and July 1, 1940—2 units per acre.

(39) With prior approval of the county committee, improving a stand of forest trees under such approved system of farm woodlot and wildlife management as is specified by the Agricultural Adjustment Administration—2 units per acre.

(40) Planting forest trees (including shrubs beneficial to wildlife or in protective plantings) provided such trees are protected from fire and grazing and cultivated in accordance with good tree culture and wildlife management practice—5 units per acre.

(41) Restoration of farm woodlots, normally overgrazed, by nongrazing during the entire year 1940 (credit will not be allowed for more than two acres of woodland for each animal unit normally grazed on such woodland)—¼ unit per acre.

Other Practices

(42) Growing a home garden for a landlord, tenant, or sharecropper family on a farm in accordance with specifications issued by the State committee with the approval of the regional director (applicable only in areas designated by the Agricultural Adjustment Administration upon recommendation of the State committee as areas where home gardens generally are not kept or are inadequate and should be encouraged)—1 unit.

(43) Eradication or control of seriously infested plots of perennial noxious weeds, designated by the Agricultural Adjustment Administration, on cropland, orchard land, or noncrop pasture land, in organized weed-control areas, in accordance with good chemical or tillage methods—5 units per acre.

(44) Applying sand free from stones or loam to a depth of at least one-half inch on fruiting cranberry bogs—5 units per acre.

(45) Flooding fruiting cranberry bogs before January 1, 1940, and holding the water on such bogs continuously until July 5, 1940—5 units per acre.

(46) Renovation of perennial legumes and mixtures of perennial grasses and legumes—½ unit per acre.

(47) Deep subsoiling cropland or land in orchards (the acreage of this practice shall be computed on the basis of the area so handled, each furrow being considered to occupy an area not in excess of one-half rod in width)—¼ unit per acre.

§ 701.103 *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).

(a) Corn planted for any purpose (except sown corn used as a cover crop or green manure crop and sweet corn or popcorn grown in a home garden for use on the farm).

(b) Tobacco harvested for any purpose.[2]

(c) Grain sorghums planted for any purpose.

(d) Cotton which reaches the stage of growth at which bolls are first formed.

(e) Sugar beets planted for any purpose or sugarcane grown for any purpose.

(f) Rice planted for any purpose.

(g) Peanuts harvested for nuts or dug for hay.

(h) Broomcorn planted for any purpose.

(i) Mangels or cowbeets planted for any purpose.

(j) Potatoes planted for any purpose (except when grown in a home garden for use on the farm).

(k) Annual truck and vegetable crops planted for any purpose (except when grown in a home garden for use on the farm).

(l) Commercial bulbs and flowers, commercial mustard, cultivated sunflowers, safflower, or hemp, harvested for any purpose.

(m) Field beans planted for any purpose (except when grown in a home garden for use on the farm or when incorporated into the soil as green manure).

(n) Peas planted for canning, freezing, or dried peas (except when grown in a home garden for use on the farm or when incorporated into the soil as green manure).

(o) Soybeans harvested for seed for crushing.

(p) Flax planted for any purpose (except when used as a nurse crop for biennial or perennial legumes or perennial grasses which are seeded in a workmanlike manner or, in areas designated by the Agricultural Adjustment Administration as areas where it is not practicable to use flax as a nurse crop, when matched acre for acre by biennial or perennial legumes or perennial grasses seeded alone in a workmanlike manner).

(q) Wheat planted (or regarded as planted) for any purpose on a wheat-allotment farm.

(r) Wheat (on a non-wheat-allotment farm), oats, barley, rye, emmer, speltz, or mixtures of these crops, harvested for grain.

(s) 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 (1) 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, or (2) when such crops are grown in a mixture containing at least 25 percent by weight of winter legumes).

(t) Buckwheat, Sudan grass, or millet harvested for grain or seed.

(u) Sweet sorghums, when harvested for any purpose in the East Central Region, in the North Central Region except South Dakota and Nebraska, or in Area B in the Southern Region; when harvested for grain, seed, or sirup in the Western Region, in Area A in the Southern Region, or in Nebraska and South Dakota; and when harvested for silage in the commercial corn area in the States of Kansas, Nebraska, and South Dakota.

(v) Land summer-fallowed in the States of Washington, Oregon, Idaho, and Utah (except when such land is seeded in 1940 to a nondepleting crop approved by the Agricultural Adjustment Administration or is irrigated land which is cultivated periodically to control noxious weeds).

(w) Land summer-fallowed in any area and not protected from wind and water erosion by methods approved by the State committee.

(x) Such other similar crops and uses as may be specified by the Agricultural Adjustment Administration.

