FEDERAL REGISTER

VOLUME 5 NUMBER 49

Washington, Tuesday, March 12, 1940

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER V—FEDERAL SURPLUS COMMODITIES CORPORATION

AMENDMENT TO (1) REGULATIONS AND CONDITIONS GOVERNING THE ISSUANCE OF FOOD ORDER STAMPS, ESTABLISHING THE ELIGIBILITY OF THE HOLDERS THEREOF TO RECEIVE AGRICULTURAL COMMODITIES OR THE PRODUCTS THEREOF AND PROVIDING FOR THE PAYMENT OF CLAIMS MADE BY RETAILERS OF SUCH COMMODITIES AND PRODUCTS, AS AMENDED, AND (2) REGULATIONS AND CONDITIONS GOVERNING THE ISSUANCE OF FOOD ORDER STAMPS TO PERSONS IN LOW INCOME GROUPS IN SHAWNEE, OKLAHOMA, ESTABLISHING THE ELIGIBILITY OF THE HOLDERS THEREOF TO RECEIVE AGRICULTURAL COMMODITIES OR THE PRODUCTS THEREOF, AND PROVIDING FOR THE PAYMENT OF CLAIMS MADE BY RETAILERS OF SUCH COMMODITIES AND PRODUCTS, AS AMENDED

Sections 200 and 300 (d) of the "Regulations and Conditions Governing the Issuance of Food Order Stamps Establishing the Eligibility of the Holders Thereof to Receive Agricultural Commodities or the Products Thereof and Providing for the Payment of Claims Made by Retailers of Such Commodities and Products", made and prescribed by the Secretary of Agriculture on April 21, 1939,[1] as amended, and Section 100 (d) of the "Regulations and Conditions Governing the Issuance of Food Order Stamps to Persons in Low Income Groups in Shawnee, Oklahoma, Establishing the Eligibility of the Holders Thereof to Receive Agricultural Commodities or the Products Thereof and Providing for the Payment of Claims Made by Retailers of Such Commodities and Products", made and prescribed by the Acting Secretary of Agriculture on October 14, 1939,[2] as amended, are hereby further amended as follows:

(1) Section 200 of the "Regulations and Conditions Governing the Issuance of Food Order Stamps, Establishing the Eligibility of the Holders Thereof to Receive Agricultural Commodities or the Products Thereof and Providing for the Payment of Claims Made by Retailers of Such Commodities and Products", made and prescribed by the Secretary of Agriculture on April 21, 1939, as amended, is hereby amended to read as follows:

"*Amount and ratio of orange colored and blue surplus food order stamps available to any eligible person.* Any person certified by a duly authorized agency as eligible for public assistance, who, when required, has presented evidence of such certification, if entitled to periodic payments, may purchase or obtain in lieu of money payment orange colored food order stamps for any one pay period or any period between relief payments, in accordance with a formula to be prescribed by the Corporation for each designated area, setting out the minimum and maximum purchase which may be made by such person. Any such person purchasing or obtaining orange colored food order stamps may be given blue surplus food order stamps in the ratio of one blue surplus food order stamp for each two orange colored food order stamps purchased or obtained: *Provided, however,* That whenever the Corporation has determined it to be necessary in order to effectuate the food stamp program, it may change the above ratio in respect to any class or classes of persons: *Provided further, however,* That if in certain states, political subdivisions thereof, or areas, a substantial proportion of certain or all classes of eligible persons are found by the Corporation to be unable to purchase or obtain orange colored food order stamps or are able to purchase or obtain such stamps only in an amount substantially below the minimum provided for, in the formula for any area, blue surplus food order stamps may be given in an amount determined by the Corporation and without regard to the purchasing or obtaining of orange colored food order stamps."

[1] 4 F.R. 1683.
[2] 4 F.R. 4255.

CONTENTS

RULES, REGULATIONS, ORDERS

(Continued on next page)

FEDERAL REGISTER

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.

CONTENTS—Continued

NOTICES

CONTENTS—Continued

(2) Section 300 (d) of the "Regulations and Conditions Governing the Issuance of Food Order Stamps, Establishing the Eligibility of the Holders Thereof to Receive Agricultural Commodities or the Products Thereof and Providing for the Payment of Claims Made by Retailers of Such Commodities and Products", made and prescribed by the Secretary of Agriculture on April 21, 1939, as amended, and Section 100 (d) of the "Regulations and Conditions Governing the Issuance of Food Order Stamps to Persons in Low Income Groups in Shawnee, Oklahoma, Establishing the Eligibility of the Holders Thereof to Receive Agricultural Commodities or the Products Thereof and Providing for the Payment of Claims Made by Retailers of Such Commodities and Products", made and prescribed by the Acting Secretary of Agriculture on October 14, 1939, as amended, are hereby amended to read as follows:

"The term 'food' means any commodity or product sold in retail food stores for human consumption not on the premises; but shall not include wines, liquors, beers, or other alcoholic beverages or tobacco in any form."

The above amendments shall be effective (a) on April 1, 1940 in those designated areas which are now in operation or in which in the opinion of the Corporation the organization work is in sufficiently advanced stages to make an immediate change administratively undesirable, and (b) on March 8, 1940 in all other designated areas or areas which may hereafter be designated.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed hereto, in the City of Washington, this 8th day of March, 1940.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-976; Filed, March 9, 1940; 9:05 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER IV—MILITARY EDUCATION

PART 44—BADGES FOR MARKSMANSHIP, GUNNERY, AND BOMBING [1]

§ 44.2 *How earned*—(a) *Badges for qualification in the use of arms.* The authorized badges for marksmanship, gunnery, bombing, etc., designated below, are earned by qualifying in the use of arms in accordance with procedures prescribed by the War Department.

(1) Rifle marksman.
(2) Rifle sharpshooter.
(3) Expert rifleman.
(4) Automatic rifle marksman.
(5) Automatic rifle sharpshooter.
(6) Expert automatic rifleman.
(7) Pistol D marksman.
(8) Pistol D sharpshooter.
(9) Pistol D expert.
(10) Pistol M marksman.
(11) Pistol M sharpshooter.
(12) Pistol M expert.
(13) Second-class Field Artillery gunner.
(14) First-class Field Artillery gunner.
(15) Expert Field Artillery gunner.
(16) Second-class Coast Artillery Corps gunner.
(17) First-class Coast Artillery Corps gunner.
(18) Expert Coast Artillery Corps gunner.
(19) Second-class Chemical Warfare Service gunner.
(20) First-class Chemical Warfare Service gunner.
(21) Expert Chemical Warfare Service gunner.
(22) Second-class machine gunner.
(23) First-class machine gunner.
(24) Expert machine gunner.
(25) Second-class combat vehicle gunner.
(26) First-class combat vehicle gunner.
(27) Expert combat vehicle gunner.
(28) Second-class aerial gunner.
(29) First-class aerial gunner.
(30) Expert aerial gunner.
(31) Expert aerial bomber.
(32) Bayonet expert.
(33) Machine rifle marksman.
(34) Machine rifle sharpshooter.
(35) Expert machine rifleman.
(36) Second-class submachine gunner.
(37) First-class submachine gunner.
(38) Expert submachine gunner.
(39) Second-class Infantry howitzer gunner.
(40) First-class Infantry howitzer gunner.
(41) Expert Infantry howitzer gunner.
(42) Second-class mine gunner.
(43) First-class mine gunner.
(44) Expert mine gunner.
(45) Rifle, small-bore, marksman.

[1] These regulations amend 10 CFR 44.2 (a)

(46) Rifle, small-bore, sharpshooter.
(47) Rifle, small-bore, expert.
(48) Second-class small-bore machine gunner.
(49) First-class small-bore machine gunner.
(50) Small-bore machine-gun expert.
(51) Pistol, small-bore, marksman.
(52) Pistol, small-bore, sharpshooter.
(53) Pistol, small-bore, expert.
(54) Marksman, C. M. T. C.
(55) Sharpshooter, C. M. T. C.
(56) Pistol shot 1st class, C. M. T. C.
(57) Gunner, C. M. T. C.

(R.S. 161; 5 U.S.C. 22) [Par. 2*a*, A.R. 600–75, December 21, 1936, as amended by par. 2, Cir. No. 23, W.D., March 5, 1940]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40–988; Filed, March 11, 1940; 10:31 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3684]

IN THE MATTER OF UNIVERSAL STUDIOS, INC., ET AL.

§ 3.69 (b) (8) *Misrepresenting oneself and goods—Goods—Nature.* Representing, directly or in any manner, in connection with offer, etc., in commerce, of colored or tinted photographs or enlargements having a photographic base, that such products are hand-painted or are paintings, or using terms "gold tone oil painting", "oil portrait", "portrait in oil colors" or "oil colored portrait", either alone or in conjunction with any other terms or words in any way, to designate, describe or refer to such products or other pictures produced from a photographic base or impression, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Universal Studios, Inc., et al., Docket 3684, March 1, 1940]

§ 3.69 (b) (17) *Misrepresenting oneself and goods—Goods—Value:* § 3.69 (c) (2.5) *Misrepresenting oneself and goods—Prices—Exaggerated as regular and customary.* Representing, in connection with offer, etc., in commerce, of colored or tinted photographs or enlargements having a photographic base, as the customary or regular prices or values for such pictures, prices and values which are in fact fictitious and greatly in excess of the prices at which such pictures are customarily offered for sale and sold by respondents in the normal course of business, or representing that any articles of merchandise customarily and regularly sold in connection with the use of any purported certificate or other similar device have any value in excess of the actual money price required to be paid, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Universal Studios, Inc., et al., Docket 3684, March 1, 1940]

§ 3.72 (b) *Offering deceptive inducements to purchase—Coupon or certificate deductions in price.* Representing, in connection with offer, etc., in commerce, of colored or tinted photographs or enlargements having a photographic base, that any coupon or similar device has any monetary value in the purchase of an article which is customarily or regularly sold by the respondents with such coupon or similar device at the price required to be paid, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Universal Studios, Inc., et al., Docket 3684, March 1, 1940]

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 1st day of March, A. D. 1940.

