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## TREASURY DEPARTMENT.

Bureau of Internal Revenue.

[T. D. No. 4773]

### INCOME TAX

#### REGULATIONS UNDER TITLE II, REVENUE ACT OF 1937, RELATING TO RETURNS OF INFORMATION WITH RESPECT TO FOREIGN CORPORATIONS

To Collectors of Internal Revenue and Others Concerned:

PARAGRAPH A. Title II of the Revenue Act of 1937, approved August 26, 1937 (Public No. 377, Seventy-fifth Congress, Chapter 815, first session) provides in part:

#### TITLE II—FOREIGN PERSONAL HOLDING COMPANIES

SEC. 201. *Inclusion in Income of United States Shareholders of Income of Foreign Personal Holding Companies.*—

The Revenue Act of 1936 is amended by adding after Supplement O of Title I a new Supplement to read as follows:

"Supplement P—Foreign Personal Holding Companies.

"SEC. 340. *Returns as to Formation, etc., of Foreign Corporations.*—

"(a) *Requirement.*—Under regulations prescribed by the Commissioner with the approval of the Secretary, any attorney, accountant, fiduciary, bank, trust company, financial institution, or other person—

"(1) Who, on or after the date of the enactment of the Revenue Act of 1937, aids, assists, counsels, or advises in, or with respect to, the formation, organization, or reorganization of any foreign corporation, shall, within 30 days thereafter, file with the Commissioner a return; or

"(2) Who, since December 31, 1933, and prior to 90 days after the date of the enactment of the Revenue Act of 1937, has aided, assisted, counseled, or advised in the formation, organization, or reorganization of any foreign corporation shall, within 90 days after the date of the enactment of such Act, file with the Commissioner a return.

"(b) *Form and Contents of Return.*—Such return shall be in such form, and shall set forth, under oath, in respect of each such corporation, to the full extent of the information within the possession or knowledge or under the control of the person required to file the return, such information as the Commissioner with the approval of the Secretary prescribes by regulations as necessary for carrying out the provisions of this Act. Nothing in this section shall be construed to require the divulging of privileged communications between attorney and client.

SEC. 341. *Penalties.*—

"Any person required under section 338, 339, or 340 to file a return, or to supply any information, who willfully fails to file such return, or supply such information, at the time or times required by law or regulations, shall, in lieu of the penalties provided in section 145 (a) for such offense, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than \$2,000, or imprisoned for not more than one year, or both."

PAR. B. Section 1001 of the Revenue Act of 1936 provides in part:

SEC. 1001. *Definitions.*

(a) When used in this Act—

(1) The term "person" means an individual, a trust or estate, a partnership, or a corporation.

PAR. C. Section 62 of the Revenue Act of 1936 provides:

SEC. 62. *Rules and Regulations.*—

The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

Pursuant to the above-quoted provisions and other provisions of the internal revenue laws, the following regulations are hereby prescribed with respect to returns of information to be filed by attorneys, accountants, fiduciaries, banks, trust companies, financial institutions, or other persons as to the formation, organization, or reorganization of foreign corporations:

ARTICLE 1. *Information returns.*—(a) *Return under section 340 (a) (1).*—Any attorney, accountant, fiduciary, bank, trust company, financial institution, or other person, who, on or after August 26, 1937, aids, assists, counsels, or advises in, or with respect to, the formation, organization, or reorganization of any foreign corporation shall file with the Commissioner, within 30 days after giving such aid, assistance, counsel, or advice, an information return as provided in section 340 (a) (1) and these regulations. The return must be filed in every such case (1) regardless of the nature of the counsel or advice given, whether for or against the formation, organization, or reorganization of the foreign corporation, or the nature of the aid or assistance rendered and (2) regardless of the action taken upon the advice or counsel, that is, whether the foreign corporation is actually formed, organized, or reorganized.

If, in a particular case, the aid, assistance, counsel or advice given by any person extends over a period of more than one day and not for more than 30 days, such person, to avoid the multiple filing of returns, may file a single return for the entire period. In such case, the return shall be filed within 30 days from the first day of such period. If, in a particular case, the aid, assistance, counsel or advice given by any person extends over a period of more than 30 days, such person may file a return at the end of each 30 days included within such period and at the end of the fractional part of a 30-day period, if any, extending beyond the last full 30 days. In each such case, the return must disclose all the required information which was not reported on a prior return.

(b) *Return under section 340 (a) (2).*—Any attorney, accountant, fiduciary, bank, trust company, financial institution, or other person, who, since December 31, 1933, and prior to November 24, 1937, (the ninetieth day after the enactment of the Revenue Act of 1937), has aided, assisted, counseled, or advised in the formation, organization, or reorganization of any foreign corporation, shall file with the Commissioner, on or before November 24, 1937, an information return as provided in section 340 (a) (2) and these regulations. The return must be filed in every such case regardless of the nature of the counsel or advice given, whether for or against the formation, organization, or reorganization of the foreign corporation, or of the nature of the aid or assistance rendered, if such formation,



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organization, or reorganization occurs subsequent to the giving of such aid, assistance, counsel, or advice and prior to the expiration of ninety days after the date of enactment of the Act.

(c) *Requirements common to returns under section 340 (a) (1) and section 340 (a) (2).*—

(1) *Employers.*—In the case of aid, assistance, counsel, or advice, in, or with respect to, the formation, organization, or reorganization of a foreign corporation given by a person in whole or in part through the medium of subordinates or employees, (including in the case of a corporation the officers thereof), the return of the employer must set forth to the full extent all information prescribed by these regulations including that which, as an incident to such employment, is within the possession or knowledge or under the control of such subordinates or employees.

(2) *Employees.*—The obligation of a subordinate or employee (including in the case of a corporation the officers

thereof) to file a return with respect to any aid, assistance, counsel, or advice in, or with respect to, the formation, organization, or reorganization of a foreign corporation given as an incident to his employment, will be satisfied if a complete and accurate return as prescribed by section 340 and these regulations is duly filed by the employer setting forth all of the information within the possession or knowledge or under the control of such subordinate or employee.

Clerks, stenographers, and other subordinates or employees, rendering aid or assistance solely of a clerical or mechanical character in, or with respect to, the formation, organization, or reorganization of a foreign corporation are not required to file returns by reason of such services.

(3) *Partners.*—In the case of aid, assistance, counsel, or advice in, or with respect to, the formation, organization, or reorganization of a foreign corporation given by one or more members of a partnership in the course of its business, the obligation of each such individual member to file a return will be satisfied if a complete and accurate return, as prescribed by these regulations, is duly filed by the partnership, executed by all the members of the firm who gave any such aid, assistance, counsel or advice. If, however, the partnership has been dissolved at the time the return is due, individual returns must be filed by each member of the former partnership who gave any such aid, assistance, counsel or advice.