§ 701.104 *Division of payments and deductions*—(a) *Payments and deductions in connection with general soil-depleting crops, crops for which special crop acreage allotments are determined, and restoration land.* (1) The net payment or net deduction computed for any farm with respect to general soil-depleting crops, or any crop for which a special acreage allotment is established, shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either acreages or percentages) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940; *Provided,* That if any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1940: *Provided further,* That if for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton acreage allotment for the farm and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1940 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton acreage allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940: *And provided further,* That, in cases where two or more separately-owned tracts of land comprise a farm in any area designated by the Agricultural Adjustment Administration as an area in which a substantial proportion of the farms comprise two or more separately-owned tracts of land, upon written agreement of all persons who are entitled to receive a share of the proceeds of any such crop the share of each such person in the net payment or net deduction computed with respect to such crop on such farm shall be that share which fairly reflects the contribution of each such person to performance with respect to such crop and also results substantially in a division of such payment or deduction among landlords, tenants, and sharecroppers as classes as each such class shares in the crop, or proceeds

[2] Each acre of Georgia-Florida Type 62 tobacco shall be counted as 8/10 of an acre if (1) an average of at least four top leaves is left on each stalk on all the acreage of such tobacco grown on the farm in 1940 and all such stalks are cut within seven days after harvesting of the other leaves is completed and are either left on the land for the remainder of 1940 or plowed under, and (2) a cover crop of sorghum, cowpeas, velvet beans, or crotalaria, or any mixture of these, is seeded in 1940 on all land on the farm planted to such tobacco and a reasonably good stand and good growth of such cover crop is attained and is plowed under or disced in before December 31, 1940, after it has attained at least three months' growth, provided such cover crop shall not be counted toward meeting the soil-building goal regardless of how used.

thereof, with respect to which the payment or deduction is being made.

(2) The payment computed with respect to restoration land under paragraph (j) (3) of section 701.101 shall be made to the person who is the owner of the land as of June 30, 1940, unless the land is rented for cash, in which case the payment shall be made to the cash tenant as of such date.

(3) In computing such net payments and such net deductions with respect to acreage allotments and general crops, the deduction with respect to (1) corn for grain in Area C, (2) total soil-depleting crops in Area B, (3) failure to prevent wind or water erosion, (4) cropping restoration land, (5) breaking-out of native sod, or (6) any net deduction computed with respect to the soil-building goal, shall be regarded as a deduction with respect to general crops in Area A and shall be regarded as a pro-rata deduction with respect to the payments computed in connection with crop acreage allotments in Areas B and C.

(b) *Payments in connection with soil-building practices.* The amount of net payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in the 1940 program, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in such program. All persons contributing to the carrying-out of any soil-building practice on a particular acreage shall be deemed to have contributed equally to the units of such practice unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto.

(c) *Proration of net deductions.* If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

§ 701.105 *Increase in small payments.* The total payment computed under Sec. 701.101 to 701.104, 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 $1.00;

(2) Any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent;

(3) Any payment amounting to $1.00 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
$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	[1]
$200.00 and over	[2]

[1] Increase to $200.00.
[2] No increase.

§ 701.106 *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.

§ 701.107 *Deductions incurred on other farms*—(a) *Other farms in the same county.* If the deductions computed under Sec. 701.101 and 701.102 with respect to any farm in a county exceed the payment for full performance on such farm computed under such sections a landlord's or tenant's share of the amount by which such deduction exceeds such payments 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 under Sec. 701.101 and 701.102 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.

§ 701.108 *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.

§ 701.109 *Materials furnished as grants of aid.* Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to

be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such material is furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such material to the Agricultural Adjustment Administration in the county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such material is furnished, and the balance, if any, of such deduction shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained or on which it was used. Materials shall only be furnished pursuant to a producer's request and agreement upon a form prescribed by the Agricultural Adjustment Administration. Such agreement shall provide that (1) in the event the amount of deduction for materials exceeds the amount of the payment with respect to the farm the amount of such difference shall be paid by the producer to the Secretary; (2) if the producer uses any such material in a manner which is not in substantial accord with the purposes for which such material was furnished, the deduction with respect to the material misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse; and (3) the finding of the county committee that the material has been used in a manner which is not in substantial accord with the purposes for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal under the provisions of Sec. 701.112.

Notwithstanding any other provisions herein, in areas designated by the Agricultural Adjustment Administration, for any farm on which no performance is rendered under the 1940 program except the carrying-out of practices through the use of materials furnished by the Agricultural Adjustment Administration, the furnishing of such materials shall be in lieu of any payment which otherwise might be computed for the farm.

§ 701.110 *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) Payments other than payments in connection with restoration land and in connection with soil-building practices will be made only with respect to farms which are being operated in 1940.

(3) In areas designated by the Agricultural Adjustment Administration as areas subject to serious wind erosion in 1940, 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. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on an acreage in excess of the cotton acreage allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to

cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

(f) *Use of soil-conserving crops for market.* Payment will not be made with respect to any farm unless on such farm in 1940 an acreage of cropland or restoration land, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market, equal to the acreage by which the normal acreage of soil-depleting crops on such farm exceeds the larger of (1) the total soil-depleting acreage allotment for the farm or (2) the acreage devoted to soil-depleting crops on the farm in 1940: *Provided,* That payments shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of this paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows or (2) if none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions unless: (1) the number of cows kept for the production of milk in the county exceeds by more than five percent the normal number of such cows; (2) the acres retired from soil-depleting crops in the county exceed five percent of the normal acreage of such crops and exceed 1,000 acres; and (3) the average number of cows kept for the production of milk exceeds two cows per farm and exceeds two cows per 160 acres of farm land.

The normal acreage of soil-depleting crops and the number of cows kept for the production of milk or the products thereof for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine, from the latest available statistics of the Department, and shall announce the counties not deemed to be in substantial compliance.

As used in this paragraph (f), the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm or if fed to dairy livestock upon his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this paragraph (f), the term "soil-conserving crops" means grasses and legumes grown on cropland except those listed in the definition of soil-depleting acreage in Sec. 701.103.

