

*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 20th day of July A. D. 1936.

IN THE MATTER OF PARK T. GRIMES, OFFERING SHEET OF ROYALTY INTERESTS IN ROSENTHAL & BEARDMORE DERBY KARST FARM

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

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet filed by Park T. Grimes on the 13th day of July 1936, covering certain royalty interests in the property described therein as the Rosenthal & Beardmore Derby Karst Farm is incomplete or inaccurate in the following material respects, to wit:

1. In the inclusion of the name "Derby" in the farm name.
2. In that the information required by Item 16 of Division II is not given for the specified period.
3. In that Item 19 of Division II is not in the form required to appear in filed sheets.
4. In that Division III was not prepared at the instance of Park T. Grimes.

5. In that the facts given are not sufficient to justify the assumption that the territory between the developed areas is "proven" as shown on the so-called "trend map."

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 the same hereby is, suspended until the 18th day of August 1936; that an opportunity for hearing be given to the said Park T. Grimes 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 should be revoked or continued; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission be, and he hereby is, designated as Trial Examiner to preside at such hearing, to adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to such 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 begin on the 31st day of July 1936, at 9:00 o'clock in the forenoon of that day 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 officer may designate.

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] ORVAL L. DuBOIS, *Acting Secretary.*

[F. R. Doc. 1352—Filed, July 21, 1936; 12:51 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 20th day of July A. D. 1936.

IN THE MATTER OF H. B. SEARS, OFFERING SHEET OF ROYALTY INTERESTS IN BRITISH AMERICAN, McNABB PARK COMMUNITY FARM

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

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet filed by H. B. Sears on the 13th day of July 1936, covering certain royalty interests in the property described therein as the British American, McNabb Park Community Farm is incomplete or inaccurate in the following material respects, to wit:

In that the answers to Item 3 (f) b, d, e, and f, of Division III are unwarranted.

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 the same hereby is, suspended until the 18th day of August 1936; that an opportunity for hearing be given to the said H. B. Sears 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 should be revoked or continued; and

It is further ordered, that Charles S. Moore, an officer of the Commission be, and he hereby is, designated as Trial Examiner to preside at such hearing, to adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to such 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 begin on the 5th day of August 1936, at 11:00 o'clock in the forenoon of that day 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 officer may designate.

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]

ORVAL L. DuBOIS, *Acting Secretary.*

[F. R. Doc. 1373—Filed, July 21, 1936; 12:52 p. m.]

Thursday, July 23, 1936

No. 94

PRESIDENT OF THE UNITED STATES.

CONECUH NATIONAL FOREST—ALABAMA

By the President of the United States of America

A PROCLAMATION

WHEREAS certain forest lands within the State of Alabama have been or may hereafter be acquired by the United States of America under the authority of sections 6 and 7 of the act of March 1, 1911, ch. 186, 36 Stat. 961, as amended (U. S. C., title 16, secs. 515, 516); and

WHEREAS it appears that it would be in the public interest to reserve and designate such lands and certain adjoining public lands within the areas hereinafter designated as the Conecuh National Forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by section 24 of the act of March 3, 1891, ch. 561, 26 Stat. 1095, 1103, as amended (U. S. C.,

title 16, sec. 471), and by section 11 of the said act of March 1, 1911 (U. S. C., title 16, sec. 521), do proclaim that there are hereby reserved and set apart as the Conecuh National Forest all lands of the United States within the following-described areas, and that all lands therein which may hereafter be acquired by the United States under authority of the said act of March 1, 1911, as amended, shall upon their acquisition be reserved and administered as a part of the Conecuh National Forest:

TALLAHASSEE MERIDIAN

- T. 6 N., R. 20 W., sections 19 to 23, inclusive; and those parts of sections 26 to 30, inclusive, lying in Alabama;
T. 6 N., R. 21 W., sections 19 and 20, and those parts of sections 29 and 30 lying in Alabama;
T. 6 N., R. 22 W., sections 19 to 24, inclusive, and those parts of sections 25 to 30, inclusive, lying in Alabama;
T. 6 N., R. 23 W., sections 19 to 24, inclusive, and those parts of sections 25 to 30, inclusive, lying in Alabama;
T. 6 N., R. 24 W., sections 19 to 24, inclusive, and those parts of sections 25 to 30, inclusive, lying in Alabama;
T. 6 N., R. 25 W., those parts of sections 25 to 30, inclusive, lying in Alabama;
T. 6 N., R. 26 W., those parts of sections 25 to 30, inclusive, lying in Alabama;
T. 6 N., R. 27 W., those parts of sections 25 to 30, inclusive, lying in Alabama;
T. 6 N., R. 28 W., that part of section 25 lying in Alabama;