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

IN THE MATTER OF UNIVERSAL STUDIOS, INC., A CORPORATION, HARRY I. SMITH, SANDERS R. SMITH, AND LORRAINE H. SMITH, CO-PARTNERS TRADING AS UNIVERSAL STUDIOS

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, testimony and other evidence taken before A. F. Thomas, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and the brief of counsel for the Commission in support of the complaint, and the Commission having made its findings as to the facts and its conclusion that respondents, with the exception of Lorraine H. Smith, have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Universal Studios, Inc., a corporation, and its officers, and Harry I. Smith and Sander R. Smith, individually and as co-partners trading as Universal Studios, or trading under any other name, and their respective salesmen, employees and agents, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as commerce is defined in the Federal Trade Commission Act, of colored or tinted photographs or enlargements having a photographic base, do forthwith cease and desist from:

(1) Representing directly or in any manner, that colored or tinted photographs or photographic enlargements are hand-painted or are paintings;

(2) Using the terms "gold tone oil painting", "oil portrait", "portrait in oil colors" or "oil colored portrait", either alone or in conjunction with any other terms or words in any way to designate, describe or refer to colored or tinted photographs or photographic enlargements or other pictures produced from a photographic base or impression;

(3) Representing, as the customary or regular prices or values for such pictures, prices and values which are in fact fictitious and greatly in excess of the prices at which such pictures are customarily offered for sale and sold by respondents in the normal course of business;

(4) Representing that any articles of merchandise customarily and regularly sold in connection with the use of any purported certificate or other similar device have any value in excess of the actual money price required to be paid;

(5) Representing that any coupon or similar device has any monetary value in the purchase of an article which is customarily or regularly sold by the respondents with such coupon or similar device at the price required to be paid.

It is further ordered, That each of the said respondents, Universal Studios, Inc., a corporation, Harry I. Smith and Sander R. Smith, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the case be closed as to the respondent Lorraine H. Smith without prejudice to the right of the Commission to reopen and resume prosecution thereof in the event developments so warrant.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40–979; Filed, March 9, 1940; 9:29 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 5017]

INVOICES—ADDITIONAL INFORMATION

NOTICE THAT ADDITIONAL INFORMATION REQUIRED UNDER CERTAIN TREASURY DECISIONS IS NOT REQUIRED IN CERTAIN INSTANCES [1]

To Collectors of Customs and Others Concerned:

The additional information required to be set forth on invoices of crockery ware,

[1] This document affects 19 CFR 6.1 (c).

T.D. 49807;[2] certain toys, T.D. 49859;[3] and iron oxide, T.D. 49989,[4] is not required on invoices of the products of countries to which the reduced rates of duty provided for pursuant to the various trade agreements are not applied.

T.D. 49806[2] is hereby revoked. (Section 481 (a) (10), 46 Stat. 719; 19 U.S.C., 1481 (a) (10).)

[SEAL] BASIL HARRIS,
Commissioner of Customs.

Approved, March 7, 1940.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 40-995; Filed, March 11, 1940; 11:31 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER I—FEDERAL HOME LOAN BANK BOARD

PART 5—ADVANCES

AMENDMENT RELATING TO FEDERAL HOME LOAN BANK MEMBERS' BORROWING CAPACITIES AND LINES OF CREDIT

Be it resolved, that § 5.1 of the Rules and Regulations for the Federal Home Loan Bank System is amended as follows, effective March 8, 1940:

(1) Subsection (a) is amended to read:

"(a) *Borrowing capacity of members.* The borrowing capacity for each member shall be the amount for which the member can legally obligate itself. In each case where there is no legal limit on the amount a member can borrow, its borrowing capacity shall be 50% of its net assets."

(2) The following sentence is added at the end of subsection (b):

"Reviews of lines of credit shall be comprehensive enough actually to determine the current condition of a member, in order that the review of its line of credit can be made intelligently."

(Sec. 17 of F.H.L.B.A., 47 Stat. 736; 12 U.S.C. 1437)

Adopted by the Federal Home Loan Bank Board on March 4, 1940.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-974; Filed, March 8, 1940; 2:41 p.m.]

CHAPTER II—FEDERAL SAVINGS AND LOAN SYSTEM

PART 203—OPERATION

AMENDMENT REQUIRING THE GIVING OF NOTICE OF ANNUAL MEETINGS OF MEMBERS

Be it resolved, that Part 203 of the Rules and Regulations for the Federal Savings and Loan System is hereby amended by the addition of a new section as follows, effective March 8, 1940:

§ 203.19 *Meetings of members.* Each Federal association shall either publish a notice of its annual meeting of members once a week for the two successive calendar weeks (in each instance on any day of the week) prior to the date on which such annual meeting shall convene, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of the Federal association is located, or mail a copy of such notice, postage prepaid, at least 15 days and not more than 30 days prior to the date on which such annual meeting shall convene to each of its members of record at his last address appearing upon its books. Such notice shall state the name of the Federal association, the place of the annual meeting and the time when it shall convene. A similar notice shall be posted in a conspicuous place in each office of the Federal association during the 14 days immediately preceding the date on which such annual meeting shall convene. (Sec. 5 (a) of H.O.L.A. of 1933, 48 Stat. 132; 12 U.S.C. 1464 (a))

Adopted by the Federal Home Loan Bank Board on March 6, 1940.

[SEAL] J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 40-975; Filed, March 8, 1940; 2:41 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D. 4967]

REVISING SPECIALLY DENATURED ALCOHOL FORMULA NO. 42 IN APPENDIX TO REGULATIONS NO. 3

To District Supervisors, Chemists in Charge, Authorized Chemists, and Others Concerned:

Pursuant to authority contained in sections 3105 (a) and 3124 (a) (6) of the Internal Revenue Code, the formula for specially denatured alcohol Formula No. 42 in Appendix to Regulations No. 3,[1] approved December 29, 1938, is revised to read as follows:

To every 100 gallons of ethyl alcohol of not less than 190° proof add

(a) 80 grams potassium iodide U. S. P. and 109 grams red mercuric iodide, U. S. P.

or

(b) 76 grams of any one of the following:

Phenyl mercuric nitrate, C. P.
Phenyl mercuric chloride, C. P.
Phenyl mercuric benzoate, C. P.

or

(c) 95 grams sodium ethyl mercuric thiosalicylate, C. P.

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

Approved, March 8, 1940.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 40-996; Filed, March 11, 1940; 11:31 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER II—OFFICE OF THE COMMISSIONER OF ACCOUNTS AND DEPOSITS

[1940—Supp. 10, Department Circular 92, Rev.]

PART 203—SPECIAL DEPOSITS OF PUBLIC MONEYS UNDER THE ACT OF CONGRESS APPROVED SEPTEMBER 24, 1917, AS AMENDED

MARCH 11, 1940.

To Federal Reserve Banks and Other Banks and Trust Companies Incorporated Under the Laws of the United States or of Any State:

Treasury Department Circular No. 92, dated February 23, 1932, as amended, is hereby further amended to include obligations of Public Housing Agencies. Paragraph 11—Section 203.7 (1)—therefore, under the caption "Collateral Security" will read as follows:

"11. *Federal land bank bonds, obligations of the Federal Home Loan Banks, obligations of the Federal National Mortgage Association, and obligations of public housing agencies.* Bonds of the Federal Land Banks, obligations of the Federal Home Loan Banks, obligations of the Federal National Mortgage Association, and obligations of Public Housing Agencies (as defined in the United States Housing Act of 1937, as amended) when secured to the full amount thereof by a Requisition Agreement with the United States Housing Authority; all at face value."

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 40-997; Filed, March 11, 1940; 11:31 a. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER I—NATIONAL PARK SERVICE

ROCKY MOUNTAIN NATIONAL PARK

AMENDMENT TO SUBSIDIARY REGULATIONS[1]

Pursuant to the authority granted to the Secretary of the Interior by the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), and pursuant to the authority

[2] 4 F.R. 1175.
[3] 4 F.R. 2031.
[4] 4 F.R. 4300.

[1] 4 F.R. 11.

[1] This regulation supersedes sub-paragraph (8) of paragraph (b) of § 20.7, Title 36, Code of Federal Regulations.

granted to the Director of the National Park Service by the Rules and Regulations issued thereunder (1 F.R. 672; 36 CFR, Chapter I, Part 2), sub-paragraph (8) of paragraph (b) of § 13.35 of the subsidiary regulations for Rocky Mountain National Park, approved January 20, 1939 (4 F.R. 473 (DI), is hereby amended to read as follows:

(8) The following lakes and streams are closed to fishing:

Hidden Valley Creek, between Trail Ridge Road and the Horseshoe Park-Deer Ridge Road.
Haiyaha Lake.
Spruce Lake.
Dream Lake.

Approved, March 4, 1940.

[SEAL] ARNO B. CAMMERER,
Dircctor.

[F. R. Doc. 40-978; Filed, March 9, 1940; 9:24 a. m.]

GREAT SMOKY MOUNTAINS NATIONAL PARK

SUBSIDIARY REGULATIONS

Pursuant to the authority granted to the Secretary of the Interior by the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), and pursuant to the authority granted to the Director of the National Park Service by the Rules and Regulations issued thereunder (1 F.R. 672; 36 CFR, Chapter I, Part 2), the following subsidiary regulations are prescribed for Great Smoky Mountains National Park:

§ 20.14 *Great Smoky Mountains National Park*—(a) *Fishing; open and closed waters.* The following waters are open for fishing. All other waters are closed. Main streams only of waters listed are open; all tributaries thereof are closed:

(1) Tennessee section of the park:

Cosby Creek below Rock Creek.
Indian Camp Creek below trail crossing at 3300 ft. elevation.
Middle Prong Little Pigeon River below Ramsey Prong.
Porters Creek below Long Branch.
False Gap Prong below Wooly Tops Branch.
West Prong, Little Pigeon River, below Road Prong.
East Fork Little River below Meigs Post Prong.
Jakes Creek below Newt Prong.
Lynn Camp Prong below Indian Flats Prong.
West Prong Little River below Laurel Creek.
Laurel Creek.
Abrams Creek from Forge Creek to the top of the Falls.
Forge Creek below Ekanetlee Creek.

