

MAY 6 1940

THE NATIONAL ARCHIVES
LITTE
SCRIPTA
MANET
OF THE UNITED STATES

FEDERAL REGISTER

1934
VOLUME 5 NUMBER 88

Washington, Saturday, May 4, 1940

Rules, Regulations, Orders

TITLE 25—INDIANS

CHAPTER I—OFFICE OF INDIAN AFFAIRS

KLAMATH RESERVATION, OREGON, IRRIGATION SYSTEM

FEBRUARY 14, 1940.

Mr. B. G. COURTRIGHT,
Supt. Klamath Agency.

DEAR MR. COURTRIGHT: The Third Deficiency Appropriation Act for 1939 (Public, No. 361, 76th Congress) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1939, and for other purposes, contains an item as follows:

Construction, irrigation system, Klamath Reservation, Oregon (tribal funds): For the construction of an irrigation system on the Klamath Reservation, including acquisition of rights of way and payment of damages in connection with such irrigation system, fiscal year 1940, \$15,000, payable from funds on deposit to the credit of the Klamath Indians, to be reimbursed to the tribe by the Indians benefited under such rules and regulations as the Secretary of the Interior may prescribe.

The irrigation system for which these funds were appropriated is known as the Five Mile Project, a new development to furnish irrigation for approximately 900 acres of arable land within the Klamath Reservation. The lands involved consist of approximately 17 Indian allotments. To furnish irrigation facilities for this area it appears necessary to construct a small diversion dam on Five Mile Creek, three and one-half miles of canal and thirteen miles of laterals. The area so served can be utilized for the growing of forage crops to be used as supplementary winter feed necessary for successful stockraising now practiced in that locality.

The members of the Yahooskin Band of Snake Indians, who are enrolled on the Klamath Reservation, Oregon, and whose allotments the proposed project will serve, have petitioned the Klamath Business Committee and the General Council for the use of these tribal funds.

The Klamath Tribe through the action of the tribal council, by resolution hereto attached,¹ consented to the use of these funds for the said project, at a meeting held December 7, 1939.

In compliance with the provisions of the Act as aforesaid, the following rules and regulations providing for the reimbursement to the tribe of the amount therein authorized for expenditure from tribal funds, are herewith promulgated:

1. All construction costs shall be paid by the owners of the lands benefited by the project. The Superintendent of the Klamath Agency, after necessary surveys have been completed, shall designate the lands to be benefited by the project. The designations of the lands shall be by legal description, and shall show the names of the owners of the different tracts and shall be submitted to the Commissioner of Indian Affairs for approval before delivery of water begins.

2. Repayment of the construction costs at a rate of 50 cents per acre per year shall be made over a period of not to exceed 35 years, beginning five years from the date water is first delivered to the land, these payments to be made on November 15 of each year.

3. In the event any landowner on the project becomes delinquent in the repayment of construction cost assessments, the Superintendent of the Klamath Agency may withhold any per capita payments or other money in such individual Indian's account under his supervision and apply the same to the payment of any such delinquent construction assessments.

4. All repayments for construction costs shall be made to the Superintendent of the Klamath Agency who shall deposit the same to the credit of the tribal funds to reimburse the tribe as provided for in the Act of June 30, 1939.

5. In the event of sale of any tract of land benefited by the project herein proposed, to a non-member of the Klamath Tribe, such Indian grantor shall be required to pay to the Klamath Tribe from the proceeds of such sale or from

¹ Not filed as part of the original document.