ST. STEPHENS MERIDIAN

- T. 1 N., R. 11 E., section 1 and those parts of sections 2 to 8, inclusive, lying south of Conecuh River and sections 9 to 36, inclusive;
Tps. 1 N., Rs. 12, 13, 14, 15, and 16 E.;
T. 1 N., R. 17 E., sections 1 to 24, inclusive, and sections 29 to 32, inclusive;
T. 1 N., R. 18 E.;
T. 2 N., R. 11 E., those parts of sections 34 to 36, inclusive, lying south and east of Conecuh River;
T. 2 N., R. 12 E., those parts of sections 13, 14, 15, 20, 21, and 22 lying south of Conecuh River, sections 23 to 28, inclusive, those parts of sections 29 to 31, inclusive, lying south of Conecuh River, and sections 32 to 36, inclusive;
T. 2 N., R. 13 E., sections 1 to 4, inclusive, those parts of sections 5, 6, 7 and 18 lying south of Conecuh River, sections 8 to 17, inclusive, and sections 19 to 36, inclusive;
Tps. 2 N., Rs. 14 and 15 E.;
T. 2 N., R. 16 E., sections 1 to 3, inclusive, sections 5 to 8, inclusive, and sections 10 to 36, inclusive;
T. 2 N., R. 17 E., sections 1 to 3, inclusive, sections 5 to 8, inclusive, and sections 10 to 36, inclusive;
T. 2 N., R. 18 E., sections 4 to 9, inclusive, sections 16 to 21, inclusive, and sections 28 to 33, inclusive;
T. 3 N., R. 13 E., those parts of sections 25, 27, 28, 32, 33, 34, 35 and 36 lying south of Conecuh River;
T. 3 N., R. 14 E., those parts of sections 30 and 31 lying south of Conecuh River;
T. 3 N., R. 16 E., sections 25, 26, 35, and 36;
T. 3 N., R. 17 E., E 1/2 section 24, sections 25, 30, and 31, S 1/2 section 32, and sections 35 and 36;
T. 3 N., R. 18 E., sections 19 to 21, inclusive, and sections 28 to 33, inclusive.

The reservation made by this Proclamation shall as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than for classification under Executive Order No. 6964 of February 5, 1935, be subject to, and shall not interfere with or defeat, legal rights under such appropriation, nor prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

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

DONE at the City of Washington this 17th day of July in the year of our Lord nineteen hundred and thirty-six and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State

[No. 2189]

TALLADEGA NATIONAL FOREST—ALABAMA

By the President of the United States of America

A PROCLAMATION

WHEREAS certain forest lands within the State of Alabama have been or may hereafter be acquired by the United States of America under the authority of sections 6 and 7 of the act of March 1, 1911, ch. 186, 36 Stat. 961, as amended (U. S. C., title 16, secs. 515, 516) and

WHEREAS it appears that it would be in the public interest to reserve and designate said lands and certain adjoining public lands as the Talladega National Forest:

NOW THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the authority vested in me by section 24 of the act of March 3, 1891, ch. 561, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, sec. 471), and section 11 of the said act of March 1, 1911 (U. S. C., title 16, sec. 521), do proclaim that there are hereby reserved and set apart as the Talladega National Forest all lands of the United States within the following-described areas, and that all lands therein which may hereafter be acquired by the United States under authority of the said act of March 1, 1911, as amended, shall upon their acquisition be reserved and administered as a part of the Talladega National Forest:

TALLADEGA DIVISION

Huntsville Meridian

- T. 13 S., R. 9 E., S 1/2 section 13, S 1/2 section 22, sections 23 to 27, inclusive, and sections 34 to 36, inclusive;
T. 13 S., R. 10 E., sections 13 to 15, inclusive, S 1/2 sections 16 to 18, inclusive, and sections 19 to 36, inclusive;
T. 13 S., R. 11 E., sections 1, 2, 11 to 14, inclusive, and sections 19 to 36, inclusive;
T. 13 S., R. 12 E., sections 5 to 8, inclusive, sections 17 to 20, inclusive, sections 29 to 32, inclusive, and fractional sections 4, 9, 16, 21, 28, 33, and 34;
T. 14 S., R. 9 E., sections 1 to 5, inclusive, sections 8 to 17, inclusive, section 20, E 1/2 section 25, and section 36;
T. 14 S., R. 11 E., sections 1 to 24, inclusive, and sections 30 and 31;
T. 14 S., R. 12 E., sections 4 to 9, inclusive, sections 16 to 21, inclusive, and fractional sections 3, 10, 15, and 22;
T. 15 S., R. 9 E., sections 1, 12, 13, 24, 25, and 36;
T. 15 S., R. 10 E.;
T. 15 S., R. 11 E., sections 6, 7, 18, 19, 30, and 31;
T. 16 S., R. 9 E., sections 1, 12, and 13, S 1/2 S 1/2 sections 20 and 21, sections 22 to 29, inclusive, S 1/2 S 1/2 section 30, and sections 31 to 36, inclusive;
T. 16 S., R. 10 E., sections 5 to 8, inclusive, sections 17 to 20, inclusive, and sections 29 to 32, inclusive;
T. 17 S., R. 7 E., sections 13 and 14, E 1/2 section 21, sections 22 to 27, inclusive, E 1/2 section 28, that part of section 31 lying east of the Louisville and Nashville Railroad, and sections 32 to 36, inclusive;
T. 17 S., R. 8 E., S 1/2 and S 1/2 N 1/2 section 1, and sections 10 to 36, inclusive;
T. 17 S., R. 9 E.;
T. 18 S., R. 6 E., those parts of sections 1, 12, 13, 24, 25, 34, 35 and 36 lying east and south of the Louisville and Nashville Railroad;
T. 18 S., R. 7 E.;
T. 18 S., R. 8 E., sections 1 and 2, N 1/2 SW 1/4 and N 1/2 SE 1/4 section 5, sections 6 and 7, NW 1/4 and N 1/2 SW 1/4 section 9, E 1/2 section 10, sections 11 to 15, inclusive, SW 1/4 NW 1/4, NW 1/4 SW 1/4 and S 1/2 SW 1/4 section 17, sections 18 and 19, W 1/2 and S 1/2 SE 1/4 section 20, NE 1/4, E 1/2 NW 1/4 and S 1/2 section 21, and sections 22 to 36, inclusive;
T. 18 S., R. 9 E., sections 4 to 8, inclusive, N 1/2 section 17, and section 18;
T. 19 S., R. 5 E., section 13, SE 1/4 section 14, SE 1/4 section 22, sections 23 to 27, inclusive, S 1/2 section 28, and sections 33 to 36, inclusive;
T. 19 S., R. 6 E., sections 1 to 3, inclusive, S 1/2 sections 7 and 8 and sections 9 to 36, inclusive;
T. 19 S., R. 7 E.;
T. 19 S., R. 8 E., sections 4 to 9, inclusive, sections 16 to 21, inclusive, and sections 28 to 33, inclusive;
T. 20 S., R. 4 E., sections 24, 35, and 36, and those parts of sections 12, 13, 14, 22, 23, 26, 27 and 35 lying east of the Louisville and Nashville Railroad;
T. 20 S., R. 5 E., sections 1 to 4, inclusive, E 1/2 section 5, that part of section 7 lying southeast of the Louisville and Nashville Railroad, and sections 8 to 36, inclusive;
T. 20 S., R. 6 E.;
T. 20 S., R. 7 E., sections 4 to 9, inclusive, sections 16 to 21, inclusive, and sections 28 to 33, inclusive;
T. 21 S., R. 4 E., sections 1, 12, 13, sections 22 to 28, inclusive, sections 34 to 36, inclusive, those parts of sections 2, 11, 14, 15 and 21 lying southeast of the Louisville and Nashville Railroad, and that part of section 33 lying east of the Central of Georgia Railroad;

- T. 21 S., R. 5 E.;
- T. 21 S., R. 6 E., sections 1 to 9, inclusive, sections 18 to 21, inclusive, and sections 28 to 33, inclusive;
- T. 21 S., R. 7 E., sections 4 to 6, inclusive;
- T. 22 S., R. 4 E., sections 1 to 3, inclusive, and those parts of sections 4, 9, 10, 11 and 12 lying east and north of the Central of Georgia Railroad;
- T. 22 S., R. 5 E., sections 1 to 10, inclusive;
- T. 22 S., R. 6 E., sections 4 to 6, inclusive, E½ section 8, and section 9.

OAKMULGEE DIVISION

St. Stephens Meridian

- T. 19 N., R. 9 E., sections 1 to 3 inclusive, sections 10 to 15, inclusive, sections 22 to 27, inclusive, and sections 34 to 36, inclusive;
- T. 19 N., R. 10 E.;
- T. 20 N., R. 8 E., sections 1, 2, 12, 13, and those parts of sections 3, 10, 11 and 14 lying east of Cahaba River;
- T. 20 N., R. 9 E., sections 1 to 18, inclusive, sections 22 to 27, inclusive and sections 34 to 36, inclusive;
- T. 20 N., R. 10 E.;
- T. 20 N., R. 11 E., sections 1 to 21, inclusive, and sections 28 to 33, inclusive;
- T. 21 N., R. 8 E., sections 13, 23, 24, 25, 26, 35 and 36 and those parts of sections 11, 12, 14, 15, 21, 22, 27, 28, and 34 lying east of Cahaba River;
- T. 21 N., R. 9 E., sections 1 to 4, inclusive, and those parts of sections 5, 6 and 7 lying east of Cahaba River and sections 8 to 36, inclusive;
- Tps. 21 N., Rs. 10 and 11 E.;
- T. 21 N., R. 12 E., sections 5 to 8, inclusive, sections 17 to 19, inclusive, N½ and SW¼ section 20, W½ section 29, sections 30 and 31, and W½ section 32;
- T. 22 N., R. 9 E., section 13 and sections 23 to 27, inclusive, sections 33 to 36, inclusive, and those parts of sections 14, 15, 21, 22, 28, 29, 31 and 32 lying east of Cahaba River;
- T. 22 N., R. 10 E., sections 1 to 5, inclusive, and sections 8 to 36, inclusive;
- T. 22 N., R. 11 E.;
- T. 22 N., R. 12 E., sections 5 to 8, inclusive, sections 17 to 20, inclusive, and sections 29 to 32, inclusive;
- T. 23 N., R. 10 E., sections 1 to 3, inclusive, sections 10 to 15, inclusive, sections 22 to 27, inclusive, and sections 34 to 36, inclusive;
- T. 23 N., R. 11 E.;
- T. 23 N., R. 12 E., sections 5 to 8, inclusive, sections 17 to 20, inclusive, and sections 29 to 32, inclusive.