§ 701.111 *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 Sec. 701.104, a share in the payment with respect to the farm may be computed and (1) who at the time of its harvest is entitled to share in any of the crops grown on the farm under a lease or operating agreement, or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices, or (3) who as of June 30, 1940, is owner or cash tenant of a farm on which restoration land is designated.

(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 has the right to receive all or a portion of the crops or proceeds therefrom produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such 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.

§ 701.112 *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.

§ 701.113 *State and regional bulletins, instructions, and forms.* The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issued such State and regional bulletins, instructions, and forms as may be required in administering the 1940 program pursuant to the provisions hereof.

§ 701.114 *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 any State to assist in the administration of the agricultural conservation programs in such 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) *Areas*—(1) *Northeast Region* means the area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(2) *East Central Region* means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(3) *Southern Region* means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(4) *North Central Region* means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(5) *Western Region* means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(6) *Area A* means the North Central Region, North Dakota, Kansas, and such counties or administrative areas in Arkansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, and California as may be designated by the Agricultural Adjustment Administration as counties or areas normally producing a surplus of general soil-depleting crops.

(7) *Area B* means the East Central Region and those portions of the Southern and Western Regions not included in Area A.

(8) *Area C* means the Northeast Region.

(c) *Farms. 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.

(d) *Cropland.* (1) *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, and excluding also, except in the Southern Region, any land in commercial orchards or perennial vegetables.

(e) *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 a 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, and in the case of rice also means a person furnishing water for a share of the rice.

(5) *Commercial orchards and perennial vegetables* means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables (excluding artichokes for use other than as vegetables) on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards), from which the major portion of the production is normally sold.

(6) *Noncrop open pasture land* means pasture land (other than rotation pasture land and range 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.

(7) *Special crop acreage allotment* means a corn, cotton, wheat, tobacco, rice, peanut, potato, or commercial vegetable acreage allotment.

(8) *Animal unit* means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.

§ 701.115 *Authority, availability of funds, and applicability*—(a) *Authority.* This program is approved 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, and in connection with the effectuation of the purposes of section 7 (a) of said Act in 1940 the payments and grants of aid provided for herein will be made for participation in the 1940 program.

(b) *Availability of funds.* 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 and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. As an adjustment for participation the rates of payment and deduction with respect to any commodity or item of payment may be increased or decreased from the rates set forth herein by as much as 10 percent.

(c) *Applicability.* The provisions of the 1940 program contained herein, except Sec. 701.106, are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special agricultural conservation programs under said Act are approved for 1940 by the Secretary; and (3) 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.

(d) *Combination with range program.* The Range Conservation Program may be combined with the Agricultural Conservation Program for 1940 in any State or area upon recommendation of the State committee and the approval of the Agricultural Adjustment Administration, in which case range land shall be treated as non-crop pasture and the range-building practices shall be treated as incorporated in the agricultural conservation program.

Done at Washington, D. C., this 6th day of September, 1939. Witness my hand and the seal of the Department of Agriculture.

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-3309; Filed, September 9, 1939; 11:16 a. m.]

[P–7]

PART 741—1939 PRICE ADJUSTMENT PROGRAM REGULATIONS

SUPPLEMENT NO. 6

By virtue of the authority vested in the Secretary of Agriculture by the Price Adjustment Act of 1938, approved June 21, 1938 (Title V of Public Res. No. 122, 75th Congress; 52 Stat. 819), and pursuant to the provisions of Sections 301 and 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 43, 45), and the second paragraph of Section 15 of the Soil Conservation and Domestic Allotment Act, as amended by Section 104 of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 35), the 1939 Price Adjustment Program Regulations, as amended,[1] are hereby amended as follows:

The last paragraph of Section 741.9 (a) is hereby amended to read as follows:

Legally adopted children shall be entitled to share in any payment in the same manner and to the same extent as other children. If any person who is entitled to payment under the above order of precedence is a minor, payment of his share shall be made to his legal guardian, but if no legal guardian has been appointed payment shall be made to his natural guardian or custodian for his benefit, unless the minor's share of the payment exceeds $500, in which event payment shall be made only to his legal guardian. Any payment which the deceased person could have received may be made jointly to the persons found to be entitled to such payment or shares thereof under this subsection, or, pursuant to instructions issued by the Agricultural Adjustment Administration, a separate check may be issued to each person entitled to share in such payment.

Done at Washington, D. C. this 11th day of September 1939. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 39–3327; Filed, September 11, 1939; 12:35 p. m.]

[CAP–105 Amendment 4]

REGULATIONS PERTAINING TO 1937 COTTON PRICE ADJUSTMENT PAYMENT PLAN

AMENDMENT 4

By virtue of the authority vested in the Secretary of Agriculture by the item entitled "Price Adjustment Payment to Cotton Producers" contained in the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937 (Public Law No. 354, 75th Congress, 1st Session; 50 Stat. 762), by Section 381 (a) of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3rd Session; 52 Stat. 67), as amended by Section 12 of Public Law No. 470, 75th Congress, approved April 7, 1938 (52 Stat. 202), and by the next to the last proviso to the item entitled "Conservation and Use of Agricultural Land Resources, Department of Agriculture" contained in the Department of Agriculture Appropriation Act, 1939, approved June 16, 1938 (Public Law No. 644, 75th Congress, 3rd Session; 52 Stat. 744), I, H. A. Wallace, Secretary of Agriculture, do make prescribe, publish, and give public notice that subsection D 3 of Section 41 of the Regulations Pertaining to 1937 Cotton Price Adjustment Payment Plan (CAP–105), as amended,[1] is hereby further amended to read as follows:

3. If there is no surviving spouse, to the sons and daughters in equal shares. If any child is a minor, payment of his share shall be made to his legal guardian, but if no legal guardian has been appointed payment shall be made to his natural guardian or custodian for his benefit, unless the minor's share of the payment exceeds $500, in which event payment shall be made only to his legal guardian. Children of a deceased son or daughter of a deceased producer shall be entitled to their ancestor's share of the payment, share and share alike;

Done at Washington, D. C., this 11th day of September, 1939. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 39–3328; Filed, September 11, 1939; 12:35 p. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 49957]

ENFORCEMENT OF NEUTRALITY—COMMUNICATIONS

RESPONSIBILITY FOR THE ENFORCEMENT OF THE OBSERVANCE OF NEUTRALITY IN RADIO COMMUNICATION BY MERCHANT VESSELS OF BELLIGERENTS

SEPTEMBER 8, 1939.

To the Commandant, United States Coast Guard, the Commissioner of Customs, and Others Concerned:

1. Pursuant to the Proclamation of the President dated September 5, 1939,[2] numbered 2348, concerning the general neutrality of the United States and the Executive Order of the President of the same date,[3] numbered 8233, in which certain functions to enforce said proclamation were allocated to the Treasury Department, the United States Coast Guard is hereby charged, under the general direction of the Commandant, with the enforcement of neutrality in radio communication by merchant vessels of belligerents.

2. The United States Customs Service shall cooperate generally with the Coast Guard in the enforcement of neutrality in radio communication by merchant vessels of belligerents. At places where no representative of the Coast Guard is detailed to carry into effect such instructions as may be issued by the Commandant to district commanders of the Coast Guard, the duties therein prescribed shall, upon request, be performed by such customs officer or officers as may be designated by the appropriate collector of customs.

3. The provisions of paragraph (i), Article 178, Customs Regulations of 1937,[4] are hereby suspended until further notice.

4. This Treasury Decision is prescribed pursuant to section 161, Revised Statutes (U.S.C. title 5, sec. 22), and section 1, Act of June 22, 1936 (U.S.C., Supp. IV, title 14, sec. 45).

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 39–3323; Filed, September 11, 1939; 11:57 a. m.]

TITLE 22—FOREIGN RELATIONS

DEPARTMENT OF STATE

REGULATIONS UNDER SECTION 9 OF THE JOINT RESOLUTION OF CONGRESS APPROVED MAY 1, 1937

SEPTEMBER 9, 1939.

The Secretary of State announces that the regulations under section 9 of the joint resolution of Congress approved May 1, 1937, which he promulgated on September 5, 1939,[1] henceforth apply equally in respect to travel by citizens of the United States on vessels of the Union of South Africa.

[SEAL] CORDELL HULL.

[F. R. Doc. 39–3317; Filed, September 11, 1939; 10:38 a. m.]

RULES AND REGULATIONS GOVERNING THE SOLICITATION AND COLLECTION OF CONTRIBUTIONS FOR USE IN THE UNION OF SOUTH AFRICA

SEPTEMBER 9, 1939.

The Secretary of State announces that the rules and regulations under the provisions of Section 3 (a) of the Joint Resolution of Congress approved May 1, 1937, in regard to the solicitation and collection of funds for use in France; Germany; Poland; and the United Kingdom, India, Australia, and New Zealand, which he promulgated on September 5, 1939,[2]

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[1] 4 F.R. 3669 DI.

[1] 3 F.R. 2359 DI.
[2] 4 F.R. 3809 DI.
[3] 4 F.R. 3822 DI.

[1] 3 F.R. 3838 DI.
[2] 4 F.R. 3839 DI.
[4] 2 F.R. 1492.

henceforth apply equally in respect to the solicitation and collection of funds for use in the Union of South Africa.

[SEAL] CORDELL HULL.

[F. R. Doc. 39-3318; Filed, September 11, 1939; 10:38 a. m.]

SUPPLEMENT TO THE PAMPHLET, "INTERNATIONAL TRAFFIC IN ARMS—LAWS AND REGULATIONS ADMINISTERED BY THE SECRETARY OF STATE GOVERNING THE INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR AND OTHER MUNITIONS OF WAR."

PART X—SPECIAL PROVISIONS IN REGARD TO EXPORTATION TO THE UNION OF SOUTH AFRICA

SEPTEMBER 9, 1939.

The Secretary of State announces that the special provisions in regard to exportation to France; Germany; Poland; and the United Kingdom, India, Australia and New Zealand, promulgated on September 5, 1939,[1] and set forth in Part IX of this pamphlet, henceforth apply equally in respect to the Union of South Africa.

[SEAL] CORDELL HULL.

[F. R. Doc. 39-3319; Filed, September 11, 1939; 10:38 a. m.]

TITLE 29—LABOR

WAGE AND HOUR DIVISION

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order)[2] are issued to the employers listed below effective September 18, 1939 until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under this Certificate is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Delsea Hosiery Mill, Westville Grove, N. J., 5 learners

Century Hosiery Mills, Inc., Burlington, N. C.