CONTENTS

RULES, REGULATIONS, ORDERS

TITLE 25—INDIANS:	
Office of Indian Affairs:	Page
Klamath Reservation, Oreg, irrigation project	1635
NOTICES	
Department of Agriculture:	
Federal Surplus Commodities Corporation:	
Cotton stamp program, desig- nation of area	1636
Department of the Interior:	
General Land Office:	
Idaho, stock driveway with- drawal No. 20	1636
Federal Power Commission:	
Moline-Rock Island Mfg. Co., application denied; hearing place changed	1637
Federal Trade Commission:	
Orders appointing examiners, etc.:	
Columbia Pencil Co.	1638
Majestic China Co., Inc., et al.	1637
Murine Co., Inc.	1637
Pasadena Products, Inc.	1638
Popular Publications, Inc.	1638
Pronto File Corp.	1637
Stromberg Ignition Co.	1637
Securities and Exchange Commis- sion:	
Central U. S. Utilities Co., hear- ing	1639
Inland Power & Light Corp., et al., application denied	1638
Lipton, Thomas J., Inc., hearing.	1638
MacDonald Mines Limited, stop order	1639
United States Civil Service Com- mission:	
Apportionment at close of busi- ness, April 30, 1940	1639
War Department:	
Examinations for appointment in:	
Dental Corps, Regular Army ..	1636
Medical Corps, Regular Army ..	1636



Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

any other funds to his credit the full amount of all unpaid construction cost of this project charged against the said tract of land. This shall include any delinquent installments that have already become due and remain unpaid as well as all installments which are to become due in the future, resulting in the full reimbursement to the Klamath Tribe of such Indian grantor's pro rata share of the construction cost of the project.

6. This project shall be operated and maintained by the Indian Service as a unit of the present Klamath Indian Irrigation Project, and shall be subject to the annual assessments for that purpose as authorized by the Department from time to time unless satisfactory arrangements shall be made for the operation and maintenance to be carried on independently by the landowners.

7. The assessments against the lands herein provided for, if not paid by the landowners when due shall stand as a lien against the land in favor of the tribe until paid in accordance with provisions contained in the Act of March 7, 1928 (45 Stat. 200-210).

8. A form of repayment contract approved by the Secretary of the Interior shall be provided by the Tribal Council of the Klamath Tribe for execution by the Tribal Council and the individual Indian landowners benefited, and no water made available by the irrigation works shall be delivered to the land of any Indian who has not signed such contract. Such repayment contract shall embody the requirements of the rules and regulations issued by said Secretary under the authority conferred upon him by provisions contained in the Act of August 9, 1939 (Public 361, 76th Congress).

It is believed that these regulations will safeguard the tribal interests and will

permit repayments by those benefited without undue burden. You are, therefore, authorized to proceed with the construction of the project in accordance therewith.

Sincerely yours,

WILLIAM ZIMMERMAN, Jr.,
Assistant Commissioner.

Approved, April 5, 1940.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 40-1781; Filed, May 3, 1940;
9:45 a. m.]

Notices

WAR DEPARTMENT.

EXAMINATION FOR APPOINTMENT IN THE DENTAL CORPS, REGULAR ARMY

1. An examination of applicants for appointment as first lieutenants, Dental Corps, Regular Army, under the provisions of A.R. 605-20, will be held within the continental limits of the United States from July 15 to July 20, 1940, inclusive.

2. Applications and requests for information concerning this examination should be addressed to The Adjutant General.

3. Applications received after June 29, 1940, will not be considered. (Sec. 24, 41 Stat. 774; 10 U.S.C. 122, 123) [Sec. II, Cir. No. 45, W.D., Apr. 29, 1940]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-1778; Filed, May 2, 1940;
2:31 p. m.]

EXAMINATION FOR APPOINTMENT IN THE MEDICAL CORPS, REGULAR ARMY

1. An examination of applicants for appointment as first lieutenants, Medical Corps, Regular Army, under the provisions of A.R. 605-20, will be held within the continental limits of the United States from July 8 to July 11, 1940, inclusive.

2. Applications and requests for information concerning this examination should be addressed to The Adjutant General.

3. Applications received after June 21, 1940, will not be considered. (Sec. 4, 35 Stat. 67; 10 U.S.C. 93; sec. 24, 41 Stat. 774; 10 U.S.C. 92) [Sec. I, Cir. No. 45, W.D., Apr. 29, 1940]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-1777; Filed, May 2, 1940;
2:31 p. m.]

DEPARTMENT OF THE INTERIOR.

General Land Office.

STOCK DRIVEWAY WITHDRAWAL No. 259,
IDAHO No. 20

APRIL 25, 1940.