(2) North Carolina section of the park:

Big Creek below Gunter Fork.
Gunter Fork below forks at 3,575 ft. elevation.
Cataloochee Creek below Rough Fork.
Palmer Creek below Pretty Hollow Creek.
Little Cataloochee Creek below Conrad Branch.
Oconalufty River.
Straight Fork below Ledge Creek.
Raven Fork below Jones Creek.
Bradley Fork below Tennessee Branch.
Main stream Oconalufty River below Bradley Fork.
Left Fork Oconalufty River below Kephart Prong.
Beech Flats Prong below Jack Bradley Branch.
Deep Creek below the Forks.
Right Fork of Deep Creek below Cherry Fork.
Forney Creek below Huggins Creek.
Twentymile Creek below Greer Branch.
Moore Spring Branch below Dalton Branch.

(b) *Fishing; open season.* Trout, May 16 to August 31, inclusive; rock bass and small-mouthed bass, June 16 to August 31, inclusive. Fishing is permitted only between the hours of 5:00 A. M. and 6:30 P. M., Central Standard Time, in the Tennessee section of the park, and between the hours of 6:00 A. M. and 7:30 P. M., Eastern Standard Time, in the North Carolina section of the park. The hours mentioned are of the same day.

(c) *Fishing; bait restrictions.* Fishing is permitted only with artificial lure with but one hook. Two or more artificial flies may be attached to the leader if desired. The use of other than artificial bait is prohibited.

(d) *Fishing; size limits.* (1) Tennessee section of the park: Rainbow and brook trout under 7 inches in length, rock bass under 6 inches in length, and small-mouthed bass under 11 inches in length, shall not be retained unless seriously injured in catching.

(2) North Carolina section of the Park: Brook trout and rock bass under 6 inches in length, rainbow trout under 8 inches in length, and small-mouthed bass under 12 inches in length, shall not be retained unless seriously injured in catching.

(e) *Fishing; limit of catch and in possession.* (1) The maximum catch of small-mouthed bass shall be 5 fish per person per day. The maximum catch of any or all other species shall be 10 fish per person per day.

(2) All fish of legal size shall be retained as part of the creal. All undersized fish shall be carefully handled and returned at once to the water if not seriously injured. All undersized fish retained because of serious injury shall constitute part of the total catch limit.

(3) The possession of more than one day's catch limit by any person at any one time is prohibited.

(f) *Fishing; license.* The park as such makes no charge for fishing, but persons fishing within the park must first procure the resident or non-resident State license issued and required by Tennessee, or the resident or non-resident State or County license or permit issued and required by North Carolina, depending upon the section of the park being fished.

(g) *Fires.* The lighting of fires for any purpose on or along park roads, except at designated camp grounds and picnic areas, is prohibited.

(h) *Camping.* (1) Camping within one-eighth mile of any open public road, except at designated public camp or picnic grounds, is prohibited.

(2) No camp shall be placed within 25 feet of any spring or stream.

(3) Camping within one-half mile of the tower on Clingmans Dome is prohibited.

(4) No camping permits shall be issued for camping on the watershed of Mingus Creek or Lands Creek in the North Carolina section of the park.

(i) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 35 miles per hour on highways. On secondary roads, posted as such, speed is limited to 20 miles per hour on straight sections, and 15 miles per hour on curves.

(j) *Passenger trucks.* Trucks used for hauling passengers over park roads shall be provided with sufficient seats to accommodate all passengers, who shall remain seated while trucks are in motion.

(k) *Supersedure.* All previous subsidiary regulations for Great Smoky Mountains National Park are hereby superseded.

Approved, March 5, 1940.

[SEAL] ARNO B. CAMMERER,
Director.

[F. R. Doc. 40-987; Filed, March 11, 1940; 9:28 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

UTAH GRAZING DISTRICT NO. 2

MODIFICATION

NOVEMBER 15, 1939.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), the Departmental order of April 8, 1935, establishing Utah Grazing District No. 2, is hereby revoked as far as it affects the following-described lands, such revocation to be effective upon the inclusion of the lands within the Wasatch National Forest:

UTAH

SALT LAKE MERIDIAN

T. 4 S., R. 2 E.,
sec. 7, NE¼, N½NW¼, SE¼NW¼;
sec. 8, SW¼;
sec. 17, W½;
sec. 20, W½;
sec. 29, W½;
sec. 32, E½;

T. 5 S., R. 2 E.,
sec. 5, E½;
sec. 8, NE¼;
sec. 9, all;
sec. 15, SW¼;
sec. 16, E½, NW¼.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 40-977; Filed, March 9, 1940; 9:24 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[NER-400-A]

THE AGRICULTURE CONSERVATION PHASE OF THE 1940 UNIFIED PROGRAM FOR CHITTENDEN COUNTY, VERMONT

CONTENTS

Payments and grants of aid will be made for participation in the Agricultural Conservation Phase of the 1940 Unified Program for Chittenden County, Vermont, (hereinafter referred to as the 1940 program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

The provisions of the regular 1940 Agricultural Conservation Program are not applicable in Chittenden county.

SECTION I. SOIL-BUILDING GOALS, SOIL-BUILDING ALLOWANCE, AND PRACTICES

A. *Farm goals.* Insofar as practicable, the county committee shall determine for individual farms practices to be followed which are not routine farming practices on the farm, but which are needed on the farm in order to conserve and improve soil fertility and prevent wind and water erosion and which will tend to accomplish the goals, if any, determined for the county with respect to particular soil-building practices.

B. *Reforestation allowance.* Each farm will have a reforestation allowance of $30 in addition to the soil-building allowance. This reforestation allowance may be earned by planting transplanted forest trees at the rate of at least 1,000 trees per acre and spaced about 6 feet apart. One thousand trees planted on two or more small tracts of less than one acre each shall be considered as an acre, even though the total area may be larger. Shrubs helpful to wildlife may be counted as trees in the planting.

Areas planted must be given reasonable protection against fire and damage by livestock-grazing and must be cultivated in accordance with good tree culture and wildlife-management practice. When white-pine plantings are made, currant and gooseberry bushes within 1,000 feet of the planting site must be removed.

Payment at the rate of $7.50 per acre will be allowed toward earning the reforestation allowance.

C. *Soil-building allowance.* A soil-building allowance will be computed for each farm and will represent the largest amount which can be earned on any farm by carrying out soil-building practices.

1. The soil-building allowance for any farm on which the sum of the following items is $20 or more shall be equal to that sum:

a. 70 cents per acre of cropland in excess of the potato allotment.

Cropland means farm land which in 1939 was tilled or was in regular rotation excluding any land in commercial orchards.

b. $2 per acre of commercial orchards on the farm January 1, 1940.

Commercial orchards means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, or bush fruits on the farm on January 1, 1940, from which the principal part of the production is normally sold. This definition does not include non-bearing orchards and non-bearing vineyards.

c. For farms in Hinesburg, Richmond, Williston, Huntington, Shelburne, and South Burlington townships 35 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland.

d. For farms in other townships 40 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland.

Fenced noncrop open pasture land means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland and which is capable of maintaining during the normal pasture season at least one animal unit for each five acres.

Animal unit means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

e. For farms in Hinesburg, Richmond, Williston, Huntington, Shelburne, and South Burlington Townships an amount which the county committee determines is needed on the farm for additional reforestation and which is allotted to the farm by the county committee. The total amount allotted by the county committee to farms in a township cannot exceed 5 cents times the acreage of pasture eligible for soil-building allowance under item c above for all farms in the township for which there is filed a notification of intention to participate in the 1940 program.

2. For any other farm the soil-building allowance shall be the *larger* of *either:*

a. The amount obtained by substracting the sum of the maximum allotment payments computed from $20; or

b. The sum of the items listed in item 1 of this subsection C.

D. *Soil-building practices.* The soil-building practices listed in the following

schedule shall count toward earning the soil-building allowance to the extent indicated therein when such practices are carried out under the provisions of the 1940 program during the period November 1, 1939, to October 31, 1940, inclusive, in accordance with the specifications contained herein.

If one-half or more of the total cost of carrying out any practice is represented by labor, seed, trees, or materials furnished by a State or Federal agency other than the Agricultural Adjustment Administration, the practice shall not be counted toward earning the soil-building allowance. If less than one-half of the total cost of carrying out any practice is represented by labor, seed, trees, or materials furnished by a State or Federal agency other than the Agricultural Adjustment Administration, one-half of the practice shall be counted toward earning the soil-building allowance. Labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by any agency of the same State shall not be deemed to have been furnished by "a State ---------- agency" within the meaning of this paragraph.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to have been paid for in whole or in part by a State or Federal agency.

Schedule of Soil-Building Practices

Practice No. 1—Liming Cropland, Pasture Land, or Orchards

Rate of payment.—$4.50 for each 1,000 pounds of total calcium oxide or equivalent in magnesium oxide (1) in ground limestone which will pass through a 20-mesh sieve and which contains all of the fine material produced in grinding or (2) in other liming materials.

The application to cropland, pasture land, or orchards of at least 500 pounds per acre of total calcium oxide, or its equivalent of magnesium oxide in liming materials.