McPar Hosiery Mill, Inc., Marion, N. C.

Penn-Carol Hosiery Mills, Inc., Concord, N. C.

Drexel Knitting Mills Co., Drexel, N. C.

Glenn Hosiery Mill, Burlington, N. C.; 5 learners.

Doyle Hosiery Corporation, Doylestown, Pa.

Grey Hosiery Mills, Bristol, Tenn.

Radford Knitting Mills, Inc., Radford, Va., 4 learners

Pilot Full Fashion Mills, Inc., Valdese, N. C.

John L. Fead & Sons, Port Huron, Michigan.

McEwen Knitting Company, Burlington, N. C.

Nelson Knitting Company, Rockford, Ill.

Knit Products Corporation, Belmont, N. C.

Julius Kayser and Company, Brooklyn, N. Y.

Hudson Silk Hosiery Company, Charlotte, N. C.

Blackstone Hosiery Mills, Valdese, N. C.

Hudson City Knitting Mills, Charlotte, N. C.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended.[3] For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 9th day of September, 1939.

GUSTAV PECK,
Assistant Chief, Hearings and Exemptions Section.

[F. R. Doc. 39-3313; Filed, September 11, 1939; 9:33 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

PUBLIC DEBT SERVICE

[1939—Amendment 2, Department Circular No. 560, Rev.]

PART 313—REGULATIONS GOVERNING ADJUSTED SERVICE BONDS OF 1945

SEPTEMBER 5, 1939.

To Owners of Adjusted Service Bonds, and Others Concerned:

1. Paragraph 12 (g) of Department Circular No. 560, Revised, as amended, dated December 30, 1936, is hereby amended to read as follows:

In the Philippine Islands. In addition to the officers designated elsewhere in this paragraph, the United States High Commissioner, his Administrative Assistant, and the Chief Clerk in his office, under the High Commissioner's seal; Provincial and Municipal Treasurers, and City Treasurers in Manila and Baguio, under their respective seals; Philippine postmasters under the stamp of their office; and, in Manila, Post Office inspectors assigned in Manila, under the seal of the Bureau of Posts: *Provided, however,* That the requests for payment witnessed and certified to by these officials shall be supported by the fingerprints of the veterans in the place provided therefor on the back of the bonds, and that the bonds be then forwarded to the Treasury of the Philippine Islands or to the Treasurer of the United States for payment.

2. This amendment shall be effective September 15, 1939, and the Secretary of the Treasury may at any time, or from time to time, withdraw or amend any or all of the provisions thereof.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 39-3304; Filed, September 8, 1939; 4:05 p. m.]

TITLE 36—PARKS AND FORESTS

FOREST SERVICE

PISGAH NATIONAL FOREST, NORTH CAROLINA

DEER HUNTING ON PISGAH NATIONAL GAME PRESERVE

I have considered the information and evidence adduced by the officers of the Forest Service relative to the conditions of the land and deer herd on the Pisgah National Game Preserve in the Pisgah National Forest in North Carolina, established by proclamation of the President issued October 17, 1916, 39 Stat. 1811, and I hereby find and determine that the number of deer within the Pisgah National Game Preserve is so great that they have caused and are causing serious damage and injury to the land and forest within the Pisgah National Game Preserve and I further find and determine that unless the deer herd is reduced the damage and injury to the land and forest will continue and grow progressively worse and will result in further reducing the forage capacity of the Pisgah National Game Preserve for deer;

Now, therefore, I, Henry A. Wallace, Secretary of Agriculture, pursuant to the authority vested in me by the acts of March 1, 1911, c. 186, 36 Stat. 961; February 1, 1905, c. 288, 33 Stat. 628, amendatory of the act of June 4, 1897, c. 2, 30 Stat. 11, 35; August 11, 1916, c. 313, 39 Stat. 476; to effectuate the purpose of those acts do hereby authorize:

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[1] 4 F.R. 3838 DI.
[2] 4 F.R. 3680, 3711 DI.
[3] 4 F.R. 2088 DI.

1. Employees of the Department of Agriculture assigned to duty on the Pisgah National Forest or persons authorized pursuant to the Regulations of the Secretary of Agriculture Relating to the Protection, Occupancy, Use and Administration of the National Forest, published in the FEDERAL REGISTER of August 15, 1936,[1] to hunt and kill deer on the Pisgah National Game Preserve and to remove the carcasses of the deer from the Preserve during the months of October, November, December, 1939, and January 1940, or any part of that period designated by the Chief of the Forest Service;

2. Employees of the Department of Agriculture assigned to duty on Pisgah National Forest to trap, capture and ship live deer of the Pisgah National Game Preserve at any time during the balance of the year 1939 and the year 1940 or any part of that period designated by the Chief of the Forest Service;

provided that the deer shall be removed in such numbers and in such manner, and under such conditions as the Chief of the Forest Service shall find necessary for the preservation and protection of the land and forest, the property of the United States.

Given under my hand and the seal of the United States Department of Agriculture, Washington, D. C., this 9th day of September, 1939.

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

[F. R. Doc. 39-3316; Filed, September 11, 1939; 9:40 a. m.]

