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DEPARTMENT OF THE INTERIOR.

Division of Grazing.

AMENDMENT TO THE RULES FOR ADMINISTRATION OF GRAZING DISTRICTS¹

The Rules for Administration of Grazing Districts approved March 2, 1936, and as amended heretofore, shall remain in full force and effect except that the first two paragraphs thereof and the sections entitled "Licenses" and "Duties", under the heading "District Advisors", shall be amended to read as follows:

The issuance of temporary licenses will be continued in each grazing district until such time as the necessary data are available upon which to issue permits.

LICENSES

Licenses issued in 1937 will be operative only during that year or for such part of 1938 as may be considered the "winter grazing season" but in no event will extend beyond May 1, 1938.

Such licenses will be revocable for violation of the terms thereof and will terminate on the issuance of permits in a district.

An applicant for a grazing license is qualified if he owns livestock and is:

1. A citizen of the United States of America or one who has filed his declaration of intention to become such, or
2. A group, association, or corporation authorized to conduct business under the laws of the State in which the grazing district is located.

A qualified applicant will be considered in a preferred classification if he is a member of any one of the following four classes:

1. Landowners engaged in the livestock business.
2. Bona fide occupants.
3. Bona fide settlers.
4. Owners of water or water rights.

The following definitions will assist in determining who belongs in said classes:

An occupant to be bona fide must show that he actually occupies land to the exclusion of others for at least the period for which such land is subject to grazing. Such exclusive occupation may be by fencing or otherwise excluding trespassers. Posting notices unaccompanied by actual possession, or part-time seasonal use by grazing livestock, will not be considered occupancy. Any land claimed to be occupied must be held under a right such as to entitle the applicant to possession. (Lands to which the applicant has no lawful right of occupation cannot be made the basis of a claim of bona fide occupation.)

A bona fide settler is one who maintains actual residence under lawful authority on the land to the exclusion of a residence elsewhere.

An owner of water or water rights must show that it is for stock watering purposes and held under proper authority from the State.

Qualified preferred applicants will be given licenses to graze the public range insofar as available and necessary to permit a proper use of the lands, water, or water rights owned, occupied, or leased by them.

In determining the proper use of land or water, the following definitions will guide:

Property shall consist of land and its products or stock water owned or controlled and used according to local custom in livestock operations. Such property is:

(a) *Dependent* if public range is required to maintain its proper use.

(b) *Near* if it is close enough to be used in connection with public range in usual and customary livestock operations. In case the public range is inadequate for all the near properties, then those which are nearest in distance and accessibility to the public range shall be given preference over those not so near.

(c) *Commensurate* for a license for a certain number of livestock if such property provides proper protection according to local custom for said livestock during the period for which the public range is inadequate.

When the available range is insufficient to meet the requirements of all in the preferred class, such class will be divided into two groups as follows:

1. Those who have dependent commensurate property which has been used in connection with the public range for a full grazing season during the 5-year period immediately preceding the passage of the act or its amendment (under whichever the district was created).

In any district in which the regional grazer is convinced that the establishment of groups according to the above rule is unsuited to local conditions and will not permit an effective and orderly administration of the act in that particular district, he may recommend a different period of use as a standard for the establishment of groups in such district, provided that such proposed new rule shall not be operative until approved by the Secretary of the Interior.

2. Those who do not have such prior use.

Issuance of licenses.—after residents within or immediately adjacent to a grazing district having dependent commensurate property are provided with range for not to exceed ten (10) head of work or milch stock kept for domestic purposes, the following-named classes, in the order named, will be considered for licenses:

1. Qualified applicants of the preferred class who have prior use.
2. Qualified applicants of the preferred class who do not have such prior use.
3. Qualified applicants who are not in the preferred class.

¹Under the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), commonly known as the Taylor Grazing Act.



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DISTRICT ADVISORS

Duties.—District advisors shall make recommendations on the following-named matters:

1. The carrying capacity of the public range of the district.
2. The issuance of grazing licenses. (District advisors shall not make any recommendation upon their own applications, but such application shall be acted upon by the Director of Grazing.)
3. Proper rules for fair range practice.
4. Temporary range allotments by classes of livestock or for community or individual use.
5. Seasonal use of the public domain range, or any part thereof.
6. Approval or rejection in whole or in part of recommendations of local associations of livestock men in the district.

7. Other matters upon which their opinion may be requested by the Secretary of the Interior.

F. R. CARPENTER,
Director of Grazing.

Approved, January 28, 1937.

T. A. WALTERS,
First Assistant Secretary.

[F. R. Doc. 37-371; Filed, February 5, 1937; 10:01 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

ORDER SUSPENDING ORDER NO. 11 REGULATING THE HANDLING OF MILK IN THE DISTRICT OF COLUMBIA MARKETING AREA

Whereas, H. A. Wallace, Secretary of Agriculture of the United States of America, acting under the provisions of the Agricultural Adjustment Act, as amended, for the purposes and within the limitations therein contained, and pursuant to the applicable General Regulations issued thereunder, issued, on the 17th day of September 1936, Order No. 11 Regulating the Handling of Milk in the District of Columbia Marketing Area, said order being effective the 21st day of September 1936, which order was amended on the 1st day of December 1936;¹ and

Whereas, the Secretary of Agriculture has determined to suspend the further operation of the said order;

Now, therefore, the Secretary of Agriculture, acting under the authority vested in him as aforesaid, hereby suspends the further operation of said Order No. 11, but any and all of the obligations which have arisen, or which may hereafter arise in connection therewith, by virtue of or pursuant to the operation of the said order, up to the effective date of this order of suspension, shall not be affected, waived or terminated hereby.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States of America, has executed this order suspending the further operation of the aforesaid order, in duplicate, and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 5th day of February 1937, and hereby declares that this order shall be effective on and after 12:01 a. m., e. s. t., February 8, 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-374; Filed, February 5, 1937; 12:43 p. m.]

[Docket No. A-43 O-43]

NOTICE OF HEARING WITH RESPECT TO PROPOSAL TO AMEND ORDER NO. 5 REGULATING HANDLING OF MILK IN FALL RIVER, MASSACHUSETTS, MARKETING AREA, AND WITH RESPECT TO PROPOSAL TO AMEND MARKETING AGREEMENT TENTATIVELY APPROVED, APRIL 3, 1936

Whereas, pursuant to Title I of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the act, the Secretary of Agriculture, hereinafter called the Secretary, issued an order regulating the handling of milk in the Fall River, Massachusetts, Marketing Area, effective 12:01 a. m., E. S. T., May 1, 1936;¹ and

Whereas the Secretary tentatively approved the marketing agreement regulating the handling of milk in the said effective 12:01 a. m., E. S. T., May 1, 1936;² and

Whereas the Secretary has reason to believe that an amendment should be made to said order and said marketing agreement; and

Whereas, under the act, notice of hearing is required in connection with a proposal to amend an order, and the

¹ 1 F. R. 1621, 2280.

² 1 F. R. 235.

General Regulations, Series A, No. 1, as amended, of the United States Department of Agriculture, Agricultural Adjustment Administration, provide for notice and opportunity for hearing upon marketing agreements and orders;

Now, therefore, pursuant to the act and the general regulations, notice is hereby given of a hearing to be held on a proposal to amend the order regulating the handling of milk in the Fall River, Massachusetts, Marketing Area and the tentatively approved marketing agreement regulating the handling of milk in the Fall River, Massachusetts, Marketing Area, at Wattupa Grange Hall, North Westport, Massachusetts, on February 11, 1937, at 9:30 a. m., eastern standard time.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) modifying the base rating provisions in Article VII, and (2) changing any other provisions of said order and agreement.

Copies of the proposal to amend the order and the marketing agreement may be inspected in or procured from the office of the Hearing Clerk, Room 4725, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

Dated, February 5, 1937.

[F. R. Doc. 37-373; Filed, February 5, 1937; 12:43 p. m.]

NCR-101

1937 AGRICULTURAL CONSERVATION PROGRAM—NORTH CENTRAL REGION

BULLETIN NO. 101

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, payments will be made, in connection with the effectuation of the purposes of Section 7 (a) of said Act for 1937, in accordance with the following provisions of this North Central Region Bulletin No. 101, and such modifications or other provisions as may hereafter be made.

This program has been developed in accordance with the provisions of Sections 8, 15, and 16 of the Soil Conservation and Domestic Allotment Act, but the payment of any benefits pursuant to the provisions of this program is contingent upon whatever appropriation the Congress of the United States may hereafter make for such purpose. The amount of any payment under this Program will be finally determined by such appropriation and the extent of participation in such Program. The rates of payment and the soil-building allowances set forth herein are computed upon the basis of an appropriation of \$500,000,000.

Part I. Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in the North Central Region, the following terms shall have the following meanings:

Secretary means the Secretary of Agriculture of the United States.

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

North Central Division means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the North Central Region.

Area "A" means the area included in the following counties of the following States:

Illinois: Adams, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Coles, Crawford, De Kalb, De Witt, Douglas, Du Page, Edgar, Ford, Fulton, Gallia, Greene, Grundy, Hancock, Henderson, Henry, Iroquois, Jersey, Jo Daviess, Kane, Kankakee, Kendall, Knox, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Marshall, Mason, McDonough, McHenry, McLean, Menard, Mercer, Montgomery, Morgan, Moultrie, Ogle, Peoria, Piatt, Pike, Putnam, Rock Island, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Vermilion, Wabash, Warren, White, Whiteside, Will, Winnebago, and Woodford.

Indiana: Adams, Allen, Bartholomew, Benton, Blackford, Boone, Carroll, Cass, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Fulton, Gibson, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jasper, Jay, Johnson, Knox, Kosciusko, Lake, La Porte, Madison, Marion, Marshall, Miami, Montgomery, Morgan, Newton, Parke, Porter, Posey, Pulaski, Putnam, Randolph, Rush, Shelby, Starke, Sullivan, Tippecanoe, Tipton, Union, Vigo, Vermillion, Wabash, Warren, Wayne, Wells, White, and Whitley.

Iowa: All counties.

Minnesota: Blue Earth, Brown, Carver, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Houston, Jackson, Kandiyohi, Lac qui Parle, Le Sueur, Lincoln, Lyon, Martin, McLeod, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Redwood, Renville, Rice, Rock, Scott, Sibley, Steele, Swift, Wabasha, Waseca, Watonwan, Winona, Yellow Medicine.

Missouri: Adair, Andrew, Atchison, Audrain, Boone, Buchanan, Caldwell, Callaway, Carroll, Chariton, Clark, Clay, Clinton, Davless, De Kalb, Gentry, Grundy, Harrison, Holt, Howard, Knox, Lafayette, Lewis, Lincoln, Linn, Livingston, Macon, Marion, Mercer, Monroe, Montgomery, Nodaway, Pike, Platte, Putnam, Ralls, Randolph, Ray, St. Charles, Saline, Schuyler, Scotland, Shelby, Sullivan, Warren, Worth.

Nebraska: Antelope, Boone, Burt, Butler, Cass, Cedar, Colfax, Cuming, Dakota, Dixon, Dodge, Douglas, Gage, Johnson, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Sarpy, Saunders, Seward, Stanton, Thurston, Washington, Wayne, York.

Ohio: Allen, Auglaize, Butler, Champaign, Clark, Clinton, Crawford, Darke, Defiance, Delaware, Fairfield, Fayette, Franklin, Fulton, Greene, Hancock, Hardin, Henry, Highland, Logan, Madison, Marion, Mercer, Miami, Montgomery, Paulding, Pickaway, Preble, Putnam, Ross, Sandusky, Seneca, Shelby, Union, Van Wert, Warren, Williams, Wood, Wyandott.

South Dakota: Bon Homme, Brookings, Clay, Hutchinson, Lake, Lincoln, McCook, Minnehaha, Moody, Turner, Union, Yankton.

Wisconsin: Columbia, Crawford, Dane, Grant, Green, Iowa, Lafayette, Rock, Walworth.