(4) *Returns jointly made.*—If two or more persons aid, assist, counsel or advise in, or with respect to, the formation, organization, or reorganization of a particular foreign corporation, any two or more of such persons may, in lieu of filing several returns, jointly execute and file one return.

(d) *Penalties.*—For criminal penalties for failure to file the returns required by section 340 and these regulations, see section 341 quoted in Paragraph A.

ART. 2. *Form of return.*—The returns under article 1 shall be made on Form 959. Such forms may, upon request, be procured from any collector. Each person should carefully prepare his return so as to set forth fully and clearly the information called for therein. Returns which have not been so prepared will not be accepted as meeting the requirements of the Act.

ART. 3. *Contents of returns.*—The return on Form 959 shall, in accordance with the provisions of these regulations and the instructions on the form, set forth the following information to the full extent such information is within the knowledge or possession or under the control of the person required to file the return:

(1) The name and the address of the person (or persons) to whom and the person (or persons) for whom or on whose behalf the aid, assistance, counsel, or advice was given;

(2) A complete statement of the aid, assistance, counsel or advice given;

(3) Name and address of the foreign corporation and the country under the laws of which it was formed, organized or reorganized;

(4) The month and year when the foreign corporation was formed, organized or reorganized;

(5) A statement of how the formation, organization, or reorganization of the foreign corporation was effected;

(6) A complete statement of the reasons for, and the purposes sought to be accomplished by, the formation, organization, or reorganization of the foreign corporation;

(7) A statement showing the classes and kinds of assets, transferred to the foreign corporation in connection with its formation, organization, or reorganization, including a detailed list of any stock or securities included in such assets, and a statement showing the names and addresses of the persons who were the owners of such assets immediately prior to the transfer;

(8) The names and addresses of the shareholders of the foreign corporation at the time of the completion of its formation, organization, or reorganization, showing the classes of stock and number of shares held by each;

(9) The name and address of the person (or persons) having custody of the books of account and records of the foreign corporation;

(10) Such other information as may be required by the return form; and

(11) Where any of the information required to be furnished is withheld because its character is claimed to be privileged as a communication between attorney and client within the meaning of section 340 (b), the return must so state and must contain a complete statement of the nature and the circumstances of the communication on which a decision as to the propriety of the claim of privilege may be reached.

If a person aids, assists, counsels or advises in, or with respect to, the formation, organization, or reorganization of more than one foreign corporation, a separate return must be filed with respect to each foreign corporation.

ART. 4. *Verification of return.*—All returns required by section 340 and these regulations shall be verified under oath or affirmation. The oath or affirmation may be administered by an officer duly authorized to administer oaths for general purposes by the law of the United States, or of any State, territory, or possession of the United States, wherein such oath is administered, or by a consular officer of the United States. Such returns executed abroad may be attested free of charge before United States consular officers. If a foreign notary or other official having no seal shall act as attesting officer, the authority of such attesting officer shall be certified to by some judicial official or other proper officer having knowledge of the appointment and official character of the attesting officer.

[SEAL]

CHAS. T. RUSSELL,

*Acting Commissioner of Internal Revenue.*

Approved, November 6, 1937.

ROSWELL MAGILL,

*Acting Secretary of the Treasury.*

[F. R. Doc. 37-3268; Filed, November 9, 1937; 11:24 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

#### ORDER OF THE SECRETARY OF AGRICULTURE REGULATING HANDLING IN INTERSTATE AND FOREIGN COMMERCE AND SUCH HANDLING AS DIRECTLY BURDENS, OBSTRUCTS, OR AFFECTS INTERSTATE OR FOREIGN COMMERCE OF CELERY GROWN IN THE STATE OF FLORIDA

Whereas it is provided in Public No. 10, 73rd Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, approved June 3, 1937<sup>1</sup> (hereinafter called the act), as follows:

Sec. 8c. (1) The Secretary of Agriculture shall, subject to the provisions of this section, issue, and from time to time amend, orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of this section. Such persons are referred to in this title as "handlers." Such orders shall regulate, in the manner hereinafter in this section provided, only such handling of such agricultural commodity, or product thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof.

and

Whereas the Secretary of Agriculture, having reason to believe that the issuance of an order would tend to establish and maintain such marketing conditions for celery grown in the State of Florida as would establish prices to growers at a level that will give such celery a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such celery in the base period, did, pursuant to the provisions of the act and regulations thereunder, on the eighth day of June 1937, give notice of a

hearing<sup>1</sup> to be held in Sanford, Florida, on June 25, 1937, on a proposed order regulating the handling of celery grown in the State of Florida and did, upon said date and at said place, conduct a public hearing thereon, and did give opportunity to all interested parties to be heard concerning the said proposed order; and

Whereas the Secretary finds upon the evidence introduced at the hearing and the record thereof:

(1) That customarily more than 95 per cent of all shipments of celery grown in the State of Florida is in the current of interstate or foreign commerce and directly burdens, obstructs or affects such commerce;

(2) That, in order to give such celery a purchasing power with respect to articles that farmers buy equivalent to the average purchasing power of such celery during the base period, August, 1909-July, 1914, the average price received by the grower should have been \$1.29 per crate during the 1937 season;

(3) That the average price received by growers of such celery for the 1937 season was approximately \$.97 per crate;

(4) That the average price per crate of said celery received by growers during the eight years from 1930 to 1937, was \$1.03 or 80 per cent of the purchasing power of said celery during the said base period;

(5) That, in the past, lack of regulation of shipments of celery produced in the State of Florida was an important factor contributing to unstable marketing conditions for said celery and consequently depressed prices to growers;

(6) That the regulation of shipments of celery through proration as prescribed by this order will serve to prevent fluctuations of prices to growers, particularly prices which are so low as to represent losses to growers, and thereby establish and maintain a more stable market for said celery, tending to restore prices to growers of said celery to a level that will have a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of said celery in said base period;

(7) That the method of regulating shipments by proration among handlers is fair and equitable;

(8) That this order is limited in its application to the smallest regional production area and regional marketing area that is practicable;

(9) That the issuance of several orders applicable to any subdivision of the regional production and marketing areas covered by this order would not effectively carry out the declared policy of Title I of the act with respect to establishing and maintaining such marketing conditions for celery as will reestablish prices to growers that will give such commodities a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such commodity in the base period;

(10) That the necessary expenses to be incurred by the control committee for its maintenance and functioning during the season beginning August 1, 1937 and ending July 31, 1938, will amount to \$24,640; that such expenses are fair and reasonable; and that the prorata share thereof of each handler in amount of \$.01 per crate is fair and reasonable and is approved;

(11) That the interest of the consumer is protected by reason of the fact that the order is devised to operate so as to approach a level of prices which it is declared to be the policy of Congress to establish by securing a gradual correction of the current level of prices at as rapid a rate as the Secretary of Agriculture deems to be in the public interest and feasible in view of the current consumptive demand in the domestic and foreign markets, and by reason of the fact that the order authorizes no action which has for its purpose the maintenance of prices to farmers above the level which it is declared to be the policy of Congress to establish in said act;

(12) That this order will tend to establish and maintain such orderly marketing conditions for celery in interstate commerce as will establish prices to growers at a level that

<sup>1</sup>Public 137, 75th Congress.