TITLE 46—SHIPPING

UNITED STATES MARITIME COMMISSION

RESCISSION OF REGULATION GOVERNING THE CHARTER TO PERSONS NOT CITIZENS OF THE UNITED STATES, OF VESSELS DOCUMENTED UNDER THE LAWS OF THE UNITED STATES OR THE LAST DOCUMENTATION OF WHICH WAS UNDER THE LAWS OF THE UNITED STATES

At a session of the United States Maritime Commission held at its offices in Washington, D. C., on the 9th day of September, 1939:

Ordered that General Order No. 18 (Amended)[2] adopted by the United States Maritime Commission on August 3, 1939 be, and hereby is, rescinded.

By order of the United States Maritime Commission.

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

[F. R. Doc. 39-3322; Filed, September 11, 1939; 11:46 a. m.]

[1] 1 F.R. 1090.
[2] 4 F.R. 3569 DI.

Notices

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5719]

IN THE MATTER OF RESTRICTION OF TELEGRAPH RATES TO INDIVIDUALS BY THE WESTERN UNION TELEGRAPH COMPANY

NOTICE OF HEARING

At a session of the Federal Communications Commission, held at its office in Washington, D. C., on the 6th day of September, A. D. 1939.

It appearing that there have been filed with the Federal Communications Commission tariffs containing schedules stating new charges and new classifications, regulations and practices affecting such charges to become effective on the 10th day of September, 1939, designated as follows:

THE WESTERN UNION TELEGRAPH COMPANY SUPPLEMENT NO. 3 to F. C. C. NO. 144

It is ordered, That the Commission, on its own motion, without formal pleading enter upon a hearing concerning the lawfulness of the charges, and of the regulations, classifications, and practices stated in the said schedules contained in said tariffs; viz., all provisions shown in connection with the listings of the following places:

Clearwater Beach, Greenwood and Loughman, Florida; Mac Gregor, Idaho; Springhill, Louisiana; College Park, Maryland; Fiskdale, Massachusetts; East Laport, North Carolina; Hubbard, Ohio; Farmers Valley and Irvineton or Irvine, Warren County, Pennsylvania; Mayo and McClellanville, South Carolina; Keokee, Virginia; Braeholm, Mallory and Wharton, West Virginia.

It further appearing, that said schedules make certain changes in rates for "Domestic Telegraph Service" in interstate and foreign commerce, and the rights and interests of the public appearing to be injuriously affected thereby, and it being the opinion of the Commission that the effective date of the said schedules contained in said tariffs should be postponed pending said hearing and decision thereon;

It is further ordered, That the operation of the said schedules contained in said tariffs be suspended, and that the use of the rates, charges, classifications, regulations, and practices therein stated be deferred until the 10th day of December, 1939, unless otherwise ordered by the Commission, and no change shall be made in such charges, classifications, regulations, and practices during the said period of suspension, unless authorized by special permission of the Commission.

It is further ordered, That the charges and the classifications, regulations, and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule, until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired, unless authorized by special permission of the Commission.

It is further ordered, That a copy of this order be filed with said schedules in the office of the Federal Communications Commission, and that copies hereof be forthwith served upon the carriers party to such schedules, and that said carriers party to said schedules be, and they are hereby, made respondent to this proceeding; and

It is further ordered, That this proceeding be, and the same is hereby assigned for hearing at 10:00 A. M., on the 9th day of October, 1939, at the office of the Federal Communications Commission, in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-3308; Filed, September 9, 1939; 10:55 a. m.]

[Docket Nos. 5675, 5674]

[File Nos. P1-PC-54, P2-PC-55]

IN RE APPLICATION OF RADIOMARINE CORPORATION OF AMERICA (WBL)

Dated April 17, 1939, for construction permit; class of service—Public coastal; class of station—Coastal telephone; location—Buffalo, N. Y.; operating assignment specified—Frequency, 2182, 4282.5 kc calling; 2514, 2572, 2738, 4282.5 kc working; power, 75 w night; 75 w day; hours of operation, unlimited during season of Great Lakes navigation.

IN RE APPLICATION OF RADIOMARINE CORPORATION OF AMERICA (WCY)

Dated April 17, 1939, for construction permit; class of service—Public coastal; class of station—Coastal telephone; location—West Dover, Ohio; operating assignment specified—Frequency, 2182, 4282.5 kc calling; 2514, 2572, 2738, 4282.5 kc working; power, 400 w night; 600 w day; hours of operation, unlimited during season of Great Lakes navigation.

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described applications and has designated the matters for hearing for the following reasons:

1. To determine the legal, technical, financial, and other qualifications of the applicant.

2. To determine whether the frequencies applied for are available for use as requested.

3. To determine whether the station equipment and mode of operation conform to good engineering practice.

4. To determine the need for the type of service proposed.

5. To determine whether interference would be caused to any existing station in this or other services.

6. To determine whether public interest, convenience and necessity would be served.

The applications 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 Section 1.382 (b) of the Commission's Rules of Practice and Procedure.[1] Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.[2]

The applicant's address is as follows: Radiomarine Corporation of America, % RCA Frequency Bureau, 30 Rockefeller Plaza, New York, N. Y.

Dated at Washington, D. C. September 8, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-3320; Filed, September 11, 1939; 10:56 a. m.]

FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

[Docket No. G-137]

IN THE MATTER OF UNIFORM SYSTEM OF ACCOUNTS TO BE PRESCRIBED FOR NATURAL-GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT

ORDER FIXING DATE FOR HEARING

SEPTEMBER 6, 1939.

