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Washington, Tuesday, March 2, 1937

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[Docket No. A-44 O-44]

NOTICE OF HEARING WITH RESPECT TO PROPOSAL TO AMEND ORDER NO. 3, AS AMENDED, REGULATING HANDLING OF MILK IN ST. LOUIS, MISSOURI, MARKETING AREA, AND WITH RESPECT TO PROPOSAL TO AMEND MARKETING AGREEMENT TENTATIVELY APPROVED DECEMBER 10, 1935, AS AMENDED

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 St. Louis, Missouri, Marketing Area, effective 12:01 a. m., C. S. T., February 1, 1936, which was amended effective 12:01 a. m., C. S. T., April 17, 1936; and

Whereas, the Secretary tentatively approved the marketing agreement regulating the handling of milk in the said marketing area on December 10, 1935, and which was amended March 30, 1936; 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 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 such order regulating the handling of milk in the St. Louis, Missouri, Marketing Area and such tentatively approved marketing agreement regulating the handling of milk in the St. Louis, Missouri, Marketing Area, in the Chase Hotel, St. Louis, Missouri, on March 6, 1937, at 9:30 a. m., central standard time.

This public hearing is for the purpose of receiving evidence as to the necessity for changing (1) the minimum prices in article IV, and (2) 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 27, 1937.

[F. R. Doc. 37-596; Filed, March 1, 1937; 12:47 p. m.]

WR-B-101-Utah

Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—UTAH

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 the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Utah, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation 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 announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of \$500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased, depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

Part I—Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Utah, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

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

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Utah.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable, a State, a political sub-



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division of a State or any agency thereof, or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*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.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm 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.

*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.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Crop land* means all farm land which has been tilled and from which at least one crop, other than wild hay, was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards, other than those abandoned.

*Soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

*Soil-conserving base* means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of crop land excluding the acreage devoted to commercial orchards on January 1, 1937.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I payment.

*Sugar beet payment* means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land, other than crop land or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

*Ranching unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.<sup>1</sup>

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*Division farm* means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total crop land on the farm. Upon recommendation of the County Committee and the State Committee, the Secretary may designate for any county, or other area, a different basis for determining diversion farms.

<sup>1</sup>Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

*Non-diversion farm* means any farm which is not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables or truck crops (including potatoes, sweetpotatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

#### Part II—Rates and Conditions of Diversion and Sugar Beet Payments

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Utah at the rates and subject to the conditions set forth herein:

**SECTION 1. Diversion Payments.**—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of \$6.00 per acre, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States.<sup>2</sup>

**SEC. 2. Sugar Beet Payments.**—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate 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 the farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

*Provided, however,* that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets 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 acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 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 total acreage of sugar beets planted for harvest in the United States in 1937.

#### Part III—Rates and Conditions of Soil-Building Payment

**SEC. 1. Soil-Building Practices and Rates.**—Payment will be made for carrying out on crop land or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this Sec-

tion shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage in 1937, except that payments will be made for the practice prescribed in Item H in addition to any one of the practices prescribed in Items A, B, C, E, and N.

#### PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Perennial Legumes*, including alfalfa, white clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$4.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions: \$2.50 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

B. *Biennial Legumes* (except sweet clover), including red clover, alsike clover, and Mammoth clovers, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$3.00 per acre.

2. Seeding on crop land in 1937, when good seed of an adapted variety is used under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

C. *Sweet Clover*, and such annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$2.00 per acre.

2. Seeding on crop land under either of the following conditions: \$1.00 per acre:

a. Without establishment of a good stand, if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand, if seeded with a nurse crop which is harvested for grain or hay.

D. *Perennial grasses*, including bluegrass, orchard, brome, grama, wheat grasses (except crested wheat grass), rye grasses, Reed's canary grass, timothy, redtop, meadow fescue, and such other perennial grasses as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on crop land in 1937, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

<sup>2</sup> The methods to be followed in determining the productivity of the crop land on the farm are contained in Western Region Bulletin No. 102.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Mixtures of Grasses and Legumes recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on crop-land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on crop land in 1937, when seeded under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand: if seeded with a nurse crop which is harvested for grain or hay.

F. *Crested Wheat Grass* seeded on crop land in 1937: \$3.00 per acre.

G. *Restoration of Land to Native Grasses* on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices should be permanently devoted to grass: \$0.25 per acre: *Provided, that—*

1. The operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass;

2. Approval has been obtained from the county committee;

3. Such land is not pastured, cropped or tilled in 1937; and

4. Any volunteer growth containing noxious weeds is clipped before formation of viable seeds.

H. *Application of Soil Amendments.*—Superphosphate applied to crop land seeded to perennial or biennial legumes in 1937, at a rate per acre of not less than 60 pounds of available P205: \$2.25 per acre.

I. *Approved Summer Fallow*, embodying seasonal cultivation in 1937 in a manner which will leave a rough and cloddy surface, without previous destruction of crop residue, and sufficient subsequent cultivation to prevent vegetative growth, provided no soil-depleting crop is grown for harvest in 1937 on such acreage: \$0.50 per acre.

J. *Green Manure Crops.*—

1. Annual legumes including vetches, clovers, beans, peas, and grain and legume mixtures, and such other annual legumes as are approved by the Director of the Western Division, when seeded on irrigated crop land or interplanted in orchards, if turned under in the spring of 1937 after having attained a vigorous vegetative growth, or when seeded in the spring if turned under, after having attained a minimum of two months' unpastured growth: \$2.00 per acre.

2. Perennial and biennial legumes including alfalfa and sweet clover and such other legumes as are approved by the Director of the Western Division, when grown on irrigated crop land and a good stand is turned under after having attained a minimum of two months' unpastured growth in 1937: \$2.00 per acre.

3. Perennial and biennial legumes including alfalfa and sweet clover, and such other legumes as are approved by the Director of the Western Division, when grown in orchards and full growth of a good stand is mechanically incorporated into the surface soil in 1937 provided no part of the year's growth is removed from the land where grown, either mechanically or by pasture: \$1.00 per acre.

4. Small grains, including rye, oats, barley and grain mixtures, and such other small grains as are approved by the Director of the Western Division, when seeded on irrigated crop land or interplanted in orchards if turned under in 1937 during or prior to the blooming stage: \$1.00 per acre.

K. *Forest trees.*—

1. When planted on crop land in 1937, for woodlot purposes, if not less than 400 trees are planted per acre: \$10.00 per acre.

2. When planted on crop land in 1937, for windbreak purposes, when planted in rows at right angles to the direction of the prevailing winds, providing trees are spaced not more than 8 feet apart in rows 6 to 10 feet apart: \$0.06¼ per rod-row.

3. Maintaining forest trees planted since January 1, 1934 by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at the time performance is determined: \$4.00 per acre.

L. *Perennial Weed Control.*<sup>2</sup>—

1. Chemical treatment, when after obtaining the prior approval of the County Committee, seriously infested areas are controlled by the application of chemicals in accordance with specifications issued by the Director of the Western Division: \$10.00 per acre.

2. Periodic cultivation, when after obtaining the prior approval of the County Committee, seriously infested areas are controlled by bi-weekly cultivations, in accordance with specifications issued by the Director of the Western Division: \$5.00 per acre.

M. *Prevention of Water Erosion.*—When, after prior approval by the County Committee of proposed plans submitted by the operator, water erosion control practices are carried out in 1937, as follows:

1. For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and constructed at intervals so as to result in vertical distances between the furrows, not to exceed one-foot drop on 2 percent slope, two-foot drop on 4 percent slope, three-foot drop on 8 percent slope, or four-foot drop on 12 percent slope: \$0.05 per 100 linear feet of furrowing not to exceed \$2.00 per acre.

2. For constructing and maintaining permanent dams for diversion of flood waters, or for filling shallow gullies, not more than four feet deep, when accompanied by the construction of adequate dams to prevent washing out: \$0.15 per cubic yard of fill.

N. *Reseeding Non-Crop Pasture Land.*—For reseeding depleted non-crop pasture land with good seed of adapted varieties of perennial grasses or mixtures recommended by the State Experiment Station and approved by the State Committee: \$0.20 per pound of seed sown, not to exceed \$2.00 per acre.

SEC. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, \$10.00 or the sum of the following items, whichever is greater:

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

2. \$4.00, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,<sup>2</sup> for each acre diverted for payment from the soil-depleting base.

3. Eighty cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States,<sup>2</sup> for each acre devoted to commercial orchards on the farm.

4. \$1.00 for each acre of commercial orchards on the farm.

<sup>2</sup>The methods to be followed in determining the productivity of the crop land on the farm are contained in Western Region Bulletin No. 102.

<sup>3</sup>Payment for the adoption of perennial weed control practices shall be limited to control of the following noxious weeds: White top, Wild morning glory, Canada thistle, Russian knap weed, and Perennial sow thistle.

5. \$1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936.

6. \$2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, \$20.00 or the sum of the following items, whichever is greater:

1. Eighty cents, varying among individual farms as the productivity of the crop land on the farm varies from the average productivity of all such crop land in the United States, for each acre of crop land on the farm in 1937.<sup>2</sup>

2. \$1.00 for each acre of commercial orchards on the farm.

3. \$1.00 for each acre of crop land on which only one crop of commercial vegetables was grown in 1936.

4. \$2.00 for each acre of crop land on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

#### Part IV—Rates and Conditions of Range-Building Payments

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the County Committee for the ranching unit, prior to their institution:

##### PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet, and constructed on slopes in excess of 2 percent, with intervals between furrows not more than 25 feet: \$0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water in a trough or in a pipe to a tank, watering trough, or reservoir: \$50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: \$0.15 per cubic yard of fill or excavation.

D. *Wells.*—For drilling or digging of wells, including deepening of existing wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is conveyed to a tank or storage reservoir. An artesian well may qualify for payment provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or storage reservoir: \$1.00 per linear foot.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching for the purposes of irrigation, sub-surface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing: \$0.10 per 100 linear feet of permanent ditching. (See Farmers' Bulletin No. 1606, "Farm Drainage", published by the U. S. Department of Agriculture.)

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, or the equivalent thereof, with good sound posts, not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: \$0.30 per rod.

G. *Rodent Control.*—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Pocket Gophers: \$0.15 per acre.
2. Ground Squirrels: \$0.06 per acre.
3. Prairie Dogs: \$0.07½ per acre.

H. *Reseeding.*—For reseeding depleted range land in 1937 with good seeds of adapted varieties of perennial grasses approved by the Director of the Western Division: \$0.20 per pound of seed sown.

I. *Fireguards.*—For the establishment of fireguards, not less than four feet in width, by plowing furrows or otherwise exposing the mineral soil: \$0.03 per 100 linear feet.

J. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at a rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice if, (1) the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, or (2) the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: \$0.35 per animal unit for each full month.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to \$1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deductions for increase in the acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payment.*—Application for range-building payment may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) to sole ranch operator or (2) each ranch operator of a group of two or more ranch operators; Provided, all ranch operators signify in the application for payment a percentage of the total payment under the application for payment to be made to each ranch operator.

#### Part V—Division of Payments

SEC. 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; *Provided, however, That—*

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payments shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims

<sup>2</sup>The methods to be followed in determining the productivity of the crop land on the farm are contained in Western Region Bulletin No. 102.

for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the county committee, or as is determined by the county committee in the absence of such agreement.

#### Part VI—General Conditions for Payment

SEC. 1. *Modifications for Farms under Special Programs.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated, the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

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, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping, or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1 of Part II; *Provided, however,* that if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. *Change in Lease or Cropping Agreements Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld, in whole or in part, and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him, and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share-tenant, ranch operator or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming and ranching unit are located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

#### Part VII—Establishment of Bases

SEC. 1. *Soil-depleting base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such

soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

**B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:**

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

**C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland on all farms in the county, the ratio of soil depleting bases established in the county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.**

**SEC. 2. Soil-Conserving Base.**—The soil-conserving base shall be equal to the total acreage of cropland less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

**SEC. 3. Establishment of Grazing Capacity.**—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

#### Part VIII—Classification of land uses

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration, and approved by the Secretary.

**SEC. 1. Soil-Depleting Crops.**—Land devoted to any of the following uses or crops shall be regarded as used for the

production of a soil-depleting crop for the year in which such crop would normally be harvested:

- a. Corn (field, sweet and popcorn).
- b. Potatoes.
- c. Sugar beets for sugar or seed.
- d. Cultivated sunflowers.
- e. Annual truck, canning, and vegetable crops, and their seeds.
- f. Melons.
- g. Sorghums, including grain sorghums, sweet sorghums, and sudan grass for seed, grain, or hay.
- h. Sweet sorghums for syrup.
- i. Small grains including flax, for grain or hay; or pasture except as classified under Item a of Section 2 of Part VIII.
- j. Millets.
- k. Soybeans, field beans, cowpeas, field peas, and seed peas, for grain, hay, pasture or canning purposes, except as classified under Item b of Section 2 of Part VIII.
- l. Root crops grown for feed or seed.
- m. Fiber plants.
- n. Annual cut flowers and their seeds.
- o. Rape.
- p. Cultivated fallow (summer fallow) including approved summer fallow, except as classified under Item f of Section 3 of Part VIII.

**SEC. 2. Soil-Conserving Crops.**—Land devoted to any of the following uses or crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of Part VIII), shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following grasses and legumes, and such other grasses and legumes as may be approved by the Director of the Western Division, without a nurse crop, or with a nurse crop if such nurse crop is not harvested for grain or hay:

1. Legumes: Alfalfa; sweet, red, alsike, white, strawberry, ladino, Mammoth, crimson, bur, and sour clovers; and mixtures thereof.
2. Grasses: Bluegrass orchard, wheatgrasses, ryegrasses, timothy, reedtop, bent grasses, fescues, tall oat grass, Reed's canary grass, Dallis, brome, grama, and mixtures thereof.
3. Grass and Legume Mixtures: Mixtures of 1 and 2 above.

b. Cover and green manure crops consisting of annual, biennial, and perennial legumes; rye, barley, oats, and grain mixtures; vetches; and such other crops as may be approved by the Director of the Western Division; when turned under in 1937, after attaining at least two months' growth.

c. Forest trees when planted on crop land since January 1, 1934.