If a farmer uses any material which is not registered with the State regulatory service, he must submit proof satisfactory to the county committee as to the calcium oxide neutralizing equivalent content and, in the case of ground limestone, the percentage of the material which will pass through a 20-mesh sieve.

Liming material should be applied to cropland, pasture land, or orchards according to the need as determined by a soil test. If the farmer does not have a soil test, he should be sure to use as much liming material as he needs to get good results on his farm. If he does not use this much, payment for the practice will not be allowed.

Practice No. 1 A—Liming Cropland, Pasture Land, or Orchards with Liming Material Furnished by the Agricultural Adjustment Administration

Rate of payment.—$4.50 for each 1,000 pounds of total calcium oxide or equivalent in magnesium oxide (1) in ground limestone which will pass through a 20-mesh sieve and which contains all of the fine material produced in grinding or (2) in other liming materials.

The application to cropland, pasture land, or orchards of at least 500 pounds per acre of calcium oxide or the equivalent of magnesium oxide in liming materials furnished by the Agricultural Adjustment Administration.

Liming material should be applied to cropland, pasture land, or orchards according to the need as determined by a soil test. If the farmer does not have a soil test, he should be sure to use as much liming material as he needs to get good results on his farm. If he does not use this much, payment for the practice will not be allowed.

Practice No. 2—Applying Available Phosphoric Acid

Rate of payment.—$1.50 for each 48 pounds.

The application per acre of at least 48 pounds of available phosphoric acid (300 pounds of 16 percent or 240 pounds of 20 percent superphosphate) alone, or at least 24 pounds in combination with other fertilizing material, as a top dressing on perennial or biennial legumes or perennial grasses or in preparation for seeding these legumes or grasses.

Phosphoric acid may be used as a preservative on farm manures that are to be used on established sod or in connection with the seeding of biennial or perennial legumes or perennial grasses. Payment will not be allowed for using superphosphate in this way unless at least 1 pound of 16 or 20 percent superphosphate or the equivalent is used each day for each mature cow or other animal unit.

Other animal unit means 1 horse, 2 colts, 5 sheep, 2 calves, or 100 hens.

When phosphoric acid is used on a nurse crop which is harvested for grain, payment will be allowed only for the amount used over 32 pounds per acre.

Practice No. 2 A—Applying Superphosphate Furnished by the Agricultural Adjustment Administration

Rate of payment.—$1.50 for each 100 pounds of triple superphosphate or the equivalent.

The application per acre of at least 100 pounds of triple superphosphate or the equivalent furnished by the Agricultural Adjustment Administration, as a top dressing on biennial or perennial legumes or perennial grasses, or worked into the soil in preparation for seeding these legumes or grasses.

Phosphoric acid may be used as a preservative on farm manures that are to be used on established sod or in connection with the seeding of biennial or perennial legumes or perennial grasses. Payment will not be allowed for using superphosphate in this way unless at least 1 pound of 16 or 20 percent superphosphate or the equivalent is used each day for each mature cow or other animal unit.

Other animal unit means 1 horse, 2 colts, 5 sheep, 2 calves, or 100 hens.

This superphosphate shall not be used on a nurse crop which is to be harvested for grain.

Practice No. 3—Applying Available Potash

Rate of payment.—$1 for each 50 pounds.

The application per acre of at least 50 pounds of available potash (100 pounds of 50 percent muriate of potash) alone, or at least 18 pounds in combination with other fertilizing material, as a top dressing on perennial or biennial legumes or perennial grasses or in preparation for seeding these legumes or grasses.

Practice No. 4—Seeding Biennial Legumes

Rate of payment.—$0.75 per acre.

The seeding of at least 5 pounds per acre of hardy, northern-grown domestic or Canadian medium red clover seed or an equivalent amount of other legume seed, alone or in mixtures containing timothy or redtop, on land supplied with sufficient lime and fertilizer to obtain a good stand.

The following are the equivalents of 1 pound of medium red clover: One-half pound alsike clover, one-third pound ladino clover, or one-third pound white Dutch clover, or, when used in a mixture, 1 pound alfalfa.

If the land is not naturally supplied with sufficient lime, phosphorus, and potash, the amount of liming material indicated by a soil test should be applied at least 6 months in advance of seeding and the phosphorus and potash needed should be applied at the time of seeding.

Practice No. 5—Seeding Alfalfa

Rate of payment.—$1.50 per acre.

The seeding of at least 10 pounds per acre of hardy, northern-grown domestic or Canadian alfalfa seed (such as Grimm, Ontario Variegated, Hardigan, or Cossack) on land prepared by the application of sufficient lime and fertilizer to obtain a good stand.

If the land is not naturally supplied with sufficient lime, phosphorus, and potash, the amount of liming material indicated by a soil test should be applied at least 6 months in advance of seeding and the phosphorus and potash needed should be applied at the time of seeding.

Practice No. 6—Improving Woodlands

Rate of payment.—$3 per acre.

The improvement of the stand of forest trees under a system of farm woodland and wildlife management which includes pruning or thinning or, if needed, both. At least 100 good timber trees or trees which can become good timber trees must be left well scattered on each acre of woodland improved. The approval of the county committee must

be obtained before performing this practice.

If pruning is done, it must be confined to pine or spruce not over 6 inches in diameter and must be done with a saw or pruning shears after the area has been properly thinned.

Practice No. 7—Excluding Livestock From Farm Woodland

Rate of payment.—$0.75 for each 2 acres.

The restoration of farm woodland, or sugar maple orchards, previously used for pasture by keeping out livestock.

Payment will be allowed for each acre of woodland out of which livestock are kept, but for not more than 2 acres for each animal unit which is normally allowed to graze in the woodland.

Animal unit means 1 cow, 2 calves, 1 horse, 2 colts, 5 sheep, or 5 goats, or the equivalent thereof.

The operator must obtain approval of the county committee before performing this practice.

If under the 1936, 1937, 1938, or 1939 program a farmer has received payment for constructing fence to keep livestock out of woodland or for keeping livestock out of sugar maple orchards or other woodlands, and the county committee determines that in 1940 livestock were again allowed by that farmer to graze in a part or all of the same woodland or sugar maple orchard, an amount equal to the previous payments will be withheld from any payment which would otherwise be made to such farmer under the 1940 program.

Practice No. 8—Planting Forest Trees

Rate of payment.—$7.50 per acre.

The planting of transplanted forest trees at the rate of at least 1,000 trees per acre spaced about 6 feet apart. One thousand trees planted on two or more small tracts of less than one acre each shall be considered as an acre, even though the total area may be larger. Shrubs helpful to wildlife may be included in the planting.

Areas planted must be given reasonable protection against fire and damage by livestock-grazing and must be cultivated in accordance with good tree culture and wildlife-management practice. When white-pine plantings are made, currant and gooseberry bushes within 1,000 feet of the planting site *must* be removed.

Practice No. 9—Mulching Orchard and Vegetable Land

Rate of payment—$3 per ton.

The application of at least 1 ton per acre of air-dried straw or equivalent mulching material, excluding barnyard manure, to orchard or vegetable land as a mulch. All materials produced on the land during 1940 from grasses, legumes, green manure crops, or cover crops, as well as the mulching material, are to be left on the land.

Practice No. 10—Construction of Rip-Rap of Rock

Rate of payment.—$1.50 for each cubic yard of rock used.

The construction of a rip-rap or crib of rocks along an active stream to control the erosion of farm land.

Practice No. 11—The Renovation of Pastures

Rate of payment.—$3 per acre.

The renovation of fenced noncrop pasture land which when improved will be capable of carrying at least one animal unit for each 2 acres during the normal pasture season by removing brush, leveling hummocks, mowing and reseeding where necessary, cleaning up generally, and applying sufficient liming material and fertilizer to attain a good stand. If liming material and fertilizer are applied in accordance with practices 1, 1A, 2, 2A, 3, or 13, payment will also be allowed for the use of these materials. Payment will not be allowed unless the farmer obtains the approval of the county committee before performing this practice.

Practice No. 12—Draining Cropland or Pasture Land

Rate of payment.—$1.50 per 100 feet.

The construction of open or tile ditches for draining land which is now in use as cropland or pasture land. Full payment will not be allowed for this practice unless there is planted somewhere in the township in which the drainage practice is used an acreage of forest trees at least equal to the acreage of cropland and pasture land drained. If the acreage of forest trees planted in a township is less than the acreage drained, payment for the drainage practice will be made in the proportion which the total acreage of forest trees planted in the township bears to the acreage drained in the township.

Practice No. 13—Applying Nitrogen to Pasture Land

Rate of payment.—$0.04 per pound.

The application of nitrogen in a 1–2–2 fertilizer mixture to fenced noncrop open pasture land.

Practice No. 14.—Cover Crops and Green Manure Crops

Rate of payment.—$1.50 per acre.

The plowing or disking under of a good stand and a good growth of: (1) Biennial or perennial legumes or grasses for which no payment for seeding is allowed in 1940 and, except in orchards, from which no crop of such legumes or grasses has ever been harvested; (2) annual legumes; or (3) annual grasses or small grains used as summer green manure crops on vegetable, potato, or orchard land, or used as winter green manure crops. If the crop is one which is normally winter-killed, payment will be allowed for leaving a good stand and a good growth on the land instead of plowing or disking it under.

If the crop is grown in a commercial orchard and has not been harvested in 1940, payment will be allowed for cutting and leaving an evenly distributed good stand and good growth of such crop on the land, except that cutting is not required in blocks of trees damaged by the September 1938 hurricane.

It is not generally good farming practice to plow down green manure crops if it will result in leaving the land unprotected during the winter. It is recommended, therefore, that such crops be left on the land as a winter cover wherever it is possible.

SECTION II. ALLOTMENTS, USUAL ACREAGES, YIELDS, PAYMENTS, AND DEDUCTIONS

A. Corn

1. *Usual acreage of corn for grain.* Usual acreages of corn for grain shall be determined for all farms for which a payment is computed with respect to a potato allotment and on which the usual acreage of corn for grain is more than 10 acres.