The reservation made by this Proclamation shall as to all lands which are at this date legally appropriated under the public land laws or reserved for any public purpose other than for classification under Executive Order No. 6964 of February 5, 1935, be subject to, and shall not interfere with or defeat, legal rights under such appropriation, nor prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

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

DONE at the City of Washington this 17th day of July, in the year of our Lord nineteen hundred and [SEAL] thirty-six and of the independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No 2190]

[F. E. Doc. 1378—Filed, July 22, 1936; 11:20 a. m.]

TREASURY DEPARTMENT.

Bureau of Internal Revenue

[T. D. 4667]

CAPITAL STOCK TAX

REGULATIONS 64 (1936 EDITION) AMENDED TO ACCORD WITH PROVISIONS OF THE REVENUE ACT OF 1936

To Collectors of Internal Revenue and Others Concerned:

Section 105 of the Revenue Act of 1935, relating to the capital stock tax, has been amended by section 401 of the Revenue Act of 1936, as follows:

Sec. 401.

(a) Section 105 of the Revenue Act of 1935 is amended by striking out "§1.40" wherever appearing therein and inserting in lieu thereof "§1."

(b) Subsection (c) of such section is amended by striking out "1934" and inserting in lieu thereof "1936", and by striking out "as amended" wherever appearing in such subsection.

(c) Subsection (f) (4) of such section is amended to read as follows: "(4) the excess of its income wholly exempt from the taxes imposed by the applicable income-tax law over the amount disallowed as a deduction by section 24 (a) (5) of the Revenue Act of 1934 or a corresponding provision of a later Revenue Act, and".

Corresponding changes are hereby made in the following quotations from the Revenue Act of 1935 in Regulations 64 (1936 Edition), approved May 6, 1936:

1. Section 105 (a) and (f) appearing before article 41.
2. Section 105 (b) appearing before article 61.
3. Section 105 (c) appearing before article 71.

By virtue of the amendment provided for in section 401 (b) of the Revenue Act of 1936, only those organizations enumerated in section 101 of the Revenue Act of 1936, and those insurance companies subject to income tax imposed by sections 201, 204, or 207 of the Revenue Act of 1936, are exempt from the capital stock tax under section 105 (c) of the Revenue Act of 1935. Accordingly, the changes set forth hereunder are made with respect to the quotations of the provisions of law governing the exemptions from the capital stock tax so provided:

4. The subheading immediately after the quotation of section 105 (c) of the Revenue Act of 1935, appearing in Chapter VII, is changed to read as follows: "Section 101 of the Revenue Act of 1936."

5. Sections 101 of the Revenue Act of 1934 and of the Revenue Act of 1936 are identical except for the addition of subsection (18) in the Revenue Act of 1936, which provides an additional class of exempt organizations. The following quotation of subsection (18) is inserted after the quotation of subsection (17) in Chapter VII:

(18) Religious or apostolic associations or corporations, if such associations or corporations have a common treasury or community treasury, even if such associations or corporations engage in business for the common benefit of the members, but only if the members thereof include (at the time of filing their returns) in their gross income their entire pro-rata shares, whether distributed or not, of the net income of the association or corporation for such year. Any amount so included in the gross income of a member shall be treated as a dividend received.

6. Immediately after the insertion provided for in the preceding paragraph 5, a new subheading is inserted as follows: "Sections 201 (a) and (b) (3), 204 (a) (1) and (3), and 207 (a) of the Revenue Act of 1936."

7. The provisions of subsection (a) of section 201 of the Revenue Act of 1936 are identical with those of subsection (a) of section 201 of the Revenue Act of 1934. However, section 201 of the Revenue Act of 1936 contains in subsection (b) a new paragraph numbered "(3)" affecting the exemption of insurance companies from the capital stock tax. Accordingly, immediately after the quotation of subsection (a) of section 201, appearing in Chapter VII, the following quotation from subsection (b) is inserted:

(b) Imposition of Tax.—

(3) No United States Insurance Business.—Foreign life insurance companies not carrying on an insurance business within the United States and holding no reserve funds upon business transacted within the United States, shall not be taxable under this section but shall be taxable as other foreign corporations.