**SEC. 3. Neutral Uses.**—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

- a. Orchards, vineyards, tree fruits, nut trees, bush, and small fruits, including strawberries, regardless of the use of the land between the rows.
- b. Perennial vegetables, including asparagus, horseradish, and rhubarb.
- c. Nursery stocks, including perennial ornamentals and perennial cut flowers, and their seeds.
- d. Bulbs.
- e. Idle crop land.
- f. Any acreage upon which perennial or biennial legumes or perennial grasses are seeded in the fall of 1937 following summer fallow, when no soil-depleting crop is seeded on such land for harvest in 1937.
- g. Crop land planted to forest trees between January 1, 1930 and December 31, 1933.

#### Part IX—Appeals

**SEC. 1. Appeals from Determinations of County Committee.**—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by

the county committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

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. 37-552; Filed, February 24, 1937; 12:37 p. m.]

WR-B-101—Washington

Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 101—WASHINGTON

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 the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Washington, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation 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 announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of \$500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

#### Part I—Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Washington, the following terms shall have meanings ascribed to them as follows:

*Secretary* means the Secretary of Agriculture of the United States.

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

*Western division* means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

*State committee* or *State agricultural conservation committee* means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Washington.

*County committee* or *county agricultural conservation committee* means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

*Person* means an individual, partnership, association, or corporation, and wherever applicable a State, a political subdivision of a State or any agency thereof or any other governmental agency that may be designated by the Secretary.

*Owner* means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

*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.

*Share tenant* means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm 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.

*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.

*Farming unit* means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

*Cropland* means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937 and all other farm land devoted on January 1, 1937 to orchards or vineyards other than those abandoned.

*Soil-depleting base* means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

*Soil-conserving base* means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland, excluding the acreage devoted to commercial orchards on January 1, 1937.

*Diversion payment* means a payment for the diversion of acreage from any soil-depleting base and may be referred to as a Class I payment.

*Sugar beet payment* means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

*Soil-building payment* means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

*Soil-building allowance* means the largest amount for any farm which may be earned as a soil-building payment on such farm.

*Non-crop pasture land* means farm land, other than cropland or range land, fenced, and used exclusively for pasture.

*Range-building payment* means a payment for the carrying out of approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

*Range land* means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

*Ranching unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats, or the equivalent thereof.<sup>1</sup>

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*Diversion farm* means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon recommendation of the County Committee, and the

<sup>1</sup> Two yearlings equal one cow or one horse. A calf or colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.



State Committee, the Secretary may designate for any county, or other area, a different basis for determining diversion farms.

*Non-diversion farm* means any farm not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, planted nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables, bulbs, or truck crops (including potatoes, sweet-potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

#### Part II—Rates and Conditions of Diversion and Sugar Beet Payments

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Washington at the rates and subject to the conditions set forth herein.

SEC. 1. *Diversion Payments.*—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of \$6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.<sup>2</sup>

SEC. 2. *Sugar Beet Payments.*—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate 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 the farm: Provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935 and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

*Provided, however,* that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets 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 acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 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 total acreage of sugar beets planted for harvest in the United States in 1937.

#### Part III—Rates and Conditions of Soil-Building Payment

SEC. 1. *Soil-Building Payment.*—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937

<sup>2</sup>The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm.

The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program.

#### PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. Perennial legumes including alfalfa, red clover, white clover, Ladino clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$4.00 per Acre.

2. Seeding on crop land in 1937 when good seed of an adapted variety is used under either of the following conditions: \$2.50 per Acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Biennial legumes (except sweet clover or red clovers) including alsike, and such other biennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937 when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$3.00 per acre.

2. Seeding on crop land in 1937 when good seed of an adapted variety is used under either of the following conditions: \$2.00 per acre.

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Perennial grasses including bluegrass, orchard, brome, rye grasses, bent grasses, fescues, tall oat grass, and wheat grasses (except crested wheat grass) and such other perennial grasses as are approved by the Director of the Western Division when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 Per Acre.

2. Seeding on crop land in 1937, under either of the following conditions: \$2.00 Per Acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Mixtures of perennial and biennial legumes and perennial grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on crop land under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

E. Crested Wheat Grass seeded on crop land in 1937: \$3.00 per acre.

F. Biennial and Annual Sweet Clover, bur clover, Austrian winter peas, and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on crop land in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$2.00 per acre.

2. Seeding on crop land under either of the following conditions: \$1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

G. *Reseeding farm pastures and meadows.*—When perennial grasses or perennial legumes, or mixtures thereof, are seeded on pasture land in 1937: \$0.20 per pound of seed sown. *Payment not in excess of \$2.00 per acre.*

H. Winter wheat or rye when seeded in the spring of 1937 not later than June 15, 1937, on cropland and utilized only as a pasture or cover crop: \$1.00 per acre.

I. *Forest trees.*—

1. Planting of trees on cropland between January 1, 1937, and December 31, 1937, provided the land is maintained in a good state of cultivation and plantings are protected from livestock with not less than 200 living trees per acre at the time performance is checked: \$10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacements of any dead trees to not less than 200 living trees per acre at the time performance is checked: \$4.00 per acre.

J. *Green manure.*—When green manure crops, including rye, annual legumes, and mixtures of annual legumes and small grains are grown in 1937 on cropland and turned under after attaining at least two months' growth with no utilization for grain, pasture, seed or canning purposes.

1. Rye: \$1.00 per Acre.

2. Other green manure crops:

a. On irrigated land: \$2.00 per Acre.

b. On all land in Western Washington:<sup>3</sup> \$2.00 per Acre.

c. On non-irrigated land in Eastern Washington:<sup>4</sup> \$1.00 per Acre.

K. *Perennial noxious weed control.*<sup>5</sup> When, after approval of the County Committee, seriously infested plots of weeds listed below, are controlled by periodic cultivation or by chemical treatment in accordance with specifications issued by the Director of the Western Division.

1. Chemical treatment: \$10.00 per Acre.

2. Periodic cultivation: \$5.00 per Acre.

L. *Controlled fallow.*—

1. *Trashy fallow.* When cropland is summer fallowed in such a manner as to leave all crop residues on or near the surface of the soil to prevent erosion from wind or water and no straw or stubble is burned or otherwise removed from such land: \$0.50 per Acre.

<sup>3</sup> "Western Washington" as used herein means the following counties: Skamania, Clark, Cowlitz, Wahkiakum, Pacific, Grays Harbor, Lewis, Thurston, Mason, Kitsap, Pierce, Jefferson, Clallam, King, Snohomish, Skagit, Whatcom, San Juan, and Island.

<sup>4</sup> "Eastern Washington" means those counties in Washington not included in the definition of Western Washington.

<sup>5</sup> Perennial noxious weeds shall include: Canada thistle, bindweed or wild morning glory, white top or hoary cress, leafy spurge, Siberian mustard, Russian knapweed.

2. *Establishment of Strip Cropping and Fallow.*—When fallow is performed in 1937 in strips not more than 10 rods in width approximately at right angles to the prevailing wind, alternated with strips of small grain crops or stubble of equal width. Payment to be made on the acreage of fallow land only, and then only when additional to the acreage used for such practice in 1936: \$0.50 per Acre.

3. *Establishment of Contour Strip Cropping and Fallow.*—When summer fallow is performed in 1937 in strips not more than 10 rods in width, alternated with strips of small grain crops or stubble of equal width, strips to follow the contour of the field, starting at the highest point in the field, without the burning of stubble or crop residues. Payment to be made on the acreage of fallow land only, and then only when additional to the acreage used for such practice in 1936: \$0.75 per Acre.

M. *Natural reseeding in the Dry Land Areas of Washington.*<sup>6</sup>—Restoring to native grass of land on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices should be permanently devoted to grass: *Provided:* (1) the operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass; (2) approval has been obtained from the County Committee; (3) such land is not pastured, cropped or tilled in 1937; and (4) any volunteer growth containing noxious weeds is clipped before seed is formed: \$0.25 per Acre.

N. *Removal of all trees in abandoned orchards and seeding to legumes and grasses.*—When all trees are removed from an abandoned orchard with stump holes filled and leveled, not later than June 1, 1937, followed by seeding and establishment of legumes or grasses in 1937: \$5.00 per acre.

O. *Mulching in orchards.*—When mulching materials of at least two tons, dry weight, of leguminous hay, or straw are applied per acre in 1937: \$4.00 per acre.

P. *Superphosphate application in Western Washington only.*—When superphosphate is applied in 1937 to new seedings of legumes or legume and grass mixtures at or before time of seeding and to old meadows and cropland pastures at rate of not less than 60 pounds of available P<sub>2</sub>O<sub>5</sub> per acre in combination with not less than 6 tons of barnyard manure or its equivalent in liquid manure: \$2.25 per acre.

Q. *Lime application for Western Washington only.*—When applied in 1937 to new seedings of legumes or legume and grass mixtures at or before time of seeding, in an amount not less than one ton nor more than three tons per acre of ground limestone or its equivalent in any other form of agricultural lime: \$3.00 per ton.

SEC. 2. *Combinations of Practices for Soil-Building Payments on the Same Acreage.*—Payments will not be made for more than one soil-building practice carried out on the same acreage except as follows:

a. Any one of the practices specified in items A, B, C, D, E, and F in addition to the practice specified in item L-1,

b. Any one of the practices specified in items A, B, and D in addition to either of the practices specified in items P and Q,

c. The practice specified in Item L-1 in addition to either of the practices specified in items L-2 and L-3.

SEC. 3. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, \$10.00 or the sum of the following items, whichever is greater:

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

2. \$4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United

<sup>6</sup> As used herein, the "dry land areas" means the area specified in footnote 1, Sec. 1, WR Bulletin 2—Washington, Revised, issued July 14, 1936.

States,<sup>2</sup> for each acre diverted for payment from the soil-depleting base.

3. 80 cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,<sup>2</sup> for each acre devoted to commercial orchards on the farm on January 1, 1937.

4. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. \$1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

6. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season: Provided, however, that if the normal pasture season is ten months or more the rate shall be \$1.00 for each animal unit in excess of five.

B. For a non-diversion farm \$20.00 or the sum of the following items whichever is greater:

1. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States, for each acre of cropland on the farm in 1937.<sup>2</sup>

2. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

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

4. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season, provided, however, that if the normal pasture season is 10 months or more the rate shall be \$1.00 for each animal unit in excess of five.

#### Part IV—Rates and Conditions of Range-Building Payments

SEC. 1. *Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937 such of the following range-building practices as are approved by the County Committee for the ranching unit, prior to their institution.

##### PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: \$0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water in a trough, or in a pipe not less than one inch in diameter, to a tank: \$50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: \$0.15 per cubic yard of fill or excavation.

D. *Wells.*—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is piped to a tank or storage reservoir. An artesian well may qualify for payments provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or a pipe to a tank or storage reservoir: \$1.00 per linear foot.

<sup>2</sup> The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, sub-surface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing: \$0.10 per 100 linear feet of permanent ditching. (See Farmers' Bulletin No. 1606, *Farm Drainage*, published by the U. S. Department of Agriculture.)

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced and with wires tightly stretched: \$0.30 per rod.

G. *Rodent Control.*—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Pocket gophers: \$0.15 per acre.
2. Ground squirrels: \$0.06 per acre.

H. *For Reseeding depleted range land with good seeds of adapted varieties of perennial grasses, as follows: Western wheat grass, crested wheat grass, brome grass, and slender wheat grass: \$0.20 per pound of seed sown.*

I. *Fire Guards.*—For the establishment of fire guards, not less than four feet in width, by plowing furrows or otherwise exposing the mineral soil: \$0.03 per 100 linear feet.

J. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at the rate of 35 cents per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice (1) if the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, and (2) if the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: \$0.35 per animal unit for each full month.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to \$1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deductions for increase in acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payments.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators. Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: Provided, all ranch operators signify in the application for payment a percentage of the total payment under the application for payment, to be made to each ranch operator.

#### Part V—Division of Payments

SEC. 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937: *Provided, however, that—*

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop, the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the County Committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and is approved by the County Committee, or as is determined by the County Committee in the absence of such agreement.

#### Part VI—General Conditions for Payment

SEC. 1. *Modifications for Farms under Special Program.*—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In the event that any such county or other area is designated, the allowance, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

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, prior to performance, approved for the farm by the County Committee in accordance with instructions issued by the Secretary.

SEC. 2. *Destruction of Foods, Fibers, and Feed Grains.*—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

SEC. 3. *Payments Restricted to Effectuation of Purposes of the Program.*—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

SEC. 4. *Deductions for Increase in Acreage of Soil-Depleting Crops.*—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under Section 1, part II; *Provided, however,* That if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

SEC. 5. *Change in Lease or Cropping Agreement Affecting Payments to Tenants.*—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement

were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

SEC. 6. *Practices Not Qualifying for Payment.*—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

SEC. 7. *Association Expenses.*—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such County the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

SEC. 8. *Application and Eligibility for Payment.*—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share tenant, ranch operator, or such other persons as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

SEC. 9. *Land to be Covered by Work Sheet.*—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownership, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-

rented land and a separate work sheet for such cash-rented land.

*Part VII—Establishment of bases*

SEC. 1. *Soil-depleting base.*—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment Administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland in the county, the ratio of the soil-depleting bases established in a county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *Soil-Conserving Base.*—The soil-conserving base shall be equal to the total acreage of cropland less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 3. *Establishment of Grazing Capacity.*—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodents and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

*Part VIII—Classification of Land Uses*

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SEC. 1. *Soil-Depleting Crops.*—Land devoted to any of the following uses or crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

a. Small grains including flax, except as indicated under item a, Section 2, and under items d, f, g and h, Section 3, of this Part VIII.

b. Corn (field, sweet, and popcorn).

c. Potatoes.

d. Sweet potatoes.

e. Sugar beets.

f. Root crops grown for feed.

g. Hemp.

h. Cultivated sunflowers.

i. Mustard (commercial).

j. Rape.

k. Truck and vegetable crops (except perennial vegetables) and their seeds; melons and strawberries.

l. Grain sorghums, sweet sorghums, broom corn, and Sudan grass, harvested for seed, grain, or hay.

m. Millets.

n. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for seed, hay, or pastured, except as indicated under item f, Section 3, of this Part VIII.

o. Flowers and their seeds.

p. Kale.

q. Annual grasses including Italian rye grass and *Bromus Secalinus*.

r. Cultivated fallow (summer fallow), except as provided in item e of Section 3, of this Part VIII.