It appearing to the Commission that:

(a) Section 8 (a) of the Natural Gas Act authorizes the Commission to prescribe a system of accounts to be kept by natural-gas companies and to classify such natural-gas companies and prescribe a system of accounts for each class;

(b) A tentative draft, dated May 15, 1939, of a uniform system of accounts to be prescribed for natural-gas companies subject to the provisions of the Natural Gas Act, has been prepared;

(c) On June 20, 1939, copies of said tentative draft were sent by the Commission to State commissions, natural-gas companies and other interested persons and organizations and comments and suggestions with respect thereto were requested to be filed with the Commission on or before July 10, 1939;

(d) The Commission has received comments and suggestions with respect to said tentative draft from certain State commissions, natural-gas companies and others;

(e) It is appropriate in the public interest that a public hearing be held with respect to the adoption of said proposed system of accounts in order to provide an opportunity for natural-gas companies, State commissions, and persons, corporations or organizations having an interest in the matter to appear and be heard with respect to the adoption of said system of accounts;

The Commission orders that:

(a) A public hearing be held on September 27, 1939, at 10 o'clock a. m. in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N.W., Washington, D. C., for the purpose of receiving evidence with respect to the adoption of the proposed uniform system of accounts for natural-gas companies from any State commission, natural-gas company, or person, corporation, or organization having an interest in the matter;

(b) The Secretary of the Commission shall cause this order to be forthwith published in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-3305; Filed, September 9, 1939; 9:07 a. m.]

[Docket No. ID-448]

IN THE MATTER OF D. EDGAR MANSON

ORDER FIXING DATE OF HEARING

SEPTEMBER 8, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) Upon application, and supplements thereto, filed by the above-named applicant pursuant to Section 305 (b) of the Federal Power Act for authorization to hold certain interlocking positions within the purview of Section 305 (b), the Commission has heretofore authorized the said applicant to hold said positions and that the orders of authorization heretofore made reserve to the Commission the right to require the applicant to make further showing that neither public nor private interests will be adversely affected by reason of the applicant holding said positions;

(b) It is in the public interest that the above-named applicant make further showing at this time that neither public nor private interests will be adversely affected by reason of his holding said positions;

(c) Such further showing can best be made in the form and manner of a public hearing held for that purpose;

The Commission orders that:

A public hearing on said application be held beginning the 25th day of September, 1939, at 10:00 A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N.W., Washington, D. C., and that at said hearing the above-named applicant make further showing that neither public nor private interests will be adversely affected by reason of his holding positions within the purview of Section 305(b) of the Federal Power Act.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-3315; Filed, September 11, 1939; 9:35 a. m.]

[Docket No. IT-5580]

IN THE MATTER OF NEW ENGLAND POWER COMPANY

ORDER POSTPONING HEARING

SEPTEMBER 8, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

By order of the Commission, adopted July 26, 1939, a public hearing in the above-entitled proceeding was set for September 13, 1939; [1]

The Commission, on its own motion, orders that:

The aforesaid public hearing be and the same is hereby postponed to September 25, 1939, at 10:00 A. M., in the Commission's hearing room at 1757 K Street, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-3314; Filed, September 11, 1939; 9:35 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 30th day of August, A. D. 1939.

[File Nos. 43-177, 64-1]

IN THE MATTER OF HUNTINGTON DEVELOPMENT AND GAS COMPANY AND COLUMBIA GAS & ELECTRIC CORPORATION

ORDER MAKING DECLARATION EFFECTIVE AND APPROVING APPLICATION

Huntington Development and Gas Company, a subsidiary of Columbia Gas & Electric Corporation, a registered holding

[1] 4 F.R. 3350 DI.
[2] 4 F.R. 3344 DI.

[1] 4 F.R. 3476 DI.

company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the reduction of the par value of its 40,000 shares of common stock from $100 per share to $50 per share;

Said Columbia Gas & Electric Corporation having filed an application pursuant to Instruction 8C to the Uniform System of Accounts for Public Utility Holding Companies, promulgated under Section 15 of said Act requesting approval of proposed entries to record the transfer to Columbia Gas & Electric Corporation of the stocks of Huntington Development and Gas Company, and other assets of the former Huntington Gas Company, which last named company is now dissolved;

A joint public hearing on said declaration and application having been held after appropriate notice; the said declarant and applicant prior to the filing of the Commission's findings, opinion and order herein, having waived a Trial Examiner's report, the right to submit findings of fact to the Commission, and to have submitted to them proposed findings of fact by counsel to the Commission, and the right to file briefs and have oral argument before the Commission; the Commission having considered the record in these matters and having filed its findings and opinion herein;

It is ordered, That the declaration of Huntington Development and Gas Company be and become effective subject to the following terms and conditions:

(1) No charge (other than the charge proposed to be made to eliminate the deficit in declarant's earned surplus account) shall be made to Special Capital Surplus unless (a) such charge has previously been authorized by appropriate resolution of declarant's board of directors and (b) subsequent to such resolution of the board of directors, thirty days' prior notice of the making of such charge be given to this Commission. The Commission reserves jurisdiction, on receipt of such notice, in and as part of the proceedings herein, after notice given within such thirty days and opportunity for hearing, to disapprove such charge on the basis of the record herein and any additional evidence that may be adduced by any interested party; and in the event that the Commission shall notify declarant to show cause why such charge should not be disapproved, the charge in question shall not be made until expressly authorized by order of this Commission.