8. The quotation, in part, of subsection (a) of section 204 of the Revenue Act of 1934, appearing in Chapter VII, is deleted and the following quotation of subdivisions (1) and (3) of subsection (a) of section 204 of the Revenue Act of 1936 is inserted in lieu thereof:

Sec. 204.

(a) Imposition of Tax.—

(1) In General.—In lieu of the tax imposed by sections 13 and 14, there shall be levied, collected, and paid for each taxable year upon the normal-tax net income of every insurance com-

*1 F. E. 350.

pany (other than a life or mutual insurance company) a tax of 15 per centum of the amount thereof.

(3) *No United States Insurance Business.*—Foreign insurance companies not carrying on an insurance business within the United States shall not be taxable under this section but shall be taxable as other foreign corporations.

9. The quotation of subsection (a) of section 207 of the Revenue Act of 1934, appearing in Chapter VII, is deleted and the following quotation, in part, of subsection (a) of section 207 of the Revenue Act of 1936 is inserted in lieu thereof:

Sec. 207.

(a) *Application of Title.*—Mutual insurance companies, other than life insurance companies, shall be taxable in the same manner as other corporations, except as hereinafter provided in this section. . . .; but foreign insurance companies not carrying on an insurance business within the United States shall be taxable as other foreign corporations.

Pursuant to the foregoing provisions and other provisions of Internal Revenue laws, Regulations 64 (1936 Edition), approved May 6, 1936, are hereby amended, as follows:

10. Article 33, first sentence of the first paragraph: "1934" is changed to "1936."

11. Article 41, fourth sentence: "\$1.40" is changed to "\$1."

12. Article 44, paragraph (a): the period at the end of this paragraph is changed to a comma and the following phrase is added immediately thereafter: "as amended by section 402 of the Revenue Act of 1936."

13. Article 45, subdivision (b) (4) is changed to read as follows:

(4) The entire amount of the corporate income wholly exempt from the tax imposed by Title I of the Revenue Act of 1934 (or a corresponding title of a later Revenue Act) less the amount disallowed as a deduction by section 24 (a) (5) of the Revenue Act of 1934 (or a corresponding section of the later Revenue Act). In computing this addition all income of whatever nature and whatever source, which though not specified as exempt from income tax by the provisions of the applicable Revenue Act is nevertheless wholly exempt from the tax imposed thereunder, must be included. For example, the income from leases of State school lands must be included.

14. Article 61, second sentence: "\$1.40" is changed to "\$1."

15. Article 71, first sentence of the first paragraph and third sentence of the second paragraph: "1934" is changed to "1936."

16. Article 72, first sentence of the first paragraph: "1934" is changed to "1936."

This document is promulgated under the authority contained in section 1101 of the Revenue Act of 1926.

[SEAL] GUY T. HELVERING, Commissioner of Internal Revenue.

Approved, July 18, 1936.

WAYNE C. TAYLOR, Acting Secretary of the Treasury.

[F. R. Doc. 1374—Filed, July 21, 1936; 3:53 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[Docket Nos. A-23-1, C-23-1]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE KANSAS CITY, MISSOURI, MARKETING AREA

Whereas, the Secretary of Agriculture, after due notice, caused a public hearing to be held in Kansas City, Missouri, on May 6, 1936, in connection with a proposed marketing agreement and a proposed order regulating the handling of milk in the Kansas City, Missouri, Marketing Area which marketing agreement and order embodied, in similar terms, a plan for the regulation of such handling of milk in the Kansas City, Missouri, Marketing Area as is in the current of interstate commerce or which directly burdens, obstructs,

or affects interstate commerce in such milk, and the hearing was adjourned subject to being reopened by the Secretary of Agriculture. Among other things, the proposed marketing agreement and order provided for: (a) selection of a market administrator; (b) classification of milk; (c) minimum prices; (d) payments to handlers through a market wide equalization pool and a base rating scheme; (e) reports of handlers; (f) deductions from payments to producers for marketing services by the market administrator; (g) expense of administration; (h) assurance of, and security for, payments to producers; and

Whereas, the Secretary of Agriculture, having reason to believe that drought and other factors affecting the handling of milk in said marketing area make necessary and advisable the reopening of said public hearing for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain, has determined to reopen said hearing;

Now, therefore, pursuant to the Agricultural Adjustment Act, as amended, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, notice is hereby given of the reopening of said hearing on a proposed marketing agreement and a proposed order regulating the handling of milk in the Kansas City, Missouri, Marketing Area. Said reopened hearing will be held in the office of the Market Administrator, 220 Railway Exchange Building, Kansas City, Missouri, on July 27, 1936, at 9:30 a. m. It is hereby declared that an emergency exists in the handling of milk in the aforesaid area, and it is hereby determined that the period of notice of the reopening of said hearing hereby given is reasonable under the circumstances.

This reopened public hearing is for the purpose of receiving additional evidence as to the general economic conditions now existing in said marketing area which may necessitate regulation in order to effectuate the declared policy of the act, and as to the specific provisions which a marketing agreement and order should contain.

