

INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 6th day of May A. D. 1936.

[Docket No. BMC-F-35]

IN THE MATTER OF THE APPLICATION OF H. E. ENGLISH, D/B/A RED BALL MOTOR FREIGHT LINES, FOR AUTHORITY, UNDER SECTION 213, MOTOR CARRIER ACT, 1935, TO PURCHASE (A) PART OF PROPERTIES AND CERTIFICATE OF YELLOW CAB TRANSIT COMPANY, AND (B) CAPITAL STOCK OF MOTORWAY FREIGHT LINES, INC.

It appearing, That the above entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935 to refer to an examiner;

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner John S. Higgins, for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner John S. Higgins, at 9 o'clock, a. m. (standard time), May 21, 1936, at the Baker Hotel, Dallas, Tex.,

And it is further ordered, That notice of this proceeding be duly given.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 622—Filed, May 8, 1936; 3:26 p. 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 11th day of May A. D. 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, William O. Douglas.

[File No. 32-18]

IN THE MATTER OF THE APPLICATION OF THE NARRAGANSETT ELECTRIC COMPANY

NOTICE AND ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, having been filed with this Commission by The Narragansett Electric Company to exempt from the provisions of Section 6 (a) the issue and sale of the following securities:

\$34,000,000 principal amount of three-year notes bearing interest at not more than 3% per annum to be issued to certain banks.

The funds from said notes to be used for redemption of outstanding bonds of the applicant in the amount of \$33,155,500 exclusive of bonds held in the treasury.

It is ordered that the matter be set down for hearing on the 28th day of May 1936, at 10 o'clock A. M., at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and

It is further ordered that Charles S. Moore, an officer of the Commission, be, and he hereby is, designated to preside at such hearing and is authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, 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 any interested state, state commission, state securities commission, municipality, or other

political subdivision of a state, or any representative of interested consumers or security holders, or any other person, desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission. It is requested that all such notices shall be delivered to the Commission by mail or telegraph not later than May 23, 1936.

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

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 634—Filed, May 11, 1936; 12:32 p. m.]

Wednesday, May 13, 1936

No. 43

PRESIDENT OF THE UNITED STATES.

APPLICATION OF DUTIES PROCLAIMED IN CONNECTION WITH CERTAIN TRADE AGREEMENTS

THE WHITE HOUSE,
Washington, May 7, 1936.

The Honorable HENRY MORGENTHAU, Junior,
Secretary of the Treasury.

MY DEAR MR. SECRETARY: With reference to my letter addressed to you on February 1, 1936,¹ as modified by my letter of March 20, 1936,² concerning the application of duties proclaimed in connection with the trade agreements with Honduras, Switzerland, the Netherlands, Canada, Brazil, Sweden, Haiti and the Belgo-Luxemburg Economic Union, and with reference also to my letter addressed to you on April 20, 1936, concerning the application of duties proclaimed in connection with the trade agreement with Colombia, I hereby direct that the aforesaid duties shall be applied or shall continue to be applied from their effective dates to products of France (including Algeria) and its assimilated colonies, namely, Indochina, Madagascar, Réunion, Guadeloupe, Martinique, and Guiana, after May 15, 1936.

The above-mentioned letters of February 1 and April 20 are modified accordingly, and you will please cause notice of these modifications to be published in an early issue of the weekly *Treasury Decisions*.

Very sincerely yours,

FRANKLIN D ROOSEVELT

[F. R. Doc. 639—Filed, May 11, 1936; 1:33 p. m.]