Area "B" means the area included in the following counties of Missouri: Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, and Stoddard.

Area "C" means the area included in the following counties of Missouri: Howell, Oregon, Ozark, and Taney.

Area "D" means the area included in Minnesota, Nebraska, South Dakota, not included in Area "A".

State Committee or State Agricultural Conservation Committee means the group of persons designated for a State to assist in the administration of the 1937 Agricultural Conservation Program in such State.

County Agricultural Conservation Association or County Association means the association in the county organized to assist in the administration of the 1937 Agricultural Conservation Program in such county.

County Agricultural Conservation Committee or County Committee means the group of persons designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

Person means an individual, firm, partnership, association, corporation, estate, or trust. The term person shall also include, wherever applicable, a State, a political subdivision of a State, or any agency thereof, and any other governmental agencies that may be designated by the Secretary.

Owner means a person who owns a farm which is not rented to another for cash or for a fixed commodity payment, or who rents a farm from another for cash or for a fixed commodity payment, or who is purchasing a farm on installments for cash or for a fixed commodity payment.

Operator means a person who as owner or share-tenant is operating a farming unit and is entitled to receive all or a portion of the crops produced thereon, or the proceeds thereof.

Crop-Share Tenant means a person other than an owner or sharecropper who is operating a farming unit and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share-tenant sublets a farming unit to another person and both such persons are entitled to share in the crops produced thereon, or the proceeds thereof, both shall be deemed share-tenants.

Crop-Share Landlord means a person who as owner rents a farm to a share-tenant and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof.

Sharecropper means a person who works a farm in whole or in part under general supervision of the operator and is

entitled to receive for his labor a proportionate share of a crop produced thereon, or the proceeds thereof.

Farming unit means all land which is farmed by an operator in 1937 as a single unit, with workstock, farm machinery, and labor substantially separate from that of any other land. A farming unit shall be deemed to be in the county in which the principal dwelling on such farming unit is located, and if there is no dwelling on such farming unit, it shall be deemed to be in the county in which the principal part of such farming unit is located.

General Diversion Farming Unit means any farming unit which has a general soil-depleting base of 20 acres or more.

General Nondiversion Farming Unit means any farming unit not a general diversion farming unit.

Dryland Farming Unit means any farming unit in Area "D" in Nebraska and South Dakota with respect to which the operator does not make application for a general conserving payment.

Cotton Farming Unit means any farming unit in Area "B" or in Area "C" which has a cotton soil-depleting base, or on which cotton is grown in 1937.

Sharecropper Farming Unit means any farming unit operated with the aid of sharecroppers in 1937, which farming unit is not a cotton farming unit.

Farm means all tracts of farm land in the same county under the same ownership, operated as all or part of a single farming unit by the same operator in 1937. A farm shall be deemed to be in the county in which the farming unit which includes such farm is located. A share-rented farm in a farming unit shall be deemed to include any land in such farming unit ordinarily used for hay, meadow, pasture, or similar uses which is rented for cash from the owner of such farm.

Orchards means the entire acreage in tree fruits, nut trees, vineyards, bush fruits, and nursery stock on the farm on January 1, 1937.

Cropland means (1) all tillable farmland from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and December 31, 1936, inclusive, except farmland in dryland farming units, which, since January 1, 1934, has not been plowed or planted for harvest or from which no crop has been harvested since January 1, 1934, and (2) the entire acreage devoted on January 1, 1937, to orchards.

Noncrop Plowable Pasture means any noncrop pasture land and other range land other than land owned or controlled by the United States Government, or an agency thereof, which could be brought under cultivation without clearing, draining, or irrigating.

Animal Unit means one cow, one horse, five sheep, two calves, two colts, or the equivalent thereof.

Commercial Orchards means the entire acreage in tree fruits, cultivated nut trees, vineyards, and bush fruits on the farm on January 1, 1937, from which the principal part of the production is normally sold, including also the acreage of young nonbearing orchards from which the principal part of the production will be sold.

Commercial Vegetables means the acreage of vegetables and truck crops (including Irish potatoes, sweet potatoes, sweet corn, melons, cantaloupes, and strawberries, but excluding peas for canning and sweet corn for canning) of which the principal part of the production was sold to persons off the farm in 1936.

1937 General Acreage means the total acreage classified as soil-depleting on a farming unit in 1937, less any 1937 acreage of cotton and tobacco on such farming unit.

1937 Sugar Beet Acreage means the acreage planted to sugar beets on a farm in 1937 not in excess of the general soil-depleting base for such farm.

New Conserving Acreage means the acreage of cropland on the farming unit upon which there is, as of the date as of which final inspection of the farm is made for the purpose of determining performance, a good stand of a soil-conserving crop which was seeded between November 1, 1936, and October 31, 1937, inclusive, and on which acreage no soil-depleting crop was planted for harvest as grain or hay in

1937, and the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and was not harvested for grain or hay. *New Conserving Acreage* also means the acreage of cropland used in accordance with subsection (b) of Section 2 of Part III.

Old Conserving Acreage means the acreage of cropland on the farming unit which was seeded prior to November 1, 1936, and upon which there was a good stand of a soil-conserving crop on or after July 1, 1937, and on which land no soil-depleting crop was planted for harvest as grain or hay in 1937. *Old Conserving Acreage* also means any acreage of cropland on the farming unit upon which there was a good stand of a soil-conserving crop on or after July 1, 1937 which was self-seeded in the fall of 1936 and on which land no soil-depleting crop was planted for harvest as grain or hay in 1937.

Total Conserving Acreage means the sum of the new conserving acreage and the old conserving acreage.

Diversion Payment means a payment for the diversion of acreage from any soil-depleting base.

General Conserving Payment means a payment for the increase of soil-conserving acreage.

Part II. Establishment of Bases and Limits

SECTION 1. County Limits.—There shall be established by the Agricultural Adjustment Administration for each county, a total acreage of all soil-depleting crops which shall be known as the county total limit; for each county in area "A" a total acreage of corn which shall be known as the county corn limit; for each county in which cotton soil-depleting bases will be established, a total acreage of cotton which shall be known as the county cotton limit; and for each county in which soil-depleting bases for any type of tobacco will be established a total acreage of such type of tobacco which shall be known as the county limit for such type of tobacco. Such county limits shall be based upon land measurements obtained under the 1936 Agricultural Conservation Program, United States Census, the county limits established under the 1936 Agricultural Conservation Program, and such other information as is available. The sum of the individual total soil-depleting bases, corn limits, cotton soil-depleting bases, and tobacco soil-depleting bases for all of the farms in a county shall not exceed the county total limit, the county corn limit, the county cotton limit and the county tobacco limit for each type of tobacco, respectively.

SECTION 2. Total Soil-Depleting Bases.—There shall be established for each farm a total soil-depleting base. The total soil-depleting base for any farm shall not be greater than the total acreage of cropland on the farm less the entire acreage in orchards. The total soil-depleting base for a farm shall be the total soil-depleting base which was or could have been established for such farm under the 1936 Agricultural Conservation Program with such revisions and adjustments as are necessary to establish equity as between farms. When such revisions are necessary, the county committee shall establish the average relationship between soil-depleting crops and cropland for the community and shall consider such average relationship and the type of soil, topography, and productivity on such farm in establishing such total soil-depleting base. The total soil-depleting base for a farming unit shall be the sum of the total soil-depleting bases established for all farms in such farming unit.

SECTION 3. Soil-Depleting Bases for Cotton and Tobacco.—There may be established, as part of the total soil-depleting base, a cotton soil-depleting base, and a separate soil-depleting base for Burley, dark air-cured and cigar leaf tobacco, respectively. Any cotton and tobacco soil-depleting bases shall be established in accordance with the instructions relating to the establishment of such bases. The tobacco soil-depleting base for a specified type of tobacco for a farming unit shall be the sum of the soil-depleting bases for such specified type of tobacco established for all farms in such farming unit. The cotton soil-depleting base for a farming unit shall be the sum of the cotton soil-depleting bases established for all farms in such farming unit.

SECTION 4. General Soil-Depleting Base.—The general soil-depleting base for any farm shall be determined by subtracting the sum of any cotton and tobacco soil-depleting bases established for such farm from the total soil-depleting base established for such farm. The general soil-depleting base for a farming unit shall be the sum of the general soil-depleting bases established for all farms in such farming unit.

SECTION 5. Soil-Conserving Base.—The soil-conserving base for any farm shall be determined by subtracting the total soil-depleting base plus the entire acreage in orchards from the total acreage of cropland on the farm. The soil-conserving base for a farming unit shall be the sum of the soil-conserving bases for all farms in such farming unit.

SECTION 6. Corn Limit.—There shall be established for each farm in area "A" a corn limit. In assigning corn limits, the county committee shall establish the average relationship between land which has been planted to corn and cropland for the community and also take into account the productivity, topography, and type of soil on each farm in the county in accordance with the instructions relating to the establishment of such limits. The corn limit for a farming unit in area "A" shall be the sum of the corn limits established for all farms in such farming unit and shall represent the highest acreage which may be planted to corn on such farming unit without deduction from any payments which would otherwise be made with respect to such farming unit.

SECTION 7. Noncrop Plowable Pasture Land.—There shall be established for each farm the total number of animal units which the noncrop plowable pasture on such farm will carry during the normal pasture season. Such total number of animal units shall be determined as follows:

(a) The Agricultural Adjustment Administration will determine the total number of animal units which the noncrop plowable pasture in the county will carry during the normal pasture season. Such total number of animal units shall be based upon (1) the sum of the acreages of noncrop plowable pasture reported in such county under the 1936 Agricultural Conservation Program and such other information as is available relative to the acreage of noncrop plowable pasture in the county, and (2) the average number of animal units which such pasture will carry during the normal pasture season without decreasing the stand of grass.

(b) The county committee will establish the average number of animal units which an acre of the noncrop plowable pasture in any farm in the county will carry by varying the average for the county established under subsection (a) of this Section 7 in accordance with variations in the density of vegetative growth, type of soil, and topography, of the noncrop plowable pasture in such farm. The total number of animal units which the noncrop plowable pasture in such farm will carry shall be determined by multiplying such average for the farm by the number of acres of noncrop plowable pasture land in such farm.

SECTION 8. Appeals.—Any person who has reason to believe that any base or limit established for such person's farm is not equitable, may request the county committee to reconsider its recommendations. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with the instructions relating to such appeals.

Part III. Classification of Farm Land

The use of farm land in 1937 shall be classified as either soil-depleting, soil-conserving, or neutral, as set forth in this Part III. In order for any cropland, other than an entire field, to be classified as either soil-conserving or neutral, such cropland must be in a solid block contiguous to the entire side or end of a field and the line between the cropland classified as neutral or soil-conserving and the remaining portion of the field must be straight. Except as otherwise provided, if any acreage on the farm is used for the production of interplanted crops, the actual acreage of each interplanted crop shall be classified as set forth in this Part III.

SECTION 1. Soil-Depleting.—Farm land devoted to the crops and uses specified in this Section 1 shall be classified as soil-depleting:

(a) Land planted in 1937 to the following crops:

1. Corn (field, sweet, and popcorn).
2. Grain sorghums and sweet sorghums.
3. Cotton.
4. Tobacco.
5. Sugar beets.
6. Rice.
7. Field beans and field peas.
8. Canning peas.
9. Hemp.
10. Broomcorn.
11. Mint.
12. Mangels and cowbeets.
13. Cultivated sunflowers.
14. Truck and vegetable crops.
15. Potatoes and sweetpotatoes.
16. Melons and strawberries.
17. Bulbs and flowers.

(b) Land used in 1937 for the production of the following crops:

1. Wheat, oats, barley, rye, flax, buckwheat, emmer, speltz, and mixtures of any of such crops, harvested for grain in 1937.
2. Millet and Sudan grass for seed.
3. Soybeans for grain or seed except in Area "B."
4. Soybeans for crushing.
5. Cowpeas for grain or seed except in Area "B."
6. Rape for seed.
7. Strawberries.
8. Bulbs and flowers.