SEC. 2. *Soil-Conserving Crops.*—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1 of this Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses, and such other legumes and grasses as may be approved by the Director of the Western Division, when seeded without a nurse crop or when seeded with a nurse crop if such crop is not harvested for grain or hay:

(1) Legumes: Alfalfa; sweet, red, alsike, white, strawberry, Ladino, crimson, and sour clovers; vetch, Austrian winter peas; cericea; and lespedeza.

(2) Grasses: Bluegrass, orchard, brome, wheat grasses, rye grasses, timothy, reedtop, bent grasses, fescues, tall oat grass, Reed's canary grass, and velvet grass.

b. Green manure crops, including annual legumes, rye, and mixtures of annual legumes and small grains when turned under in 1937, after attaining at least two months' growth, when not followed by summer fallow.

c. Forest trees planted on cropland since January 1, 1934.

SEC. 3. *Neutral Uses.*—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Orchards, vineyards, nut trees, bush fruits, hops and perennial vegetables, regardless of the use of the land between the rows.

b. Idle cropland.

c. Bulbs and nursery stock.

d. Cropland planted in 1937 to soil-conserving crops, or mixtures thereof, with or without nurse crops when such nurse crops are not harvested for grain or hay, if, when performance is checked, there is not a good stand of such soil-conserving crops due to uncontrollable natural causes.

e. Any acreage on which perennial or biennial legumes or perennial grasses have been seeded following summer fallow

when no soil-depleting crop has been seeded on such land for harvest in 1937.

f. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936; provided, such use of land shall have been approved by the County Committee prior to May 1, 1937.

g. Winter wheat or rye seeded in the spring for cover crop purposes.

h. Winter seeded peas and vetch when seeded with small grains as a support crop.

#### Part IX—Appeals

**SEC. 1. Appeals from Determination of County Committee.**—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the County Committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

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. 37-553; Filed, February 24, 1937; 12:37 p.m.]

WR—B-101—Wyoming

Issued January 14, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION  
BULLETIN NO. 101—WYOMING

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 the said act in 1937, in accordance with the provisions of this Western Region Bulletin No. 101—Wyoming, and such modifications or other provisions as may hereafter be made.

The 1937 Agricultural Conservation 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 announcement is contingent upon such appropriation, if any, as the Congress of the United States may hereafter make for such purpose, and the amounts of such payments will be finally determined by such appropriation and the extent of participation in the program. The rates of payments, deductions, and allowances herein set out are computed upon the basis of an appropriation of \$500,000,000 and 85 percent participation. Such rates of payments, deductions, and allowances may be increased or decreased, depending upon the extent of participation in the Western Region, but such variations will not be in excess of 10 percent.

#### Part I—Definitions

As used herein and in all forms and documents relating to the 1937 Agricultural Conservation Program in Wyoming, the following terms shall have meanings ascribed to them as follows:

**Secretary** means the Secretary of Agriculture of the United States.

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

**Western division** means the division of the Agricultural Adjustment Administration in charge of the 1937 Agricultural Conservation Program in the Western Region.

**State committee** or **State agricultural conservation committee** means the group of individuals designated to assist in the administration of the 1937 Agricultural Conservation Program in Wyoming.

**County committee** or **county agricultural conservation committee** means the group of individuals designated for a county to assist in the administration of the 1937 Agricultural Conservation Program in such county.

**Person** means an individual, partnership, association, or corporation, and wherever applicable a state, a political subdivision of a state, or any agency thereof or any other governmental agency that may be designated by the Secretary.

**Owner** means a person who owns land which is not rented to another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who rents land from another for cash, for a fixed commodity payment, or for the crop from a fixed acreage; or who is purchasing land on installments for cash, for a fixed commodity payment, or for the crop from a fixed acreage, or for a share of the crop.

**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.

**Share tenant** means a person other than an owner who is operating a farm and is entitled to receive a portion of the crops produced thereon, or the proceeds thereof. If a share tenant sublets a farm 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.

**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.

**Farming unit** means all land which is farmed by an operator in 1937 as a single unit, with work stock, farm machinery, and labor substantially separate from that for any other land.

**Crop land** means all farm land which has been tilled and from which at least one crop other than wild hay was harvested or planted for harvest between January 1, 1930, and January 1, 1937, and all other farm land devoted on January 1, 1937, to orchards or vineyards other than those abandoned.

**Soil-depleting base** means the total number of acres established for the farm as the acreage normally used for the production of soil-depleting crops thereon.

**Soil-conserving base** means the number of acres obtained by subtracting the soil-depleting base from the total number of acres of cropland excluding the acreage devoted to commercial orchards on January 1, 1937.

**Diversion payment** means a payment for the diversion of acreage from any soil-depleting base, and may be referred to as a Class I payment.

**Sugar beet payment** means a payment made with respect to land on which sugar beets are grown in 1937 and may be referred to as a Class I payment.

**Soil-building payment** means a payment for the carrying out of approved soil-building practices and may be referred to as a Class II payment.

**Soil-building allowance** means the largest amount for any farm which may be earned as a soil-building payment on such farm.

**Non-crop pasture land** means farm land other than cropland or range land, fenced, and used exclusively for pasture.

**Range-building payment** means a payment for the carrying out of approved range-building practices.

**Range-building allowance** means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

**Ranch operator** means a person who as owner, cash tenant, or share tenant, operates, or a person who acts in similar capacity in the operation of, a ranching unit.

**Range land** means any land, other than that owned or controlled by the United States Government, or any agency thereof, in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces

forage for range livestock without cultivation or general irrigation, ten acres or more of which are required to graze one animal unit.

*Ranching unit* means all range land which is used by the ranch operator as a single unit in producing range livestock, with farm machinery, work stock, and labor substantially separate from that of any other range land.

*Animal unit* means one cow, one horse, five sheep, five goats or the equivalent thereof.<sup>1</sup>

*Grazing capacity of range land* means that number of animal units which such land will sustain, on a twelve-month basis, over a period of years without injury to the range, forage, tree growth, or watershed.

*Diversion farm* means any farm with respect to which the soil-depleting base is equal to, or in excess of, both 20 acres and 20 percent of the total cropland on the farm. Upon recommendation of the County Committee and the State Committee, the Secretary may designate for any county or other area, a different basis for determining diversion farms.

*Non-diversion farm* means any farm which is not a diversion farm.

*Commercial orchards* means the acreage in tree fruits, or bush fruits on the farm on January 1, 1937, from which the principal part of production is normally sold, including also the acreage of young non-bearing orchards from which the principal part of production will be sold.

*Commercial vegetables* means the acreage of vegetables or truck crops (including potatoes, sweet-potatoes and strawberries, but excluding sweet corn for canning and peas for canning) from which the principal part of production was sold off the farm.

#### Part II—Rates and Conditions of Diversion and Sugar Beet Payments

Payment will be made in connection with the utilization in 1937 of the land on any farm in the State of Wyoming at the rates and subject to the conditions set forth herein.

**SECTION 1. Diversion Payments.**—With respect to diversion farms, payment will be made for each acre diverted in 1937 from the soil-depleting base established for the farm, not in excess of fifteen percent of such base, at an average rate for the United States of \$6.00 per acre, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States.<sup>2</sup>

**SECTION 2. Sugar Beet Payments.**—Payment will be made with respect to the acreage of sugar beets grown on a farm in 1937, not in excess of the sugar beet acreage allotment for the farm, at a rate 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 the farm; provided, that practices with relation to sugar beets are carried out on such farm in 1937, as follows:

A. An acreage equal to not less than 40 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets; or

B. Both of the following:

1. Sugar beets are grown in 1937 only on land not devoted to sugar beets in more than two of the three years 1934, 1935, and 1936, and

2. An acreage equal to not less than 20 percent of the 1937 acreage of sugar beets is devoted to soil-conserving crops on the farm in 1937 on land which is customarily used in a rotation with sugar beets.

*Provided, however,* that if either 1 or 2 alone is performed, the payment will be one-half of the payment that would otherwise be made.

<sup>1</sup>Two yearlings equal one cow or one horse. A calf or a colt shall be classed as a yearling, and a lamb shall be classed as a mature sheep, after January 1 of the year following its birth.

<sup>2</sup>The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

The acreage allotment with respect to which the sugar beet payment will be made will be the acreage of sugar beets grown on the farm in 1937, unless the estimated total acreage of sugar beets 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 acreage allotment for the farm shall be that percentage of the acreage of sugar beets grown on the farm in 1937 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 total acreage of sugar beets planted for harvest in the United States in 1937.

#### Part III—Rates and Conditions of Soil-Building Payment

**SECTION 1. Soil-Building Practices and Rates.**—Payment will be made for carrying out on cropland or on non-crop pasture land in 1937 any of the soil-building practices listed below, provided that the soil-building payment with respect to any farm shall not exceed the soil-building allowance for the farm. The soil-building practices prescribed in this section shall not be eligible for payment unless such practices are carried out in a locality where, in the determination of the State Committee, such practices are desirable from the standpoint of agricultural conservation and are carried out in conformity with methods generally recognized as desirable for the locality, and which tend to effectuate the purposes of the 1937 Agricultural Conservation Program. Payments will not be made for more than one practice carried out on the same acreage except that payments will be made for any one of the practices prescribed in Items A, B, C, D, and E in addition to any one of the practices prescribed in Items F, H, and I. Payment will also be made for the practice prescribed in Item H in addition to the practice prescribed in Item I.

##### PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. Perennial Legumes including alfalfa, white clover, red clover, alsike clover, and such other perennial legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, when good seed of an adapted variety is used, either alone or with a nurse crop which is not harvested for grain or hay: \$4.00 per acre.

2. Seeding on cropland in 1937, when good seed of an adapted variety is used under either of the following conditions: \$2.50 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

B. Perennial Grasses including bluegrass, orchard, grama, buffalo, wheat grasses (except crested wheat grass), rye grasses, timothy, redbud, and such other perennial grasses as are approved by the Director of the Western Division, when seeded alone or in approved mixtures.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

C. Biennial and Annual Sweet Clover and such other annual legumes as are approved by the Director of the Western Division.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$2.00 per acre.

2. Seeding on cropland under either of the following conditions: \$1.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

D. Crested Wheat Grass seeded on cropland in 1937: \$3.00 per acre.

E. Mixtures of Perennial and Biennial Legumes and Perennial Grasses recommended by the State Experiment Station and approved by the State Committee.

1. Seeding and establishment of a good stand on cropland in 1937, either alone or with a nurse crop which is not harvested for grain or hay: \$3.50 per acre.

2. Seeding on cropland in 1937, under either of the following conditions: \$2.00 per acre:

a. Without establishment of a good stand if seeded alone or with a nurse crop which is not harvested for grain or hay.

b. With or without establishment of a good stand if seeded with a nurse crop which is harvested for grain or hay.

F. Establishment of terraces on cropland in 1937, provided, however, plans for the terracing project are approved in advance by the County Committee: 40 cents per 100 linear feet.

G. Forest Trees.—

1. Planting of trees on cropland in 1937, provided, the land is maintained in a good state of cultivation and plantings are protected from livestock, with not less than 200 living trees per acre at time of compliance: \$10.00 per acre.

2. Maintaining trees planted since January 1, 1934, by cultivation of interspaces and replacement of any dead trees to not less than 200 living trees per acre at time of compliance: \$4.00 per acre.

H. In the counties of Laramie, Goshen, Platte, Niobrara, Converse, Natrona, Weston, Crook, Campbell, Sheridan, Johnson, and Lincoln and such other counties or portions of counties as may be recommended by the State Committee and approved by the Director of the Western Division, controlled summer fallowing when tilled in such manner and with such implements as will result in minimum of wind and water erosion, by creating and maintaining a rough, cloddy, trashy, surface, reasonably free from volunteer growth. First tillage operation to be performed prior to June 15, 1937: \$0.50 per acre.

I. In the counties of Laramie, Goshen, Platte, Niobrara, Converse, Natrona, Weston, Crook, and Campbell and such other counties or portions of counties as may be recommended by the State Committee and approved by the Director of the Western Division, the establishment of strip cropping and fallow, the fallow strips (two or more strips of fallow) to be not less than five rods nor more than 20 rods in width with intervening strips of small grain crops, sudan grass, close drilled or broadcast, or small grain stubble; provided, however, at least one third the area is covered by strips of crop or small grain stubble. Payment will not be made for this practice if there is planted in 1937 a fall seeded crop of rye or wheat on the strips devoted in 1937 to crops or small grain stubble. The first tillage operation must be completed before June 15, 1937, strips to be approximately at right angles to the prevailing winds. Payment will be made on the acreage of fallow or strips devoted to crops or stubble, whichever is the smaller, and only with respect to the acreage of strip crop and fallow which is in addition to the acreage used for that practice in 1936: \$1.00 per acre.

J. The restoring to native grass of land on which a crop was harvested or seeded for harvest at least once since January 1, 1930, and which, in accordance with good farming practices, should be permanently devoted to grass; *Provided*, (1) the operator and owner have designated the acreage and stated his or their intention to restore such acreage to grass; (2) approval has been obtained from the county committee; and (3) such land is not pastured, cropped or tilled in 1937: \$0.25 per acre.

K. The following practices will be applicable only in the counties, of Laramie, Platte, Goshen, Niobrara, and Converse, and such other counties or portions of counties as may be recommended by the State Committee and approved by the Director of the Western Division:

1. Fall or winter listing of cropland at approximately right angles to the prevailing winds, to control wind erosion, in such manner, and time of listing as are approved in advance by the County Committee: \$0.25 per acre.