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48293]

CUSTOMS REGULATIONS AMENDED

ARTICLES 590, 591, AND 592 OF THE CUSTOMS REGULATIONS OF 1931 RELATIVE TO THE RELEASE OF VIRUSES, SERUMS, TOXINS, ANTITOXINS, AND ANALOGOUS PRODUCTS FOR THE TREATMENT OF THE DISEASES OF MAN, AMENDED

To Collectors of Customs and Others Concerned:

Pursuant to the Act of July 1, 1902 (U. S. C., title 42, Sections 141-148), relating to the importation of viruses, serums, toxins, antitoxins, and analogous products for the treatment of diseases of man, Articles 590, 591, and 592 of the Customs Regulations of 1931, are amended as follows:

The title immediately preceding Article 590 is amended to read as follows:

¹1 F. R. 51.

²1 F. R. 289.

VIRUSES, SERUMS, TOXINS, ANTITOXINS, AND ANALOGOUS PRODUCTS FOR THE TREATMENT OF MAN

Article 590 is amended to read as follows:

ART. 590. *Licensed establishment.*—(a) Viruses, serums, toxins, antitoxins, and analogous products for the treatment of the diseases of man are prohibited entry for sale, barter, or exchange unless propagated in an establishment holding an unsuspended and unrevoked license.

(b) A list of the establishments holding licenses, the number of the license, and the names of the several products produced are published periodically in the Treasury Decisions.

Article 591 is amended to read as follows:

ART. 591. *Labels—Samples.*—Each package of such products imported for sale, barter, or exchange must be labeled or plainly marked with the name of the article, the name, address, and license number of the manufacturer, and the time beyond which the contents can not be expected to yield their specific results. Samples of the same lot or laboratory number must accompany each importation for sale, barter, or exchange, and such samples will be forwarded by the collectors to the National Institute of Health of the United States Public Health Service at Washington, D. C.

Article 592 is amended to read as follows:

ART. 592. *Detention, examination, disposition.*—(a) Collectors of customs will detain all importations of viruses, serums, toxins, antitoxins, and analogous products for the treatment of the diseases of man pending examination by the National Institute of Health unless satisfied from evidence furnished at the time of entry, in the form of an affidavit or otherwise, that the products are not intended for sale, barter, or exchange.

(b) If the shipment is imported for sale, barter, or exchange, and is found by the National Institute of Health to be admissible, the collector will release the same upon receipt of a report from the Public Health Service that the article is admissible.

(c) If the Public Health Service reports that the articles were found upon examination not to conform to the law and the regulations, the collector will refuse delivery and permit the exportation or destruction thereof under Customs supervision at the option of the importer.

[SEAL]

FRANK DOW,
Acting Commissioner of Customs.
THOMAS PARRAN,
Surgeon General of the Public Health Service.

Approved: May 6, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 642—Filed, May 12, 1936; 11:31 a. m.]

Bureau of Internal Revenue.

[T. D. 4642]

STAMPS INDICATING TAX PAYMENT OF DISTILLED SPIRITS IN BOTTLES

To Collectors of Internal Revenue, District Supervisors, and Others Concerned:

1. Effective June 1, 1936, the placing (by printing, writing, perforating, rubber-stamping, or other method) of the name and address (or symbol number) of the bottler of domestic spirits, or any other information, on strip stamps prescribed by the Liquor Taxing Act of 1934 is prohibited: *Provided, however,* That the name and address of the importer and the brand and kind of distilled spirits shall continue to be overprinted on strip stamps to be affixed to bottles of imported spirits in accordance with present regulations.

2. All overprinted strip stamps on hand June 1, 1936, may be used.

3. All Treasury Decisions inconsistent herewith are amended accordingly.

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, May 7, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 638—Filed, May 11, 1936; 1:32 p. m.]

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

ORDER OPENING UNALLOTTED HOOPA VALLEY INDIAN LANDS TO MINERAL ENTRY

MAY 2, 1936.