(c) The acreage by which, the sum of the idle cropland and the acreage planted to any of the following crops and used as specified herein, exceeds the acreage obtained by subtracting the old conserving acreage from the soil-conserving base:

1. Wheat, oats, barley, rye, flax, emmer, speltz, and mixtures of any of such crops, not harvested for grain. (Excluding such crops when planted in the fall of 1937 for harvest in 1938, and excluding any acreage used as specified in item 5 of Section 3 (a) of this Part III.)
2. Soybeans, cowpeas and buckwheat not harvested as grain or seed, (excluding the use of these crops as specified in item 1, of subsection (b) of Section 2 of this Part III). This item 2 is not applicable to Area "B".
3. Millet and Sudan grass not harvested for seed.
4. Rape not harvested for seed.

SECTION 2. Soil-Conserving.—Cropland in 1937 not used as set forth in Section 1 of this Part III and devoted to the crops and uses specified in this Section 2 shall be classified as soil-conserving:

(a) Cropland upon which there was a good stand on or after July 1, 1937, of any of the following crops seeded before November 1, 1936: Cropland upon which there is, on the date as of which final inspection is made for the purpose of determining performance, a good stand which would normally survive the winter of 1937-38, of any of the following crops seeded before November 1, 1936, and October 1, 1937, inclusive, provided, there is evidence that the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain.

1. Perennial legumes: alfalfa, kudzu, sericea, and white clover.
2. Perennial grasses: bluegrass, Dallis, timothy, redtop, reed canary grass, orchard grass, Bermuda grass, carpet grass, brome grass, crested wheat grass, slender wheat grass, western wheat grass, gramma grasses, buffalo grass, bluestem grasses, Koeleria, perennial ryegrass, meadow fescue.
3. Biennial legumes: sweet, red, and mammoth clovers.

4. Annual sweet clover, alsike clover, lespedeza, cro-talaria.

5. Mixtures of legumes listed under items 1, 3, and 4 of this subsection (a), or mixtures of such legumes and the grasses listed under item 2 of this subsection (a).

6. Soybeans and cowpeas in Area "B", except soybeans for crushing.

7. Trees, other than fruit or nut trees, planted since January 1, 1934.

(b) Cropland used as follows:

1. Incorporation into the soil as green manure by plowing or discing of a good vegetative growth of soybeans, velvet beans, cowpeas, or buckwheat seeded before July 1, 1937, and followed by a winter cover crop where the land is subject to erosion.

2. Planted to crimson clover, bur-clover, vetch, blank medica and yellow trefoil (hop clover) in the fall of 1936 provided there is a good stand on or after March 1, 1937.

SECTION 3. Neutral.—Farm land not used as specified in Sections 1 and 2 of this Part III and devoted to the crops and uses specified in this Section 3 shall be classified as neutral:

(a) Farm land used in 1937 for the following purposes:

1. Summer fallow, if first cultivated before June 1, 1937, and properly cultivated thereafter in such a manner as to prevent wind and water erosion and weed growth.

2. The entire acreage in orchards.

3. Seeded in 1937 to a crop specified in subsection (a) of Section 2 of this Part III, in accordance with good farming practices and upon which, due to uncontrollable natural causes, there is not a good stand which would normally survive the winter of 1937-38, provided, the nurse crop, if any, was seeded at a rate not in excess of one-half the normal rate of seeding alone for grain and was not harvested as grain or hay.

4. Waste land, roads, lanes, lots, yards, noncrop pasture land, land reverting to permanent pasture, and noncrop woodland.

5. Noncrop pasture land planted to the following crops in 1937, before June 1, and not used for grain, seed, or hay, if, because of unusual weather conditions, such land has become unfit for grazing and if before planting written approval is obtained from the county committee, designating the area upon which such crops may be planted: Wheat, oats, barley, rye, emmer, speltz, and small grain mixtures.

(b) The acreage equal to the sum of the idle cropland and the acreage planted to any of the following crops and used as specified herein not in excess of the acreage obtained by subtracting the old conserving acreage from the soil-conserving base:

1. Wheat, oats, barley, rye, flax, emmer, speltz, and mixtures of any of such crops, not harvested for grain (excluding such crops when planted in the fall of 1937 for harvest in 1938, and excluding any acreage used as specified in item 5 of Section 3 (a) of this Part III).

2. Soybeans, cowpeas and buckwheat not harvested as grain or seed (excluding the use of these crops as specified in item 1 of subsection (b) of Section 2 of this Part III). This item 2 is not applicable to Area "B".

3. Millet and Sudan grass not harvested for seed.

4. Rape not harvested for seed.

Part IV. Rates and Conditions of Payment

In connection with the utilization in 1937 of the land on any farming unit in the North Central Region, payments will be made in the amounts and subject to the conditions hereinafter set forth:

SECTION 1. General Diversion Payment.—For any General Diversion Farming Unit, payment will be made for each acre, not in excess of 15 percent of the general soil-depleting base for such farming unit, by which the 1937 general acreage on such farming unit is less than the general soil-depleting base for such farming unit. The rate per acre for general

diversion payments is an average of \$6.00 per acre for the United States varying among States, counties, and individual farming units as the productivity of cropland on all such farming units varies. In counties in Area "A" the rate thus determined shall be increased 5 percent.

SECTION 2. General Conserving Payment.—For any General Diversion Farming Unit not also a Dryland Farming Unit, payment will be made, not in excess of the number of acres for which payment is made under Section 1 of this Part IV, for the sum of (1) the old conserving acreage on such farming unit in excess of soil-conserving base for such farming unit, and (2) the new conserving acreage on such farming unit, less the sum of the diverted cotton and tobacco acreage for which payment is made with respect to such farming unit. The rate per acre for general conserving payments is an average of \$3.00 per acre for the United States varying among States, counties, and individual farming units as the productivity of cropland on all such farming units varies. In counties in Area "A" the rate thus determined shall be increased 5 percent.

SECTION 3. Sugar Beet Payment.—For any farm on which sugar beets are grown in 1937, payment will be made, not in excess of the sugar beet acreage allotment for such farm, in an amount per acre equal to 12½ cents for each 100 pounds, raw value, of sugar commercially recoverable from the normal yield per acre of sugar beets for such farm, provided:

(a) An acreage customarily used in a rotation with sugar beets on such farm in 1937 equal to at least 40 percent of the 1937 sugar beet acreage is classified as soil-conserving on such farm in 1937, or

(b) Both

(1) an acreage customarily used in a rotation with sugar beets on the farm in 1937 equal to at least 20 percent of the 1937 sugar beet acreage is classified as soil-conserving on such farm in 1937, and

(2) all the 1937 sugar beet acreage is on land not devoted to sugar beets in more than two of the years 1934, 1935, and 1936;

Provided, further, if the provision under subsection (a) of this Section 3 is not performed and only one of the provisions under subsection (b) of this Section 3 is performed, payment will be made in an amount equal to one-half the sugar beet payment which would otherwise be made with respect to such farm.

The acreage allotment for any farm with respect to which the sugar beet payment will be made will be the 1937 sugar beet acreage on such farm, unless the estimated acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage determined by the Agricultural Adjustment Administration to be required with normal yields to produce 1,550,000 short tons, raw value, of sugar. In the event the estimated total acreage of sugar beets planted for harvest in the United States in 1937 exceeds the acreage so determined, the sugar beet acreage allotment for the farm shall be that percentage of the 1937 sugar beet acreage on such farm which is computed by dividing the acreage so determined to be required to produce 1,550,000 short tons, raw value, of sugar by the estimated total acreage of sugar beets planted for harvest in the United States in 1937.

SECTION 4. Tobacco Diversion Payments.—For any farming unit which has a tobacco soil-depleting base, payment will be made for each acre, not in excess of 25 percent of the soil-depleting base established for the farming unit for Burley or cigar-leaf tobacco, and not in excess of 20 percent of the dark air-cured tobacco soil-depleting base for the farming unit, by which the 1937 acreage on the farming unit of a specified type of tobacco is less than the soil-depleting base for such farming unit for such type of tobacco. The rate per acre for tobacco diversion payments shall be the result obtained by multiplying the number of pounds representing the normal yield per acre of the specified type of tobacco for the farming unit, in the case of Burley tobacco by 5 cents; in the case of dark air-cured tobacco by 3½ cents; and in the case of cigar-leaf tobacco by 3 cents.

SECTION 5. Cotton Diversion Payment.—For any farming unit which has a cotton soil-depleting base, payment will be made for each acre, not in excess of 35 percent of the cotton soil-depleting base for the farming unit, or if such base is 5.7 acres or less, not in excess of two acres, by which the 1937 cotton acreage on the farming unit is less than the cotton soil-depleting base for such farming unit. The rate per acre for cotton diversion payments shall be the result obtained by multiplying the number of pounds representing the normal yield per acre of cotton for the farming unit by 5 cents.

SECTION 6. Rice Payment.—For any farm on which rice is grown in 1937, payment will be made in an amount determined in accordance with and subject to the provisions of the bulletins heretofore or which may hereafter be issued relating to the 1937 Agricultural Conservation Program in the North Central Region, and the provisions concerning rice contained in bulletins heretofore or which may hereafter be issued relating to the 1937 Agricultural Conservation Program in the Southern Region.

SECTION 7. Soil-Building Allowances.—The soil-building allowance for a farming unit shall be the sum of the soil-building allowances for all farms in such farming unit. The soil-building allowance for each crop-share landlord with respect to a farm owned by him in a farming unit and for each sharecropper on a farm in a farming unit shall be the result obtained by multiplying the soil-building allowance for such farm by the percentage of any soil-building payments made with respect to such farm to which such person is entitled. The soil-building allowance for the operator of a farming unit shall be the result obtained by subtracting from the soil-building allowance for such farming unit the sum of the soil-building allowances for all crop-share landlords owning farms in such farming unit and the soil-building allowances for any sharecroppers on such farming unit.

(a) The soil-building allowance for a farm in a general diversion farming unit not also a dryland farming unit, and for a farm in a farming unit for which a cotton or tobacco soil-depleting base is established shall be computed as follows:

(1) \$1.00 for each acre in the soil-conserving base established for such farm.

(2) \$1.00 for each acre of the acreage obtained by multiplying the total acreage for which diversion payments are made with respect to the farming unit of which such farm is all or part by the percentage that the total soil-depleting base on such farm is of the total soil-depleting base for such farming unit.

(3) \$1.90 for each acre in commercial orchards on such farm.

(4) \$1.00 for each acre of cropland on such farm on which only one crop of commercial vegetables was grown in 1936.

(5) \$2.00 for each acre of cropland on such farm on which more than one crop of commercial vegetables was grown in 1936.

(6) \$0.50 for each animal unit in excess of five which the noncrop plowable pasture on such farm will carry during the normal pasture season.

(7) The sum of (1) to (6), inclusive shall be the soil-building allowance for such farm unless the sum of such items for the farming unit of which such farm is all or part is less than \$10.00, in which event the soil-building allowance for such farm shall be obtained by multiplying \$10.00 by the percentage that the cropland on such farm is of the cropland on the farming unit.

(b) The soil-building allowance for a farm in a general nondiversion farming unit for which farm no cotton or tobacco soil-depleting base is established shall be computed as follows:

(1) \$0.90 for each acre of cropland on such farm.

(2) \$1.00 for each acre in commercial orchards on such farm.

(3) \$1.00 for each acre of cropland on such farm on which only one crop of commercial vegetables was grown in 1936.

(4) \$2.00 for each acre of cropland on such farm on which more than one crop of commercial vegetables was grown in 1936.

(5) \$0.50 for each animal unit in excess of five which the noncrop plowable pasture on such farm will carry during the normal pasture season.

(6) The sum of (1) to (6), inclusive, shall be the soil-building allowance for such farm unless the sum of such items for the farming unit of which such farm is all or part is less than \$20.00, in which event the soil-building allowance for such farm shall be obtained by multiplying \$20.00 by the percentage that the cropland on such farm is of the cropland on the farming unit.