The usual acreage of corn for grain shall be determined on the basis of the average annual acreage of corn harvested for grain and diverted therefrom during the years 1937, 1938, and 1939, with appropriate adjustments for crop rotation practices.

The sum of the usual acreages of corn for grain determined for such farms in the county shall not exceed the sum of the average annual acreages of corn harvested for grain and diverted therefrom on such farms during the years 1937, 1938, and 1939.

2. *Deduction.* (Any farm for which a potato allotment is determined.) $10 per acre of corn harvested for grain in excess of the larger of the usual acreage of corn for grain determined for the farm or 10 acres.

B. Potatoes

1. *National goal.* The 1940 national goal for potatoes is 3,100,000 to 3,300,000 acres.

2. *National and State acreage allotments.* The national and State potato acreage allotments will be established by the Secretary.

3. *County acreage allotments.* The county acreage allotment of potatoes shall be determined by the Agricultural Adjustment Administration with the assistance of the State committee by distributing the State acreage allotment of potatoes among the counties in the State on the basis of the acreage allotments determined under the 1939 program.

4. *Farm acreage allotments.* A potato acreage allotment shall be determined by the county committee with the assistance of other local committees in the county in accordance with instructions contained in NER–417–P for each farm

for which the normal acreage of potatoes is determined to be three acres or more. No potato acreage allotment shall be less than 3 acres unless it is reduced because there was planted on the farm in 1940 less than 90 percent of the farm's potato allotment.

Potato acreage allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The potato acreage allotment for any farm shall compare with the potato acreage allotments for other farms in the same community which are similar with respect to such factors.

If less than 90 percent of the farm's potato allotment is planted, the potato allotment will be reduced to 110 percent of the acreage planted.

The sum of the potato acreage allotments determined for *all farms* (including those not participating in the program) in the county shall not exceed the county potato acreage allotment. The sum of the potato acreage allotments determined for *farms participating in the 1940 program* shall not exceed their proportionate share of the county potato acreage allotment.

5. *Normal yields.* The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a potato acreage allotment is determined or a deduction is computed a normal yield for potatoes in accordance with the instructions contained in NER–417–P and the following provisions:

a. The normal yield of potatoes for any farm shall be determined on the basis of the yields of potatoes made on the farm with due consideration for type of soil, production practices, and the general fertility of the land.

b. The average yield for all farms in the county shall not exceed the county yield established by the Secretary.

6. *Payment.* 3 cents per bushel of the normal yield of potatoes for the farm for each acre in its potato allotment.

7. *Deduction.* 30 cents per bushel of the normal yield for the farm for each acre planted to potatoes in excess of the larger of the potato allotment or 3 acres.

C. Commercial Vegetables

1. *Farm acreage allotments.* A commercial vegetable acreage allotment shall be determined for each farm on which the average acreage of land normally planted to commercial vegetables is three acres or more. No commercial vegetable acreage allotment shall be less than 3 acres unless it is reduced because there was planted on the farm in 1940 less than 90 percent of the farm's vegetable allotment. The allotments shall be determined by the county committee with the assistance of other local committees in the county in accordance with the instructions contained in NER–417–V. The allotment shall be determined on the basis of the average acreage for 1936 and 1937 or the average of a later period adjusted to the 1936–1937 level. In determining the allotments, adjustments shall be made for abnormal weather conditions. The tillable acreage on the farm, type of soil, production facilities, crop rotation practices, and changes in farming practices shall also be taken into consideration.

If less than 90 percent of the farm's vegetable allotment is planted, the vegetable allotment will be reduced to 110 percent of the acreage planted.

The sum of the commercial vegetable acreage allotments determined for such farms in the county shall not exceed the sum of the average annual acreages of land planted in 1936 and 1937 to commercial vegetables on all such farms in the county and on farms in the county for which no commercial vegetable allotment is established but on which the average acreage of commercial vegetables planted in 1936 and 1937 was 3 acres or more except that fair and reasonable adjustment in such acreage may be made by the State committee in accordance with the instructions contained in NER–418 among commercial vegetable counties in the State on the basis of shifts in commercial vegetable production.

2. *Commercial vegetables* means the acreage of annual vegetables and truck crops of which the principal part of the production is sold to persons not living on the farm. This definition includes, among others, tomatoes, sweet corn, cantaloupes, commercial bulbs and flowers, and strawberries, but excludes Irish potatoes, peas for canning or freezing, sweet corn for canning, and watermelons.

3. *Acreage planted to commercial vegetables* means the acreage of land planted in 1940 to annual commercial vegetables and also the acreage of land from which perennial commercial vegetables are harvested in 1940.

4. *Payment.* $1.50 for each acre in the commercial vegetable acreage allotment.

5. *Deduction.* $20 per acre for each acre of land planted to commercial vegetables in excess of the larger of the commercial vegetable allotment or 3 acres.

SECTION III. DIVISION OF PAYMENTS AND DEDUCTIONS

A. *Payments and deductions in connection with potatoes and commercial vegetables.* 1. The net payment or net deduction computed for any farm with respect to potatoes or commercial vegetables shall be divided among the landlords, tenants, and share-croppers in the same proportion (as indicated by their acreage shares expressed in terms of percentages) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940: *Provided,* That if any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1940.

2. In computing such net payments and such net deductions with respect to potato and commercial vegetable acreage allotments, the deduction with respect to corn for grain shall be regarded as a pro rata deduction with respect to the payments computed in connection with the potato and commercial vegetable acreage allotments.

B. *Payments in connection with soil-building practices.* The amount of net payment earned for the farm in connection with soil-building practices shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices on the farm in the 1940 program, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in the 1940 program. All persons contributing to the carrying-out of any soil-building practice on a particular acreage shall be deemed to have contributed equally to the units of such practice unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto.

C. *Proration of net deductions.* If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments.

If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

SECTION IV. INCREASE IN SMALL PAYMENTS

The total payment computed under sections I to III, inclusive, for any person with respect to any farm shall be increased as follows:

A. Any payment amounting to 71 cents or less shall be increase to $1.00;

B. Any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent;

C. Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	*Increase in payment*
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.00
[2] No increase.

SECTION V. PAYMENTS LIMITED TO $10,000

The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms located within a single State shall not exceed the sum of $10,000 prior to deduction for association expenses in the county or counties with respect to which the payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of $10,000 prior to deduction for association expenses in the county or counties with respect to which the payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading the provisions of this section.

SECTION VI. DEDUCTIONS INCURRED ON OTHER FARMS

A. *Other farms in the same county.* If the total of the deductions computed under section II with respect to any farm in the county exceeds the payment for full performance on such farm computed under sections I and II, a landlord's or tenant's share of the amount by which the total deduction exceeds the total payment shall be deducted from that landlord's or tenant's share of the payments which would otherwise be made to him with respect to any other farm or farms in the county.

B. *Other farms in the State.* If the deductions computed under section II for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in the county, the amount of these excess deductions shall be taken from the payments computed for the landlord or tenant with respect to any other farm or farms in the State. Before this can be done the State committee must find that the crops grown and practices adopted on the farm with respect to which the deductions are computed substantially offset the contribution to the program made on the other farm or farms.

SECTION VII. DEDUCTION FOR ASSOCIATION EXPENSES

There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county.

SECTION VIII. MATERIALS FURNISHED AS GRANTS OF AID

Wherever it is found practicable, limestone, superphosphate, trees, seed, and other farming materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid. Materials furnished are to be used in carrying out approved soil-building practices which shall count toward meeting the soil-building goal for the farm.

A deduction from the total payment for the farm shall be made in the amount of the approximate average cost to the Agricultural Adjustment Administration in the county or area of any material furnished. This deduction shall be applied first to the payment computed for the person to whom the materials are furnished and the balance, if any, of the deduction shall be prorated among the payments to other persons sharing in the total payment for the farm for which such materials were obtained and on which they were used.

Materials shall only be furnished pursuant to a producer's request and agreement upon a form prescribed by the Agricultural Adjustment Administration. Such agreement shall provide that (1) in the event the amount of deduction for materials exceeds the amount of the payment with respect to the farm, the amount of such difference shall be paid by the producer to the Secretary; (2) if the producer uses the material in a manner which is not in substantial accord with the purposes for which such material was furnished, the deduction with respect to the material misused shall be twice the regulate rate of deduction in order to compensate the Government for damages because of such misuse; and (3) the finding of the county committee that the material has been used in a manner which is not in substantial accord with the purposes for which it was furnished and as to the amount of material so misused shall be final when approved by the State committee, subject to the right of appeal under the provisions of section XI.

Notwithstanding any other provisions of this bulletin, for any farm on which the only practices carried out are those through the use of materials furnished and no other performance is rendered, the furnishing of the materials shall be in lieu of any payment which otherwise might be computed for the farm.

The rate of deduction for materials furnished pursuant to provisions of this section shall be established by the Agricultural Adjustment Administration.

SECTION IX. GENERAL PROVISIONS RELATING TO PAYMENTS

A. *Payment restricted to effectuation of purposes of the program.* 1. All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned (a) if he adopts or has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs, (b) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the per-

formance for which such payment is otherwise authorized, or (c) if the county committee, acting in accordance with instructions issued by the State committee and having the approval of the regional director, finds that the forest lands owned or controlled by him have been abused by improper cutting.

2. Allotment payments will be made only for farms which are being operated in 1940. A farm will not be considered to be operated in 1940 unless it is tilled. For the purposes of the 1940 program a farm will be considered to be tilled only if an acreage equal to at least one-half the sum of the 1940 potato and vegetable allotments established for the farm is devoted to one or more of the following uses:

a. Seeded to a crop in 1940.

b. A crop other than biennial or perennial hay is harvested in 1940.

c. Green manure crops are plowed or disked under in 1940.