L. The following practices will be applicable only to non-crop pasture acreage:

1. For reseeding depleted non-crop pasture land with good seed of adapted varieties of perennial grasses: \$0.20 per pound of seed sown. *Payment not in excess of \$2.00 per acre.*

2. For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2%, with intervals between furrows not more than 25 feet: \$0.50 per acre.

M. *Perennial Noxious Weed<sup>3</sup> Control.*—When, after the approval of the county committee, seriously infested plots of weeds listed below are controlled by periodic cultivation or chemical treatment in accordance with specifications issued by the Director of the Western Division.

1. Chemical treatment: \$10.00 per acre.

2. Periodic Cultivation: \$5.00 per acre.

Sec. 2. *Soil-Building Allowance.*—The soil-building allowance for a farm shall be computed as follows:

A. For a diversion farm, \$10.00 or the sum of the following items, whichever is greater:

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

2. \$4.00, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,<sup>2</sup> for each acre diverted for payment from the general soil-depleting base.

3. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from the average productivity of all such cropland in the United States,<sup>2</sup> for each acre devoted to commercial orchards on the farm on January 1, 1937.

4. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

5. \$1.00 for each acre of cropland on which only one crop of commercial vegetables was grown in 1936.

6. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

7. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

B. For a non-diversion farm, \$20.00 or the sum of the following items whichever is greater:

1. Eighty cents, varying among individual farms as the productivity of the cropland on the farm varies from

<sup>2</sup>The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

<sup>3</sup>Perennial noxious weeds shall include: Canada thistle, bind weed or wild morning glory, leafy spurge, Russian knapweed, white top or hoary cress and white ragweed (*Franseria discolor*).



average productivity of all such cropland in the United States, for each acre of cropland on the farm in 1937.<sup>2</sup>

2. \$1.00 for each acre of commercial orchards on the farm on January 1, 1937.

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

4. \$2.00 for each acre of cropland on which two or more crops of commercial vegetables were grown on the same acreage in 1936.

5. Fifty cents for each animal unit, in excess of five, which the non-crop pasture land on the farm will carry during the normal pasture season.

#### Part IV—Rates and Conditions of Range-Building Payments

SECTION 1.—*Range-Building Practices and Rates.*—Payment will be made for the carrying out on range land in 1937, such of the following range-building practices as are approved by the county committee for the ranching unit, prior to their institution:

##### PRACTICES AND CONDITIONS—RATE OF PAYMENT

A. *Contouring.*—For furrowing on the contour, furrows to be not less than 8 inches in width and 4 inches in depth, dammed at intervals of not more than 100 feet and constructed on slopes in excess of 2% with intervals between furrows not more than 25 feet: \$0.50 per acre.

B. *Development of springs and seeps.*—For digging out each spring or seep, protecting the source from trampling, and conveying the water, in a trough, or in a pipe not less than one inch in diameter, to a tank, or where piping is impracticable, a concrete tank may be constructed at the seep: \$50.00 per spring or seep.

C. *Earthen pits or reservoirs for holding run-off and impounding precipitation.*—For constructing earthen pits or reservoirs, with spillways adequate to prevent dams from washing out, in accordance with specifications issued by the Director of the Western Division: \$0.15 per cubic yard of fill or excavation.

D. *Wells.*—For drilling or digging of wells, casing to be not less than 4 inches in diameter, provided a windmill or power pump is installed, and the water is piped to a tank or storage reservoir. An artesian well may qualify for payments provided adequate stock water is made available during the grazing season and the water is conveyed in a trough or a pipe to a tank or storage reservoir: \$1.00 per linear foot.

E. *Water Spreading to Prevent Soil Washing.*—For constructing and maintaining permanent ditching for the diversion of surface water to prevent soil washing, not including any temporary field ditching or any ditching primarily for purposes of irrigation, sub-surface drainage or under-drainage, or primarily for any purpose other than the prevention of soil washing: \$0.10 per 100 linear feet of permanent ditching. (See Farmers' Bulletin No. 1606, *Farm Drainage*, published by the U. S. Department of Agriculture.)

F. *Range Fences.*—For constructing cross fences or drift fences of not less than three wires, with good sound posts not more than 20 feet apart, with corner posts well braced, and with wires tightly stretched: \$0.30 per rod.

G. *Rodent Control.*—For destroying at least ninety percent of the range-destroying rodents on an infested area as follows:

1. Pocket Gophers: \$0.15 per acre.
2. Prairie Dogs: \$0.07½ per acre.
3. Ground Squirrels: \$0.06 per acre.

H. *Reseeding.*—For reseeding depleted range land with good seed of adapted varieties of perennial grasses as follows: \$0.20 per pound of seed sown:

1. Crested Wheat Grass.
2. Slender Wheat Grass.
3. Western Wheat Grass.
4. Brome Grass.

<sup>2</sup>The methods to be followed in determining the productivity of the cropland on the farm are contained in Western Region Bulletin No. 102.

I. *Natural Reseeding by Deferred Grazing.*—Payment will be made for withholding range land from grazing for the period (from the start of forage growth to seed maturity) established by the State Committee, at a rate computed on the basis of 35¢ per full month of such period for each animal unit of that number of animal units, not in excess of 25 percent of the grazing capacity, which is the same percentage of the grazing capacity of the ranching unit as the acreage upon which grazing is deferred is of the total acreage of range land in the ranching unit. Payment will not be made for this practice (1) if the operator permits the remainder of the range land in the ranching unit to be grazed to an extent that causes deterioration of such range land, and (2) if the deferred grazing is carried out on range land in the ranching unit which normally is not used for grazing during such period: \$0.35 per animal unit for each full month.

SEC. 2. *Range-Building Allowance.*—The range-building allowance for any ranching unit shall be equal to \$1.50 times the grazing capacity of the range land in the ranching unit.

SEC. 3. *Range-Building Payment.*—Payments made for carrying out range-building practices shall not be subject to deduction for increase in acreage of soil-depleting crops.

SEC. 4. *Eligibility for Payment.*—Application for range-building payments may be made only by ranch operators. In case there are two or more ranch operators, the application must be made by all the ranch operators.

Range-building payments will be made to (1) a sole ranch operator or (2) each ranch operator of a group of two or more ranch operators: Provided all ranch operators signify in the application for payment a percentum of the total payment under the application for payment, to be made to each ranch operator.

#### Part V—Division of Payments

SECTION 1. *Division of Payments Between Owner and Operator.*—A. All payments, except sugar beet and range-building payments, shall be divided among owners and share-tenants, in the same proportion as the principal crop or the proceeds thereof is divided under their lease or operating agreement. The term "principal crop" as used herein means the soil-depleting crop to which the greatest number of acres on the farm is devoted in 1937; *provided, however, that—*

1. If there is no soil-depleting crop which has a larger acreage in 1937 than any other soil-depleting crop; the principal crop shall be the soil-depleting crop which is of major importance in terms of acreage in the county in which such farm is located.

2. If there is no soil-depleting crop seeded on the farm for harvest in 1937, the principal crop shall be the soil-conserving crop having the largest 1937 acreage.

Upon the recommendation of the State Committee or the Agricultural Adjustment Administration, and approval by the Secretary, a different basis for determining the principal crop may be employed.

B. The sugar beet payment shall be divided among owners and share-tenants, in the same proportion as the sugar beet crop, or the proceeds thereof, is divided under their lease or operating agreement.

C. All payments shall be made without regard to questions of title under State law, without deductions of claims for advances, and without regard to any claim or lien against the crop, or proceeds thereof, in favor of the owner or any other creditor.

SEC. 2. *1937 Owner or Operator Entitled to Payments.*—All payments, except sugar beet and range-building payments, shall be made to the 1937 owner or operator who shares in the principal crop on the farm in 1937. However, if the county committee determines that a 1937 operator of a farm, who did not share in such principal crop, did contribute as an operator to performance on the farm qualifying for such payments, such operator shall be entitled to

such portion of the operator's share of the payment to be made with respect to the farm as is agreed upon in writing by the operators entitled to share in such payments and approved by the county committee, or as is determined by the county committee in the absence of such agreement.

#### Part VI—General Conditions for Payment

**SECTION 1. Modifications for Farms under Special Programs.**—The Secretary may designate one or more counties or other areas for which special programs for 1937 will be developed under the Soil Conservation and Domestic Allotment Act. In event that any such county or other area is designated the allowances, rates and conditions of payment for such county or other area will be set forth in a special bulletin and the provisions of the state bulletin shall not be applicable in such county or other designated area.

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, prior to performance, approved for the farm by the County committee in accordance with instructions issued by the Secretary.

**SEC. 2. Destruction of Foods, Fibers, and Feed Grains.**—Notwithstanding any of the provisions of Parts II, III, and IV, of this bulletin no payments will be made for changes in the use of land which involve the destruction of foods, fibers, or feed grains.

**SEC. 3. Payments Restricted to Effectuation of Purposes of the Program.**—Notwithstanding any of the provisions of Parts II, III, and IV of this bulletin, payment will be withheld if the Secretary determines that any rotation, cropping or other practices adopted in 1937 tend to defeat the purposes of the 1937 Agricultural Conservation Program.

**SEC. 4. Deductions for Increase in Acreage of Soil-Depleting Crops.**—If the 1937 acreage of soil-depleting crops on any farm is in excess of the soil-depleting base for the farm, a deduction shall be made from the payment which otherwise would be made with respect to such farm in an amount computed by multiplying the number of such excess acres by the rate per acre determined for the farm under section 1, part II; *provided, however*, that if the soil-depleting base for the farm is less than 20 acres, such deduction shall be computed only with respect to the 1937 acreage of soil-depleting crops in excess of 20 acres.

**SEC. 5. Change in Lease or Cropping Agreements Affecting Payments to Tenants.**—If the Secretary, upon the basis of an investigation by the State Committee, finds that any person has for 1937 made any change from the 1935 or 1936 leasing or cropping agreement for the farm for the purpose of, or which would have the effect of, diverting to such person any payment to which tenants would be entitled if the 1935 or 1936 leasing or cropping agreement were in effect for 1937, the amount of any payment which otherwise would be made to such person may be withheld in whole or in part and payments may be made to, or divided among, such tenants in proportion to the share of the principal crop to which such tenants were entitled under the 1935 or 1936 leasing or cropping agreement.

**SEC. 6. Practices Not Qualifying for Payment.**—A. No payment will be made with respect to any soil-building or range-building practice unless it is carried out in accordance with the general standards of good farming or good ranching practices.

B. No payment shall be made with respect to any soil-building or range-building practice for which the labor, seed, or materials are furnished by any State or Federal agency.

**SEC. 7. Association Expenses.**—There shall be deducted pro rata from the payments made to members of each County Agricultural Conservation Association all or such part as the Secretary may prescribe, of the estimated administrative expenses incurred or to be incurred by such Association in cooperating in carrying out in such county the purposes of the Soil Conservation and Domestic Allotment Act.

There shall be credited to each County Agricultural Conservation Association for the payment of administrative expenses the amount of \$2.00 per farm for that number of farms with respect to which it is estimated by the Agricultural Adjustment Administration the total payment (prior to deduction of any administrative expenses) will be \$20.00 or less.

**SEC. 8. Application and Eligibility for Payment.**—A. Payments will only be made upon application filed with the county committee. Each person applying for a payment will be required to show that work sheets have been executed either in 1936 or 1937 covering all land in the county owned or operated by him and the extent to which the conditions upon which the payment is to be made have been met in 1937. Any person applying for a payment who owns or operates land in more than one county in the State may be required to file in the office of the State committee a list of all such land.

B. An application for a payment may be made by an owner, share tenant, ranch operator, or such other person as may be designated by the Secretary.

C. A farming or ranching unit located in two or more adjoining counties shall be regarded as located in the county in which the principal dwelling thereon is located, or, if there is no such principal dwelling, such farming or ranching unit shall be regarded as located in the county in which the major portion of such farming or ranching unit is located.

**SEC. 9. Land to be Covered by Work Sheet.**—A. Where one or more farms in the same county are under the same ownership and are operated in 1937 as part or all of a single farming unit by the same operator, such farm or farms shall be covered by one work sheet.

B. Where two or more farms in the same county are under different ownerships, even though they are operated in 1937 as part or all of a single farming unit by the same operator, each separately owned farm shall be covered by a separate work sheet.

C. Where two or more farms in the same county are under the same ownership and are operated in 1937 as separate farming units, each separately operated farm shall be covered by a separate work sheet.

D. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit used for hay, meadow, pasture, or similar uses is rented for cash from the same landlord, it will not be necessary to execute more than one work sheet for both such share-rented and such cash-rented land.

E. Where land comprising part of a farming unit is rented on shares and land comprising part of the same farming unit not used for hay, meadow, pasture, or similar uses, is rented for cash from the same or a different landlord, it will be necessary to execute a work sheet for such share-rented land and a separate work sheet for such cash-rented land.

#### Part VII—Establishment of Bases

**SECTION 1. Soil-Depleting Base.**—There will be established a soil-depleting base for each farm which shall represent the acreage normally used for the production of all soil-depleting crops on such farm.

A. On each farm for which a work sheet was executed under the 1936 Agricultural Conservation Program, such soil-depleting base for the farm in 1937 shall be the total soil-depleting base which was established for the farm under the 1936 Agricultural Conservation Program, subject to necessary acreage adjustments based on land measurements made in connection with the 1936 and 1937 Agricultural Conservation Programs, changes in crop classifications, and further adjustments that will result in a soil-depleting base for the farm which is comparable with soil-depleting bases for other farms in the same community which are similar with respect to size, type of soil, topography, production facilities, type of farming, and farming practices.

B. On farms for which no work sheet was executed under the 1936 Agricultural Conservation Program, the soil-depleting base shall be the acreage of all soil-depleting crops

seeded for the 1936 harvest subject to the following adjustments:

1. Where, because of weather conditions, the number of acres of soil-depleting crops seeded for harvest in 1936 was greater or less than the acreage of such crops usually seeded on the farm, such number of acres shall be decreased or increased to an acreage which is comparable to the acreage of such crops seeded on such farm under normal conditions in past years.