It appearing that the following-described public lands in Idaho are necessary for the purpose, it is ordered, under and pursuant to the provisions of section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for use by the general public as a stock driveway, subject to valid existing rights;

Boise Meridian

T. 4 N., R. 46 E.,
sec. 29, SW $\frac{1}{4}$ SW $\frac{1}{4}$,
sec. 32, lot 1, N $\frac{1}{2}$ NW $\frac{1}{4}$;
aggregating 167.13 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 40-1780; Filed, May 3, 1940;
9:44 a. m.]

DEPARTMENT OF AGRICULTURE.

Federal Surplus Commodities Corporation.

DESIGNATION OF AREA UNDER COTTON STAMP PROGRAM

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the following area is hereby designated as an area in which cotton order stamps may be used: The area within the county limits of Shelby County, Tennessee.

The effective date for this area shall be announced by the local representative of the Federal Surplus Commodities Corporation in local newspapers of general circulation.

[SEAL]

PHILIP F. MAGUIRE,
Executive Vice President.

APRIL 30, 1940.

[F. R. Doc. 40-1786; Filed, May 3, 1940;
11:21 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5517]

IN THE MATTER OF MOLINE-ROCK ISLAND MANUFACTURING COMPANY

ORDER DENYING APPLICATION FOR THE TAKING OF DEPOSITIONS AND CHANGING PLACE OF HEARING

MAY 1, 1940.

It appearing to the Commission that:

(a) On April 25, 1940, Moline-Rock Island Manufacturing Company made application to take the depositions of Joe Wagner, Roy R. Fisher, Henry F. Roggenkamp, Fred L. Waterman, Robert W. Rank, and M. D. Rosenfield, in Davenport, Iowa, at 10 a. m. on May 4, 1940, and on April 30, 1940, filed an additional application to take the deposition of L. H. Heinke in Chicago, Illinois, at 10 a. m. on May 13, 1940;

(b) It is desirable that the testimony of the above witnesses be taken before an Examiner of the Federal Power Commission in the regular course of hearings in the above matter;

The Commission orders that:

(A) The hearing in the above matter, now set for Washington, D. C. on May 8, 1940, be convened at 10 a. m. on that date in the court room on the second floor of the Federal Building in Davenport, Iowa, for the purpose of taking the testimony of Joe Wagner, Roy R. Fisher, Henry F. Roggenkamp, Fred L. Waterman, Robert W. Rank, M. D. Rosenfield, and L. H. Heinke;

(B) The applications of Moline-Rock Island Manufacturing Company for the taking of depositions of Joe Wagner, Roy R. Fisher, Henry F. Roggenkamp, Fred L. Waterman, Robert W. Rank, and M. D. Rosenfield in Davenport, Iowa, at 10 a. m. on May 4, 1940, and of L. H. Heinke in Chicago, Illinois, at 10 a. m. on May 13, 1940, be and they are hereby denied.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-1779; Filed, May 3, 1940; 9:44 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 3748]

IN THE MATTER OF MAJESTIC CHINA COMPANY, INC., A CORPORATION; ART CHINA COMPANY, A CORPORATION; HERMAN SIEGEL, SIGMUND GLADSTONE AND JOHN LINDSEY, SOMETIMES KNOWN AS JACK LINDSEY, INDIVIDUALLY AND AS OFFICERS AND EMPLOYEES OF THE MAJESTIC CHINA COMPANY, INC., AND TRADING AS ART CHINA COMPANY; JOHN H. FEINNE, INDIVIDUALLY AND AS AN OFFICER OF MAJESTIC CHINA COMPANY, INC., AND TRADING AS WINDSOR CHINA COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 1st day of May, A. D. 1940.

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

It is ordered, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, May 16, 1940, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1788; Filed, May 3, 1940; 11:34 a. m.]

[Docket No. 4064]

IN THE MATTER OF HENRY O. STRIKER, AN INDIVIDUAL, TRADING AS STROMBERG IGNITION COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of May, A. D. 1940.

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, June 27, 1940, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1790; Filed, May 3, 1940; 11:35 a. m.]