Section 26 of the act of June 30, 1919 (41 Stat. 31), amended December 16, 1926 (44 Stat. 922-923), authorizes the location of mining claims by citizens of the United States on unallotted lands of Indian reservations after such lands shall have been declared by the Secretary of the Interior to be subject to exploration for the discovery of gold, silver, copper, and other valuable metalliferous minerals, and non-metalliferous minerals, not including oil and gas. Should minerals be found, locators have the privilege within one year of entering into a lease covering the land located. In accordance therewith I hereby declare the following described unallotted Indian land on the Hoopa Valley Indian Reservation, California, subject to exploration, and, with the exception of such land therein as may contain springs, water holes, or other bodies of water, subject to location and lease:

HOOPA VALLEY INDIAN RESERVATION

W/2 of Lot 12 (W/2 SE/4 SW/4), Section 3, Township 8 North, Range 4 East, Humboldt Meridian, California.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. C41—Filed, May 12, 1936; 9:40 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF PEACHES GROWN IN THE COUNTIES OF MESA AND DELTA IN THE STATE OF COLORADO

Whereas, under the Agricultural Adjustment Act, as amended, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of Title I of the Agricultural Adjustment Act, as amended, with respect to peaches grown in the counties of Mesa and Delta in the State of Colorado;

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating the handling of peaches grown in the counties of Mesa and Delta in the State of Colorado, in the District Court Room, Mesa County Court House, Grand Junction, Colorado, on the 29th day of May 1936, at 9:30 a. m.

This public hearing is 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.

The proposed marketing agreement and order provide for the regulation of the handling of peaches produced in the area stated, and, among other things provision is made for: (a) the establishment of a Control Board, (b) the regulation of shipments of peaches by grades and sizes, (c) price filing and posting by handlers, and (d) assessments for expenses of administration.

Copies of the proposed marketing agreement and the proposed order 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]

M. L. WILSON,
Acting Secretary of Agriculture.

Dated: May 12, 1936.
Washington, D. C.

[F. R. Doc. 644—Filed, May 12, 1936; 12:47 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

HOLDING COMPANY ACT

AMENDMENT OF RULE, COMPANIES DECLARED NOT TO BE GAS UTILITY COMPANIES

The Securities and Exchange Commission, acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly Sections 2 (a) (4) and 20 (a) thereof, and finding such action necessary and appropriate to carry out the provisions of said Act, and that compliance with the provisions of paragraphs (a) and (b) of the following rule will satisfy the conditions specified in clauses (A) and (B) of said Section 2 (a) (4), hereby amends Rule 2A4-2, as promulgated November 25, 1935, to read as follows:

RULE 2A4-2. Companies Declared Not To Be Gas Utility Companies.—(a) No company which operates facilities used for the distribution at retail of natural or manufactured gas for heat, light, or power shall be deemed to be a gas utility company within the meaning of Section 2 (a) (4), if,

(1) It is primarily engaged in one or more businesses other than the business of a gas-utility company, and

(2) Its gross revenues during its last fiscal year from sales of natural or manufactured gas distributed by it at retail (other than gas distributed in enclosed portable containers or distributed to tenants or employees of such company for their own use and not for resale) did not exceed \$100,000, or its gross revenues from such sales during the twelve month period ending September 30, 1935, did not exceed such amount; provided, however, that if any company, even though primarily engaged in one or more businesses other than the business of a gas utility company, shall, in the course of any fiscal year ending after January 1, 1936, receive gross revenues of \$100,000 from sales of natural or manufactured gas at retail, it shall thereupon be deemed to become a gas utility company within the meaning of Section 2 (a) (4) unless the Commission shall otherwise by order declare.

(b) In any case in which a company owns but does not operate such facilities, such owner shall not be deemed to be a gas utility company merely because of such ownership unless the company operating such facilities is a gas utility company.

(c) Gas sold for resale (otherwise than for resale to tenants or employees of the purchaser) or to industrial consumers for their own use shall not be deemed to be distributed "at retail" within the meaning of this Rule and of Section 2 (a) (4).

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 643—Filed, May 12, 1936; 12:02 p. m.]

Thursday, May 14, 1936.