It is further ordered, That the application of Columbia Gas & Electric Corporation be and the same hereby is approved, subject to the following terms and conditions:

(1) The reserve of $3,342,465.24 which Columbia Gas & Electric Corporation is setting up against its investment in Huntington Development and Gas Company shall be carried on the consolidated balance sheet as a reserve against consolidated property account.

(2) No charge to this reserve (other than the charges presently proposed to be made) shall be made unless (a) such charge has previously been authorized by appropriate resolution of applicant's board of directors, and (b) subsequent to such resolution of the board of directors, thirty days' prior notice of the making of such charge be given to this Commission. The Commission reserves jurisdiction, on receipt of such notice, in and as part of the proceedings herein, after notice given within such thirty days and opportunity for hearing, to disapprove such charge on the basis of the record herein and any additional evidence that may be adduced by any interested party; and in the event that the Commission shall notify applicant to show cause why such charge should not be disapproved, the charge in question shall not be made until expressly authorized by order of this Commission.

(3) This Commission reserves the right to require additional charges, on account of items in Columbia Gas & Electric Company's investment in Huntington Development and Gas Company to this reserve, other than those now proposed by applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3307; Filed, Septmber 9, 1939; 10:49 a. 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 9th day of September, A. D. 1939.

[File No. 46-70]

IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION LIMITED, ET AL

ORDER RELATIVE TO ACQUISITION OF BONDS

The Commission having by order on May 20, 1939 (Holding Company Act Release No. 1548) authorized the Utilities Power & Light Corporation, Limited, a wholly-owned subsidiary of Utilities Power & Light Corporation, a registered holding company (presently in reorganization proceedings under Section 77B of the Bankruptcy Act, proceedings in which are pending in the District Court of the United States for the Northern District of Illinois, Eastern Division) and the Trustee of the estate of the debtor as intervening applicant, to acquire the outstanding Twenty Year 6% First Mortgage Sinking Fund Gold Bonds of Utilities Elkhorn Coal Company, due July 1, 1948, with January 1, 1938 and subsequent coupons attached, at a price of 70% of the principal amount thereof subject to certain terms and conditions therein set forth including the condition that the offer of purchase shall expire thirty days from the date of mailing of the literature in which the offer to purchase and the solicitation of acceptances thereto were made;

The applicant and the intervening applicant having on July 20, 1939, filed a further amendment in this matter setting forth that at the close of business July 7, 1939, the applicant had acquired, pursuant to solicitation submitted after authority given by this Commission and the United States District Court for the Northern District of Illinois, Eastern Division, $803,000 principal amount of said bonds; that a balance of $210,000 principal amount of said bonds remained outstanding in the hands of the public; that under the order of this Commission the right to solicit the purchase of these bonds terminated July 13, 1939; that the applicant and intervening applicant believed that after an additional thirty days time is granted to said applicant and intervening applicant for the purpose of soliciting the acceptance of the offer to purchase such bonds from the remaining bondholders, all or substantially all of said remaining bonds could have been acquired; and therefore requesting that this Commission extend the applicant's right to solicit acceptances of its offer to purchase Elkhorn bonds at a price of 70% of the principal amount subject to all of the terms and conditions of the previous order of this Commission heretofore mentioned; and this Commission having by order dated July 13, 1939 (Holding Company Act Release No. 1628) granted said extension to August 12, 1939;

The applicant and the intervening applicant having on September 8, 1939 filed a further amendment in this matter setting forth that at the close of business on August 12, 1939 the applicant had acquired $935,700 of the Gold Bonds above mentioned, and requesting that this Commission extend to and including November 30, 1939 the applicant's right to solicit acceptances of its offer to purchase said Bonds subject to the terms and conditions of the previous orders of this Commission;

It appearing to the Commission that it is in the public interest and in the interest of investors or consumers to grant an extension of time during which the applicant and intervening applicant may purchase said bonds; and the Commission having in its orders, heretofore mentioned, reserved jurisdiction for the purpose, among others, of passing upon any question that might arise in connection with the purchase offer and solicitations of acceptances thereto;

It is ordered, That the authority of the applicant to acquire the Twenty Year 6% First Mortgage Sinking Fund Gold Bonds of Utilities Elkhorn Coal Company, due July 1, 1948, with January 1, 1938 and subsequent coupons attached, shall be and it hereby is extended to November 30, 1939, inclusive, subject in all other respects to the same

terms and conditions of the original order of May 20, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3321; Filed, September 11, 1939; 11:25 a. 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 11th day of September, A. D. 1939.

[File No. 44-44]

IN THE MATTER OF MIDDLE WEST UTILITIES COMPANY OF CANADA, LIMITED

NOTICE OF AND ORDER FOR HEARING

An application pursuant to Rule U-12C-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on September 28, 1939, at 9:45 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

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

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 23, 1939.

The matter concerned herewith is in regard to the acquisition for retirement by applicant of 7,400 shares of its outstanding $7 Cumulative Preference Stock, par value $100, for cash at $80 per share. Such shares are to be acquired from The Middle West Corporation, a registered holding company, which owns all of applicant's outstanding securities, including 14,000 shares of $7 Cumulative Preference Stock presently outstanding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-3330; Filed, September 11, 1939; 12:37 p. m.]