(c) The soil-building allowance for a farm in a dryland farming unit shall be computed as follows:

(1) \$1.00 for each acre of soil-conserving crops on such farm in 1937 not in excess of the soil-conserving base for such farm.

(2) \$4.00 for each acre of the acreage obtained by multiplying the total acreage for which diversion payments are made with respect to the farming unit of which such farm is all or part by the percentage that the total soil-depleting base on such farm is of the total soil-depleting base for such farming unit. Such \$4.00 rate is an average for the United States and will vary among States, counties, and individual farming units as the productivity of all farming units varies.

(3) \$1.90 for each acre in commercial orchards on such farm.

(4) \$1.00 for each acre of cropland on such farm on which only one crop of commercial vegetables was grown in 1936.

(5) \$2.00 for each acre of cropland on such farm on which more than one crop of commercial vegetables was grown in 1936.

(6) \$0.50 for each animal unit in excess of five which the noncrop plowable pasture on such farm will carry during the normal pasture season.

(7) The sum of (1) to (6), inclusive, shall be the soil-building allowance for such farm unless the sum of such items for the farming unit of which such farm is all or part is less than \$10.00 in which event the soil-building allowance for such farm shall be obtained by multiplying \$10.00 by the percentage that the cropland on such farm is of the cropland on the farming unit.

SECTION 8. Soil-Building Payments.—Payments will be made to the operator of a farming unit, not in excess of such operator's share of the soil-building allowance for such farming unit, for the carrying out in 1937 on such farming unit of any of the soil-building practices listed in this Section 8. Payment will be made to a crop-share landlord owning a farm, not in excess of such landlord's share of the soil-building allowance for such farm, for the carrying out in 1937 on such farm of any of the soil-building practices listed in this Section 8. Payment will be made to a sharecropper on a farm, not in excess of such sharecropper's share of the soil-building allowance for such farm, for the carrying out in 1937 on such farm of any of the soil-building practices listed in this Section 8. To be eligible for soil-building payments, the practices listed herein must be carried out by such methods and using such materials and with such kinds and quantities of adapted seed and trees as conform with good farming practice. No soil-building payment will be made with respect to any farming unit for the seeding of red clover unless all seedings of red clover on the farming unit in 1937 are made with adapted red clover seed, nor will any soil-building payment be made with respect to any farming unit for the seeding of alfalfa unless all seedings of alfalfa on the farming unit in 1937 are made with adapted alfalfa seed. All practices for which payment is to be made must have been completed prior to November 1, 1937. Proof of performance for any practice shall consist of satisfactory evidence that the practice was completed in accordance with the conditions specified. Soil-building payment for

any practice hereinafter set forth will not be made with respect to any acreage on the farm for which all or any portion of the labor, seed, or materials used for any practice is furnished free or paid for by any State or Federal agency, except that in case of the soil-building practices designated under subsections (c), (g), and (n) hereof, payment will be made at the stipulated rates on an acreage or quantity, as the case may be, which bears the same proportion to the total acreage or quantity with respect to such practice as the quantity of materials used, or the value of the labor and materials furnished, by the owner or operator bears to the total quantity of materials or the total value of labor and materials used in carrying out such practice.

Where several soil-building practices are adopted on the same acreage, payment will not be made for (1) more than one of the practices listed in the same subsection in the case of subsections (c) to (u), inclusive, and (2) more than one practice twice or any two practices of the 14 soil-building practices listed in subsections (a), (b), (v), and (w).

Except as otherwise provided, the soil-building practices listed in subsections (a) to (j), inclusive, will be applicable to all farms; the soil-building practices listed in subsections (k) to (q), inclusive, will be applicable only to dryland farms; the soil-building practices listed in subsections (r) to (u), inclusive, will be applicable only to orchards, and the practices listed in subsections (v) and (w) will be applicable only to cropland used for the growing of commercial vegetables.

For dryland farms, all rates of payment in subsections (a) and (b) shall be increased \$1.50 if the rate is \$2.00 or more, and \$1.00 if the rate is less than \$2.00, if on the date as of which final inspection of the farm is made for the purpose of determining performance, there is a good stand which would normally survive the winter 1937-38, of the crops to which such rates are applicable, and the nurse crop, if any, is not harvested for grain or hay.

PRACTICES APPLICABLE TO ALL FARMS, EXCEPT AS OTHERWISE PROVIDED

(a) *Seedings of adapted legumes.*—Seedings of adapted seed of any of the following legumes on cropland;

- (1) Alfalfa—\$2.50 per acre.
- (2) Red clover, sericea, and white clover—\$2.00 per acre.
- (3) Alsike clover, mammoth clover, and lespedeza—\$1.50 per acre.

(4) Legume mixtures or mixtures of legumes and perennial grasses listed under subsection (b) hereof, which contain 50 percent or more of alsike clover, mammoth clover, lespedeza, alfalfa, red clover, sericea, and white clover, or any two or more of these legumes—\$1.50 per acre.

(5) Biennial sweet clover, annual sweet clover, vetch, and crimson clover—\$1.00 per acre.

(6) Legume mixtures or mixtures of legumes and the perennial grasses listed under subsection (b) hereof, which contain 50 percent or more of biennial sweet clover, annual sweet clover, vetch, and crimson clover, or any two or more of these legumes—\$1.00 per acre.

(b) *Seedings of adapted perennial grasses.*—Seedings of adapted seed of any of the following grasses on cropland or on noncrop pasture land:

(1) Bluegrass, crested wheat grass, slender wheat grass, and western wheat grass—\$2.00 per acre.

(2) Bromegrass, orchard grass, and permanent pasture mixtures of grasses or grasses and legumes containing at least 50 percent of the grasses listed in item (1) of this subsection—\$1.50 per acre.

(3) Redtop, reed canary grass, and timothy, and permanent pasture mixtures of grasses or grasses and legumes containing at least 50 percent of bromegrass, orchard grass, redtop, reed canary grass, timothy, or any two or more of these grasses—\$1.00 per acre.

(c) *Limestone.*—Except as otherwise provided in items (2) and (3) of this subsection (c), application on cropland or noncrop pasture land of ground limestone or its equivalent:

(1) Application of ground limestone or its equivalent—\$1.25 per ton.

(The ground limestone should not be coarser than that obtained by grinding calcareous or dolomitic limestone so that not less than 90 percent with all finer particles obtained in the grinding process included, will pass through a ten-mesh sieve. It must contain calcium and magnesium carbonates equivalent to not less than 80 percent of calcium carbonate.)

The following quantities of other calcareous substance are equivalent to one ton of ground limestone in the following designated States: 1,400 lbs. of hydrated lime or 2 cubic yards of marl, in the entire North Central Region; 1½ cubic yards of sugar beet refuse lime, in Ohio, Indiana, Michigan, Wisconsin, Minnesota, and Nebraska; 1½ cubic yards of calcium carbide refuse lime, in Indiana, Michigan, and Wisconsin; 1½ cubic yards of paper mill refuse lime, in Michigan, Wisconsin, and Minnesota; 1½ cubic yards of water softening process refuse lime, in Illinois; 2 cubic yards of commercial wood ashes, in Michigan and Wisconsin; ½ ton of commercial burnt lime, 1 ton of burnt lime waste, and 4 cubic yards of calcareous clay, in Wisconsin; 1 ton of agricultural limestone meal, 1,500 lbs. of agricultural ground limestone, or 2,750 lbs. of limestone screenings, in Ohio and Wisconsin; 1,400 lbs. of pulverized limestone in Ohio and Wisconsin; 4 tons of tailings from lead mines, in Wisconsin.)

(2) A minimum of 500 lbs. per acre of finely ground limestone on cropland when drilled in with seedings of legumes—\$1.00 per acre.

(3) A minimum of 1,000 lbs. per acre of finely ground limestone on noncrop pasture land—\$2.00 per acre. (The finely ground limestone designated in items (2) and (3) of this subsection (c) should not be coarser than that obtained by grinding calcareous or dolomitic limestone so that not less than 90 percent, with all finer particles obtained in the grinding process included, will pass through a 30-mesh sieve. It must contain calcium and magnesium carbonates equivalent to not less than 80 percent of calcium carbonate.)

(4) *Phosphates.*—Application of the following minimum amounts of phosphate materials per acre on noncrop pasture or on cropland, used in 1937 for the growing of a crop, specified in Section 2 of Part III, and on which noncrop pasture or cropland in connection with such application no soil-depleting crop is planted for harvest in 1937 or 1938.

(1) 200 pounds of 16 percent superphosphate or its equivalent—\$1.20 per acre.

(2) 300 pounds of 16 percent superphosphate or its equivalent—\$1.80 per acre.

(The 16 percent superphosphate, designated in items (1) and (2) of this subsection (d) shall contain 16 percent by weight of available phosphoric acid. Other phosphates may be substituted for 16 percent superphosphate, provided that the quantity of such substitute applied shall contain not less than the quantity by weight of available phosphoric acid contained in the specified quantity of 16 percent superphosphate.)

(3) 500 pounds of rock phosphate or basic slag—\$1.80 per acre.

(e) *Potash.*—Application of the following minimum amounts of 50 percent muriate of potash per acre on noncrop pasture or on cropland used in 1937 for the growing of a crop specified in Section 2 of Part III and on which noncrop pasture or cropland in connection with such application no soil-depleting crop is planted for harvest in 1937 or 1938.

(1) 100 pounds of 50 percent of muriate of potash or its equivalent—\$1.00 per acre.

(50 percent muriate of potash shall contain not less than 50 percent by weight of water soluble potash. Other materials containing potash may be substituted for 50 percent muriate of potash, provided that the quantity of such substitute applied shall contain not less than the quantity by weight of water soluble potash contained in 100 pounds of 50 percent muriate of potash.)

(f) *Gypsum*.—Applicable only to Beltrami, Hubbard, Lake of the Woods, Cass, and Clearwater counties of Minnesota. Application of the following minimum amount of gypsum per acre on cropland used in 1937 for the growing of a crop, specified in Section 2 of Part III, and on which cropland in connection with such application no soil-depleting crop is planted for harvest in 1937 or 1938.

(1) 200 pounds of gypsum—\$1.25 per acre.

(g) *Planting and Protection of Trees*.—Applicable to all farms except dryland farms. Planting and protection of forest trees and trees for windbreak or shelterbelt purposes in accordance with good tree culture practice—\$7.50 per acre.

(h) *Improving a Stand of Forest Trees*.—Improving a stand of forest trees by cutting weed trees and thinning or pruning other trees so as to leave at least 100 potential timber trees of desirable species per acre with a minimum diameter of 6 inches each, or at least 200 potential timber trees of desirable species per acre with a minimum diameter of 2 inches, well distributed over each acre of woodland—\$2.50 per acre. *Provided*: (1) The county committee after inspection has approved and designated in writing the area on which such practice is to be carried out, and (2) such area is not grazed and is adequately protected against fire.

(i) *Terracing*.—Terracing in 1937 in accordance with good terracing practices—\$0.40 per hundred feet. *Provided*: The county committee after inspection has approved and designated in writing the area on which such practice is to be carried out.

(j) *Restoration of Noncrop Plowable Pasture*.—Restoration by nongrazing for the entire season of noncrop plowable pasture, which requires not more than 10 acres to carry one animal unit for the entire season—\$0.40 per acre. *Provided*: (1) The county committee after inspection has approved and designated in writing the area on which such practice is to be carried out, and (2) no hay or seed is harvested from such pasture land, (3) such pasture land is not tilled for any purpose other than to improve the stand of pasture grasses and legumes thereon, and (4) if there is extensive growth of noxious weeds on such pasture, the maturing of seed of such weeds is prevented by clipping such pasture.