The farm will also be considered to to be tilled if the State committee finds that none of the operations a, b, and c above were carried out because of conditions beyond the control of the operator, or if upon recommendation of the State committee, the regional director finds that the farm is actually being operated in 1940.

B. *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made (1) without regard to questions of title under State law, (2) without deduction of claims for advances (except as provided in subsection D of this section IX and indebtedness to the United States subject to set-off under orders issued by the Secretary), and (3) without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

C. *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.* If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940. This provision shall be exercised only if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the years 1937 to 1939, inclusive, and the reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program.

D. *Assignments.* Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP–69 in accordance with instructions (ACP–70) issued by the Agricultural Adjustment Administration and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

Nothing contained in this subsection D shall be construed to give the assignee a right to any payment other than that to which the farmer is entitled nor (as provided in the statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

E. *Excess cotton acreage.* Any person who knowingly plants cotton or causes cotton to be planted on his farm in 1940 on acreage in excess of the cotton acreage allotment for the farm for 1940 shall not be eligible for any payment whatsoever on that farm or any other farm under the provisions of the 1940 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on an acreage in excess of the cotton acreage allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

SECTION X. APPLICATION FOR PAYMENT

A. *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any person for whom, under the provisions of section III, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement or as owner-operator, or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices.

B. *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office not later than March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

C. *Applications for other farms.* If a person has the right to receive all or a portion of the crops, or proceeds therefrom, produced on more than one farm in the county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another for cash or a fixed commodity payment.

SECTION XI. APPEALS

Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting

any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment, usual acreage, normal or actual yield, measurement, or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

SECTION XII. DEFINITION

For the purposes of the 1940 program, unless the context otherwise requires:

A. *Officials.* 1. Secretary means the Secretary of Agriculture of the United States.

2. Regional director means the director of the division of the Agricultural Adjustment Administration in charge of the agricultural conservation program in the Northeast Region.

3. State committee means the group of persons designated within Vermont to assist in the administration of the 1940 program in Vermont.

4. County committee means the group of persons elected within Chittenden County to assist in the administration of the 1940 program in the county.

B. *Northeast Region* means the area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

C. *Farm* means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

D. *Miscellaneous.* 1. Person means an individual, partnership, association, corporation, estate, or trust, and, whenever applicable, a State, a political subdivision of a State, or any agency thereof.

2. Landlord or owner means a person who owns land and rents such land to another person or operates such land.

3. Sharecropper means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

4. Tenant means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

SECTION XIII. AUTHORITY AND AVAILABILITY OF FUNDS

A. *Authority.* Pursuant to the provisions of this program bulletin, issued by the Secretary of Agriculture, and the authority vested thereby in the Agricultural Adjustment Administration, payments and grants of aid will be made in Chittenden County for participation in the Agricultural Conservation Phase of the 1940 Unified Program for Chittenden County, Vermont. This participation shall be in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

B. *Availability of funds.* The provisions of the 1940 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact and the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose. The amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the final estimate of payments which would be made in Chittenden County under the National 1940 Agricultural Conservation Program, and the extent of participation in the Agricultural Conservation Phase of the 1940 Unified Program for Chittenden County. As an adjustment for participation in the Agricultural Conservation Phase of the 1940 Unified Program for Chittenden County, the rates of payment and deduction specified herein may be increased or decreased by as much as 10 percent.

Done at Washington, D. C., this 9th day of March 1940. Witness the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-980; Filed, March 9, 1940; 11:12 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

IN THE MATTER OF DETERMINATION THAT CERTAIN BRANCHES OF THE DECORATIVE GREENS INDUSTRY ARE INDUSTRIES OF A SEASONAL NATURE, AND PART 526 AS AMENDED OF REGULATIONS ISSUED THEREUNDER

Whereas, application has been made by the Halvorson Trees, Inc., the Bradbury Company, the Northwest Evergreen Company, and sundry other parties, under Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Regulations, Part 526, as amended (Regulations applicable to industries of a seasonal nature), issued by the Administrator thereunder, for partial exemption of the decorative greens industry from the maximum hour provisions of Section 7 (a) of the said Act; and

Whereas, a public hearing on said applications was held before Harold Stein, the representative of the Administrator of the Wage and Hour Division, duly authorized to hear and determine whether or not the said industry or branch thereof is of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Part 526 of Regulations issued thereunder (Title V, Chapter 29, Code of Federal Regulations); and

Whereas, following such hearing the said Harold Stein duly made his findings of fact and determined as follows:

"1. (a) That the harvesting and preparing of undried evergreens, including both evergreens and deciduous holly but excluding evergreen huckleberry and evergreen ferns in the State of Washington, for use as Christmas trees, wreaths, decorative boughs, ropings, grave blankets, sprays, bouquets, and baskets, including the incidental handling and shipping thereof; and

"(b) the processing of coniferous evergreen trees into Christmas trees, including the handling and shipping incident thereto; and

"(c) the processing of undried evergreen holly, including handling and shipping incident thereto except when such processing is conducted as part of the florist supply business which operates throughout the year;

takes place during a season or seasons aggregating six months or less occurring in a regularly, annually, recurring part or parts of the year and ceases apart from work such as maintenance, repair, clerical or sales work during the remainder of the year, because, owing to climate the undried evergreens, including deciduous holly, are unavailable in the form in which they are used and hence constitute industries of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of the Regulations issued thereunder.

"2. That the harvesting and preparing of evergreen huckleberry and evergreen ferns in the State of Washington takes place during a season in excess of six months and so long as to be inconsistent with the period of exemption afforded by Section 7 (b) (3) of the Act and does not cease for any substantial period apart from work such as maintenance, repair, clerical and sales work;

and hence does not constitute an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of the Regulations issued thereunder.

"3. That the preparing and processing of dried decorative greens, including the handling and shipping incident thereto, is not a separate and distinct industry but is an integral part of the florist supply industry, and that the entire enterprise does not cease operation at any time during the year;

and therefore is not an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of the Regulations issued thereunder.

"4. That no pertinent evidence was presented at the hearing in the matter of jobbing and central market distribution of evergreens, or in the matter of harvesting, handling, processing, shipping or distributing of undried commercial greens, other than evergreens and deciduous holly;

and therefore no finding is possible with respect thereto;

and

Whereas, said findings and determination were duly filed with the Administrator on February 1, 1940, and are now on file in his office, Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties; and

Whereas, on February 15, 1940, the Administrator caused to be published in the FEDERAL REGISTER (5 F. R. 687) a notice which stated that, pursuant to the provisions of Section 526.7 of the aforesaid Regulations, any person aggrieved by the said determination might, within fifteen days after February 15, 1940, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative; and

Whereas, no petition for review has been filed within the said fifteen days;

Now, therefore, pursuant to the provisions of § 526.7 of the said Regulations, the exemption provided by Section 7 (b) (3) of the Fair Labor Standards Act of 1938 will become effective on the date this notice embodying the above-quoted findings and determination appears in the FEDERAL REGISTER. The said exemption is applicable only as specified by the aforesaid finding and determination.

Signed at Washington, D. C., this 8th day of March 1940.

PHILIP B. FLEMING,
Colonel, Corps of Engineers.
Administrator.

[F. R. Doc. 40-981; Filed, March 9, 1940; 11:23 a. m.]

[Administrative Order No. 43]

AUTHORIZATION OF BAIRD SNYDER TO ACT IN ABSENCE OF THE ADMINISTRATOR

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby authorize Baird Snyder, Assistant to the Administrator, to act as Administrator and to exercise any or all of the powers of the Administrator under the Fair Labor Standards Act of 1938 when the Administrator is unable to act by reason of sickness or absence from Washington.

This order shall be effective as of March 9, 1940.

Signed at Washington, D. C., this 8th day of March 1940.

PHILIP B. FLEMING,
Colonel, Corps of Engineers,
Administrator.

[F. R. Doc. 40-989; Filed, March 11, 1940; 10:43 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, § 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective March 12, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Chas. L. Levy Co., Inc., 1000 Sylvan Street, Selma, Ala., 5 learners, work pants.

L. F. Metcalf Trouser Co., Greenville, Ala., 5 learners, pants and shirts.

St. Paul Garment Co., Inc., St. Paul, Va., 5 learners, men's shirts.

Samette Manufacturing Co., 1702 Hanover Avenue, Allentown, Pa., ladies' slips.

Wilson Brothers, South Bend, Ind., men's haberdashery.

Signed at Washington, D. C., this 11th day of March 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-999; Filed, March 11, 1940; 11:51 a. m.]

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective March 12, 1940, until October 24, 1940 unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines, and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work, and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available, and (b) that he is actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and § 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said § 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM, PRODUCT, AND NUMBER OF LEARNERS

See Gal Pleating, Johnstown, Pa., Pleating Materials for Ladies' Apparel, 3 learners.

Signed at Washington, D. C., this 11th day of March 1940.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40–1000; Filed, March 11, 1940; 11:51 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, § 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective March 12, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of their terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinlow opposite the employer's name:

NAME AND ADDRESS OF FIRM; PRODUCT

Gibbs Underwear Company, Indiana Avenue and A Street, Philadelphia, Pa.; knit underwear and sportwear.

Signed at Washington, D. C., this 11th day of March 1940.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40–1001; Filed, March 11, 1940; 11:51 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE WORK GLOVE DIVISION OF THE GLOVE BRANCH OF THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, § 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective March 12, 1940, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the work glove division of the Glove Branch of the Apparel Industry under these Certificates is limited to the following occupation, learning period, and minimum wage rate:

(1) A learner is a person who has had less than 480 hours experience in the aggregate in machine stitching in any type of glove manufacturing.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for 480 hours for any one learner. During this period, learners shall be paid at least 25 cents per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 25 cents per hour, but in no case less than 25 cents per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM, AND PRODUCT

Eagle Glove & Garment Co., Noblesville, Ind., 5 learners, work gloves.