[Docket No. 40761]

IN THE MATTER OF THE MURINE COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of May, A. D. 1940.

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 24, 1940, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1791; Filed, May 3, 1940; 11:35 a. m.]

[Docket No. 3717]

IN THE MATTER OF PRONTO FILE CORPORATION, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of May, A. D. 1940.

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, May 16, 1940, at nine o'clock in the forenoon of that day (Eastern Standard Time) in Room 1604, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to

take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1787; Filed, May 3, 1940;
11:34 a. m.]

[Docket No. 3945]

IN THE MATTER OF PASADENA PRODUCTS
INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING
TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of May, A. D. 1940.

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

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, May 22, 1940, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 216, Chamber of Commerce Building, Los Angeles, California.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1789; Filed, May 3, 1940;
11:34 a. m.]

[Docket No. 4077]

IN THE MATTER OF POPULAR PUBLICATIONS,
INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING
TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of May, A. D. 1940.

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Saturday, May 18, 1940, at nine o'clock in the forenoon of that day (Eastern Standard Time) in Room 1604, United States Court House, Foley Square, New York, New York.

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

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1792; Filed, May 3, 1940;
11:35 a. m.]

[Docket No. 4083]

IN THE MATTER OF BERTRAM A. STRAUSS,
INDIVIDUALLY AND TRADING AS COLUMBIA
PENCIL COMPANY

ORDER APPOINTING EXAMINER AND FIXING
TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of May, A. D. 1940.

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, May 14, 1940, at nine o'clock in the forenoon of that day (Eastern Standard Time) in Room 1604, United States Court House, Foley Square, New York, New York.

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

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1793; Filed, May 3, 1940;
11:35 a. m.]

SECURITIES AND EXCHANGE COM-
MISSION.

[File No. 34-14]

IN THE MATTER OF INLAND POWER & LIGHT
CORPORATION, AND COMMONWEALTH
LIGHT & POWER COMPANY

ORDER DENYING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of May, A. D. 1940.

Application having been made to the Commission for approval pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 of a proposed plan of reorganization for Inland Power & Light Corporation and The Commonwealth Light & Power Company, by Arthur E. Swanson, Kellogg Logedon, and Gary Barthell, constituting a protective committee for certain bondholders of Inland Power & Light Corporation, and by The Middle West Corporation; application having also been made for a report upon said plan pursuant to Sections 11 (g) and 12 (e) of the Act and Rule U-12E-4 thereunder; hearings having been held before an officer of the Commission after appropriate notice; the Commission having examined and considered the record and having heard arguments; and the Commission having made and filed its Findings and Opinion herein, and having determined that said plan should not be approved;

It is hereby ordered, That the application for approval of said plan under section 11 (f) of the Public Utility Holding Company Act of 1935 be and the same is hereby denied.

It appearing that in view of the denial of said application for approval a report on said plan pursuant to sections 11 (g) and 12 (e) of the Act and Rule U-12E-4 would serve no purpose;

It is further ordered, That the application for a report on said plan be and the same is hereby dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1784; Filed, May 3, 1940;
10:55 a. m.]

[File No. 1-2988]

IN THE MATTER OF THOMAS J. LIPTON,
INC., \$1 CUMULATIVE PARTICIPATING
CLASS "A" STOCK, PAR VALUE \$1

ORDER SETTING HEARING ON APPLICATION TO
STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of May, A. D. 1940.

The New York Curb Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and

Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the \$1 Cumulative Participating Class "A" Stock, Par Value \$1, of Thomas J. Lipton, Inc.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Monday, May 27, 1940, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1785; Filed, May 3, 1940; 10:55 a. m.]

[File No. 2-4085]

IN THE MATTER OF MACDONALD MINES LIMITED (N. P. L.)

STOP ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of May, A. D. 1940.