PRACTICES APPLICABLE ONLY TO DRYLAND FARMS

(k) *Protected Summer Fallow*.—\$1.00 per acre in fallow. *Provided*: (1) The first tillage operation is completed before May 15, 1937, in Nebraska, and June 1, 1937, in South Dakota; (2) tillage operations are carried out in such a manner as to prevent weed growth and so as to prevent wind and water erosion; (3) the slope on the land to be fallowed is not in excess of 8 percent; (4) the land on which the slope is from 3 to 8 percent is listed on the contour; (5) the land is seeded in the fall to a cover crop, or lister ridges are left over the winter to prevent wind erosion; (6) on light sandy land the fallow is in alternate strips with crops of approximately the same width not less than 3 rods or more than 20 rods in width, running at right angles to prevailing winds, or running on the contour.

(1) *Strip Cropping*.—Growing in 1937 of small grain and row crops in alternate strips, such strips to be approximately the same width, not less than 3 rods and not more than 20 rods in width, running at right angles to the prevailing winds, or running on the contours—\$0.20 per acre for the acreage in the strips. *Provided*: The stubble is left on the land in such a manner as to check wind erosion.

(m) *Strip Fallow*.—Cultivation of fallow and growing of small grain crops in alternate strips, such strips to be approximately the same width, not less than 3 rods and not

more than 20 rods in width, running at right angles to the prevailing winds, or running on the contour—\$1.00 per acre for the acreage in the strips of fallow. *Provided*: The stubble is left on the strips devoted to crops in such a manner as to check wind erosion.

(n) *Planting and Protection of Trees*.—Planting and protection of forest trees or trees for windbreak or shelterbelt purposes in accordance with good tree culture practice—\$10.00 per acre.

(o) *Cultivating and Maintaining a Stand of Trees*.—Cultivating, protecting, and maintaining, by replanting, if necessary, a full stand of at least 500 trees per acre of forest plantings or 200 trees per acre of windbreak or shelterbelt plantings planted on cropland or noncropland between January 1, 1934, and November 1, 1936—\$4.00 per acre.

(p) *Contour Furrows on Permanent Pasture Land*.—Construction of contour furrows on permanent farm pasture land, except permanent farm pasture land that is sufficiently sandy and porous to absorb normal precipitation—\$0.50 per acre for the area contour furrowed. *Provided*: The contour furrows are constructed on the contour level, not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and the furrows are not more than 25 feet apart.

(q) *Restoration to Native Grass of Noncropland*.—Restoration to native grass of noncropland plowed at least once between January 1, 1930, and December 31, 1933, inclusive, which in accordance with good farming practices should be permanently devoted to grass—\$0.25 per acre. *Provided*: (1) The operator or owner has designated the acreage and has stated in writing his intention to let such acreage revert to grass; (2) written approval has been obtained from the county committee; and (3) such land is not pastured or tilled in 1937.

PRACTICES APPLICABLE ONLY TO LAND IN COMMERCIAL ORCHARDS

(r) *Winter Cover Crops*.—Incorporation into the soil by plowing or discing between March 1, 1937, and June 30, 1937, inclusive, of a good vegetative growth of any of the following winter cover crops: Rye, oats, barley, buckwheat, annual grasses, annual legumes, or mixtures of any of these—\$1.00 per acre. *Provided*: Such crop has attained at least sixty days' growth and is not pastured or harvested for grain or hay.

(s) *Seedings of Winter Cover Crops*.—Seedings after May 1, 1937, of any of the crops listed under subsection (r) of this Section 8 except soybeans and cowpeas—\$0.50 per acre. *Provided*: (1) There is a good vegetative growth of such crops on such land on the date as of which final inspection of the farm is made for the purpose of determining performance.

(t) *Seeding Soybeans and Cowpeas*.—Seeding, after May 1, 1937, soybeans and cowpeas at the normal rate—\$1.50 per acre. *Provided*: There is a good vegetative growth of such crop on such land on the date as of which final inspection of the farm is made for the purpose of determining performance which is not pastured or otherwise taken from the land.

(u) *Mulching*.—Application of mulching materials, other than manure—\$1.00 per ton (air-dry weight). *Provided*: (1) Not less than three and not more than five tons per acre are applied; and (2) all materials produced on such land from interplanted crops are left thereon.

PRACTICES APPLICABLE ONLY TO CROPLAND USED FOR GROWING COMMERCIAL VEGETABLES

(v) *Non-Leguminous Green Manure Crop on Vegetable Land*.—Incorporation into the soil as green manure by plowing or discing of a good, and the entire, vegetative growth of rye, oats, barley, buckwheat, annual grasses, mixtures of these, or corn sown broadcast, grown on land used for the production of vegetable crops in 1935 and 1936, provided such green manure crop has attained at least 60 days' growth.

(1) If the annual average number of soil-depleting crops grown in 1935 and 1936 is grown on such land in 1937—\$1.00 per acre.

(2) If as a result of carrying out such practice less than the annual average number of soil-depleting crops grown in 1935 and 1936 is grown on such land in 1937—\$2.00 per acre.

(w) *Leguminous Green Manure Crop on Vegetable Land.*—Incorporation into the soil as green manure by plowing or discing of a good, and the entire vegetative growth of a legume, or mixture of legumes, grown on land normally used for the production of vegetable crops, provided such green manure crop has attained at least 60 days' growth.

(1) If the annual average number of soil-depleting crops grown in 1935 and 1936 is grown on such land in 1937—\$2.00 per acre.

(2) If as a result of carrying out such practice less than the annual average number of soil-depleting crops grown in 1935 and 1936 is grown on such land in 1937—\$4.00 per acre.

SECTION 9. *Division of Payments Made with Respect to a Farming Unit.*—Any payments made with respect to a farming unit shall be made in the percentages and to the persons specified in this Section 9.

(a) On a general diversion farming unit not also a cotton or sharecropper farming unit, the percentage of the general diversion and general conserving payments for such farming unit of each crop-share landlord of a farm in such farming unit shall each be determined as follows: The percentage that the general soil-depleting base for the farm owned by such crop-share landlord is of the general soil-depleting base for the farming unit shall be multiplied by 50 percent if such farming unit is not in Area "D"; if such farming unit is in Area "D", such percentage shall be multiplied by 40 percent. The percentage of the general diversion and general conserving payments for such farming unit for the operator of such farming unit shall be determined by subtracting from 100 percent the sum of the percentage of the general diversion and general conserving payments, respectively, for such farming unit determined for all crop-share landlords owning farms in such farming unit.

(b) Any sugar beet payment made with respect to a share-rented farm shall be divided between the persons who are parties to the lease or operating agreement in the proportion in which such persons are entitled to share under such lease or operating agreement in the sugar beets grown on such farm in 1937, or the proceeds thereof. Any sugar beet payment made with respect to a farm owned by the operator shall be made to such operator.

(c) On a farming unit which has a tobacco soil-depleting base and which farming unit is not also a cotton or sharecropper farming unit, the percentage of the diversion payment for a specified type of tobacco for such farming unit of each crop-share landlord of a farm in such farming unit shall be determined as follows: The percentage that the soil-depleting base for a specified type of tobacco for the farm owned by such crop-share landlord is of the soil-depleting base for such specified type of tobacco for the farming unit shall be multiplied by 50 percent if such farming unit is not in Area "D"; if such farming unit is in Area "D", such percentage shall be multiplied by 40 percent. The percentage of the diversion payment for such specified type of tobacco for such farming unit for the operator of such farming unit shall be determined by subtracting from 100 percent the sum of the percentages of the diversion payment for such specified type of tobacco for such farming unit determined for all crop-share landlords owning farms in such farming unit.

(d) On a farming unit not in Area "B" or "C" which has a cotton soil-depleting base and which farming unit is not also a sharecropper farming unit, the percentage of the diversion payment for such farming unit of each crop-share landlord of a farm in such farming unit shall be determined as follows: The percentage that the cotton soil-depleting

base for the farm owned by such crop-share landlord is of the cotton soil-depleting base for the farming unit shall be multiplied by 50 percent. The percentage of the cotton diversion payment for such farming unit for the operator of such farming unit shall be determined by subtracting from 100 percent the sum of the percentages of the cotton diversion payment for such farming unit determined for all crop-share landlords owning farms in such farming unit.

(e) On a sharecropper farming unit not also a cotton farming unit, any diversion or conserving payment made with respect to such farming unit shall be divided among the persons who are parties to the lease or operating agreement relating to such farming unit in the proportion in which such persons are entitled to share under such lease or operating agreement in the crops grown on such farming unit in 1937, or the proceeds thereof, with respect to which any such payments are made.

(f) On a cotton farming unit, any diversion or conserving payment made with respect to such farming unit shall be divided as follows: 37½ percent to the persons who furnished the land in such farming unit to be divided between such persons in the proportion that the cropland on the farm owned by each person in such farming unit is of the total cropland in such farming unit; 12½ percent to the persons who furnished the workstock and equipment for the farming unit to be divided between such persons in the proportion that the workstock and equipment furnished by each person is of the total workstock and equipment on the farming unit; 50 percent to be divided between the persons who are parties to the lease or operating agreement relating to such farming unit in the proportion in which such persons are entitled to share under such lease or operating agreement in the crops grown on such farming unit in 1937, or the proceeds thereof, with respect to which any such payments are made.

(g) On a farming unit not also a cotton or sharecropper farming unit, any soil-building payment made with respect to a farm in such farming unit shall be divided equally between the crop-share landlord of such farm and the operator of such farming unit if such farming unit is not in Area "D". If such farming unit is in Area "D", such payments shall be divided as follows: 40 percent to such landlord and 60 percent to such operator.

(h) On a farming unit either a cotton or sharecropper farming unit, any soil-building payment made with respect to a farm in such farming unit shall be made to the eligible owner, share-tenant, or sharecropper who the county committee determines, under instructions issued by the Secretary, has incurred the expense in 1937 with respect to the practice for which the soil-building payment is to be made; where two or more persons are thus determined by the county committee to have incurred the expense in 1937 with respect to such practice, the soil-building payment for such practice shall be divided equally between such persons.

Any share of payments shall be computed without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against any crop, or the proceeds thereof, in favor of the owner or any creditor. If the Secretary, upon the basis of an investigation by the State committee, finds that any person has for 1937 made any change from any previous leasing or cropping arrangement for the farm, for the purpose of, or which would have the effect of, diverting to such person any payment to which any tenants or sharecroppers would be entitled if the previous leasing or cropping arrangement were in effect for 1937, the amount of any payment which would otherwise be made to such person may be withheld in whole or in part.

SECTION 10. *Applications for Payment; Small Payments.*—

(a) Payment will only be made upon application filed with the county committee in which the farming unit is located. Each person applying for payment will be required to show the extent to which the conditions upon which payment is to be made have been met. An application for payment with respect to a farming unit by any person must include all the land in such farming unit.

(b) No total payment will be made to any person in an amount less than fifty cents.

SECTION 11. *Deductions.*—(a) For each acre by which the 1937 general acreage on a general diversion farming unit is in excess of the general soil-depleting base for such farming unit, a deduction will be made from any payment which otherwise would be made with respect to such farming unit in an amount equal to the rate per acre for diversion from the general soil-depleting base for such farming unit.

(b) For each acre by which the 1937 corn acreage on a general diversion farming unit in Area "A" is in excess of the corn acreage limit for such farming unit, and for each acre by which the 1937 corn acreage on a general non-diversion farming unit is in excess of twenty acres, a deduction will be made from any payment which otherwise would be made with respect to such farming unit in an amount equal to the rate per acre for diversion on general diversion farming units from the general soil-depleting base for such farming unit. On general non-diversion farming units such deduction will be in an amount equal to the rate per acre for diversion from the general soil-depleting base which would be determined for such farming unit if it were a general diversion farming unit.

(c) For each acre by which the 1937 general acreage on a general non-diversion farming unit is in excess of twenty acres, a deduction will be made from any payment which otherwise would be made with respect to such farming unit in an amount equal to the rate per acre for diversion from the general soil-depleting base which would be determined for such farming unit if it were a general diversion farming unit.