Enoch Manufacturing Co., Mt. Sterling, Ky., 3 learners, cotton work gloves.

Signed at Washington, D. C., this 11th day of March 1940.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 40-1002; Filed, March 11, 1940; 11:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5849]

IN RE APPLICATION OF CITY OF LONG BEACH, CALIFORNIA (KABQ)

Dated, February 8, 1940; for renewal of license; class of service, aviation; class of station, airport; location, Long Beach, Calif.; operating assignment specified: Frequency, 278 kc.; power, 15 watts; emission A3; hours of operation, continuous; points of communication with aircraft stations

[File No. T-5-RK-229-P]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the need for continued operation of this station.

2. To determine what arrangements may be made for cooperative use of the frequency 278 kilocycles in the Los Angeles area in order to eliminate any interference.

a. To determine whether or not adequate service may be rendered by Station KABQ when operating on the frequency 278 kilocycles on a shared basis.

3. To determine whether or not new rules and regulations should be adopted by the Commission governing airport control radio stations.

4. To determine whether the continued operation of the station would serve public interest, convenience, or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

City of Long Beach, California,
Municipal Airport,
Long Beach, California.

Dated at Washington, D. C., March 8, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-998; Filed, March 11, 1940; 11:38 a. 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 9th day of March, A. D. 1940.

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

[File No. 21-217]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE UNIFORM INDUSTRY

NOTICE OF HEARING, AND 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, as amended (Federal Trade Commission Act), or other applicable provisions of law administered by the Commission;

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, organizations, groups, or other parties affected by or having an interest in the proposed revision and extension of the trade practice rules for the Uniform Industry to present to the Commission, orally or in writing, their views concerning such rules, including such pertinent information, suggestions, or objections, if any, or such amendments or additions thereto, as they desire to submit. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Written communications of such matters should be filed with the Commission not later than March 28, 1940. Opportunity for oral hearing and presentation will be afforded at 10 a. m., March 28, 1940, in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, organizations, groups, or other parties as may desire to appear and be heard. After giving due consideration to all matters submitted concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-990; Filed, March 11, 1940; 11:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of March, A. D. 1940.

[File No. 1-2825]

IN THE MATTER OF TROXEL MANUFACTURING COMPANY COMMON STOCK, $1.00 PAR VALUE

ORDER SUSPENDING DECISION

Troxel Manufacturing Company having made application to the Commission pursuant to Section 12 (d) of the Securities Exchange Act of 1934 for permission to withdraw 75,000 shares of its common stock, $1 par value, from listing and registration on the Cleveland Stock Exchange; and

A hearing having been held on said application, the trial examiner having filed an advisory report, the Commission having considered the record, and having this day filed its findings of fact and opinion therein, and having found that the notice sent by applicant to its security holders is defective;

It is ordered, That decision upon the application be and it is hereby suspended until further order by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-982; Filed, March 9, 1940; 11:24 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 8th day of March, A. D. 1940.

[File No. 1-1322]

IN THE MATTER OF OSHKOSH B'GOSH, INC. CONVERTIBLE PREFERRED STOCK, NO PAR VALUE, AND COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

Oshkosh B'Gosh, Inc., having made application to the Commission pursuant to Section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 promulgated thereunder for permission to withdraw from listing and registration on the Chicago Stock Exchange its Convertible Preferred Stock, no par value, and Common Stock, no par value; and

A hearing having been held on due notice before a trial examiner; the trial examiner having filed an advisory report; the Commission having considered the record and being fully advised in the premises, and having this day filed its finding of fact and opinion herein;

It is ordered, That said application be and it hereby is granted, effective at the close of business on March 18, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40-984; Filed, March 9, 1940; 11:24 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of March, A. D. 1940.

[File No. 1-1650]

IN THE MATTER OF TOM REED GOLD MINES COMPANY COMMON STOCK, $1 PAR VALUE

ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

Tom Reed Gold Mines Company having made application to the Commission, pursuant to Section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 promulgated thereunder, for permission to withdraw from listing and registration on the Los Angeles Stock Exchange and on the San Francisco Mining Exchange 2,000,000 shares of Common Stock, $1 par value; and

A hearing having been held after due notice before a trial examiner; the trial examiner having filed an advisory report; the Commission having considered the record and being fully advised in the premises, and having this day filed its findings of fact and opinion herein;

It is ordered, That said application be and it hereby is granted, effective at the close of business on March 18, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40-983; Filed, March 9, 1940; 11:24 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of March, A. D. 1940.

[File No. 1-1886]

IN THE MATTER OF WELLINGTON MINES LIMITED, N. P. L. COMMON STOCK, 20¢ PAR VALUE

ORDER WITHDRAWING REGISTRATION OF SECURITIES ON A NATIONAL SECURITIES EXCHANGE

The Commission having instituted a proceeding pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration on the Standard Stock Exchange of Spokane of the Common Stock, 20¢ par value, of Wellington Mines Limited, N. P. L., shall be suspended or withdrawn; and

After appropriate notice, a hearing having been held in this matter in Seattle, Washington; and

The Commission having found, based upon the evidence introduced at said hearing, that the issuer has failed to comply with the provisions of section 13 of said Act, Rules X-13A-1, X-13A-2, X-13A-4, and the provisions of Form 10-K and instructions supplemental thereto, all as more fully set forth in the Commission's Opinion this day issued; and

The Commission being of the opinion that it is necessary and appropriate for the protection of investors, to withdraw the registration of said Common Stock on said Exchange;

It is ordered, pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, that the registration on the Standard Stock Exchange of Spokane of the Common Stock, 20¢ par value, of Wellington Mines Limited, N. P. L., shall be and the same is hereby withdrawn, effective as of March 18, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40-985; Filed, March 9, 1940; 11:24 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of March, A. D. 1940.

[File No. 70-6]

IN THE MATTER OF WISCONSIN ELECTRIC POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration 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 March 15, 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 Willis E. Monty, 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 March 14, 1940.

The matter concerned herewith is in regard to a proposal by Wisconsin Electric Power Company, a subsidiary of The North American Company, a registered holding company, whereby the interest upon certain promissory notes of said Wisconsin Electric Power Company, issued and sold to the Chase National Bank of the City of New York, and certain associated banks, in the principal amount of $14,500,000 on or about October 28, 1938, now outstanding in the principal amount of $13,250,000, will be reduced from 3.4% per annum to 2⅝% per annum, and the premium payable by the issuer upon redemption prior to maturity of any of such notes will be reduced from a premium so as to provide a yield of 2.475% to maturity of the principal anticipated instead of 3.25% to such maturity date, as now provided.

It is stated that no fees or commissions are to be paid with respect to negotiation of said amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40-986; Filed, March 9, 1940; 11:37 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March, A. D. 1940.

[File No. 54-8]

IN THE MATTER OF EAST TENNESSEE LIGHT & POWER COMPANY AND TENNESSEE EASTERN ELECTRIC COMPANY

ORDER APPROVING APPLICATIONS AND DECLARATIONS

East Tennessee Light & Power Company, a registered holding company, and Tennessee Eastern Electric Company, a subsidiary thereof, having filed applications and declarations pursuant to the provisions of the Public Utility Holding Company Act of 1935 regarding:

(1) The issue and sale by Tennessee Eastern Electric Company of $484,000 principal amount of 5% Refunding Bonds, due 1958; and

(2) The issue and sale by East Tennessee Light & Power Company of $271,000 principal amount of 5% First Mortgage and Refunding Bonds, due 1954; and

(3) The conferring of voting rights on the presently outstanding $6 No Par Cumulative Preferred Stock of East Tennessee Light & Power Company; and

(4) The issue by East Tennessee Light & Power Company of 15,110 additional shares of $6 Voting No Par Cumulative Preferred Stock; and

(5) The issue and sale by East Tennessee Light & Power Company of 9,542 shares of no par common stock of the stated value of $477,100; and

(6) The assumption by East Tennessee Light & Power Company of bonds of Tennessee Eastern Electric Company as follows:

$1,952,500 First Mortgage 5% Bonds, due February 1, 1943,
$703,000 Refunding Mortgage 6% Series A Bonds, due May 1, 1953,
$484,000 Refunding Mortgage Bonds 5% Series, due December 1, 1958; and

(7) The acquisition by East Tennessee Light & Power Company of the outstanding securities of Tennessee Eastern Electric Company in exchange for preferred stock of East Tennessee Light & Power Company and the issuance of certificates of deposits in connection with such exchange; and

Cities Service Power & Light Company, a registered holding company, having filed applications pursuant to such Act regarding:

(1) The acquisition by Cities Service Power & Light Company of the bonds to be issued by East Tennessee Light & Power Company and Tennessee Eastern Electric Company; and

(2) The acquisition by Cities Service Power & Light Company of preferred stock to be issued by East Tennessee Light & Power Company and the exchange therefor of preferred stock of Tennessee Eastern Electric Company; and

(3) The acquisition by Cities Service Power & Light Company of the common stock to be issued by East Tennessee Light & Power Company; and

Hearings on such applications and declarations having been held after appropriate notice; the record in these matters having been examined and the Commission having made and filed its findings herein;

It is ordered, That such applications and declarations be approved and allowed to become effective, subject, however, to the following provisions:

(1) That nothing herein contained shall be construed as an order or expression of approval of any accounting entries as presently, or as hereafter may appear on the books of Cities Service Power & Light Company with respect to the securities of East Tennessee of The Subsidiary which it owns;

(2) That the exchanges, issues, sales and acquisitions be made in accordance with, and for the purposes represented by, said applications and declarations;

(3) That after all expenses incurred in connection with the transactions shall have been paid applicant shall file a statement of such expenses showing the amount thereof, to whom paid and the services rendered;

(4) That within 10 days after completion of the exchanges, issues, sales and acquisitions, the applicants and declarants shall file a certificate of notification that such exchanges, issues, sales and acquisitions, each respectively, have been made in accordance with, and for the purposes represented by, said applications and declarations;

(5) That such exemptions and approvals herein made which are based upon the approval of the State Corporation Commission of the Commonwealth of Viriginia, the Railroad and Public Utilities Commission of the State of Tennessee and the Public Utilities Commission of the State of North Carolina shall immediately terminate without further order of this Commission, if at any time the authorization of any issue, sale or acquisition by any or all of said State Commissions shall be revoked or otherwise terminated.