<sup>2</sup>2 F. R. 1185 (DI).

will give such celery a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such celery in the base period; and

(13) That there are no differences in the production and marketing of celery in the production area covered by this order that make necessary different terms applicable to different parts of such area; and

Whereas the Secretary of Agriculture further finds:

(1) That the marketing agreement regulating the handling of celery grown in the State of Florida executed by him on November 9, 1937, and upon which a public hearing was held on June 25, 1937, was signed by handlers who handled more than fifty percent of such commodity produced during the period August 1, 1936-July 31, 1937; and

(2) That this order regulates the handling of said celery in the same manner as the said marketing agreement does, and is made applicable only to persons in the respective classes of industrial and commercial activities specified in the aforesaid marketing agreement; and

Whereas the Secretary of Agriculture finds and determines that the issuance of this order is favored by producers who during the marketing season of 1937, which the Secretary determines to be a representative period, produced for market at least two-thirds of the volume of such commodity produced for market within the production area specified in such order;

Now, therefore, it is ordered by the Secretary of Agriculture, acting under the authority vested in him as aforesaid, that the handling of celery, grown in the State of Florida, in the current of interstate or foreign commerce or so as directly to burden, obstruct or affect interstate or foreign commerce in such celery, from and after the date herein specified shall be in conformity to, and in compliance with, the terms and conditions of this order.

#### ARTICLE I—DEFINITIONS

SECTION 1. *Definitions.*—As used herein, the following terms have the following meanings:

1. "Secretary" means the Secretary of Agriculture of the United States.

2. "Act" means the Agricultural Marketing Agreement Act of 1937, approved June 3, 1937, reenacting and amending certain provisions of Public No. 10, 73rd Congress, as amended.

3. "Person" means individual, partnership, corporation, association, or any other business unit.

4. "Celery" means and includes all varieties of celery grown in the State of Florida.

5. "Shipper" means any person engaged in shipping celery in the current of interstate or foreign commerce, or so as directly to burden, obstruct or affect interstate or foreign commerce.

6. "To ship" means to handle for shipment in, to ship in, or in any other way to put celery in, the channels of trade by conveying or causing celery to be conveyed by railroad, truck, boat, or any other means whatsoever (but not as a common carrier of celery owned by another person), in the current of interstate or foreign commerce, or so as directly to burden, obstruct or affect interstate or foreign commerce. "To ship" does not include the act of the grower in merely transferring ownership or title to a shipper.

7. "Crate" means a standard Florida crate, inside dimensions ten by twenty by twenty-two (10x20x22) inches, or the equivalent thereof in edible celery.

8. "Control Committee" means the Control Committee created pursuant to article II of this order.

9. "Grower" means any individual (each member of a partnership), corporation, association, or any other business unit engaged in growing celery in the State of Florida, who or which has a financial interest in the crop.

10. "Block" means that part of one field set at one time with celery of the same varietal characteristics.

11. "Season" means the period of twelve (12) months beginning August 1 and ending July 31.

12. "Sanford District" means that part of Seminole County lying north and west of the south line of Sections 25, 26, 27,

28, 29, and 30, Township 20 south, Range 29 east, and the south line of sections 26, 27, 28, 29, and 30, Township 20 south, Range 30 east, and Lake Jesup; and the counties of Levy, Marion, Sumter, Lake, and Volusia, and all of the State of Florida lying north thereof.

13. "Oviedo District" means that part of Seminole County not included in the Sanford District as described in paragraph 12 hereof, and the counties of Orange, Osceola, Brevard, and Indian River.

14. "Manatee District" means all of the counties of Manatee, Citrus, Hernando, Pasco, Hillsborough, Polk, Hardee, Highlands, Okeechobee, Pinellas, and St. Lucie.

15. "Sarasota District" means the counties of Sarasota, De Soto, Glades, Martin, and all of the State of Florida lying south thereof.

16. "Car" means 352 crates of celery.

#### ARTICLE II—CONTROL COMMITTEE

SECTION 1. *Membership and organization.*—1. A Control Committee is hereby established consisting of the following number of members and they and their respective alternates shall be selected from the following named districts:

(a) Three (3) grower members and four (4) shipper members with an alternate for each from the Sanford District;

(b) One (1) grower member and one (1) shipper member with an alternate for each from the Oviedo District;

(c) Two (2) grower members and one (1) shipper member with an alternate for each from the Manatee District;

(d) Two (2) grower members and one (1) shipper member with an alternate for each from the Sarasota District;

(e) One (1) shipper member with his alternate from the combined Manatee and Sarasota Districts.

2. (a) Grower members, and their respective alternates, for each district shall be selected by the Secretary from nominees elected by growers in that district or from growers in such districts. Nominations shall be made on or before June 15th of each year (except in the year 1937, when nominations shall be made as soon as possible after the effective date of this order) in the following manner, and the number of nominees and places of election for each district shall be as follows:

(1) *Sanford District.*—Six (6) persons to be nominated in an election held at the city of Sanford.

(2) *Oviedo District.*—Two (2) persons to be nominated in an election held at the town of Oviedo.

(3) *Manatee District.*—Four (4) persons to be nominated in an election held at the city of Bradenton.

(4) *Sarasota District.*—Four (4) persons to be nominated in an election held at the city of Sarasota.

(b) A grower may participate only in the elections held in the district in which he grows celery. Each grower shall be entitled to cast only one (1) vote at any such election, and no grower shall participate (in any one season) in elections held in more than one (1) district. The results of any such election, including the number of votes received by each nominee, shall be transmitted to the Secretary.

3. Shipper members, and their respective alternates, for each district shall be selected by the Secretary from shippers in such district or from the respective nominees of groups designated to make nominations as follows:

(a) Each shipper who shipped five hundred (500) cars or more of celery during the current season (except 1937 when the season shall be the one just concluded) shall, on or before June 15th (except in the year 1937 when nominations shall be made as soon as possible after the effective date of this order), nominate two (2) persons (indicating preferences) for membership. From each such group of nominations the Secretary may select one (1) member and one (1) alternate. However, if there are more than three (3) 500-car shippers whose principal places of business are in the Sanford District, only the three (3) largest shall make nominations as hereinabove provided. If there is more than one (1) 500-car shipper

whose principal place of business is located in the Oviedo District, only the largest shall make nominations as hereinabove provided. If there is more than one (1) 500-car shipper whose principal place of business is located in the Sarasota District, only the largest shall make nominations as hereinabove provided. If there is more than one (1) 500-car shipper whose principal place of business is located in the Manatee District, only the largest shall make nominations as hereinabove provided.