(d) For each acre by which the 1937 acreage of a specified type of tobacco on a farming unit is in excess of the tobacco soil-depleting base for such type of tobacco, a deduction will be made from any payment which otherwise would be made with respect to such farming unit in an amount equal to the rate per acre for diversion from the soil-depleting base for such farming unit for such type of tobacco. If no rate per acre has been determined for diversion from the soil-depleting base for such farming unit for the type of tobacco of which there is an excess, the rate to be applied for such type of tobacco will be computed by multiplying the number of pounds representing the average county yield per acre of such type of tobacco by the farming unit's productivity index of crops in the general soil-depleting base, and multiplying this result in the case of Burley tobacco by 5 cents; in the case of dark air-cured tobacco by 3½ cents; and in the case of cigar-leaf tobacco by 3 cents.

(e) For each acre by which the 1937 acreage of cotton on a farming unit is in excess of the cotton soil-depleting base for such farming unit, a deduction will be made from any payment which otherwise would be made with respect to such farming unit in an amount equal to the rate per acre for diversion from the cotton soil-depleting base for such farming unit. If no rate per acre has been determined for diversion from the cotton soil-depleting base for such farming unit, the rate to be applied will be computed by multiplying the number of pounds representing the average county yield of cotton per acre by the farming unit's productivity index of crops in the general soil-depleting base and multiplying the result by 5 cents.

(f) For each acre by which the sum of (1) the old conserving acreage on the farming unit is in excess of the soil-conserving base for such farming unit, and (2) the new conserving acreage on such farming unit, is less than the acreage for which cotton and tobacco diversion payments are made with respect to such farming unit, a deduction will be made from any payments which otherwise would be made with respect to such farming unit in an amount of three dollars.

The share of each crop-share landlord of any deduction computed with respect to a farming unit not also a cotton or sharecropper farming unit, shall be computed by multiplying such deduction by the percentage that the total soil-depleting base for the farm owned by such crop-share landlord is of the total soil-depleting base for the farming unit;

and multiplying this result by 50 percent if the farming unit is not in Area "D" and by 40 percent if the farming unit is in Area "D". The share of the operator of any deduction computed with respect to a farming unit not also a cotton or sharecropper farming unit shall be determined by subtracting from the deduction computed for the farming unit the sum of the deductions computed for all crop-share landlords owning farms in such farming unit. No deduction shall be made from any payments which otherwise would be made to any person with respect to a farming unit in excess of such person's share of a deduction computed with respect to such farming unit, notwithstanding that the total deduction computed for such farming unit is not made.

The share of any person of any deduction made with respect to a farming unit also a cotton or sharecropper farming unit, shall be computed by multiplying such deduction by the percentage that the sum of all payments computed for such person with respect to such farming unit is of the sum of all payments computed for such farming unit.

SECTION 12. *Adjustment in Rates.*—The rates specified in this Part IV are based upon an estimate of available funds and an estimate of approximately 85 percent participation. If participation in the North Central Region exceeds that estimated for such region, all the rates specified in this Part IV for such region may be reduced pro rata. If participation in the North Central Region is less than the estimate for such region, the rates may be increased pro rata. In no case will the rates be increased or decreased by more than 10 percent.

SECTION 13. *Applicability to Farms Under Special Programs.*—The Secretary may designate one or more counties in any State for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county is designated the allowances, rates, and conditions of payment for such county will be set forth in a special bulletin and the provisions of this bulletin shall not be applicable in such county.

On any farm where a program is carried out in cooperation with the Soil Conservation Service or the Resettlement Administration payment will be made only for such diversion and for carrying out such soil-building practices as are approved for the farm prior to performance by the County Committee in accordance with instructions issued by the Secretary.

SECTION 14. *Payments Restricted to Effectuation of Purposes.*—All or any part of any payment which otherwise would be made with respect to any farming unit may be withheld if any rotation, cropping, or other practices are adopted on the farming unit, which practices the Secretary determines tend to defeat the purposes of the 1937 Agricultural Conservation Program. If any person who has made an application for payment with respect to any farming unit has an interest as owner, operator, or sharecropper in another farming unit in the county on which it is determined that the acreage in 1937 used for the production of general crops, cotton or tobacco exceeds the general, cotton, or tobacco soil-depleting bases, respectively, or on which the 1937 corn acreage exceeds the corn limit, a deduction will be made from any payments which otherwise would be made to such person. Any such deduction shall be computed in accordance with Section 11 of this Part IV.

SECTION 15. *Association Expenses.*—In determining the amount of payments under the 1937 Agricultural Conservation Program, there shall be deducted from any payment computed for any person with respect to any farming unit in a county, all of such person's pro rata share, or such part thereof as may be determined by the Secretary, of the estimated total administrative expenses incurred and to be incurred by the Association of such county in cooperating in carrying out the 1937 Agricultural Conservation Program in such county. Such pro rata share shall be determined by multiplying the total payments computed for such person with respect to any farming unit in such county by the percentage that the estimated total administrative expenses of the Association for such county as approved by the North

Central Division for 1937 is of the total payments estimated by the North Central Division which will be made with respect to farming units in such county in 1937. As provided in the Articles of Association, any person who previously has not become a member of the Association of the county in which the farming unit containing his farm is located shall become a member thereof by his signing an application for payment with respect to the farming unit in which such farm is located.

There shall be credited for the payment of administrative expenses the sum of \$2.00 for each application for a farm on which the total payment (prior to deduction of any administrative expenses) as estimated by the Agricultural Adjustment Administration will be \$20.00 or less.

Part V. Miscellaneous Provisions

SECTION 1. Determination of Persons to Whom Payment Will Be Made.—Except as may hereafter be provided, for the purposes of the 1937 Agricultural Conservation Program in the North Central Region, a person will not be regarded as the owner or operator of a farm unless such person owned or operated such farm on June 30, 1937, and has been such owner or operator for a period of at least 60 consecutive days, which period must include June 30, 1937. In determining the number of days of ownership or operation, a fraction of a day will be considered as a whole day. In the event more than one person has owned or operated a farm on June 30, 1937, and for 60 consecutive days, the person who has owned or operated such farm prior to June 30, 1937, shall be regarded as the owner or operator of such farm. The term "owner" as used herein does not refer exclusively to a person who has legal title to a farm but is intended to describe the person who for 1937 has the right to possession or control of a farm and to profits and rents therefrom. If a person has the right to receive a portion of any crop, or the proceeds thereof, on any farm in the North Central Region in 1937 solely by virtue of a creditor relationship and does not become the owner of such farm, such person shall not be entitled to receive any payment made with respect to such farm pursuant to the 1937 Agricultural Conservation Program in the North Central Region.

In the event of death, incompetency, abandonment, or discharge or release from a representative capacity the period of ownership or operation may, upon recommendation of the county committee and upon approval by the Secretary or his duly authorized representative, be computed as follows:

(a) *In the Event of Death.*—If, because of the death of any party owning or operating a farm, the person, whether the deceased, his heir or heirs, or the duly appointed representative, if any, of such decedent's estate, who owns or operates such farm on June 30, 1937, has not owned or operated such farm, for 60 consecutive days, the period of such person's ownership or operation of such farm shall be deemed to include the time of ownership or operation of such farm by the deceased person, his heir or heirs, or the duly appointed representative, if any, of his estate.

(b) *In the Event of Incompetency.*—If, because of the adjudication of incompetency of any person owning or operating a farm, the person, whether the person who was adjudicated incompetent, his relative or relatives, or his duly appointed representative, if any, who owns or operates such farm on June 30, 1937, has not owned or operated such farm for 60 consecutive days, the period of such person's ownership or operation of such farm shall be deemed to include the time of ownership or operation of such farm by the person who was adjudicated incompetent, his relative or relatives, or his duly appointed representative, if any.

(c) *In the Event of Abandonment.*—If, because of abandonment by any party owning or operating a farm, the person, whether the person who has abandoned the farm, his relative or relatives, or his duly appointed representative, if any, who owns or operates such farm on June 30, 1937, has not owned or operated such farm for 60 consecutive days, the period of such person's ownership or operation of such farm shall be deemed to include the time of ownership or operation of such farm by the person who has abandoned

such farm, his relative or relatives, or his duly appointed representative, if any.

(d) *In the Event of Discharge or Release from Representative Capacity.*—If, because of the discharge or release from a representative or fiduciary capacity of any party owning or operating a farm, the person, whether the representative or fiduciary who has been discharged or released from his representative or fiduciary capacity or the person or persons who succeed such representative as owner or operator, who owns or operates such farm on June 30, 1937, has not owned or operated such farm for 60 consecutive days, the period of such person's ownership or operation of such farm shall be deemed to include the time of ownership or operation of such farm by the representative who has been released or discharged from his representative or fiduciary capacity and the person or persons who succeed such representative or fiduciary as owner or operator of such farm.

No soil-building payment will be made to the person who is regarded as the owner or operator of a farm for any soil-building practices carried out on such farm after he has ceased to own or operate such farm.

For the purpose of this section 1, the term "operator" shall be deemed to include sharecroppers.

SECTION 2. Persons Eligible to Execute an Application for Payment and Receive Payment Thereunder Upon Happening of Certain Contingencies on or after July 1, 1937.

(a) *In the Event of Death.*—If an owner or operator of a farm dies on or after July 1, 1937, and before making an application for payment with respect to such farm, the administrator or executor appointed by a court of competent jurisdiction for such decedent's estate shall be eligible to make an application for payment with respect to such farm, in lieu of such decedent. If an administrator or executor is not appointed for such estate, all the heirs of such decedent will be eligible to make application for payment with respect to such farm. If, prior to his death, the decedent has made an application for payment but did not receive the payment thereunder, such payment will be made to the administrator or executor appointed by a court of competent jurisdiction for such estate. If an administrator or executor is not appointed for such estate, such payment will be made to all the heirs of such decedent.

(b) *In the Event of Incompetency.*—If an owner or operator of a farm is adjudged incompetent by a court of competent jurisdiction on or after July 1, 1937, and before making an application for payment with respect to such farm, the guardian or committee appointed by a court of competent jurisdiction for such incompetent's estate shall be eligible to make application for payment with respect to such farm in lieu of the incompetent. If the person adjudicated incompetent had, prior to such adjudication, made application for payment but did not receive the payment thereunder, such payment will be made to the guardian or committee appointed by a court of competent jurisdiction for such incompetent's estate.

(c) *In the Event of Abandonment.*—If an owner or operator of a farm abandons such farm on or after July 1, 1937, and before making an application for payment with respect to such farm, the person appointed by a court of competent jurisdiction to control and conserve the assets of the abandoned estate shall be eligible to make an application for payment with respect to such farm in lieu of the person who abandons such farm. If, prior to his abandonment, the person who abandons such farm had made an application for payment, but, did not receive the payment thereunder, such payment will be made to the person appointed by a court of competent jurisdiction to control and conserve the assets of such abandoned estate.

(d) *In the Event of Discharge or Release from Representative Capacity.*—If an administrator, executor, trustee, guardian, committee, receiver, conservator, or other representative or fiduciary who is the owner or operator of a farm is discharged or released from such representative or fiduciary position by a court of competent jurisdiction on or after July 1, 1937, and before making an application for payment, the person or persons who succeed such representative

or fiduciary as owner or operator of such farm will be eligible to execute an application for payment with respect to such farm in lieu of the representative or fiduciary who has been discharged or released. If, prior to his discharge or release, the person who has been discharged or released from his representative or fiduciary position had made an application for payment but did not receive the payment thereunder, such payments will be made to the person or persons who succeed such representative as owner or operator of such farm.

For the purpose of this Section 2, the term "operator" shall be deemed to include sharecroppers.

Part VI. Range Lands

SECTION 1. Definitions.—As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in its application to range lands in the North Central Region, the following terms shall have the following meanings:

Range Lands means any land other than that owned or controlled by the United States Government, or any agency thereof, which produces forage without cultivation or general irrigation, ten acres or more of which are required to sustain one animal unit for a period of twelve months.