2. Where the acreage of soil-depleting crops seeded for harvest in 1936 for any farm, adjusted if necessary as heretofore indicated, is materially greater or less than the acreage of soil-depleting crops seeded for harvest in 1936 on farms in the same community which are similar with respect to size, type of soil, topography, production facilities, and farming practices, such adjustment shall be made as will result in a soil-depleting base for such farm which is equitable, as compared with the soil-depleting bases for such other similar farms.

C. A county limit for the farms participating in the program in each county will be established by the Agricultural Adjustment administration and the aggregate of the soil-depleting bases established in each county shall not exceed the county limit for such county unless a variance therefrom is recommended by the State committee and approved by the Agricultural Adjustment Administration. In establishing county limits, the Agricultural Adjustment Administration shall consider the ratio of all acreage of soil-depleting crops in the county to all cropland in the county, the ratio of the soil-depleting bases established in a county to the acreage of cropland on all farms for which such bases have been established, and any other pertinent information which is available.

SEC. 2. *Soil-Conserving Base*.—The soil-conserving base shall be equal to the total acreage of cropland less the soil-depleting base and the acreage in commercial orchards on the farm on January 1, 1937.

SEC. 3. *Establishment of Grazing Capacity*.—There will be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received. Such grazing capacity shall be based upon the report submitted by the range examiner, who, in examining the range and making his report thereon, will take into consideration the following: (a) composition, palatability, and density of growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) classes of livestock; (f) presence or absence of rodent and poisonous plant infestations; and (g) previous use. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit for such land.

#### Part VIII—Classification of Land Uses

Farm land, when devoted to the crops or uses indicated hereinafter, shall be classified as follows, except for such additions or modifications as may be recommended by the State Committee or the Agricultural Adjustment Administration and approved by the Secretary.

SECTION 1. *Soil-Depleting Crops*.—Land devoted to any of the following crops shall be regarded as used for the production of a soil-depleting crop for the year in which such crop would normally be harvested:

- a. Small grains including flax, except as indicated under item a of section 2 and item d of section 3 of this part VIII.
- b. Corn (field, sweet, and popcorn).
- c. Potatoes.
- d. Sugar Beets.
- e. Root crops grown for feed.
- f. Cultivated sunflowers.
- g. Truck and vegetable crops and their seed, melons and strawberries.
- h. Grain sorghums, sweet sorghum, and sudan grass harvested for seed, grain, or hay.

i. Millets.

j. Soybeans, field beans, canning beans, cowpeas, field peas, seed peas, and canning peas, harvested for grain, seed or hay except as indicated under item d of section 3 of this part VIII.

SEC. 2. *Soil-Conserving Crops*.—Land devoted to any of the following crops in 1937 shall be regarded as used for the production of a soil-conserving crop, except that any land devoted to a soil-depleting crop in the same year (within the meaning of Section 1, Part VIII) shall be regarded as having been used for the production of a soil-depleting crop for such year:

a. The following legumes and perennial grasses and such other legumes and grasses as may be approved by the Director of the Western Division when seeded without a nurse crop or when seeded with a nurse crop if such nurse crop is not harvested for grain or hay: alfalfa, alsike clover, sweet clover, red clover, blue grass, orchard grass, brome grass, grama grass, buffalo grass, wheat grasses, rye grasses, timothy, and redtop.

b. Forest trees planted on cropland since January 1, 1934.

SEC. 3. *Neutral Uses*.—Land devoted to the following uses or crops shall be regarded as devoted to neutral uses:

a. Idle cropland.

b. Cultivated fallow.

c. Artichokes, nursery stocks.

d. Any acreage devoted in 1937 to the production of emergency forage crops consisting of millets, Sudan grass, rape, oats, barley, and annual legumes or mixtures of such crops which the county committee determines is equivalent to the acreage of soil-conserving crops on the farm which was winter-killed or destroyed by drouth in the period beginning July 1, 1936; provided, such use of land shall have been approved by the County Committee prior to May 1, 1937.

e. Orchards, and bush fruits.

#### Part IX—Appeals

SECTION 1. *Appeals from Determinations of County Committee*.—Any person who has reason to believe that any base, productivity index, grazing capacity, or any division of payment, determined for his farm or ranching unit by the county committee, is not equitable, may request such committee to reconsider its determination. If no agreement is reached between such person and such committee, an appeal may be taken in accordance with such rules as may be prescribed by the Secretary.

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. 37-554; Filed, February 24, 1937; 12:37 p. m.]

ECR—B-101—Kentucky, Supplement (a) Issued February 25, 1937

#### 1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

##### BULLETIN NO. 101—KENTUCKY—SUPPLEMENT (A)

#### *Increases in Tobacco Soil-Depleting Bases in Conjunction With Decreases in Soil-Depleting Bases for Other Kinds of Tobacco*

Section 3 (e) of Part III of East Central Region Bulletin 101—Kentucky is hereby amended to read as follows:

(e) *Increases of Bases in Conjunction with Decreases in Other Bases*.—Notwithstanding the provisions of sections 1 and 2 of this Part III, the Secretary reserves the right to provide for the establishment of or increase in any base for a farm in conjunction with a decrease in any other base for the farm under such conditions and within such limits as he may prescribe.

Pursuant to this provision, upon request submitted to the County Office by the operator, and by the owner if different from the operator:

(1) One-half (0.5) acre may be added to the Burley tobacco soil-depleting base for each acre by which the fire-cured and dark air-cured tobacco soil-depleting base is decreased, or

(2) One and one-half (1.5) acres may be added to the fire-cured and dark air-cured tobacco soil-depleting base for each acre by which the Burley tobacco soil-depleting base is decreased.

The base yield(s) in such cases will be such as to be equitable for the farm as compared with farms in the same locality which are similar with respect to type of soil and productive capacity.

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 25th day of February 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-572; Filed, February 25, 1937; 12:40 p. m.]

Pursuant to this provision, upon request submitted to the County Office by the operator, and by the owner if different from the operator:

(1) One-half (0.5) acre may be added to the Burley tobacco soil-depleting base or the fire-cured tobacco soil-depleting base for each acre by which the fire-cured and dark air-cured tobacco soil-depleting base is decreased, or

(2) One and one-half (1.5) acres may be added to the fire-cured and dark air-cured tobacco soil-depleting base or the fire-cured tobacco soil-depleting base is decreased.

The base yield(s) in such cases will be such as to be equitable for the farm as compared with farms in the same locality which are similar with respect to type of soil and productive capacity.

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 25th day of February, 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-574; Filed, February 25, 1937; 12:40 p. m.]

ECR—B-101—Tennessee, Supplement (a) Issued February 25, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—TENNESSEE—SUPPLEMENT (A)

*Increases in Tobacco Soil-Depleting Bases in Conjunction with Decreases in Soil-Depleting Bases for Other Kinds of Tobacco*

Section 3 (e) of Part III of East Central Region Bulletin 101—Tennessee is hereby amended to read as follows:

(e) *Increases of Bases in Conjunction with Decreases in Other Bases.*—Notwithstanding the provisions of sections 1 and 2 of this Part III, the Secretary reserves the right to provide for the establishment of or increase in any base for a farm in conjunction with a decrease in any other base for the farm under such conditions and within such limits as he may prescribe.

Pursuant to this provision, upon request submitted to the County Office by the operator, and by the owner if different from the operator:

(1) One-half (0.5) acre may be added to the Burley tobacco soil-depleting base for each acre by which the fire-cured and dark air-cured tobacco soil-depleting base is decreased, or

(2) One and one-half (1.5) acres may be added to the fire-cured and dark air-cured tobacco soil-depleting base for each acre by which the Burley tobacco soil-depleting base is decreased.

The base yield(s) in such cases will be such as to be equitable for the farm as compared with farms in the same locality which are similar with respect to type of soil and productive capacity.

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 25th day of February 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-573; Filed, February 25, 1937; 12:40 p. m.]

ECR—B-101—Virginia, Supplement (a) Issued February 25, 1937

1937 AGRICULTURAL CONSERVATION PROGRAM—EAST CENTRAL REGION

BULLETIN NO. 101—VIRGINIA—SUPPLEMENT (A)

*Increases in Tobacco Soil-Depleting Bases in Conjunction With Decreases in Soil-Depleting Bases for Other Kinds of Tobacco*

Section 3 (e) of Part III of East Central Region Bulletin 101—Virginia is hereby amended to read as follows:

(e) *Increases of Bases in Conjunction with Decreases in Other Bases.*—Notwithstanding the provisions of sections 1 and 2 of this Part III, the Secretary reserves the right to provide for the establishment of or increase in any base for a farm in conjunction with a decrease in any other base for the farm under such conditions and within such limits as he may prescribe.

SR—B-101—Amendment 4

1937 AGRICULTURAL CONSERVATION PROGRAM

SOUTHERN REGION BULLETIN 101

Amendment 4

Sections 64 and 89, Southern Region Bulletin 101, are hereby amended to read as follows:

Any person who has reason to believe that any recommendation of his County Committee concerning his farm or ranch in any matter of the kind set forth herein is not equitable may request the County Committee to reconsider its recommendation. If such person fails to agree with the final recommendation of the County Committee, an appeal may be taken in accordance with the procedure set forth herein.

(a) *Matters Concerning which an Appeal May Be Made.*—

(1) Eligibility of person(s) to submit a work sheet or an application for payment.

(2) Eligibility of land to be covered by a work sheet and/or an application for payment.

(3) Any base, yield per acre, productivity index, soil-building allowance, soil-building practice, range-building allowance, range-building practice, or grazing capacity.

(4) Division of payments among interested persons.

(5) In addition to the above matters, the State Committee and the Regional Agricultural Appeals Board for the Southern Region may be called on to hear and decide other types of appeals as set forth below.

(b) *Appellate Bodies.*—The following bodies will receive, hear, consider, and pass upon appeals cases:

(1) County Appeals Board.

(2) State Agricultural Conservation Committee.

(3) Agricultural Conservation Appeals Board for the Southern Region (hereinafter referred to as the Regional Appeals Board).

(c) *Procedure Governing Appeals.*—

(1) Any person interested in a farm or ranch, whether as owner or operator, and having just ground for being dissatisfied with the final recommendation of the County Committee in passing upon any one or more of the matters mentioned in subsection (a) herein regarding such farm or ranch may appeal from such recommendation of the County Committee to the County Appeals Board, which shall consist of the chairman of the County Committee and two persons selected by the Board of Directors of the County Agricultural Conservation Association from among its members who are not members of the County Committee. In case the number of members of the Board of Directors is not large enough to permit such selection, such two persons shall be selected by the Board of Directors from among the members of Community Committees in the county who are not members of the County Committee or from among the members of the Association who are not members of the County Committee.

(2) When any such final recommendation of the County Committee is not in accord with the contention of the interested person and such person desires to appeal his case, such person shall, within ten calendar days from the date of the final recommendation of the County Committee, give notice in writing to the County Appeals Board of his desire and intention to appeal his case. Following the hearing of any such appeal, the decision of the Board prepared in triplicate shall be concurred in by a majority of its members, and a copy delivered immediately to the appellant or forwarded immediately by mail to his address of record.

(3) If any interested person has just ground for being dissatisfied with the decision of the County Appeals Board and such person desires to appeal his case further, such person shall, within ten calendar days from the date of such decision, give notice in writing to the County Appeals Board of his desire and intention to appeal his case to the State Committee.

(4) In order to perfect his appeal, the appellant shall, within thirty calendar days from the date of the decision of the County Appeals Board, file with such Board *in triplicate* a detailed statement of his contentions, supported *in triplicate* by such material as he may have available. There shall be attached to such statement an exact copy *in triplicate* of each work sheet, application for payment, or other document forming the basis of or which is material to such appeal.

(5) The County Appeals Board shall, within ten calendar days from the date on which the appellant filed such detailed statement, forward the original and one copy of the same to the State Committee together with the original and one copy of its previous findings and recommendation in the case and shall also attach to such detailed statement exact copies *in duplicate* of all available documents material to any issue raised by the appellant, as well as any other material data available to such Board. The County Appeals Board may add to such record *in duplicate* its comments or observations on such detailed statement, in which case a copy of such comments or observations shall be furnished to the appellant, who shall have ten calendar days in which to send to the State Committee *in duplicate* any reply thereto he may desire to make, furnishing at the same time a copy of such reply to the County Appeals Board.

(6) The County Appeals Board may for good cause shown, extend any time limit fixed in paragraphs (2) and (5) above, but the additional time granted shall not exceed the time which otherwise would obtain.

(7) Upon receipt of the appeal record the State Committee shall promptly set the appeal down for hearing at the earliest practicable date not earlier than fourteen calendar days from the date of such receipt of the appeal record. However, if both the appellant and the chairman of the County Appeals Board indicate in writing, forwarded with the appeal record, (a) that they are willing to have the appeal board at an earlier date or alternative dates indicated by them in such writing, the appeal may be heard on such date or any one of such alternative dates, or (b) that they do not desire to appear at the hearing of the appeal, the State Committee may set the appeal down for hearing at any time reasonably convenient to it. The State Committee shall, in writing dated and forwarded to the addresses of record in the regular course of the mail on the day the date for hearing the appeal is set, give notice of the time and place of such hearing to the chairman of the County Appeals Board and the appellant. If the State Committee deems it advisable, it may further develop the case by correspondence or field investigation either before or after the formal hearing, and may hear additional evidence at the State headquarters or at a designated place in the field.

(8) The decision by the State Committee with its recommendation, prepared *in quadruplicate*, shall be concurred in by a majority of the members of the Committee. One copy of such decision and recommendation shall be promptly transmitted to the County Appeals Board, and one copy shall be promptly forwarded to the appellant. In case the appellant is dissatisfied with such decision and recommendation, he may finally appeal the case to the Regional Appeals Board for the Southern Region in care of the Southern Division, Agricultural Adjustment Administration, Washington, D. C., by giving written notice, prepared *in triplicate*, to the State Committee within ten calendar days from the date notice of its decision is addressed and forwarded to such person at the address of record. Such notice must contain or be accompanied by such appellant's comments or arguments against the decision and recommendation of the State Committee. Upon such written notice being filed *in duplicate* with the State Committee, it shall promptly forward the complete original appeal record to the Regional Appeals Board, together with the original of its decision and recommendation in such case and such written notice and comments or arguments.