(b) Nominations for the remaining shipper members from each district, if any, shall be made by elections in which only shippers shall be entitled to participate. From each group of nominations made pursuant to this subparagraph, or from shippers in such district, the Secretary shall select one (1) member and one (1) alternate. In any such election, each shipper shall be entitled to cast but one (1) vote on behalf of himself, or his agent, partners, affiliates, subsidiaries, and representatives. The results of any such election, including the number of votes received by each nominee, shall be transmitted to the Secretary.

(1) Two (2) persons shall be nominated, at an election held in the city of Sanford, for each of the remaining members of the Control Committee for the Sanford District for which nominations have not been made pursuant to subparagraph (a) of this paragraph.

(2) Two (2) persons shall be nominated, at an election held in the town of Oviedo, for the member for the Oviedo District for which nominations have not been made pursuant to subparagraph (a) of this paragraph.

(3) Two (2) persons shall be nominated, at an election held in the city of Bradenton, for the member of the Manatee District for which nominations have not been made pursuant to subparagraph (a) of this paragraph.

(4) Two (2) persons shall be nominated, at an election held in the city of Sarasota, for the member for the Sarasota District for which nominations have not been made pursuant to subparagraph (a) of this paragraph.

(5) Two (2) persons shall be nominated, at an election held in the city of Sarasota, for the member for the combined Manatee and Sarasota Districts.

4. Members of the Control Committee shall be selected annually for a term of one (1) year, beginning August 1, and shall serve until their respective successors shall be selected and shall qualify, except that those selected in the year 1937 shall hold office until August 1, 1938, and until their respective successors shall be selected and shall qualify. Each shipper shall participate only in the elections held in the district in which such shipper has his principal place of business, except that any shipper whose place of business is located in either the Manatee or Sarasota Districts may participate in the election of shipper nominees for the combined Manatee and Sarasota Districts. If any of the above groups fail to select nominees in the number above specified on or before June 15th, except in the year 1937 when selections shall be made as soon as practicable after the effective date of this order, the Secretary may select, without nominations, the members and alternates for such groups.

5. An alternate for a member of the Control Committee shall act in the place and stead of such member (1) in his absence, or (2) in the event of his removal, resignation, or disqualification, until a successor for his unexpired term has been selected.

6. To fill any vacancy occasioned by the removal, resignation, or disqualification of any member or alternate of the Control Committee, a successor for his unexpired term shall be selected, in the manner provided for in this section, within thirty (30) days after such vacancy occurs: *Provided, however,* That only one (1) nomination shall be made for each vacancy; and *Provided, further,* That nominations for the successor to any member or alternate previously selected by the Secretary from the nominations made by any 500-car shipper shall be made by such 500-car shipper. If nominations are not made within such thirty (30) days after such vacancy occurs, the Secretary may select a member to fill such vacancy without regard to nominations.

SEC. 2. *Powers.*—The Control Committee shall have the following powers:

1. To administer, as hereinafter specifically provided, the terms and provisions of this order;

2. To make administrative rules and regulations in accordance with, and to effectuate the terms and provisions of, this order;

3. To receive, investigate, and report to the Secretary complaints of violations of this order; and

4. To recommend to the Secretary amendments to this order.

SEC. 3. *Duties.*—The duties of the Control Committee shall be as follows:

1. To act as intermediary between the Secretary and any shipper or grower;

2. To keep minute books and records which will clearly reflect all its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

3. To investigate, from time to time, and assemble data on, the growing, shipping, and marketing conditions respecting Florida celery, and to furnish to the Secretary such available information as he may request;

4. To negotiate, from time to time, with representatives of growers and shippers of celery produced in competing areas respecting the formulation of a marketing agreement and order, pursuant to the act, providing for coordinated regulation of celery shipments from such areas with celery shipments from Florida;

5. To appoint subcommittees or additional committees to assist it in administering this order;

6. To appoint such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

7. To select a chairman and a vice-chairman, who must be members of the Control Committee, and a secretary and a treasurer, who need not be members of the Control Committee. The chairman and vice-chairman shall be elected by the Control Committee, one (1) from the Sanford or Oviedo District and the other from the Manatee or Sarasota District. The secretary and treasurer shall be appointed by the Control Committee, and both offices may be filled by one (1) person. The treasurer shall give bond in an amount satisfactory to the Control Committee.

8. To give the Secretary or his designated agent and representatives the same notice of meetings of the Control Committee as is given the members thereof;

9. To perform such duties in connection with the administration of Section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public No. 320, 74th Congress, approved August 24, 1935, as may from time to time be assigned to it by the Secretary; and

10. To cause the books of the Control Committee to be audited by one or more competent accountants at least once for each season and at such other times as the Control Committee deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports made.

SEC. 4. *Procedure.*—The Control Committee shall not perform any of its powers or duties herein prescribed while there are more than four (4) vacancies in its membership. A quorum shall consist of nine (9) members in attendance at the meeting, and all decisions of the Control Committee shall be by a majority vote of the members present.

2. The Control Committee may provide for simultaneous meetings of various groups of its members at designated places upon due notice to all members, and, after the groups have established telephone communication with loud speaker receivers for each group throughout the entire meeting, shall proceed with such meeting as if the Control Committee were assembled in one place. Actions taken by the Control Committee in this manner shall have the same force and effect as though an assembled meeting had been held.

3. The Control Committee may provide for voting by mail or telegraph upon due notice to all members, and when any proposition is submitted for voting by such method, nine (9) affirmative votes shall be necessary for its adoption.

4. The members of the Control Committee (including successors and alternates) and any agent or employee appointed or employed by the Control Committee shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the Control Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

SEC. 5. *Funds and Other Property.*—1. All funds received by the Control Committee pursuant to any of the provisions of this order shall be used solely for the purpose herein specified and the Secretary may require the Control Committee and its members to account for all receipts and disbursements.

2. The officer designated by the Control Committee shall have charge of all books, records and other property of said committee. He shall act as secretary to all subcommittees which may be selected or appointed. Upon the death, resignation, removal or expiration of the term of office of any member of the Control Committee, all books, records, funds and other property of the Control Committee in his possession shall be delivered to the Control Committee or to his successor in office, and such assignments and other instruments shall be executed as may be necessary to vest in the Control Committee or his successor full title to all the books, records, funds and other property in the possession or under the control of such member or officer pursuant to this order.

3. The Control Committee may, with the approval of the Secretary, maintain in its own name or in the names of its members a suit against any shipper subject hereto for the collection of such shipper's pro rata share of expenses.