Ranching Unit means all land used by an operator in 1937 as a single unit for the production of livestock primarily by grazing such livestock on range land, with buildings, corrals, workstock, farm machinery, and labor substantially separate from that for any other ranching unit.

Ranch Operator means a person who as owner or lessee operates a ranching unit. Any ranch operator is eligible to make an application for the establishment of grazing capacity.

Animal Unit means one cow, one horse, five sheep, two calves, two colts, or the equivalent thereof.

Ranch Allowance means the largest amount that may be obtained for range conservation practices on any ranching unit.

Grazing Capacity means the number of animal units which range land will sustain for a period of years on a twelve months basis without decreasing the stand of grass or other grazing vegetation and without injury to the forage and tree growth on such range land.

Limited Grazing means limiting the grazing on an entire ranching unit during the grazing season to such an extent that a specified percentage of the grass on such ranching unit is permitted to mature seed.

Deferred Grazing means withholding from grazing a portion of the range land in a ranching unit during a period from the time growth starts in the spring until seed has matured in the fall, for the purpose of permitting natural reseeding of native grasses.

County Range Inspector means a person selected by the county committee and approved by the State Committee to appraise and recommend grazing capacity and practices, and to inspect performance on range land.

SECTION 2.—County Grazing Capacity Limit.—There shall be established by the Agricultural Adjustment Administration in each county containing range land the average grazing capacity of such range land. The average of the individual grazing capacities established for the range land in any county shall not exceed the county average grazing capacity limit for such county.

SECTION 3. Grazing Capacity.—There shall be established for any range land for which an application for the establishment of grazing capacity is received, the grazing capacity of such range land. Such grazing capacity for individual range land shall be established by taking into account the following factors: (a) composition, palatability, and density of vegetative growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic features; (e) classes of livestock which have utilized such range land; (f) presence or absence of rodents and poisonous plant infestations; (g) previous use; and (h) fences.

SECTION 4. Range Building Allowance.—The range building allowance for a ranching unit shall be equal to an amount

obtained by multiplying the grazing capacity for such ranching unit by \$1.50.

SECTION 5. Range Building Practices.—Payments will be made, not in excess of the range building allowance, for the carrying out on range land any of the range building practices listed herein. Payment will not be made for any practice unless (a) the ranch operator has filed with the county committee a request for an inspection of his ranch by a county range inspector; (b) the county committee has given prior approval for the carrying out of any such practice; (c) the county committee has determined that any such practice has been carried out in accordance with the conditions specified; and (d) any such practice has been carried out in accordance with generally accepted standards of good ranch management.

(1) **Reseeding by deferred grazing.**—Natural reseeding by non-grazing on an acreage equal to not more than 25 percent nor less than 10 percent of the total range land on the ranching unit from May 1 to September 30, 1937, inclusive, except that upon recommendation by the State Committee and approval by the Director of the North Central Division a date other than September 30, 1937, may be established: 60 percent of the range building allowance for such ranching unit multiplied by the percentage that the non-grazed acreage is of the acreage equivalent to 25 percent of the total range land in such ranching unit, *provided*: (1) On ranches on which cattle or horses are grazed the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock; (2) On ranches used exclusively for grazing sheep the area to be kept free of grazing is either fenced and the fence is maintained sufficiently to prevent entry of livestock or the entry of livestock on the non-grazed acreage is prevented by herding; (3) The remaining range land in such ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the range, forage, tree growth, or watershed; and (4) The ranch operator has submitted to the county committee in writing the designation of the non-grazing range area of the ranch previous to the carrying out of such practice.

(2) **Reseeding by limited grazing.**—Natural reseeding of all of the range land on the ranching unit.—50 percent of the range building allowance for such ranching unit. *Provided*, the number of animal units grazed on the range land on such ranching unit during the grazing season, May 1 to September 30, 1937, inclusive, is limited to a number of animal units which will permit at least 25 percent of the grass on the ranching unit to mature seed and aid the natural reseeding of such grasses.

(3) **Contouring.**—Construction of contour furrows on land not sufficiently sandy and porous to absorb normal precipitation—\$0.50 per acre. *Provided*: (1) The furrows are constructed on the contour level not less than 8 inches in width and 4 inches in depth; (2) Such furrows are dammed at intervals of not more than 100 feet; and (3) The furrows are not more than 25 feet apart.

(4) **Tree planting.**—Planting of trees on range land—\$10.00 per acre. *Provided*: (1) The trees are planted in 1937 prior to November 1, 1937; (2) The number, kind, and age of trees planted and the methods of planting and growing of such trees are in accordance with good tree culture practice; (3) The acreage planted to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock.

(5) **Cultivating and Maintaining a Stand of Trees.**—Cultivating, protecting, and maintaining, by replanting, if necessary, a full stand of at least 500 trees per acre of forest plantings or 200 trees per acre of windbreak or shelterbelt plantings planted on cropland or noncropland between January 1, 1934, and November 1, 1936—\$4.00 per acre.

(6) **Reservoirs.**—Construction of reservoirs and dams—\$0.15 per cubic yard of fill for such construction. *Provided*: (1) The construction of reservoirs and dams is carried out in connection with the practices outlined in subsections 1 and 2 of this Section 5; (2) Spillways are made adequate to prevent the dam from washing out under normal rainfall and reservoirs are located where they have a sufficient watershed to insure the filling of such reservoirs with normal precipitation.

SECTION 6. *Payments Restricted to Effectuation of Purpose.*—All or any part of any range practice payment which otherwise would be made with respect to any ranching unit may be withheld if any grazing or other practices are adopted on the ranching unit, which practices the Secretary determines tend to defeat the purpose of the 1937 range program in the North Central Region.

In testimony whereof, H. A. WALLACE, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 14th day of January 1937.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 37-375; Filed, February 5, 1937; 12:43 p. m.]

FARM CREDIT ADMINISTRATION.

[FCA 23]

REGULATIONS RELATIVE TO EMERGENCY CROP AND FEED LOANS IN THE CONTINENTAL UNITED STATES MADE PURSUANT TO THE ACT OF CONGRESS, APPROVED JANUARY 29, 1937¹

FEBRUARY 2, 1937.

1. Loans for fallowing, for the production of crops, for planting, cultivating, and harvesting crops, for supplies incident and necessary to such production, planting, cultivating, and harvesting, and for feed for livestock, or for any of such purposes, will be made during the year 1937 by the Governor of the Farm Credit Administration to farmers in the continental United States.

2. Such loans may be made to farmers who have acreage fit for cultivation, the necessary equipment for farming operations, and livestock for which feed is required, and who are unable to obtain a loan from other sources, and, further, such loans will be limited to the amount necessary to meet the immediate and actual cash needs, and preference shall be given to the applications of farmers whose cash requirements are small.

3. Such loans shall be secured by a first lien, or by an agreement to give a first lien, upon all crops of which the planting, cultivation, production, or harvesting is to be financed, in whole or in part, with the proceeds of such loan; or, in case of any loan for the purchase and/or production of feed for livestock, a first lien upon the livestock to be fed.

4. Applicants must agree (1) to use seed and methods approved by the Department of Agriculture; (2) to plant a garden for home use; and (3) to plant a sufficient acreage of feed crops to supply feed for their workstock and subsistence cattle.

5. No such loan will be made:

(a) To any applicant who has received or is to receive from Resettlement Administration during 1937 a standard rehabilitation loan, as indicated on lists furnished by Resettlement Administration.

(b) To any applicant who can obtain a loan from other sources, including production credit associations, in an amount reasonably adequate to meet his needs for the purposes for which such loans may be made. An applicant for a loan in an amount in excess of a minimum fixed by the Governor, or his representative, for the territory in which the applicant resides, must first submit written evidence from a production credit association that his application for a loan of the same or less amount has been rejected.

(c) To any applicant who has an application for a 1937 crop or feed loan pending with a production credit association.

(d) To any applicant who has not observed good faith in making repayment on any previous emergency loan or loans, as indicated by the willful misuse of the proceeds of a loan check for any purpose other than those specified in the application therefor; failure to plant a crop, or planting a crop on land other than that described in the

application, and not returning proceeds of loan; the willful disposal of crops mortgaged to the Governor without paying him the proceeds of the sale thereof, or failure to pay all or a part of such loan or loans when able to do so.

(e) To any applicant in an amount greater than his immediate cash needs for the production of crops, for supplies incident and necessary to such production, and for feeding livestock, or in an amount in excess of \$400. No loan will be made for an amount less than the sum of \$10. All loans will be made in multiples of \$5. Notes will bear interest, from maturity until paid, at the rate of 4 percent per annum; and interest to the maturity date at the same rate will be deducted at the time the loan is made.

(f) To more than one member of a family unit nor to any person living and/or farming with an applicant whose application for a loan hereunder has been disapproved.

(g) To applicants who are occupants of the same farm or plantation, or are tenants of the same landlord in any one county (with the exception of tenants on land the title of which is vested directly in the United States, or of any State or municipal government, or of any drainage district), in an aggregate amount which (inclusive of all emergency loans theretofore made to them, or any of them, pursuant to the Act of Congress approved January 29, 1937), exceeds the sum of \$1,000.

(h) To any applicant who has a means of livelihood other than farming.

(i) To partnerships, corporations, minors, agents, executors, or administrators; or, to receivers or trustees.

(j) To a wife living with her husband unless the husband joins in the application, note, and mortgage or lien.

(k) For the purchase of machinery or livestock, or for the payment of taxes, rent, debts, or interest or for any purpose other than as specified herein.

6. Loans may be disbursed in one payment or in installments at the discretion of the regional manager.

7. No loan for the production of crops will be made in an amount greater than the immediate and actual cash needs in the particular case to plant the crop in a manner approved by the Extension Service of the Department of Agriculture.

The immediate and actual cash needs in a particular case must not exceed the actual costs per acre in such case as determined by individual consideration of the various factors involved, e. g., whether it is necessary to purchase seed, feed, fertilizer, spraying material and/or fuel for tractors; the cost thereof; and any other incidental expenses currently incurred in that community in connection with the particular crop to be produced. In no event may loans for crop production purposes exceed the following maximum allowances per acre:

Maximum Allowances Per Acre

	1	2	3
	Without commercial fertilizer	Where commercial fertilizer is used	Where commercial fertilizer and spray material, including dust are used ¹
Grain crops.....	² \$3.00	² \$4.00	-----
Cotton.....	4.00	6.00	-----
Tobacco.....	4.00	12.00	\$13.00
Peanuts.....	3.00	4.50	-----
Irish potatoes (commercial).....	15.00	30.00	32.00
Truck (commercial).....	10.00	22.00	25.00
Miscellaneous crops.....	2.50	4.00	-----
Sugarcane.....	12.00	12.00	-----
Sugar beets.....	8.00	12.00	-----
Rice:			
When landlord furnishes water.....	8.00	8.00	-----
If landlord does not furnish water.....	13.00	13.00	-----
Citrus fruit trees (bearing).....	20.00	20.00	20.00
Other fruit trees (bearing).....	10.00	14.00	20.00

¹ Where spray material, including dust is used without commercial fertilizer, the allowance for such spray material and dust will be the difference, if any, between the allowances in column (2) and column (3).

² Of the grain allowances shown in the table not more than \$1 shall be used for summer fallowing.

These figures include allowances for fuel, oil, and feed for workstock for crop production purposes and incidental expenses, for which no additional allowances will be made.

Allowances for water charges (including maintenance, electric power and fuel) for crops other than rice grown on irrigated land shall not exceed \$3 per acre.

Allowances for commercial fertilizer will be made only in areas where commercial fertilizer is customarily used.

8. No loan for the purchase of feed for livestock will be made in an amount greater than is actually necessary to maintain the livestock until pasturage and/or forage or until grain crops are available, and in no case may a loan for the purchase of feed for livestock be made on a basis which exceeds the following rates per head of livestock per month:

Maximum allowances for the purchase of feed for livestock per head per month¹

Work Horses and Mules.....	\$8.50
Stock Horses.....	4.00
Dairy and Breeding Cows.....	4.00
Stock Cattle (from 1 to 2 years old).....	2.00
Sheep (1 to 6 years, inclusive).....	.50
Breeding Hogs.....	2.00

9. An amount not greater than the actual harvesting and threshing expenses may, in the discretion of the regional manager, be released from the proceeds of the sale of any of the crops covered by a lien given to the Governor, in any case where a borrower does not have the necessary funds or credit to pay for the harvesting and threshing of such crops.