No. 44

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48310]

CUSTOMS REGULATIONS AMENDED—IMPORTATIONS BY MAIL

AMENDMENT OF ARTICLE 385 OF THE CUSTOMS REGULATIONS OF 1931 (PARAGRAPH 20 OF THE JOINT DEPARTMENTAL MAIL REGULATIONS) PROVIDING THAT MAIL ARTICLES CONTAINING LOTTERY MATTER ONLY SHALL BE HANDLED AND DISPOSED OF BY THE POSTAL SERVICE

MAY 6, 1936.

To Collector of Customs and Others Concerned:

Pursuant to authority contained in U. S. Code Title 18, Section 336, and Title 39, Section 259, and Section 498 (a) (1) of the Tariff Act of 1930, Article 385 of the Customs Regulations of 1931 (Paragraph 20, Joint Departmental Mail Regulations) is, within the concurrence of the Post Office Department, amended as follows:

(a) (J. R. 20a). After the word "and" in the fifth line, insert a comma and the words "except when known or supposed to contain lottery matter, shall be."

(b) (J. R. 20b). Change the initial letter "A" of the word "Articles" in the first line to a small "a" and insert before the word "articles" the following: "Except when known or supposed to contain lottery matter."

(c) (J. R. 20c). Insert after the word "articles" in the first line, the words "except lottery matter."

Add the following, as paragraph (d) (J. R. 20d):

(d) (J. R. 20d) Mail articles of all classes, sealed or unsealed, which, upon inspection or examination, are found to contain or are supposed to contain lottery matter, prohibited importation under Section 305 of the Tariff Act of 1930, or enclosures pertaining thereto, shall be retained by the Postal Service, or delivered to that Service by the Customs Service, for disposition under the Postal Laws and Regulations. If such an article is found to contain other merchandise, the article shall be held by, or delivered to, the Customs Service for appropriate treatment under the Customs laws and regulations.

JAMES A. FARLEY,
Postmaster General.

[SEAL]

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 651—Filed, May 13, 1936; 12:25 p. m.]

[T. D. 48312]

CUSTOMS REGULATIONS AMENDED—EXPORT PROCEDURE

ARTICLES 197 AND 1292 OF THE CUSTOMS REGULATIONS OF 1931, RELATIVE TO SHIPPERS' EXPORT DECLARATIONS AMENDED

MAY 9, 1936.

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in the Act of April 29, 1902 (U. S. Code (1934 Ed.), Title 46, Sec. 95), and Sec. 161 R. S. (U. S. Code (1934 Ed.), Title 5, Sec. 22), article 197 (a) of the Customs Regulations of 1931 is amended by adding after subparagraph (1) the following paragraph, to be designated subparagraph "1½", and article 1292 is amended by adding after paragraph (a) the following paragraph, to be designated "b":

Where the cargo is to be transhipped in another customs district, including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States, for transportation to a foreign country or noncontiguous territory of the United States, the shippers' export declarations (Customs Form 7525) should be filed only with the Collector of Customs at the port where the merchandise is last laden for its final destination.

Paragraph (b) of Article 1292 is redesignated (c).

ERNEST G. DRAPER,
Assistant Secretary of Commerce.

[SEAL]

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 650—Filed, May 13, 1936; 12:25 p. m.]

Bureau of Internal Revenue.

[T. D. 4643]

PREPARATION OF INCOME TAX RETURNS—CORRECT ADDRESS OF TAXPAYER REQUIRED

AMENDING ARTICLE 51-2 OF REGULATIONS 86

To Collectors of Internal Revenue and Others Concerned:

Article 51-2 of Regulations 86, relating to income returns required to be made under the Revenue Act of 1934, is hereby amended by adding at the end thereof the following:

The home or residential address of the taxpayer (including the street and number, if any) shall be given in the space provided at the top of the return for the name and address of the taxpayer. A taxpayer having a permanent business address may give that address as the principal or mailing address, provided that the complete home or residential address is also given within the space provided.

The foregoing amendment shall take effect fifteen days after the date of approval of this Treasury Decision.