#### ARTICLE III—REGULATION BY PRORATION

SECTION 1. *Recommendation for Proration Period.*—1. It shall be the duty of the Control Committee to investigate supply and demand conditions of celery. Whenever such conditions make it advisable to regulate the shipment of celery, the Control Committee shall recommend to the Secretary the establishment of a proration period, or series of proration periods, during which the shipment of celery may be regulated pursuant to this article. Such recommendations shall be made at a meeting of the Control Committee held at least two (2) days prior to the commencement of such recommended regulation period. The Control Committee shall promptly notify shippers and growers of such recommendation by giving notice in such manner as the Control Committee shall deem adequate under the circumstances. Such notice shall contain a direction to shippers and growers to make the applications required pursuant to section 2 of this article.

2. Based upon the recommendations made pursuant to paragraph 1 of this section, or other information available to the Secretary, the Secretary may establish a prorate period or series of prorate periods, including the time of commencement, duration, and termination thereof, if the Secretary deems that such regulation of the flow of shipments of celery in the current of interstate or foreign commerce during any particular period or periods within the season would tend to effectuate the declared policy of the act.

SEC. 2. *Applications from Shippers.*—1. Every shipper desiring to ship celery in the current of interstate or foreign commerce during any such prorate period shall make application to the Control Committee for allotments at such time and in such manner as the Control Committee shall determine. Each such application shall include information specifying:

- (a) The identification of each block of celery available for harvest; and
- (b) An estimate of the number of crates of celery which will be available for shipment during such regulation period from each such block.

2. No shipper shall include in any such application the celery of any grower whose production such shipper does not own or have exclusive written authority to ship.

3. Every grower who desires to ship celery in the current of interstate or foreign commerce during any such regulation period, and who has not given a shipper written authority to handle such celery shipment, may make application in the manner set forth in paragraph 1 of this section.

SEC. 3. *Computation of Quantity Available for Shipment.*—The Control Committee shall examine all applications submitted, and check the quantities of celery reported therein. The Control Committee shall correct any errors, omissions, or inaccuracies, or make such changes as it finds are necessary to bring the quantities reported into conformity with the results of the check. For this purpose the Control Committee shall employ as many competent representatives as it deems necessary, which representatives shall not be affiliated with or employed by any grower or shipper. From the applications filed pursuant to section 2 hereof, corrected as herein provided, the Control Committee shall compute the quantity of celery available for shipment during such regulation period by each applicant making reports as hereinbefore provided and the total quantity available for shipment by all applicants during such regulation period.

SEC. 4. *Quantity advisable for shipment.*—For each regulation period established pursuant to section 1 hereof the Control Committee shall procure available evidence concerning (1) movement of Florida celery to market during previous weeks; (2) track holdings at principal destinations; (3) changes in seasonal demands; (4) prices for current and previous weeks at wholesale markets and shipping points; (5) returns to growers; (6) shipments of celery from competing States and shipments of competing vegetables; (7) supplies of Florida celery available for shipment and the condition of such supplies; and (8) other pertinent market information, including opinions of experienced persons in the celery industry. From such evidence the Control Committee shall make a determination of the quantity of celery it deems advisable to be shipped during such regulation period. The evidence procured pursuant to this paragraph shall be transmitted to the Secretary together with such determination.

SEC. 5. *Recommendations by control committee.*—The Control Committee shall calculate the recommended allotment percentage by dividing the quantity deemed advisable to be shipped, determined pursuant to section 4 of this article, by the total quantity available for shipment, determined pursuant to section 3 of this article. Such division shall be calculated to the nearest one-hundredth. The Control Committee shall calculate the recommended allotment of each applicant by applying the recommended allotment percentage to each applicant's supply of celery available for shipment, determined pursuant to section 3 of this article. Thereupon, the Control Committee shall report to the Secretary its recommendations made pursuant to this section, with its computations and determinations made pursuant to sections 3 and 4 of this article. At least twenty-four (24) hours prior to the commencement of any proposed regulation period, the Control Committee shall notify each applicant of (1) the quantity of celery such applicant has available for shipment during such proposed regulation period, determined pursuant to section 3 of this article, (2) the proposed allotment percentage determined pursuant to this section, and (3) such applicant's proposed allotment determined pursuant to this section.

SEC. 6. *Fixing of allotments by the Secretary.*—1. From the reports made pursuant to section 5 of this article, and other available information, the Secretary shall determine:

- (a) The total quantity of celery deemed advisable for shipment during such regulation period;
- (b) The quantity of celery available for shipment during such regulation period by each applicant making reports as hereinbefore provided; and
- (c) The total quantity of celery available for shipment during such regulation period.

2. The Secretary shall advise the Control Committee of each determination made pursuant to subparagraphs (a), (b) and (c) of paragraph 1 of this section, and the Control Committee shall thereupon determine, in the manner hereinafter provided, the allotment percentage for such regulation period and the allotment for each applicant, and shall then notify every applicant of his allotment and the amount of same.

3. The allotment percentage for such regulation period shall be the result of the division of the total quantity of celery advisable for shipment during such regulation period by the total quantity of celery available for shipment during such regulation period. Such calculation shall be made to the nearest one-hundredth.

4. The allotment for each applicant shall be the product of such applicant's available quantity of celery for shipment during such regulation period and the allotment percentage for such regulation period.

5. Every shipper shall apportion the quantity of celery represented by his allotment equitably among the growers whose celery he has exclusive authority, in writing, to ship (including celery produced by such shipper) by applying the allotment percentage for such regulation period to the available quantity for such grower.

SEC. 7. *Allotments to first shipper only.*—1. Where a shipment of celery moves in a series of shipments through two or more shippers in the current of interstate or foreign commerce, allotments made pursuant to the foregoing provision of this article shall be applicable to the first shipment of such celery; the subsequent shipments of any such celery shall be made without the issuance of additional allotments therefor to subsequent shippers: *Provided*, That such subsequent shippers ship only celery which was included within the allotment applicable to the first shipment of such celery, and such subsequent shippers furnish to the Control Committee such evidence of such shipment at such time as it may, with the approval of the Secretary, require.

SEC. 8. *Transfer of allotments.*—Subject to such procedural rules and regulations as the Control Committee, with the approval of the Secretary, may prescribe, shippers to whom allotments have been made may transfer such allotments, in whole or in part. The amount of such transfer shall be deducted from the allotment of the transferor and added to the allotment of the transferee: *Provided*, That no transfer of allotment may be made when all of the celery from the acreage upon which allotment has been granted has been harvested and a portion of such allotment remains unshipped. In such event the unshipped portion of such allotment shall revert to the Control Committee for cancellation.

SEC. 9. *Withdrawals.*—No application for allotment shall include celery as available for shipment during such regulation period from any block of celery which has been previously included in an application for allotment, unless a new crop shall be matured on such block: *Provided, however*, That the Control Committee shall permit withdrawal of applications for allotments on blocks of celery which the Control Committee finds are not, in fact, available for shipment because (1) not sufficiently matured to warrant shipment; (2) mechanical conditions prevent shipment; (3) labor conditions prevent harvest; (4) weather conditions prevent harvest; (5) other conditions justify such withdrawal. Such blocks may be included in an application for an allotment in the next succeeding regulation period: *Provided, further*, That the allotment percentage for such withdrawn celery shall be five (5) percent less than the allotment percentage in effect at the time of harvest, and no such withdrawal shall be granted unless the request therefor is made before the time when the Control Committee meets to consider applications for allotments for the next succeeding regulation period.