10. The amount approved for a loan by the Governor or his representative under these regulations will be paid to the applicant by a disbursing officer upon receipt and approval by the Governor or his representative of the following documents:

(a) Application in the form prescribed, signed by the applicant.

(b) Promissory note (or bond in Pennsylvania) in the form prescribed, executed by the applicant for the amount approved by the Governor or his representative, payable to the Governor, bearing interest at the rate of 4 percent per annum from maturity until paid.

NOTE.—In order to afford adequate protection and preserve the statutory priority of liens for seed loans made in North Dakota, South Dakota, Minnesota, and Montana, the following requirements will be observed:

North Dakota.—Each applicant in North Dakota who applies for a loan for the purchase of seed, gas, oil, and minor repairs on farm equipment only, or for one or more of such purposes, shall execute a note for the amount of such loan and secure the repayment of such loan by a Crop Lien; each applicant in such state who applies for a loan for any or all of the above purposes and for other purposes in addition thereto, shall execute a note for the total amount of such loan and secure the repayment of such loan by a crop mortgage and also shall execute a Crop Lien to secure the repayment of that part of such loan which is proposed to be used for the purchase of seed, gas, oil, and minor repairs on farm equipment, or for one or more of such purposes;

Minnesota.—Each applicant in Minnesota who applies for a loan, either for the purchase of seed only or for the purchase of seed and for other purposes, shall execute a note for the total amount of such loan and secure the repayment of the entire loan by a crop mortgage, and in addition thereto shall execute a seed lien to secure the repayment of that part of such loan which is proposed to be used for the purchase of seed.

South Dakota and Montana.—Each applicant in the States of South Dakota and Montana who applies for a loan for the purchase of seed only, shall execute a note for the amount of such loan and secure the repayment thereof by a seed lien; each applicant in the above states who applies for a loan to be used in part for seed and in part for other purposes shall execute a note for the total amount of such loan and secure the repayment thereof by a crop mortgage, and in addition thereto shall execute a seed lien to secure the repayment of that part of such loan which is proposed to be used for the purchase of seed.

(c) Lien instruments (including waivers) in the form prescribed, conveying a first lien or a promise and authority, properly executed and filed, registered or recorded in the proper office as required by local State law.

¹ Allowances set forth in this table apply to feed loans only and are not to be used in connection with loans for cash crops. The allowances provided for cash crops include feed for workstock.

(d) A voucher for the amount of the loan in the form prescribed, signed by the applicant.

11. Fees for recording, filing, registration, and examination of records (including certificates) shall be paid by the borrower: Provided, however, that such fees aggregating not to exceed 75 cents per loan may be paid by him from the proceeds of the loan. No fees for releasing liens given to secure loans shall be paid from the proceeds of a loan.

12. The right is reserved to revoke, alter, or amend these regulations at any time and without notice.

[SEAL]

W. I. MYERS,
Governor, Farm Credit Administration.

[F. R. Doc. 37-372; Filed, February 5, 1937; 12:10 p. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 55]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 3, 1937.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for Loans for the projects and in the amounts as set forth in the following schedule:

Project Designation:	Amount
Louisiana 6 St. Marys.....	\$95,000
Louisiana 7 Grant.....	500,000
Louisiana 8 Terrebonne.....	105,000
Louisiana 9 Lafayette.....	420,000

MORRIS L. COOKE, Administrator.

[F. R. Doc. 37-370; Filed, February 5, 1937; 9:49 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 5th day of February A. D. 1937.

[File No. 46-30]

IN THE MATTER OF COMMONWEALTH EDISON COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Commonwealth Edison Company, Chicago, Illinois, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition of all or any part of the following securities of the Public Service Company of Northern Illinois: 131,359 common shares, \$60 par value; 538,548 common shares of no par value (stated value \$60 per share); 100,000 6% cumulative preferred shares, \$100 par value; and 63,576 7% cumulative preferred shares, \$100 par value; at the ratio, for all common shares, of three shares of Commonwealth Edison Company common stock, par value \$25 per share, for each share of Public Service Company of Northern Illinois common stock, and at a ratio for the preferred shares to be added by amendment at or prior to the hearing herein ordered, but in no case to be less than 3 nor more than 4 and 4/10ths shares of Commonwealth Edison Company common stock, par value \$25, for each share of Public Service Company of Northern Illinois preferred stock;

It is ordered that a hearing on such matter be held on March 1, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivi-

sion of a State, and to any representative of interested consumers or security holders, and 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 February 23, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-378; Filed, February 5, 1937; 12:49 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of February A. D. 1937.

[File No. 46-29]

IN THE MATTER OF COMMONWEALTH SUBSIDIARY CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Commonwealth Subsidiary Corporation, Chicago, Illinois, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, for approval of the acquisition by it of an undetermined number of shares of the Commonwealth Edison Company in exchange for all of the following shares of stock of the Public Service Company of Northern Illinois now held by it: 37,160 shares of common stock, \$60 par value, 204,110 common shares of no par value (stated value \$60 per share), 7,526 6% cumulative preferred shares, \$100 par value, and 16,805 7% cumulative preferred shares, \$100 par value; at the ratio, for all common stocks, of three shares of Commonwealth Edison Company common stock of \$25 par value for each share of common stock of Public Service Company of Northern Illinois, and at a ratio for the preferred stock to be added by amendment at or prior to the hearing herein ordered, but in no case to be less than 3 nor more than 4 and $\frac{1}{10}$ ths shares of Commonwealth Edison Company common stock, par value \$25 per share, for each share of Public Service Company of Northern Illinois preferred stock; and

For approval of the acquisition by it of all or any part of 65,756 series B and C 6% cumulative preferred shares of the par value of \$100 per share of the Western United Gas and Electric Company, and 66,704 6½% cumulative preferred shares of the par value of \$100 per share of Western United Gas and Electric Company, in exchange for shares of common stock of the Commonwealth Edison Company, par value \$25, at a ratio to be added by amendment at or prior to the hearing herein ordered, but in no case to be less than 2 and $\frac{1}{10}$ ths nor more than 3 and $\frac{1}{10}$ ths shares of Commonwealth Edison Company common stock, par value \$25, for each share of preferred stock of the Western United Gas and Electric Company; and

For approval of the acquisition by it of all or any part of 46,828 6% cumulative preferred shares of the par value of \$100 per share of Illinois Northern Utilities Company, and all or any part of 7,817 junior cumulative preferred shares

of no par value (stated value \$100 per share) of Illinois Northern Utilities Company in exchange for shares of common stock of Commonwealth Edison Company, par value \$25, at a ratio to be added by amendment at or prior to the hearing herein ordered, but in no case to be less than 2 and $\frac{1}{10}$ ths nor more than 4 shares of Commonwealth Edison Company common stock, par value \$25, for each share of preferred stock of Illinois Northern Utilities Company;

It is ordered that a hearing on such matter be held on March 1, 1937, at 10 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and 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 February 23, 1937.

It is further ordered that Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-376; Filed, February 5, 1937; 12:49 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of February A. D. 1937.

[File No. 43-28]

IN THE MATTER OF THE DECLARATION OF AMERICAN PUBLIC SERVICE COMPANY

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE

American Public Service Company having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with reference to the reduction of the par value of its common stock from one hundred dollars (\$100) per share to eighty dollars (\$80) per share, which will be followed by a reduction of its capital from \$9,644,708 to \$7,714,720, and regarding its issue of 96,434 shares of such common stock of such par value of \$80 per share in exchange for a like number of shares of the present par value which it now has outstanding.

A public hearing on the declaration having been had after appropriate notice; the record in this matter having been examined, and the Commission having made and filed its findings herein:

It is ordered that said declaration be and become effective as of February 4, 1937 upon condition, however, that no certificates for shares of stock of the new par value shall be issued until all action by stockholders and by declarant necessary to make effective such reduction in par value shall have been taken.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-379; Filed, February 5, 1937; 12:49 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of February A. D. 1937.

[File No. 43-29]

IN THE MATTER OF THE DECLARATION OF CENTRAL AND SOUTH WEST UTILITIES COMPANY

ORDER FIXING DATE FOR DECLARATION TO BECOME EFFECTIVE

Central and South West Utilities Company having filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with reference to the reduction of the par value of its common stock from one dollar (\$1) per share to fifty cents (50¢) per share, which will be followed by a reduction of its capital from \$24,229,757 to \$1,686,368 and regarding its issue of 3,372,736 20/400 shares of such common stock having such par value of 50¢ per share in exchange for a like number of shares of the present par value which it now has outstanding.

A hearing on the declaration having been had after appropriate notice; the record in this matter having been examined, and the Commission having made and filed its findings herein;

It is ordered that said declaration be and become effective as of February 4, 1937 upon condition, however, that no certificates for shares of stock of the new par value shall be issued until all action by stockholders and by declarant necessary to make effective such reduction in par value shall have been taken.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-377; Filed, February 5, 1937; 12:49 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CENTRAL-BENSO "A" FARM, FILED ON JANUARY 14, 1937, BY KENT K. KIMBALL, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter¹ which was last set to be heard at 10:30 o'clock in the forenoon on the 4th day of February 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:30 o'clock in the forenoon on the 19th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-382; Filed, February 5, 1937; 12:50 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of February A. D. 1937.

¹ 2 F. R. 165.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE SKELLY-HUMBLE-ADKINS FARM, FILED ON JANUARY 14, 1937, BY JAMES W. TAIT COMPANY, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter,¹ which was last set to be heard at 10:00 o'clock in the forenoon on the 4th day of February 1937 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 10:00 o'clock in the forenoon on the 19th day of February 1937 at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-381; Filed, February 5, 1937; 12:50 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE MANNING-BRYSON-YORK ET AL. FARM, FILED ON JANUARY 28, 1937, BY R. H. MANNING & COMPANY, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340(A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

(1) In that the phrase "or disapproved" is omitted from paragraph 2, Division I.

(2) In that Item 3 (b), Division II, apparently gives the names of the lessors of the property rather than the lessees and the size of the interest of each.

(3) In that insufficient information is given in Item 5 of Division II, in the absence of a copy of the drilling contract referred to.

(4) In that the answers to Items 7 and 8, Division II, by reference to Exhibit B, are not proper.

(5) In that, in view of the answer to Item 11, Division II, Item 12 appears incorrect.

(6) In that Items 14 (b), (c) and (d), Division II, in each instance omit to state the distance from the tract.

(7) In that Item 16 (a) (ii), Division II, misstates the rate of Gross Production Tax and of the Federal Excise Tax. Item 16 (b) misstates the agency to whom the Federal tax is payable.

(8) In that Item 17, Division II, is non-responsive.

(9) In that Item 18, Division II, is inconsistent with Item 5, Division II.

(10) In that Item 22, Division II, is unintelligible.

(11) In that Item 24 (a), Division II, is unintelligible and non-responsive.

(12) In that Item 25, Division II, appears inconsistent with Exhibit B.

(13) In that the signature, corporate seal, attest and date are omitted from the sheet.

(14) In that Exhibit A does not comply with the regulations in that the surrounding area and the proposed location are not shown. There are two documents attached

¹ 2 F. R. 165.

showing certain areas apparently involved in this offering. They do not indicate their relationship as to location.

(15) In that the Exhibit B attached marked "assignment of oil and gas lease" does not show the terms and conditions to which it is subject if Items 3 (d), 5, 18, 24, 24 (c), and 25 of Division II are correct.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 5th day of March 1937 that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and hereby is designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and

affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 18th day of February 1937 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

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

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-380; Filed, February 5, 1937; 12:50 p. m.]