(9) The State Committee may, for good cause shown, extend any time limit fixed in paragraph (7) or (8) above, but the additional time granted shall not exceed the time which otherwise would obtain.

(10) Individual cases of complaints made by any producer, whether owner, operator, share-tenant, or share-cropper, relating to landlord-tenant questions made or appealed to the State Committee, shall be referred by the State Committee for special attention to a person appointed by the Committee with the approval of the Director of the Southern Division to make prompt investigation and recommend adjustment of landlord-tenant complaints. Upon receiving the recommendation of such investigator, unless such recommendation has been carried out by the parties concerned in the complaint, the State Committee shall promptly make and record its decision with respect to each such complaint and in writing notify the parties concerned and the County Committee of its decision. If one or more of the parties concerned is not satisfied with the decision, he may in writing, which should be in duplicate, request the State Committee to forward to the Director of the

Southern Division for appropriate action the complete file in the case, including also the findings and report of such investigator. Upon receipt of such request the State Committee shall forward such file to said Director, who may refer any such case with the entire record therein to the Regional Appeals Board for final determination.

(11) The Regional Appeals Board for the Southern Region shall be composed of three members appointed by the Secretary of Agriculture upon nomination by the Director of the Southern Division. The chairman of the Board for each of its sessions shall be that one of the members present who is first named in the order appointing them.

(12) The Secretary of Agriculture upon nomination by the Director of the Southern Division may appoint one or more alternate members of said Board to serve in the order so appointed in place of any member thereof whenever and while such member is absent from duty in the Southern Division, or in case of any vacancy in the membership of said Board until such vacancy is filled and the person appointed thereto has qualified. No alternate shall serve as chairman.

(13) The Regional Appeals Board, acting for and on behalf of the Secretary of Agriculture, shall promptly and finally pass upon and decide each appeal referred to it by any State Committee within the Southern Region or by the Director of the Southern Division. Final decision of the Regional Appeals Board shall be concurred in by a majority of the members of such Board and recorded in writing. Such decision shall be promptly transmitted to the State Committee *in triplicate* and such Committee shall transmit one copy to the appellant and one copy to the County Committee.

(14) All decisions in appeal cases of a County Appeals Board, a State Committee, or the Regional Appeals Board shall be in accordance with the terms and conditions of the 1937 program. In considering any appeal case, if it appears there are no provisions approved by the Secretary applicable to such case, no decision thereon shall be rendered by any committee or board unless and until applicable provisions are approved by the Secretary of Agriculture.

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 25th day of February, 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-587; Filed February 26, 1937; 11:37 a. m.]

#### Bureau of Entomology and Plant Quarantine.

BEPQ—Q. 48 Revision of Quarantine and Regulations  
Effective Mar. 1, 1937

#### JAPANESE BEETLE QUARANTINE—QUARANTINE No. 48

#### REVISION OF QUARANTINE AND REGULATIONS

#### Introductory Note

An important change in the following revision of the Japanese beetle quarantine is the inclusion in the regulated area of the cities of Cleveland, Columbus, and Toledo in Ohio, as well as the entire counties of Columbiana and Mahoning, and parts of the counties of Carroll, Jefferson, and Stark, in the same State. This action is considered necessary because of the establishment of the Japanese beetle therein. Additional infested territory in the States of Maine, Maryland, New York, Vermont, Virginia, and West Virginia, was also added to the previously regulated areas in such States. Some outlying areas where Japanese beetle infestations have been found are not included in the regulated area because of assurance from the States concerned that adequate measures will be taken to prevent the spread of the pest therefrom.

Under section A, paragraph (b) of regulation 5, as revised, a certificate is required for the interstate movement of restricted fruits and vegetables from June 15 to October 15, inclusive, from other portions of the regulated area to Brewer and Waterville, Maine; Buffalo, N. Y., or to the other regulated parts of Erie County, New York; Cleveland, Columbus, and Toledo, Ohio; Burlington, Vt., and Parkersburg, W. Va. No restrictions are however placed on the interstate movement of any fruits or vegetables from these outlying portions of the regulated area.

*Summary*

Unless a certificate or permit has been issued, these regulations as now revised prohibit the interstate shipment of green corn on the cob, beans in the pod, bananas in entire bunches or in clusters of 25 or more, apples, peaches, blackberries, blueberries, huckleberries, or raspberries from the regulated areas, and also prohibit (unless a certificate or permit has been issued) the interstate movement of all fruits and vegetables by refrigerator car or motor truck from the District of Columbia, the State of Delaware, and parts of the States of Maryland, New Jersey, Pennsylvania, and Virginia. Refrigerator cars used for loading fruits and vegetables, other than onions and potatoes, in such area must, prior to loading, be cleaned by the common carrier and kept tightly closed and sealed during the interval between cleaning and loading. Onions and potatoes must be fumigated in the car when such action is deemed necessary by the inspector and doors and hatches of the cars must be closed or screened. For other details and exceptions see regulation 5.

The regulations also prohibit the interstate shipment of plants, sand, soil, earth, peat, compost, and manure from any part of the regulated areas to or through any outside point throughout the year unless a Federal permit or certificate has been secured. Portions of plants and cut flowers are restricted interstate movement only between June 15 and October 15, inclusive. For details and exceptions see regulations 6 and 7.

The regulated areas include the District of Columbia, the entire States of Connecticut, Delaware, Massachusetts, New Jersey, and Rhode Island, and parts of the States of Maine, Maryland, New Hampshire, New York, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia. The boundaries are shown in regulation 3.

These regulations also place certain restrictions to protect restricted articles from infestation while in transit, require thorough cleaning of vehicles and containers which have been used in transporting restricted products, and provide other safeguards and conditions as provided in regulations 8 to 13, inclusive.

To secure permits and certificates, address the Bureau of Entomology and Plant Quarantine, Glenwood Avenue and Henry Street, Bloomfield, N. J., or the nearest branch office listed in the appendix.

LEE A. STRONG,

*Chief, Bureau of Entomology and Plant Quarantine.*

## NOTICE OF QUARANTINE No. 48 (TWELFTH REVISION)

[Approved March 1, 1937; effective March 1, 1937]

I, H. A. Wallace, Secretary of Agriculture, have determined that it is necessary to quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle (*Popillia japonica* Newn.), a dangerous insect new to and not heretofore widely prevalent or distributed within and throughout the United States.

Now, therefore, under authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), and having duly given the public hearing required thereby, I do quarantine the said States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, effective on and after March 1, 1937. Hereafter, under the authority of said act of August 20, 1912, amended as aforesaid (1) fruits and vegetables; (2) nursery, ornamental, and greenhouse stock, and other plants; and (3) sand, soil, earth, peat, compost, and manure shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved from any of said quarantined States or District

into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the restrictions of this quarantine and of the rules and regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Japanese beetle: *Provided further*, That such limitations shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the Japanese beetle therefrom to other parts of the State: *And provided further*, That certain articles classed as restricted herein may, because of the nature of their growth or production or their manufactured or processed condition, be exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of infestation.

Done at the city of Washington this 1st day of March, 1937.

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

[SEAL]

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

## RULES AND REGULATIONS (FIFTEENTH REVISION) SUPPLEMENTAL TO NOTICE OF QUARANTINE No. 48

[Approved March 1, 1937; effective March 1, 1937]

## REGULATION 1—DEFINITIONS

For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(a) *Japanese beetle*.—The insect known as the Japanese beetle (*Popillia japonica* Newn.), in any stage of development.

(b) The terms "infested", "infestation", and the like, relate to infestation with the Japanese beetle.

(c) *Quarantined area*.—Any State or District quarantined by the Secretary of Agriculture to prevent the spread of the Japanese beetle.

(d) *Regulated area*.—Any area in a quarantined State or District which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos to Notice of Quarantine No. 48, as revised.

(e) *Fruits and vegetables*.—For the list of restricted fruits and vegetables see regulation 5.

(f) *Nursery and ornamental stock*.—Nursery, ornamental, and greenhouse stock, and all other plants, plant roots, cut flowers, or other portions of plants.

(g) *Sand, soil, earth, peat, compost, and manure*.—Sand, soil, earth, peat, compost, or manure of any kind and as to either bulk movement or in connection with farm products or nursery and ornamental stock.

(h) *Certified sand, soil, earth, peat, compost and manure*.—Sand, soil, earth, peat, compost, or manure determined by the inspector as uninfested and so certified.

(i) *Certified greenhouse*.—A greenhouse or similar establishment which has complied to the satisfaction of the inspector with the conditions imposed in regulation 6. This term may apply also to potting beds, heeling-in areas, hotbeds, coldframes, or similar plots or to storage houses, packing sheds, or stores treated or otherwise safeguarded in manner and method satisfactory to the inspector.

(j) *Inspector*.—An inspector of the United States Department of Agriculture.

(k) *Moved or allowed to be moved interstate*.—Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one

State or Territory or District of the United States into or through any other State or Territory or District.

REGULATION 2—LIMITATION OF RESTRICTIONS TO REGULATED AREAS

Conditioned upon the compliance on the part of the State concerned with the provisos to Notice of Quarantine No. 48 (twelfth revision), the restrictions provided in these regulations on the interstate movement of plants and plant products and other articles enumerated in said notice of quarantine will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.

REGULATION 3—REGULATED AREAS

In accordance with the provisos to Notice of Quarantine No. 48 (twelfth revision), the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the States, District, counties, townships, towns, cities, election districts, and magisterial districts listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

*Connecticut.*—The entire State.

*Delaware.*—The entire State.

*District of Columbia.*—The entire District.

*Maine.*—County of York; towns of Auburn and Lewiston, in *Androscoggin County*; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarborough, Standish, and the cities of Portland, South Portland, Westbrook, and Windham, in *Cumberland County*; the city of Waterville, in *Kennebec County*; and the city of Brewer, in *Penobscot County*.

*Maryland.*—Counties of Cecil, Kent, Queen Annes, Somerset, and Worcester; the city of Baltimore; the city of Cumberland, the town of Frostburg, and election districts nos. 4, 5, 6, 7, 11, 12, 14, 22, 23, 24, 26, 29, 31, and 32, in *Alleghany County*; the city of Annapolis and election districts nos. 3, 4, and 5, in *Anne Arundel County*; election districts nos. 1, 2, 3, 9, 11, 12, 13, 14, and 15, and that portion of election district No. 8 lying south of Shawan, Beaver Dam and Sherwood Roads, in *Baltimore County*; all of *Caroline County* except election districts of Hillsboro (no. 6), American Corners (no. 8), and Preston (no. 4); the city of Westminster, and election district of Freedom (no. 5), in *Carroll County*; election districts of White Plains and La Plata, in *Charles County*; election district of Cambridge (no. 7), in *Dorchester County*; election districts of Frederick (no. 2), New Market (no. 9), Petersville (no. 12), and Brunswick (no. 25), in *Frederick County*; *County of Harford*, except election district of Marshall (no. 4); election districts of Elkridge (no. 1), Ellicott City (no. 2), and election district of West Friendship (no. 3), in *Howard County*, and the right-of-way of United States Highway No. 1 through the election district of Guilford (no. 6) in said county; all of *Prince Georges County* except the election districts of Nottingham and Aquasco; that part of *Montgomery County* located within the established boundaries of the so-called "Washington Suburban Sanitary District"; towns of Easton and Oxford, in *Talbot County*; election districts of Sharpsburg (no. 1), Williamsport (no. 2), Hagerstown (nos. 3, 17, 21, 22, 24, and 25), Leitersburg (no. 9), Sandy Hook (no. 11), and Halfway (no. 26), in *Washington County*; election districts of Pittsburg (no. 4), Parsons (no. 5), Dennis (no. 6), Trappe (no. 7), Nutters (no. 8), Salisbury (no. 9), Delmar (no. 11), Camden (no. 13), Willards (no. 14), and Fruitland (no. 16), in *Wicomico County*.

*Massachusetts.*—The entire State.

*New Hampshire.*—Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield and Wolfeboro, in *Carroll County*; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in *Grafton County*.

*New Jersey.*—The entire State.

*New York.*—Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and the city of Salamanca, in *Cattaraugus County*; towns of Tonawanda, Amherst, and Cheektowaga, and the cities of Buffalo and Lackawanna, in *Erie County*; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and the city of Little Falls, in *Herkimer County*; towns of Caton, Corning, and Hornby, and the city of Corning, in *Steuben County*; towns of Caroline, Danby, Dryden, and Ithaca, and the city of Ithaca, in *Tompkins County*; towns of Luzerne and Queensbury and the city of Glens Falls, in *Warren County*.

*Ohio.*—Counties of Columbiana and Mahoning; townships of Augusta, Brown, and East, in *Carroll County*; the city of Cleveland, in *Cuyahoga County*; the city of Columbus, in *Franklin County*; townships of Cross Creek, Island Creek, Knox, Saline, Steubenville, and Wells, and the city of Steubenville, in *Jefferson County*; the city of Toledo, in *Lucas County*; townships of Bethlehem, Canton, Jackson, Nimishillen, Osnaburg, Paris, Perry, Pike, Plain, Sandy, and Washington, and the city of Canton, in *Stark County*.

*Pennsylvania.*—The entire State, except Crawford, Erie, Forest, Mercer, Venango, and Warren Counties, Mercer Township in *Butler County*, and Ashland, Beaver, Elk, Richland (including boroughs of Foxburg and St. Petersburg), Salem, and Washington Townships, in *Clarion County*.

*Rhode Island.*—The entire State.

*Vermont.*—Counties of Bennington, Rutland, Windham, and Windsor; and the town of Burlington, in *Chittenden County*.

*Virginia.*—Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, Loudoun, Norfolk, Northhampton, Prince William, and Stafford; magisterial districts of Dale, and Manchester, in *Chesterfield County*; magisterial district of Sleepy Hole, in *Nansemond County*; magisterial district of Kempsville, in *Princess Anne County*; Camp Stuart, in *Warwick County*; and the cities of Alexandria, Fredericksburg, Hampton, Newport News, Norfolk, Portsmouth, Richmond, South Norfolk, and Suffolk.