SEC. 10. *Emergency allotments.*—Upon verified application therefor, the Control Committee shall grant, subject to the approval of the Secretary, allotments to applicants on celery not included in applications filed pursuant to section

2 of this article: *Provided*, That the Control Committee finds that the failure to ship such celery will result in serious damage thereto and consequent loss to the owner. The amount of such allotment shall be the product of such applicant's available quantity of celery, determined by the Control Committee, and an allotment percentage five (5) percent less than the allotment percentage determined for such regulation period pursuant to section 6 of this article.

SEC. 11. *Overshipment.*—No shipper shall ship celery during any regulation period in excess of the allotment fixed for him by the Secretary except for additional allotments granted or transferred to him pursuant to the foregoing provisions of this article: *Provided, however*, That overshipment not exceeding two (2) percent of such shipper's allotment fixed for him by the Secretary shall not be a violation of this agreement if not made for the purpose of taking advantage of marketing conditions: *And provided, further*, That report of such overshipment is made to the Control Committee on or before the end of the prorate period.

SEC. 12. *Modification or cancellation of regulation period.*—If the limitation of shipments during any regulation period is rendered unnecessary by reason of crop failure in any district, unforeseen increased demand, or other causes, the Secretary, or the Control Committee with the approval of the Secretary, may cancel or modify regulation of shipments. No such action by the Control Committee shall become effective until approved by the Secretary.

SEC. 13. *Petitions for adjustments of applications for allotments.*—Any shipper or grower dissatisfied with the revision of his application by the Control Committee may request the said committee to reconsider such revision, and may further appeal to the Secretary. In the event of such appeal to the Secretary, the Control Committee shall furnish a report to the Secretary setting forth the action taken and the reasons therefor. The parties involved shall abide by the determination of the Control Committee pending the disposition of such petition by the Secretary.

SEC. 14. *Adjustment of allotments.*—Subsequent to the issuance of allotments, the Control Committee may, with the approval of the Secretary, adjust allotments in such a manner as to eliminate the effect of any errors, omissions, and inaccuracies in such allotments.

SEC. 15. *Shipments for by-product and relief purposes.*—The provisions of this article are not applicable to shipments of celery for conversion into by-products, or for charitable or unemployment relief purposes, except that if any shipper makes shipments for these purposes, he shall report to the Control Committee the amount thereof, the person to whom shipped, and the purposes for which shipped.

#### ARTICLE IV—ASSESSMENTS

SECTION 1. *Expenses and assessments.*—1. The Control Committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out its functions under this order. The funds to cover such expenses shall be acquired by the levying of assessments as hereinafter provided.

2. Each shipper shall pay to the Control Committee upon demand such shipper's pro rata share, as is approved by the Secretary, of the expenses in the amount of \$24,640.00 (which amount the Secretary has found will necessarily be incurred by the Control Committee during the season ending July 31, 1936), or expenses in such other amount as the Secretary may later find will necessarily be incurred by the Control Committee during said season for the maintenance and functioning of the Control Committee during the said season as set forth herein. Each shipper's share of such expenses shall be that portion thereof which the total quantity of celery shipped by such shipper in the current of interstate or foreign commerce during said season is of the total quantity of celery shipped by all shippers in the current of interstate or foreign commerce during said season, and, such pro rata share is hereby approved by the Secretary. The present assessment upon each shipper shall be one cent

per crate of celery shipped by such shipper in the current of interstate or foreign commerce. Said assessment may be adjusted from time to time by the Control Committee with the approval of the Secretary, in order to cover any later finding by the Secretary of estimated expenses, or the actual expense of the Control Committee during said season: *Provided, however,* That in no case shall the assessment be in excess of 1 cent per crate of celery shipped by such shipper in the current of interstate or foreign commerce. The assessment of each shipper for any season shall be due at such time and shall be payable in such installments, if any, as the Control Committee, with the approval of the Secretary, shall determine.

3. For seasons subsequent to the season ending July 31, 1938, every shipper shall pay to the Control Committee, upon demand, such shipper's pro rata share as is approved by the Secretary of such expenses as the Secretary may find will necessarily be incurred by the Control Committee for the maintenance and functioning of the Control Committee as set forth in this order: *Provided, however,* That in no case shall the assessment be in excess of 1 cent per crate of celery shipped by each shipper in the current of interstate or foreign commerce.

4. At the end of each season, the Control Committee shall credit each contributing shipper with the excess of the amount paid by such shipper above his pro rata share of the expenses, or debit such shippers with the difference between his pro rata share and the amount paid by such shipper. Any such debits shall become due and payable upon the demand of the Control Committee.

5. Members of the Control Committee shall serve without compensation as members, but shall be allowed their expenses necessarily incurred in the performance of their powers and duties hereunder.

#### ARTICLE V—REPORTS

SECTION 1. *Reports.*—Upon the request of the Control Committee, made with the approval of the Secretary, every shipper shall furnish the Control Committee, in such manner and at such times as it prescribes, such information as will enable it to perform its powers and duties under this order.

#### ARTICLE VI—AMENDMENTS

SECTION 1. *Proposals.*—Amendments to this order may from time to time be proposed by the Control Committee.

#### ARTICLE VII—AGENTS

SECTION 1. *Agents.*—The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government or any Bureau or Division in the Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this order.

#### ARTICLE VIII—EFFECTIVE TIME AND TERMINATION

SECTION 1. *Effective time.*—This order shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

SEC. 2. *Termination.*—1. The Secretary may at any time terminate this order.

2. The Secretary shall terminate this order at the end of any marketing season whenever he finds that such termination is favored by a majority of the growers, who during the preceding marketing period, have been engaged in the production for market of celery in Florida: *Provided,* That such majority have during such period produced more than fifty (50) percent of the volume of such celery produced within Florida, but such termination shall be effective only if notice thereof is given on or before July 1 of such marketing season.

3. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 3. *Proceedings after termination.*—1. Upon the termination of this order, the members of the Control Com-

mittee then functioning shall continue as joint trustees, for the purpose of administering this order, of all funds and property then in the possession or under the control of the Control Committee, including claims for any funds unpaid or property not delivered at the time of such termination. Said trustees (a) shall continue in such capacity until discharged by the Secretary; (b) shall from time to time account for all receipts and disbursements and deliver all funds and property on hand, together with all books and records of the Control Committee and the joint trustees, to such person as the Secretary shall direct; and (c) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all of the funds and claims vested in the Control Committee or the joint trustees pursuant to this order. Any funds collected for expenses pursuant to article IV of this order and held by such joint trustees or such person over and above amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the joint trustees or such other person in the performance of their duties hereunder, shall as soon as practicable after the termination of this order, be returned to the shippers pro rata in proportion to their contributions made thereto pursuant to this order.