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

[SEAL] W. R. GREGG, Acting Secretary of Agriculture.

Dated: July 22, 1936.

[F. R. Doc. 1383—Filed, July 22, 1936; 12:14 p. m.]

[Docket Nos. A-23-1, C-23-1]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE DUBUQUE, IOWA, MARKETING AREA

Whereas, the Secretary of Agriculture after due notice caused a public hearing to be held in Dubuque, Iowa, on July 2, 1936, in connection with a proposed marketing agreement and a proposed order regulating the handling of milk in the Dubuque, Iowa, Marketing Area, which marketing agreement and order embodied, in similar terms, a plan for the regulation of such handling of milk in the Dubuque, Iowa, Marketing Area as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in such milk and the public hearing was adjourned subject to being reopened by the Secretary of Agriculture. Among other things, the proposed marketing agreement and order provided for: (a) selection of a market administrator; (b) classification of milk; (c) minimum prices; (d) payments to producers through the use of individual handler pools; (e) reports of handlers; (f) expense of administration; and

Whereas, the Secretary of Agriculture, having reason to believe that drought and other factors affecting the handling of milk in said marketing area make necessary and advisable

the reopening of said public hearing for the purpose of receiving additional evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain, has determined to reopen said hearing;

Now, therefore, pursuant to the Agricultural Adjustment Act, as amended, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, notice is hereby given of the reopening of said hearing on a proposed marketing agreement and a proposed order regulating the handling of milk in the Dubuque, Iowa, Marketing Area. Said reopened hearing will be held in the office of the Market Administrator, 331 Federal Building, Dubuque, Iowa, on July 28, 1936, at 9:30 a. m. It is hereby declared that an emergency exists in the handling of milk in the aforesaid area and it is hereby determined that the period of notice of the reopening of said hearing hereby given is reasonable under the circumstances.

This reopened public hearing is for the purpose of receiving additional evidence as to the general economic conditions now existing in said marketing area which may necessitate regulation in order to effectuate the declared policy of the act, and as to the specific provisions which a marketing agreement and order should contain.

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

[SEAL] W. R. GREGG,
Acting Secretary of Agriculture.

Dated: July 22, 1936.

[F. R. Doc. 1384—Filed, July 22, 1936; 12:15 p. m.]

SR—B-1, Revised—Supplement (d) Revised

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 1, REVISED—SUPPLEMENT (D) REVISED

The term "soil-conserving crops" wherever it appears in Southern Region Bulletin No. 1, Revised, shall be deemed to include cropland upon which an approved soil-building practice is carried out in 1936 and from which no soil-depleting crop is harvested in 1936.

In testimony whereof, W. R. Gregg, Acting 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 21st day of July 1936.

[SEAL] W. R. GREGG,
Acting Secretary of Agriculture.

[F. R. Doc. 1381—Filed, July 22, 1936; 12:13 p. m.]

SR—B-1, Revised—Supplement (o)

1936 AGRICULTURAL CONSERVATION PROGRAM—SOUTHERN REGION

BULLETIN NO. 1, REVISED—SUPPLEMENT (O)

Subsection (d) of section 3 of part V of Southern Region Bulletin No. 1, Revised, is hereby amended by striking out the last sentence and substituting in lieu thereof the following:

The soil-conserving payment for any farm on which the acreage allotment of sugarcane for sugar is greater than each of the soil-depleting bases (for crops other than sugarcane for sugar) with respect to which a soil-conserving payment is made, shall be divided among the producers who are parties to the lease or operating agreement in the proportion that such producers are entitled to share in 1936 in those soil-depleting crops or the proceeds thereof with respect to which a soil-conserving payment is made.

In witness whereof, W. R. Gregg, Acting 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 21st day of July 1936.

[SEAL] W. R. GREGG,
Acting Secretary of Agriculture.

[F. R. Doc. 1380—Filed, July 22, 1936; 12:12 p. m.]

Bureau of Agricultural Economics.

[Amendment No. 3 to Service and Regulatory Announcements No. 143]

AMENDMENT TO RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE FOR CARRYING OUT THE PROVISIONS OF THE EXPORT APPLE AND PEAR ACT

By virtue of the authority vested in the Secretary of Agriculture by an "Act to promote the foreign trade of the United States in apples and/or pears, to protect the reputation of American-grown apples and pears in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes," approved June 10, 1933 (43 Stat. 123), entitled the "Export Apple and Pear Act," I, W. R. Gregg, do make, prescribe, and give public notice of the amendment as herein set forth to the general rules and regulations of the Secretary of Agriculture which were issued and effective under said Act on the 1st day of September, 1933.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 22d day of July 1936.

[SEAL] W. R. GREGG,
Acting Secretary of Agriculture.

Approved:

MASTIN G. WHITE,
Solicitor.