*West Virginia.*—Counties of Hancock, Harrison, Marion, Monongalia, and Taylor; town of Keyser and district of Frankfort, in *Mineral County*; and the city of Parkersburg, in *Wood County*.

REGULATION 4—EXTENSION OR REDUCTION OF REGULATED AREAS

The regulated areas designated in regulation 3 may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the States in which such areas are located and by publication in one or more newspapers selected by the Secretary of Agriculture within the States in which the areas affected are located.

REGULATIONS 5—RESTRICTIONS ON THE MOVEMENT OF FRUITS AND VEGETABLES

Section A—Control of Movement

(1) Unless a certificate or permit shall have been issued therefor, by an inspector, except as provided in paragraphs (a) to (e), inclusive, of this section:

(i) No green corn on the cob, beans in the pod, bananas in entire bunches or in clusters of 25 or more, apples, peaches, blackberries, blueberries, huckleberries, or raspberries shall be moved or allowed to be moved interstate from any regulated area to or through any point outside thereof; and (ii) no fruits and vegetables of any kind

shall be moved or allowed to be moved interstate via refrigerator car or motortruck from the District, counties, or city listed below to or through any point outside of the regulated areas:

*Delaware.*—The entire State.

*District of Columbia.*—The entire District.

*Maryland.*—County of Cecil and the city of Baltimore.

*New Jersey.*—Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union.

*Pennsylvania.*—Counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia.

*Virginia.*—County of Arlington.

(a) No restrictions are placed on the interstate movement of fruits and vegetables between October 16 and June 14, inclusive.

(b) No certificate will be required for the interstate movement of fruits and vegetables on a through bill of lading either from an area not under regulation through a regulated area to another nonregulated area, or from a regulated area through a nonregulated area to another regulated area, except that a certificate is required for interstate movement to Brewer and Waterville, Maine; Buffalo, N. Y., or to the other regulated parts of Erie County, N. Y.; Cleveland, Columbus, and Toledo, Ohio; Burlington, Vt.; and Parkersburg, W. Va. No restrictions are placed on the interstate movement of fruits and vegetables from Brewer and Waterville, Maine; Buffalo, N. Y., or from other parts of Erie County, N. Y.; Cleveland, Columbus, and Toledo, Ohio; Burlington, Vt.; and Parkersburg, W. Va.

(c) No restrictions are placed on the interstate movement of fruits or vegetables when they shall have been manufactured or processed in such a manner that in the judgment of the inspector no infestation could be transmitted.

(d) No restrictions are placed on the interstate movement of any shipments of apples or peaches of less than 15 pounds to the shipment, or of bananas other than in entire bunches or in clusters of 25 or more.

(e) No restrictions are placed on the interstate movement of commercially packed apples in any quantity, except those moving via refrigerator cars or motor vehicles from the District, counties, or city listed in this section.

(2) No restrictions are placed on the interstate shipment from the regulated areas of fruits and vegetables other than those mentioned above, except that any such interstate shipments of fruits and vegetables may be inspected by inspectors at any time or place inside or outside the regulated areas and when actually found to involve danger of dissemination of Japanese beetle to uninfested localities, measures to eliminate infestation may be required as a condition of further transportation or delivery.

#### *Section B—Conditions of Certification*

Certificates may be issued for the interstate movement of fruits and vegetables to points outside the regulated areas between June 15 and October 15, inclusive, under one of the following conditions:

(1) When the fruits and vegetables, moving from a point in the regulated area other than the District, counties, or city listed in paragraph 1, (ii), of this regulation, or moving from such designated District, counties, or city other than by refrigerator car, have actually been inspected by the United States Department of Agriculture and found free from infestation. The number of inspection points for such certification will be limited and their location determined by shipping needs and further conditioned on the establishment at such points of provisions satisfactory to the inspector for the handling and safeguarding of such shipments during inspection. Such inspection may be discontinued and certification withheld by the inspector during periods of general or unusual flight of the beetles.

(2) When the fruits and vegetables have been handled or treated under the supervision of an inspector in manner and by method to free them from any infestation.

(3) When the fruits and vegetables have originated outside of the regulated areas and are to be reshipped directly from freight yards, transfer points, or unloading docks within such areas, under provisions satisfactory to the inspector for the safeguarding of such shipments pending certification and reshipment. Certificates on this basis will be issued without inspection only in cases where, in the judgment of the inspector, the shipments concerned have not been exposed to infestation while within such freight yards, transfer points, or unloading docks.

(4) When the fruits and vegetables were grown in districts where the fact has been established to the satisfaction of the inspector that no infestation exists and are to be shipped directly from the farms where grown to points outside the regulated areas, or are shipped from infested districts where the fact has been established to the satisfaction of the inspector that the Japanese beetle has not begun or has ceased its flight.

(5) When the fruits and vegetables, other than onions and potatoes, moving via refrigerator car from the District, counties, or city listed in paragraph 1, (ii), of this regulation, have been inspected and loaded in a manner to prevent infestation, in a refrigerator car with closed or adequately screened doors and hatches, which car prior to loading has been determined by an inspector as thoroughly swept and cleaned by the common carrier in a manner to rid it of infestation. During the interval between cleaning and loading such refrigerator-car must be tightly closed and sealed.

(6) When the onions or potatoes moving via refrigerator car from the District, counties, or city listed in this regulation have been fumigated in the car, when deemed necessary in the judgment of the inspector, and when the doors and hatches of the car have been tightly closed or adequately screened under the supervision of an inspector.

#### REGULATION 6—RESTRICTIONS ON THE MOVEMENT OF NURSERY AND ORNAMENTAL STOCK

##### *Section A—Control of Movement*

Nursery and ornamental stock shall not be moved or allowed to be moved interstate from the regulated areas to or through any point outside thereof, unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil, are exempt from the requirement of certification, except that this exemption does not apply to dahlia tubers.

(2) No restrictions are placed on the interstate movement of nursery and ornamental stock imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with a copy certificate of the country from which it was exported, a statement of the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where grown.

(3) No restrictions are placed on the interstate movement between October 16 and June 14, inclusive, of cut flowers, and of portions of plants without roots and free from soil (such as branches and twigs of trees and shrubs, scions, Christmas trees, holly, laurel, sphagnum moss, and parts of submerged aquatic plants without roots).

(4) No certificate or permit will be required for the interstate movement of nursery and ornamental stock when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a non-regulated area to another regulated area.

##### *Section B—Conditions Governing the Issuance of Certificates and Permits*

For the purpose of certification of nursery and ornamental stock, nurseries, greenhouses, and other premises con-



cerned in the movement of such stock will be classified as follows:

(1) *Class I.*—Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on or within approximately 500 feet of which no infestation has been found may be classified as Class I. Upon compliance with the requirements of subsection (6) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises without further inspection, and without meeting the safeguards prescribed as a condition of interstate shipment of plants originating in nurseries or greenhouses of class III.

(2) *Class III.*—(a) Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on which either grubs in the soil or one or more beetles have been found, will be classified as class III. Such classification also may be given to nurseries, etc., in localities known to be generally infested where one or more beetles or grubs are found in the immediate proximity (within approximately 500 feet) of such nurseries, etc., on adjacent property or properties. In the case of nursery properties, under single ownership and management, but represented by parcels of land widely separated, such parcels may be independently classified either as class I or class III upon compliance with such conditions and safeguards as shall be required by the inspector. Similarly, unit nursery properties, which would otherwise fall in class III, may be open to subdivision, for the purpose of rating such subdivisions in classes I or III, when in the judgment of the inspector such action is warranted by recent and scanty infestation limited to a portion of the nursery concerned: *Provided*, That the subdivision containing the infestation shall be clearly marked by boundaries of a permanent nature which shall be approximately 500 feet beyond the point where the infestation occurs.

(b) Upon compliance with subsections (3) and (6) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises under any one of the following conditions: (i) That the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector; or (ii) in the case of plants in which the root system is such that a thorough inspection may be made, that the soil shall be entirely removed from the stock by shaking or washing, or (iii) that it shall be shown by evidence satisfactory to the inspector that the plants concerned were produced in a certified greenhouse.

(3) Greenhouses of class III may be certified upon compliance with all the following conditions with respect to the greenhouses themselves and to all potting beds, heeling-in areas, hotbeds, coldframes, and similar plots.

(a) Ventilators, doors, and all other openings in greenhouses or coldframes on premises in class III shall be kept screened in manner satisfactory to the inspector during the period of flight of the beetle, namely, south of the northern boundaries of Maryland and Delaware between June 1 and October 1, inclusive, or north thereof between June 15 and October 15, inclusive.

(b) Prior to introduction into nurseries or greenhouses, sand, soil, earth, peat, compost, or manure taken from infested locations or which may have been exposed to infestation, must be sterilized or fumigated under the direction and supervision of, and in manner and by method satisfactory to the inspector. If such treated sand, soil, earth, peat, compost, or manure is not to be immediately used in such greenhouses, it must be protected from possible infestation in manner and by method satisfactory to the inspector.

(c) All potted plants placed in certified greenhouses of class III and all potted plants to be certified for interstate movement therefrom (i) shall be potted in certified soil; (ii) shall, if grown outdoors south of the northern boundaries of Maryland and Delaware at any time between June 1 and October 1, inclusive, or north thereof at any time between June 15 and October 15, inclusive, be kept in screened frames

while outdoors; (iii) shall, if grown outdoors during any part of the year, be placed in beds in which the soil or other material shall have been treated in manner and by method approved by the Bureau of Entomology and Plant Quarantine to eliminate infestation; and (iv) shall comply with such other safeguards as may be required by the inspector.

(4) Cut flowers and other parts of plants without roots or soil may be certified for movement either (a) when they have been inspected by an inspector and found free from infestation, or (b) when they have been grown in a greenhouse of class I or in a certified greenhouse of class III and are transported under such safeguards as will in the judgment of the inspector prevent infestation. (See also sec. A. (3) of this regulation.)

(5) Nursery and ornamental stock originating on or moved from unclassified premises may be certified by the inspector under either one of the following conditions: (a) That the soil shall be entirely removed from the stock, or (b) that the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector, or (c) that it shall be shown by evidence satisfactory to the inspector that the accompanying soil was obtained at such points and under such conditions that in his judgment no infestation could exist therein.

(6) Nurserymen, florists, dealers, and others, in order to maintain their classified status, (a) shall restrict their purchases or receipts of nursery and ornamental stock, sand, soil, earth, peat, compost, and manure within the regulated area to articles which have been certified under these regulations as to each such article and the said certificate shall accompany the articles when moved; (b) shall obtain approval of the inspector before such articles are received on their premises or moved from the open on their own premises into certified greenhouses; and (c) shall also report immediately in writing all purchases or receipts of such articles secured from within the regulated area. Nurserymen, florists, dealers, and others whose premises are classified as class III shall, in addition, report immediately on forms provided for that purpose all their sales or shipments of such articles both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated areas. Certification may be denied to any person who has omitted to make the report or reports required by this regulation, and such denial of certification shall continue until the information so omitted has been supplied.

(7) Nursery and ornamental stock imported from foreign countries and not reshipped from the port of entry in the unopened original container may be certified for movement under these regulations when such stock has been inspected by an inspector and found free from infestation.

(8) Nursery and ornamental stock originating outside the regulated areas and certified stock originating in classified nurseries or greenhouses may be certified for reshipment from premises other than those on which they originated, under provisions satisfactory to the inspector for the safeguarding of such stock from infestation at the point of reshipment and en route, and, when found advisable by the inspector, after reinspection and determination of freedom from infestation.

#### REGULATION 7—RESTRICTIONS ON THE MOVEMENT OF SAND, SOIL, EARTH, PEAT, COMPOST, AND MANURE

##### Section A—Control of Movement

Sand, soil, earth, peat, compost, and manure shall not be moved or allowed to be moved interstate from any point in the regulated areas to or through any point outside thereof unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) No restrictions are placed on the interstate movement of sand for construction purposes, nor of "bird gravel", "bird sand", or ground, dried, imported peat in packages of 5 pounds or less to the package.

(2) No restrictions are placed on the interstate movement of sand, soil, earth, peat, compost, and manure imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with the country of origin, and when the shipment is further protected in manner or method satisfactory to the inspector.

(3) No certificate will be required for the interstate movement of sand, soil, earth, peat, compost, and manure when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

#### Section B—Conditions of Certification

Certificates for the movement of sand, soil, earth, peat, compost, and manure may be issued under any one of the following conditions:

(1) When the articles to be moved have originated in districts included in the regulated area, but in which neither beetles nor grubs in soil have been found.

(2) When the material consists of fresh manure or of mined, dredged, or other similar materials, and it has been determined by an inspector that no infestation could exist therein.

(3) When the material has been removed, under the supervision of an inspector, from a depth of more than 12 inches below the surface of the ground and either (a) is to be moved between October 16 and June 14, inclusive, or (b) is loaded and shipped at points where it has been determined by an inspector that no general infestation of adult beetles exists, or (c) when the cars and loading operations are protected by screening under the direction of and in manner and by method satisfactory to the inspector.

(4) When the material has been fumigated with carbon disulphide or otherwise treated under the supervision of and in manner and by method satisfactory to the inspector. Such fumigation or treatment will be required as a condition of certification of all sand, soil, earth, peat, compost, and manure, except such as is loaded and shipped in compliance with paragraphs (1), (2), or (3) hereof.

#### REGULATION 8—CONDITIONS GOVERNING THE PROTECTION OF RESTRICTED ARTICLES FROM INFESTATION WHILE IN TRANSIT

Fruits and vegetables, nursery and ornamental stock, and sand, soil, earth, peat, compost, and manure, moving interstate from or through the regulated areas to points outside thereof between June 15 and October 15, inclusive, shall at all times while they are in the regulated areas be screened, covered, or otherwise protected in manner or method satisfactory to the inspector for safeguarding the articles from infestation.