2. Any person to whom funds, property or claims have been delivered by the Control Committee or its members upon direction of the Secretary as herein provided shall be subject to the same obligations and duties with respect to said funds, property or claims as are hereinabove imposed upon the members of said Committee or upon said joint trustees.

#### ARTICLE IX—DURATION OF IMMUNITIES

SECTION 1. *Duration of immunities.*—The benefits, privileges, and immunities conferred by virtue of this order shall cease upon its termination except with respect to acts done under and during the existence of this order, and benefits, privileges, and immunities conferred by this order upon any party shall cease upon its termination as to such party except with respect to acts done under and during the existence of this order.

#### ARTICLE X—SEPARABILITY

SECTION 1. *Separability.*—If any provision of this order is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this order or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

#### ARTICLE XI—DEROGATION

SECTION 1. *Derogation.*—Nothing contained in this order is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (1) to exercise any powers granted by the act or otherwise, and (2) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

#### ARTICLE XII—LIABILITY OF CONTROL COMMITTEE MEMBERS

SECTION 1. *Liability.*—No member of the Control Committee nor any employee thereof shall be held liable individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts either of commission or omission as such member or employee, except for acts of dishonesty.

*In witness whereof,* the Secretary of Agriculture does hereby execute in duplicate this order under his hand and the official seal of the Department of Agriculture in the city of Washington, District of Columbia, on this 9th day of November, 1937, and pursuant to the provisions hereof, declares this order to be effective on and after 12:01 a. m., eastern standard time, November 13, 1937.

[SEAL]

M. L. WILSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 37-3270; Filed, November 9, 1937; 12:40 p. m.]



## Bureau of Entomology and Plant Quarantine.

B. E. P. Q.—Q. 71

Rev. of Reg. 3, effective November 9, 1937

## MODIFICATION OF DUTCH ELM DISEASE QUARANTINE REGULATIONS

## Introductory Note

The following modification of the Dutch elm disease quarantine regulations adds to the regulated area the towns of Redding and Weston in Fairfield County, Conn.; the township of Alexandria in Hunterdon County, N. J., and the town of Cornwall in Orange County, N. Y. This action was taken on the basis of intensive inspections made throughout the year which disclosed infections in areas contiguous to the present regulated area.

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

## AMENDMENT NO. 3 TO RULES AND REGULATIONS SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 71

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), it is ordered that regulation 3 of the rules and regulations supplemental to Notice of Quarantine No. 71, on account of the Dutch elm disease, which were promulgated on February 20, 1935, as amended effective April 1, 1936, and November 9, 1936, be, and the same is hereby, further amended to read as follows:

## Regulation 3. Regulated Areas

In accordance with the provisos to Notice of Quarantine No. 71, the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the counties, townships, towns, and cities listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

*Connecticut.*—Towns of Darien, Fairfield, Greenwich, New Canaan, Norwalk, Redding, Ridgefield, Stamford, Weston, Westport, and Wilton, in *Fairfield County*.

*New Jersey.*—Counties of Bergen, Essex, Hudson, Morris, Passaic, Somerset, and Union; all of *Hunterdon County* except the townships of Delaware, Holland, Kingwood, and West Amwell, and the boroughs of Frenchtown, Lambertville, Milford, and Stockton; townships of Hopewell, Princeton, and West Windsor, and the boroughs of Hopewell, Pennington, and Princeton, in *Mercer County*; all of *Middlesex County* except the townships of Cranbury and Monroe, and the boroughs of Helmetta, Jamesburg, and Spotswood; townships of Holmdel, Matawan, Middletown, Raritan, Shrewsbury, and the boroughs of Atlantic Highlands, Eatontown, Fair Haven, Highlands, Keansburg, Keyport, Little Silver, Long Branch, Matawan, Monmouth Beach, Oceanport, Red Bank, Rumson, Sea Bright, Shrewsbury, Union Beach, and West Long Branch, in *Monmouth County*; all of *Sussex County* except the townships of Montague, Sandyston, Stillwater, and Walpack; townships of Allamuchy, Franklin, Frelinghuysen, Independence, Hope, Liberty, Mansfield, Oxford, Washington, and White, and the boroughs of Belvidere, Hackettstown, and Washington, in *Warren County*.

*New York.*—Counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, and Westchester; towns of Blooming Grove, Chester, Cornwall, Goshen, Highland, Minisink, Monroe, Tuxedo, Warwick, Wawayanda, and Woodbury, in *Orange County*; towns of Carmel, Phillipstown, Putnam Valley, and South East, in *Putnam County*; town of Huntington, in *Suffolk County*.

This amendment shall be effective on and after November 9, 1937, and shall on that date supersede amendment No. 2 which became effective on November 9, 1936.<sup>1</sup>

<sup>1</sup> 1 F. R. 1726.

Done at the city of Washington this 9th day of November 1937.

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

[SEAL]

M. L. WILSON,  
Acting Secretary of Agriculture.

[F. R. Doc. 37-3269; Filed, November 9, 1937; 12:40 p. m.]

## Food and Drug Administration.

## REGULATIONS FOR THE INSPECTION OF CANNED SHRIMP UNDER AMENDMENT TO FEDERAL FOOD AND DRUGS ACT

## SECRETARY OF AGRICULTURE:

Under the authority conferred by the amendment of August 27, 1935, to the Federal Food and Drugs Act (Sec. 10A), I recommend the adoption and promulgation, to become effective at once, of the following amendments to the regulations governing the inspection of canned shrimp approved June 8, 1937:

Regulation 7 (b): Change the time of process for wet pack tin containers, size 502 x 510, from 15 minutes at 250° F. to 13 minutes at 250° F.

Add to Regulation 13 a new paragraph: (h) When any packer desires emergency inspection service for a period during which no sea food inspector is available therefor, the Food and Drug Administration may assign temporarily for such service any available food and drug inspector upon payment by the packer to the Treasurer of the United States a fee to cover all expenses for salary, travel, and subsistence, incurred in the temporary assignment, in accordance with the regulations of the Department of Agriculture.

W. G. CAMPBELL,  
Chief, Food & Drug Administration.

Approved, November 9, 1937.

M. L. WILSON,  
Acting Secretary.

[F. R. Doc. 37-3271; Filed, November 9, 1937; 12:41 p. m.]