Effective on and after the 22d day of July 1936 amend Regulation 7 to read:

A certificate issued under this act and these regulations does not excuse any person for failure to comply with all regulatory laws or requirements applicable to the products shipped. No certificate shall be issued under this act and these regulations except upon a showing satisfactory to the Chief of the Bureau of Agricultural Economics that the apples and/or pears comply with the tolerances for arsenical and lead spray residues established by the Department of Agriculture.

[F. R. Doc. 1382—Filed, July 22, 1936; 12:13 p. m.]

DEPARTMENT OF LABOR.

Immigration and Naturalization Service.

[General Order No. 234]

AMENDMENT OF PARAGRAPHS 2 AND 3, SUBDIVISION A, RULE 6 OF THE IMMIGRATION RULES OF JANUARY 1, 1930, AS AMENDED, TRANSIT ALIENS

JULY 21, 1936.

By virtue of and pursuant to the authority conferred by Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; U. S. C., Ti. 8, Sec. 102), Section 24 of the Immigration Act of 1924 (Act of May 26, 1924, 43 Stat. 166; U. S. C., Ti. 8, Sec. 222), and Executive Order No. 6166, dated June 10, 1933, paragraphs 2 and 3, Subdivision A, Rule 6 of the Immigration Rules of January 1, 1930, as amended, are amended to read as follows:

PAR. 2. Any alien arriving at a port of the United States, claiming to be destined to some foreign country and seeking permission to pass in transit through the United States to reach such

alleged foreign destination, may, in the discretion of the Secretary of Labor or the officer in charge, be temporarily admitted for a reasonable time, not exceeding 60 days, for the purpose of such transit when the Secretary of Labor or the officer in charge is satisfied (1) that the alien is a nonimmigrant within the meaning of subdivision 3 of section 3 of the Immigration Act of 1924; (2) that a bona fide transit only is intended; and (3) that the alien does not seek such transit privilege for the purpose of evading or violating any provision of the immigration laws.

PAR. 3. The Secretary of Labor or the officer in charge may (1) require that the alien shall be accompanied while in transit by a sufficient number of immigration officers and guards or attendants as will insure his passage through and out of the United States without unnecessary delay, and (2) exact a bond in a sum not less than \$500 conditioned that the alien shall by continuous transit pass through and out of the United States within a reasonable time, not exceeding 60 days, thereafter.

[SEAL] D. W. MACCORMACK,
Commissioner of Immigration and Naturalization.

Approved:

CHARLES O. GREGORY,
Acting Secretary.

[F. R. Doc. 1379—Filed, July 22, 1936; 11:51 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Docket No. 4844]

EXPORT BILL OF LADING IN THE MATTER OF BILLS OF LADING
JULY 22, 1936.

Further hearing in the above-entitled proceeding now assigned for August 10, 1936, at Washington, D. C., before Examiner Copenhafer, is postponed to a date to be hereafter fixed.

By the Commission.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 1375—Filed, July 22, 1936; 10:24 a. m.]

[Fourth Section Application No. 16434].

FOREST PRODUCTS FROM MONTANA TO MINNESOTA, NORTH
DAKOTA, AND SOUTH DAKOTA

JULY 22, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4, (D) of the Interstate Commerce Act,

Filed by: Great Northern Railway Company, Northern Pacific Railway Company, and Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

Commodity involved: Forest products.

From: Points in Montana.

To: Points in Minnesota, North Dakota, and South Dakota.

Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 1376—Filed, July 22, 1936; 10:24 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities
and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of July A. D. 1936.

*1 F. R. 770.

[File No. 32-27]

IN THE MATTER OF NEW HAMPSHIRE POWER COMPANY AND
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

ORDER FIXING DATE FOR DECLARATIONS TO BECOME EFFECTIVE

New Hampshire Power Company and Public Service Company of New Hampshire, subsidiaries of New England Public Service Company, a registered holding company, having filed declarations with the Commission, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by New Hampshire Power Company of a promissory note or notes in the aggregate not to exceed \$650,000 and regarding the indorsement by Public Service Company of New Hampshire of the aforesaid note or notes;

Notice and opportunity for hearing on said declaration having been given; said declarations having been amended; the record in this matter having been examined; and the Commission having made and filed its Findings herein;

It is ordered, that said declarations, as amended, be and become effective on July 21, 1936, on condition, however, that said issue and sale shall be made in all respects in compliance with the terms and conditions set forth in the order of the New Hampshire Public Service Commission, dated July 9, 1936, authorizing such issue and sale;

It is further ordered, that if said authorization by the New Hampshire Public Service Commission as to said notes shall be revoked or shall otherwise terminate, the effectiveness of these declarations shall immediately terminate without further order of this Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, Acting Secretary.

[F. R. Doc. 1385—Filed, July 22, 1936; 12:52 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 21st day of July A. D. 1936.

IN THE MATTER OF W. E. HOUSEL, OFFERING SHEET OF WORKING INTERESTS IN W. H. BARRETT FARM.