Trucks or other road vehicles transporting restricted articles may be sealed by the inspector at the point of inspection and all such seals shall remain intact as long as the vehicle is en route within the regulated area.

#### REGULATION 9—MARKING AND CERTIFICATION A CONDITION OF INTERSTATE TRANSPORTATION

(a) Every car, vehicle, box, basket, or other container of the articles listed, the interstate movement of which is restricted in regulations 5, 6, and 7, shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with these regulations. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining to such shipment and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.

#### REGULATION 10—GENERAL CONDITIONS GOVERNING INSPECTION AND ISSUANCE OF CERTIFICATES AND PERMITS

(a) Persons intending to move or allow to be moved interstate any of the articles the movement of which is restricted in regulations 5, 6, and 7, shall make application for inspection and certification as far as possible in advance of the probable date of shipment, specifying in the application the article and quantity to be shipped, method of shipment, name and address of the consignor, and name and address of the consignee.

(b) Applicants for inspection will be required to assemble the articles at such points as the inspector shall designate and so to place them that inspection may readily be made; if not so placed, inspection may be refused. All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

(c) Certificates and permits shall be used in connection with the transportation of only those articles intended to be covered thereby.

(d) Where the apparent absolute freedom from infestation of any of the articles enumerated cannot be determined by the inspector, certification will be refused.

(e) Permits may be issued for the interstate movement of restricted articles by truck or other road vehicle from a regulated area through a nonregulated area to another regulated area.

#### REGULATION 11—CANCELATION OF CERTIFICATES

Certificates issued under these regulations may be withdrawn or canceled by the inspector and further certification refused, either for any failure of compliance with the conditions of these regulations or violation of them, or whenever in the judgment of the inspector the further use of such certificates might result in the dissemination of infestation.

#### REGULATION 12—INSPECTION IN TRANSIT

Any car, vehicle, basket, box, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains either infested articles or articles the movement of which is prohibited or restricted by these regulations, shall be subject to inspection by an inspector at any time or place.

#### REGULATION 13—THOROUGH CLEANING REQUIRED OF TRUCKS, WAGONS, CARS, BOATS, AND OTHER VEHICLES AND CONTAINERS BEFORE MOVING INTERSTATE

Trucks, wagons, cars, boats, and other vehicles and containers which have been used in transporting any article covered by these regulations within the regulated areas shall not thereafter be moved or allowed to be moved interstate until they have been thoroughly swept and cleaned by the carrier at the point of unloading or destination.

#### REGULATION 14—SHIPMENTS BY THE UNITED STATES DEPARTMENT OF AGRICULTURE

Articles subject to restriction in these regulations may be moved interstate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

These revised rules and regulations shall be effective on and after March 1, 1937, and shall supersede the rules and regulations promulgated March 7, 1936.

Done at the city of Washington this 1st day of March, 1937.

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

[SEAL]

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

APPENDIX  
PENALTIES

The Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended, provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds \* \* \* or any other article \* \* \* specified in the notice of quarantine \* \* \* in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine not exceeding \$500, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

*State and Federal Inspection*

Certain of the quarantined States have promulgated or are about to promulgate quarantine regulations restricting intrastate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained by addressing the United States Department of Agriculture, Glenwood Avenue and Henry Street, Bloomfield, N. J.

Subsidiary offices are maintained at the following locations:  
Fourth Floor, Custom House, Boston, Mass.

Connecticut Agricultural Experiment Station, 123 Huntington Street, New Haven, Conn.

Room 838, 641 Washington Street, New York, N. Y.

Room 200, 2507 James Street, Syracuse, N. Y.

P. O. Box 1, Trenton, N. J. or Yardville Road, White Horse, N. J.

Kotler Building, Main and High Streets, Glassboro, N. J.

Frankford Arsenal, Bridge & Tacony Sts., Frankford, Philadelphia, Pa.

Warehouse No. 4, General Depot, United States Army, New Cumberland, Pa.

Room 438-K, New Post Office Building, Pittsburgh, Pa.

Room 210, New Post Office Building, Dover, Del.

Room 306, Post Office Building, Calvert & Fayette Streets, Baltimore, Md.

Room 301, Salisbury Building & Loan Bldg., Main & Division Streets, Salisbury, Md.

Office of County Agent, Court House, Hagerstown, Md.

Room 213, Broad-Grace Arcade Building, Richmond, Va.

Room 217, New Federal Building, Granby Street and Brambleton Ave., Norfolk, Va.

Arrangements may be made for inspection and certification of shipments from the District of Columbia by calling District 6350, Branch 2589, the inspection house of the Bureau of Entomology and Plant Quarantine, Twelfth Street and Constitution Avenue NW., Washington, D. C.

*General Offices of States Cooperating*

Department of Entomology, Agricultural Experiment Station, New Haven, Conn.

Board of Agriculture, Dover, Del.

State horticulturist, Augusta, Maine.

Department of Entomology, University of Maryland, College Park, Md.

Division of Plant Pest Control, Department of Agriculture, Statehouse, Boston, Mass.

Deputy commissioner, Department of Agriculture, Durham, N. H.

Bureau of Plant Industry, Department of Agriculture, Trenton, N. J.

Bureau of Plant Industry, Department of Agriculture and Markets, Albany, N. Y.

Bureau of Plant Industry, Department of Agriculture, Harrisburg, Pa.

Bureau of Entomology, Department of Agriculture, Statehouse, Providence, R. I.

Entomologist, Department of Agriculture, Montpelier, Vt.

Division of Plant Industry, Department of Agriculture and Immigration, Richmond, Va.

State entomologist, Department of Agriculture, Charleston, W. Va.

[F. R. Doc. 37-598; Filed, March 1, 1937; 12:48 p. m.]

FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of February A. D. 1937.

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

[Docket No. 2954]

IN THE MATTER OF CENTRAL PATTERN AND FOUNDRY COMPANY  
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, March 3, 1937, at ten o'clock in the forenoon of that day (central standard time), in room 1123, New Post Office Building, Chicago, Illinois.

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

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 37-594; Filed, February 27, 1937; 10:48 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of February A. D. 1937.

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

[Docket No. 2794]

IN THE MATTER OF CHARLES W. CROMER, DOING BUSINESS UNDER THE NAME AND STYLE OF SHALWIN HOSIERY MILLS  
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

It is ordered that Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, March 2, 1937, at ten o'clock in the forenoon of that day (eastern standard time) in Room 424, 815 Connecticut Avenue, Washington, D. C.

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

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-593; Filed, February 27, 1937; 10:48 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of February A. D. 1937.

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

[Docket No. 2911]

IN THE MATTER OF G. F. PERGANDE AND M. F. PERGANDE, CO-PARTNERS, DOING BUSINESS UNDER THE NAMES AND STYLES OF PERGANDE INSTITUTE, PERGANDE CIVIL SERVICE INSTITUTE, PERGANDE PUBLISHING COMPANY, CIVIL SERVICE INSTITUTE AND PERGANDE CIVIL SERVICE PUBLISHING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Monday, March 8, 1937, at one o'clock in the afternoon of said date, in the court room of the Federal Building, Milwaukee, Wisconsin (central standard time).

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

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 37-595; Filed, March 1, 1937; 10:31 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933

AMENDMENT TO FORM A-1

The Securities and Exchange Commission, finding that any information or documents specified in Schedule A of the Securities Act of 1933, as amended, which are not required to be set forth in Form A-1, as hereby amended, are inapplicable to the class of securities to which such form is appropriate, and that disclosure fully adequate for the protection of investors is otherwise required to be included in the registration statement, and that such information and documents as are required by Form A-1, as hereby

amended, but which are not specified in Schedule A, are necessary and appropriate in the public interest and for the protection of investors, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, hereby amends Item 55 of Form A-1 by striking therefrom Note 1 and the references thereto appearing under the captions "Gross Sales" and "Cost of Goods Sold" in the Profit and Loss Statement, which Note 1 reads as follows:

These items to be shown unless the business of the issuer would be injured thereby, and in which case Instructions 1 and 2 would not apply.

The foregoing amendment shall be effective March 15, 1937.

AMENDMENT TO FORM A-2

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, and finding that any information or documents specified in Schedule A of that Act which Form A-2 and the book of instructions accompanying that form, as hereby amended, do not require to be set forth, are inapplicable to the class of securities to which such form is appropriate, and that disclosure fully adequate for the protection of investors is otherwise required to be included in the registration statement, and that such information or documents as Form A-2 and the accompanying book of instructions, as hereby amended, require to be set forth, but which are not specified in Schedule A, are necessary and appropriate in the public interest or for the protection of investors, hereby amends Form A-2 and the book of instructions accompanying that form, as follows:

In the Instructions as to Financial Statements in the Instruction Book for Form A-2, there is stricken the third paragraph under the heading "Profit and Loss Statement", which paragraph reads as follows:

The information required by 1.A. and 2.A., below, may be omitted from the statements of any person furnished hereunder, where corresponding information in the latest statements of such person filed pursuant to the Securities Exchange Act of 1934, as amended, has been granted confidential treatment by the Commission pursuant to Section 24 of said Act.

The foregoing amendment shall be effective March 15, 1937.

AMENDMENT TO FORM E-1

The Securities and Exchange Commission, finding that any information or documents specified in Schedule A of the Securities Act of 1933, as amended, which are not required to be set forth in Form E-1, as hereby amended, are inapplicable to the class of securities to which such form is appropriate, and that disclosure fully adequate for the protection of investors is otherwise required to be included in the registration statement, and that such information and documents as are required by Form E-1, as hereby amended, but which are not specified in Schedule A, are necessary and appropriate in the public interest and for the protection of investors, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, hereby amends Form E-1 by striking Note 1 to Financial Statement Form No. 2 and the references thereto appearing under the captions "Gross Sales" and "Cost of Goods Sold" in such Financial Statement Form No. 2, which Note 1 reads as follows:

These items to be shown unless the business of the person whose statement is furnished would be injured thereby, in which case Instruction 1 and 2 would not apply. If these items are omitted, there shall be submitted a statement, supplemental to the auditor's report, explaining fully the reasons for such omissions.

The foregoing amendment shall be effective March 15, 1937.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-605; Filed, March 1, 1937; 12:59 p. m.]

## SECURITIES EXCHANGE ACT OF 1934

## AMENDMENT OF RULE NB2

The Securities and Exchange Commission, deeming the transactions described in Rule NB2 as hereinafter amended, to the extent prescribed in said rule as so amended, not to be comprehended within the purpose of sub-section (b) of Section 16 as set forth in such sub-section, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 16 (b) and 23 (a) thereof, hereby amends Rule NB2 by striking out of paragraph (c) of said Rule the words "identical with" and substituting in lieu thereof the words "at least as favorable as."

Paragraph (c) of Rule NB2 as so amended reads as follows:

(c) If the person effecting such transaction is either (1) an officer or director of the issuer, (2) a firm of which such officer or director is a partner, employee, appointee, nominee or representative, or (3) a corporation or other person in respect of which such officer or director is an officer, director, employee, appointee, nominee, representative or beneficial owner, directly or indirectly, of more than 10 per centum of any class of equity security, then other persons who are not specified in clauses (1), (2) or (3), of this paragraph (c) must have participated in the purchase of such security (or other securities of the same issue) with a view to the distribution thereof, on terms at least as favorable as those on which such specified persons have participated and to an extent at least equal to the aggregate participation of all such specified persons.

The foregoing action shall be effective immediately upon publication.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-604; Filed, March 1, 1937; 12:59 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 24th day of February A. D. 1937.

[File No. 2-2847]

IN THE MATTER OF METROPOLITAN PERSONAL LOAN CORPORATION  
ORDER FIXING TIME AND PLACE OF HEARING UNDER SECTION 8 (D)  
OF THE SECURITIES ACT OF 1933, AS AMENDED, AND DESIGNATING  
OFFICER TO TAKE EVIDENCE

It appearing to the Commission that there are reasonable grounds for believing that the registration statement filed by Metropolitan Personal Loan Corporation under the Securities Act of 1933, as amended, includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading.

It is ordered that a hearing be held, pursuant to the provisions of Section 8 (d) of said Act as amended, such hearing to be convened on Thursday, March 11, 1937, at 11 o'clock in the forenoon, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such time and place as the officer hereinafter designated may determine; and

It is further ordered that Charles S. Lobingier, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, 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.

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

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-603; Filed, March 1, 1937; 12:59 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 26th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OIL PAYMENT IN THE USHER CARSON FARM, FILED ON FEBRUARY 6, 1937, BY W. H. VERNOR, 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, which was last set to be heard at 2:00 o'clock in the afternoon of the 26th 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 of the 12th day of March, 1937, at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-599; Filed, March 1, 1937; 12:58 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 26th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE RAY STEPHENS-GRIFFIN FARM, FILED ON JANUARY 21, 1937, BY RAY STEPHENS, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

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

It is ordered, pursuant to Rule 341(d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on February 25, 1937, be effective as of February 25, 1937; and

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

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 37-602; Filed, March 1, 1937; 12:59 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 26th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE RAY STEPHENS-MELTON FARM, FILED ON JANUARY 21, 1937, BY RAY STEPHENS, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

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

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of

1933, as amended, that the amendment received at the office of the Commission on February 25, 1937, be effective as of February 25, 1937; and

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

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 37-600; Filed, March 1, 1937; 12:58 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 26th day of February A. D. 1937.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING ROYALTY INTEREST IN THE OCEANVIEW-ANGLO No. 2 FARM, FILED ON FEBRUARY 19, 1937, BY OCEANVIEW OIL CORPORATION, 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 date upon which the information contained in the offering sheet will expire is not correctly stated in Division I, paragraph 7;

(2) In that the answer given in Division II, Item 19 (b), fails to disclose when and to whom the payments will be made;

(3) In that the statement made in Division II, Item 19 (c), is not believed to be correct and is therefore misleading;

(4) In that "Exhibit A" does not comply with the regulations in the following particular: Legend is not complete;

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 27th 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 Robert P. Reeder, 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 12th day of March 1937, at 10:30 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. 37-601; Filed, March 1, 1937; 12:59 p. m.]