## DEPARTMENT OF COMMERCE.

## Bureau of Air Commerce.

## CIVIL AIR REGULATIONS—AMENDMENT NO. 1

## WASHINGTON AIRPORT, SOUTH WASHINGTON, VA.

Pursuant to the authority contained in the Air Commerce Act of 1926 (44 Stat. 568) as amended, and as further amended by the Act of June 19, 1934 (48 Stat. 1113), and the Act of June 19, 1934 (48 Stat. 1116), the sub-paragraph added at the end of Section 2 of Chapter 3 of Aeronautics Bulletin No. 7-E, by Amendment No. 15 of September 3, 1937,<sup>2</sup> is hereby amended to read as follows:

(A) *Washington Airport, South Washington, Va.*—Landings and take-offs at the Washington Airport, South Washington, Virginia, by airline aircraft engaged in scheduled operations shall be subject to the following restrictions in addition to those otherwise imposed:

## 1. Boeing 247-D aircraft—

(a) No take-off on the WNW-ESE (short) runway shall be made—

- (1) If the wind velocity is less than 15 m. p. h.
- (2) If the wind angle in relation to the center line of the runway exceeds 15 degrees, or
- (3) If the wind is "gusty plus" according to the current official weather report.

<sup>1</sup> 2 F. R. 1177 (DI).<sup>2</sup> 2 F. R. 2118 (DI).

## 2. Douglas DC-2, DC-3, and DST series aircraft—

(a) No landing or take-off shall be made on the short runway during the hours of darkness.

(b) In the case of the Douglas DC-2 series of aircraft no take-off shall be made on the short runway if the gross load of such aircraft exceeds 17,000 lbs.

(c) In the case of the Douglas DC-3 and DST series of aircraft no take-off shall be made on the short runway if the gross load of such aircraft exceeds 22,000 lbs.

(d) No landing or take-off by such aircraft shall be made on the short runway—

(1) If the wind velocity is less than 15 m. p. h.

(2) If the wind angle in relation to the center line of the runway exceeds 15 degrees, or

(3) If the wind is "gusty plus" according to the current official weather report.

(e) No landing or take-off shall be made by any such aircraft on the NNW-SSE (long) runway if the cross wind velocity component relative to such runway exceeds 15 m. p. h.

As used in this sub-paragraph the term "runway" includes the usable part of the field adjoining the actual runway if the effective length of such part is equal to that of the actual runway.

The direction or velocity of wind for the purposes of this sub-paragraph is that shown by devices in the control tower at the Airport.

Approved, to take effect November 15th, 1937.

[SEAL]

DANIEL C. ROPER,  
Secretary of Commerce.

[F. R. Doc. 37-3266; Filed, November 8, 1937; 1:56 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 5th day of November, A. D., 1937.

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

[File No. 21-288]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE HOUSE DRESS AND WASH FROCK MANUFACTURING INDUSTRY  
NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914 (38 Stat. 717);

Opportunity is hereby extended by the Federal Trade Commission to any and all persons affected by or having an interest in the proposed trade practice rules for the House Dress and Wash Frock Manufacturing Industry to present to the Commission their views upon the same, including suggestions or objections, if any. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Communications of such views should be made to the Commission not later than November 29, 1937. Opportunity for oral hearing will be afforded at 10 a. m., November 29, 1937, in the main hearing room, Federal Trade Commission Building, 815 Connecticut Avenue, N. W., Washington, D. C., to such persons as may desire to appear, and who shall have made prior written or telegraphic request to be heard orally. After giving due consideration to such views, suggestions or objections as

may be received concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

Entered November 5, 1937.

[F. R. Doc. 37-3267; Filed, November 9, 1937; 9:50 a. m.]

## UNITED STATES MARITIME COMMISSION.

At a regular session of the United States Maritime Commission held at its office in Washington, D. C., on the 29th day of October, 1937.

[General Order No. 17]

## REGISTRATION OF PERSONS ENTITLED TO PRACTICE BEFORE THE UNITED STATES MARITIME COMMISSION

The United States Maritime Commission, pursuant to authority conferred upon it by the Merchant Marine Act, 1936, particularly Section 204 (b) thereof, hereby prescribes and adopts as necessary and appropriate in the public interest rules for the registration of persons entitled to practice before the Commission, together with Forms 4524 and 4525 for the filing of applications for permission to practice before the Commission, and Form 4526, the Form of Oath, all of which are attached hereto and made a part hereof as though fully set forth.<sup>1</sup>

After January 1, 1938, a register will be maintained by the Commission in which will be entered the names of all persons entitled to practice before the Commission.

By order of the United States Maritime Commission.

[SEAL]

W. C. PEET, Jr., Secretary.

## RULES FOR THE REGISTRATION OF PERSONS ENTITLED TO PRACTICE BEFORE THE UNITED STATES MARITIME COMMISSION

No person shall be admitted to practice before the Commission whose application has not been approved or who has been suspended or disbarred from such practice, nor shall firms or corporations be so admitted. These rules shall not apply, however, to any regular officer or employee of a ship operator or shipbuilder who represents such ship operator or shipbuilder before the Commission, or to any person who appears on his own behalf.

1. *Classes of persons who may be admitted.*—The following classes of persons whom the Commission finds to be of good moral character and to possess the requisite qualifications to represent others may be admitted to practice before the Commission:

(a) *Attorneys at law.*—Attorneys at law who are admitted to practice before the Supreme Court of the United States or the highest court of any State or Territory or the District of Columbia.

(b) *Persons not attorneys.*—Any person not an attorney at law who is a citizen of the United States and who shall file proof to the satisfaction of the Commission that he is possessed with the necessary legal, technical or other qualifications to enable him to render valuable service before the Commission and is otherwise competent to advise and assist in the presentation of matters before the Commission.

2. *Applications for admission.*—Application for admission to practice before the Commission shall be made on the forms prescribed therefor which may be obtained from the Secretary of the Commission, and shall be addressed to the United States Maritime Commission, Washington, D. C.

<sup>1</sup> Forms 4524, 4525, and 4526 filed with the Division of the Federal Register, The National Archives; copies available upon application to the United States Maritime Commission.

3. *Hearing; withdrawal of application.*—The Commission in its discretion may call upon the applicant for a full statement of the nature and extent of his qualifications. If the Commission is not satisfied as to the sufficiency of the applicant's qualifications, it will so notify him by registered mail, whereupon he may request a hearing for the purpose of showing his qualifications. If he presents to the Commission no request for such hearing within 20 days after receiving the notification above referred to, his application shall be deemed to be withdrawn.

4. *Suspension or disbarment.*—The Commission may, in its discretion, deny admission, suspend, or disbar any person from practice before the Commission who, it finds, does not possess the requisite qualifications to represent others, or is lacking in character, integrity, or proper profes-

sional conduct. Any person who has been admitted to practice before the Commission may be disbarred from such practice only after he is afforded an opportunity to be heard.

5. *Statement of interest.*—The Commission, in its discretion, may call upon any registered practitioner for a full statement of the nature and extent of his interest in the subject-matter presented by him before the Commission. Attorneys retained on a contingent fee basis shall file with the Commission a copy of the contract of employment.

By order of the United States Maritime Commission.

W. C. PEET, Jr., *Secretary.*

Dated October 29th, 1937.

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