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

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet filed by W. E. Housel on the 16th day of July 1936, covering certain working interests in the property described therein as W. H. Barrett Farm, is incomplete, or inaccurate in the following material respects, to wit:

1. In that names have been omitted from the answers to Division II, Items 14 (a) (b) (c)
2. In that Division II, Item 16, has failed to represent that a well was proposed to be drilled.

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 the same hereby is, suspended until the 19th day of August 1936; that an opportunity for hearing be given to the said W. E. Housel 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 should be revoked or continued; and

It is further ordered, that Charles S. Lobingier, an officer of the Commission be, and he hereby is, designated as Trial Examiner to preside at such hearing, to adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to such 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 begin on the 6th day of August 1936, at 11:00 o'clock in the forenoon of that day 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 officer may designate.

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]

ORVAL L. DuBOIS, *Acting Secretary.*

[F. R. Doc. 1386—Filed, July 22, 1936; 12:52 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 21st day of July A. D. 1936.

IN THE MATTER OF JAMES W. TAIT COMPANY, INC., OFFERING SHEET OF ROYALTY INTERESTS IN SLICK-URSCHEL STANOLIND LEASE

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

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet filed by James W. Tait Company, Inc., on the 14th day of July 1936 covering certain royalty interests in the property described therein as the Slick-Urschel Stanolind Lease, is incomplete or inaccurate in the following material respects, to wit:

1. In that Division III, Item 3, uses the "porosity-saturation" method for estimation of recoverable oil under the circumstances recited therein.

2. In the calculation of recoverable oil, Division III omits to give consideration to the volumetric shrinkage due to the liberation of gas in solution and to reduction of pressure and temperature from reservoir to atmospheric.

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 the same hereby is, suspended until the 19th day of August 1936; that an opportunity for hearing be given to the said James W. Tait Company, Inc., 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 should be revoked or continued; and

It is further ordered, that Charles S. Moore, an officer of the Commission, be, and he hereby is, designated as Trial Examiner to preside at such hearing, to adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to such 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 begin on the 6th day of August 1936, at 10:00 o'clock in the forenoon of that day 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 officer may designate.

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]

ORVAL L. DuBOIS, *Acting Secretary.*

[F. R. Doc. 1387—Filed, July 22, 1936; 12:53 p. m.]

Friday, July 24, 1936

No. 95

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

AUTHORIZING THE ACQUISITION OF LAND NEAR YORKTOWN, VIRGINIA, FOR EMERGENCY CONSERVATION WORK

WHEREAS various lands owned by the United States constituting the Colonial National Historical Park in the State of Virginia lack adequate protection from insect infestation, fire, floods, and soil erosion by reason of the present condition of privately owned lands within the said park; and

WHEREAS the acquisition by the United States of such privately owned lands will permit work and improvements thereon that will provide for the said public lands disease control and protection from fires, floods and soil erosion, and will aid in the restoration of the country's depleted natural resources; and

WHEREAS the acquisition of the said lands is required by the United States to conduct Emergency Conservation Work activities thereon, such as moving and planting of trees, fire break maintenance, fire pre-suppression, flood control, seeding and sodding, construction of trails and buildings, restoration of historical earthworks, etc.; and

WHEREAS the acquisition of such lands will provide employment for citizens of the United States who are unemployed;

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the act of March 31, 1933 (ch. 17, 48 Stat. 22), as extended by the Emergency Relief Appropriation Act of 1935 (49 Stat. 115), the acquisition of a parcel of land known as the Yorktown Hotel property, consisting of approximately 237.95 acres, located within the boundaries of the said Colonial National Historical Park, is hereby authorized; and by virtue of and pursuant to the authority vested in me by the Fourth Deficiency Act, fiscal year 1933 (48 Stat. 274, 275), and the said Emergency Relief Appropriation Act of 1935, the sum of \$183,000 is hereby allocated for the acquisition, in fee simple, of the said lands (including \$500 for expenses incident to acquisition) from funds appropriated or made available by the said Emergency Relief Appropriation Act of 1935.

The sum herein allocated for the acquisition of the said lands shall be transferred from the appropriation made by said Act to the Director, Emergency Conservation Work, for immediate transfer to the Department of the Interior, subject to requisition by the Director of the National Park Service, Department of the Interior, for the acquisition of the said lands, and may be expended under the direction of the Secretary of the Interior or by the Director of the National Park Service or by such other agency or agencies as the Secretary of the Interior may designate.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
July 20, 1936

[No. 7418]

[F. R. Doc. 1391—Filed, July 22, 1936; 3:41 p. m.]

TREASURY DEPARTMENT.

Federal Alcohol Administration.

[Regulations No. 5—Amendment No. 3]

LABELING AND ADVERTISING OF DISTILLED SPIRITS

Pursuant to the provisions of Section 5 (e) and (f) of the Federal Alcohol Administration Act, approved August 29, 1935, Regulations No. 5, Relating to Labeling and Adver-