This matter having come on to be heard by the Commission on the registration statement of MacDonald Mines Limited (N. P. L.) after confirmed telegraphic notice by the Commission to the said registrant to the effect that it appeared that the said registration statement contained untrue statements of material facts and omitted to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading; and

The trial examiner having issued a report finding that the said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading; the registrant having consented to the entry of a stop order; and

The Commission having duly considered the matter, and finding that the report of the trial examiner is supported

by the evidence and by a stipulation executed by the said registrant;

It is ordered, That the findings of the trial examiner be and the same hereby are adopted by the Commission as its own findings and that the said findings and the aforesaid stipulation be and the same hereby are made matters of public record; and

It is further ordered, Pursuant to section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by MacDonald Mines Limited (N. P. L.) be and the same hereby is suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1782; Filed, May 3, 1940; 10:55 a. m.]

[File No. 56-85]

IN THE MATTER OF CENTRAL U. S. UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of May, A. D. 1940.

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on May 21, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 16, 1940.

The matter concerned herewith is in regard to a proposed sale by the appli-

cant, Central U. S. Utilities Company, a registered holding company, to Indiana Gas and Chemical Corporation, stated to be a non-affiliate of the applicant, of the entire outstanding common stock (40,000 shares) of a subsidiary company, Indiana Gas Utilities Company, for a consideration of \$5,000, and the open account indebtedness due from Indiana Gas Utilities Company, which at December 31, 1939, totalled \$2,017,340, for a consideration of \$980,000, to be adjusted for the excess of current liabilities over current assets. The applicant has designated Rule U-12D of the General Rules and Regulations under the Act as applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1783; Filed, May 3, 1940; 10:55 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS TUESDAY, APRIL 30, 1940

Important. Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Virgin Islands.....	9	0
2. Puerto Rico.....	657	46
3. Hawaii.....	157	17
4. Alaska.....	25	8
5. California.....	2,417	863
6. Texas.....	2,480	1,012
7. Louisiana.....	895	425
8. Michigan.....	2,061	1,011
9. Arizona.....	185	100
10. South Carolina.....	740	417
11. New Jersey.....	1,720	1,016
12. Mississippi.....	856	518
13. Ohio.....	2,829	1,729
14. Alabama.....	1,126	692
15. Arkansas.....	789	495
16. Georgia.....	1,238	793
17. Oklahoma.....	1,020	658
18. Kentucky.....	1,113	739
19. North Carolina.....	1,350	918
20. New Mexico.....	180	127
21. Tennessee.....	1,114	847
22. Illinois.....	3,248	2,573
23. Nevada.....	39	32

State	Number of positions to which entitled	Number of positions occupied	State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1939
IN ARREARS—Continued			IN EXCESS			
24. Wisconsin.....	1,251	1,039	40. Pennsylvania.....	4,100	4,158	+205
25. Indiana.....	1,379	1,195	41. Kansas.....	801	830	+33
26. Connecticut.....	684	602	42. New York.....	5,359	5,592	+408
27. Delaware.....	101	92	43. Colorado.....	441	462	+17
28. Florida.....	625	578	44. North Dakota.....	290	304	+22
29. Oregon.....	406	376	45. Rhode Island.....	293	308	+14
30. Idaho.....	189	176	46. Utah.....	216	235	+20
31. Montana.....	229	216	47. Minnesota.....	1,091	1,193	+43
32. Vermont.....	153	145	48. Iowa.....	1,052	1,176	+19
33. Wyoming.....	96	91	49. South Dakota.....	295	334	+6
34. West Virginia.....	736	719	50. Nebraska.....	587	722	+5
35. Washington.....	666	657	51. Virginia.....	1,031	2,050	+45
36. New Hampshire.....	198	196	52. Maryland.....	695	2,098	+12
37. Maine.....	339	336	53. District of Columbia.....	207	8,869	+14
38. Missouri.....	1,545	1,533				
39. Massachusetts.....	1,809	1,795				

GAINS	
By appointment.....	196
By transfer.....	24
By reinstatement.....	1
By correction.....	1
Total.....	222

LOSSES	
By separation.....	57
By transfer.....	94
Total.....	151
Total appointments.....	53,113

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 16,590.

By direction of the Commission:

[SEAL] L. A. MOYER,
Executive Director and
Chief Examiner.

[F. R. Doc. 40-1776; Filed, May 2, 1940; 2:22 p. m.]