(6) Until further order of the Commission, so long as any shares of the $6 Preferred Stock are outstanding, the Company shall not pay dividends on or make any other distributions to the holders of shares of its Common Stock (Other than dividends payable solely in shares of its common stock) if, after giving effect to such payment or distribution, the capital of the Company represented by its Common Stock, together with its surplus, as then stated on its books of account, shall in the aggregate be less than the involuntary liquidating value of its then outstanding preferred stock. This condition shall cease to be of any force or effect if the Commission shall at any time hereafter adopt or enter a rule, regulation or order under Section 12 (c) of the Act or otherwise (other than Rule U-12C-2 as now in effect), which shall be applicable to the Company, limiting the right of companies to pay dividends on their Common Stock with reference to maintaining an equity junior to outstanding preferred or preference stocks. The Commission reserves jurisdiction to revoke or modify this condition at any time on application of the company.

(7) Except as this Commission may by order or orders, from time to time, permit, so long as any of the Tennessee Eastern Electric Company 5% Refunding Mortgage Bonds due December 1, 1958 are outstanding under the trust indenture, dated December 1, 1938, from said company to The First National Bank of Boston as Trustee, East Tennessee Light & Power Company shall not, nor shall any successor or successors of said company, declare or pay any dividends or make any other distribution on any shares of its common stock (other than dividends payable solely in shares of its common stock) nor shall any shares of such common stock be purchased, retired or otherwise acquired by said company (or any successor or successors thereof), unless the amount expended by the company (or any such successor or successors) for maintenance and repairs plus provisions for depreciation during the period from September 30, 1939 to the date of the proposed payment of such dividend or making of such distribution or acquisition, plus the earned surplus of the company accumulated since September 30, 1939 remaining after payment of such dividend or the making of such distribution or acquisition, shall equal fifteen per cent of the gross operating revenues (as defined in said trust indenture) of the company (or any such successor or successors) during such period, after the deduction from such gross operating revenues of an amount equal to the cost to the company of electric energy and gas purchased, and rentals paid for electric or gas generating, transmission or distributing properties leased by the company and payments by the company for the use of similar properties operated and maintained by others during such period.

The provisions contained in the foregoing paragraph (7) shall be subject to review, modification and revocation by this Commission at any time, and from time to time, upon its own motion or upon application by the company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-991; Filed, March 11, 1940; 11:16 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 4th day of March, A. D. 1940.

[File No. 54-8]

IN THE MATTER OF EAST TENNESSEE LIGHT & POWER COMPANY AND TENNESSEE EASTERN ELECTRIC COMPANY

ORDER APPROVING REPORT, ETC.

East Tennessee Light & Power Company, a registered holding company, having filed (a) an application and amendments thereto for a report of the Commission pursuant to Section 11 (g) of the Public Utility Holding Company Act of 1935 on a plan of reorganization of said company and Tennessee Eastern Electric Company and (b) a declaration and amendments thereto pursuant to Rule U-12E-5 adopted by the Commission with respect to the solicitation of deposits of securities of Tennessee Eastern Electric Company by the holders thereof in connection with such plan of reorganization; and

A public hearing having been held on said application and declaration as amended, the Commission having considered the record in the matter and having made and filed its report on said plan, said report being in the form of a copy thereof attached to this order:

It is ordered, That said report be and the same hereby is approved and adopted as the report made by the Commission herein; and

It is further ordered, That said declaration as amended shall be and become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-992; Filed, March 11, 1940; 11:16 a. m.]

NOTICE OF HEARING WITH RESPECT TO THE HOLDING-COMPANY SYSTEM OF THE NORTH AMERICAN COMPANY

Notice is hereby given that the Securities and Exchange Commission adopted an order on the 8th day of March, 1940, directing that a hearing pursuant to Section 11 (b) (1) of the Public Utility Holding Company Act of 1935 be held with respect of The North American Company and each of its subsidiary companies hereinafter called the respondents at the offices of the said Securities and Exchange Commission, 1778 Pennsylvania Avenue, N. W., Washington, D. C., at 10 A. M. on the twentieth day after the date herein fixed for the filing of answers (or such later date as the Commission may prior thereto fix by supplementary notice).

Said order recites that it appears to the Commission that the holding company system of the said The North American Company is not confined in its operations to those of a single integrated public-utility system within the meaning of the said Act, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system.

Said order provides that each respondent shall file its answer to the allegations of said order on or before the 18th day of April, 1940, and thereby shall admit, deny, or otherwise explain the position of such respondent with respect to the allegations set forth in Parts I to V of said notice and order for hearing, and also provides that such answer may include a statement of the claim of the respondents or any of them as to (a) the action, if any, which is necessary and should be required to be taken by any of the respondents (including the divestment of control, securities or other assets), to limit the operations of each of the respondents as may be a registered holding company to a single integrated public-utility system and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system, (b) the extent to which any of said respondents which is a registered holding company should be permitted to continue to control one or more additional integrated public-utility systems as may meet the requirements of Clauses (A), (B) and (C) of Section 11 (b) (1) of the Act; and (c) the extent to which any of said respondents should be permitted to retain an interest in any business (other than the business of a public-utility company as such) as provided by Section 11 (b) (1) of the Act. The answer of any respondent which is a registered holding company may, if such respondent so desires, state that such respondent proposes and is prepared to take such action as will cause it to cease to be a holding company within the meaning of the Act, together with a description of such action and the time within which it proposes to take such action; and

Said order further provides that the purpose of such hearing is to determine (1) such issues, if any, as may arise from the allegations of Parts I to V, inclusive, of said order, and the answer or answers filed thereto by the respondents or any of them as hereinbefore provided, and by any other party or parties hereto as hereinafter provided; (2) what action, if any, is necessary and shall be required to be taken by the respondents in said proceeding, or any of them, to limit the operations of the holding company systems of each of the respondents as may be a registered holding company to a single integrated public utility system, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system; (3) pursuant to such application as may be made in said proceedings, the extent to which each of the respondents as may be a registered holding company shall be permitted to continue to control one or more additional integrated public-utility systems as provided by Section 11 (b) (1) of the Act; and (4) pursuant to such application as may be made in said proceedings, the extent to which any of the respondents will be permitted to retain any interest in any business (other than that of a public-utility company as such) as provided by Section 11 (b) (1) of the Act; and

Reference is made to said notice and order for hearing for a more complete statement of the various matters to be determined at said hearing, and a copy of said notice and order for hearing is on file and open to public inspection at the offices of said Securities and Exchange Commission in Washington, D. C., and in each of the Regional Offices of said Securities and Exchange Commission, and a copy of said notice and order for hearing may be had upon written request to the Secretary of said Commission, and said notice and order for hearing is hereby made a part of this notice as if more fully herein set forth at length.[1]

Notice of the aforesaid hearing is particularly given to each of the aforesaid respondents, The North American Company, Washington Railway and Electric Company, The Washington and Rockville Railway Company of Montgomery County, North American Light & Power Company, Illinois Traction Company, Illinois Iowa Power Company, Union Electric Company of Missouri, Des Moines Electric Light Company, Northern Natural Gas Company, Union Electric Company of Illinois, Mississippi River Power Company, Iowa Union Electric Company, Cupples Station Light Heat & Power Company, St. Charles Electric Light & Power Company, Lakeside Light and Power Company, Wisconsin Electric Power Company, Wisconsin Gas & Electric Company, Wisconsin Michigan Power Company, The Cleveland Electric Illuminating Company, Potomac Electric Power Company, Braddock Light & Power Company, Incorporated, The Kansas Power and Light Company, Missouri Power & Light Company, The Blue River Power Company, Nebraska Natural Gas Company, Kewanee Public Service Company, Iowa Power and Light Company, The St. Louis County Gas Company, Union Electric Land & Development Company, St. Louis & Belleville Electric Rwy. Company, St. Louis & Alton Railway Company, Wisconsin General Railway Company, The Milwaukee Electric Railway & Transport Company, Motor Transport Company, Badger Auto Service Company, Milwaukee Light, Heat & Traction Co., Hevi-Duty Electric Company, The Power & Light Building Company, The Ceico Company, Great Falls Power Company, Capital Transit Company, Montgomery Bus Lines, Incorporated, The Glen Echo Park Company, The McPherson Oil & Gas Development Company, Power & Light Securities Company, Cahokia Manufacturers Gas Company, Western

[1] Filed as a part of the original document.

Illinois Ice Company, Illinois Terminal Railroad Company, Central Terminal Company, West Kentucky Coal Company (New Jersey), West Kentucky Coal Company (Delaware), Peoples Coal Company, St. Bernard Coal Company, 60 Broadway Building Corporation, North American Utilities Securities Corporation, Wired Radio Inc., Wired Rediffusion Developments, Ltd., Union Colliery Company, East St. Louis & Suburban Railway Company, East St. Louis Railway Company, St. Louis and East St. Louis Electric Railway Company, The Washington and Glen Echo Railroad Company, North American Oil and Gas Company, Bloomington & Normal Railway, Electric & Heating Co., The Brighton Electric Light and Power Company, Cairo City Gas Company, Champaign and Urbana Gas Light and Coke Company, Chicago and Illinois Valley Railroad Company, Danville Gas Light Company, Decatur Electric Company, The Decatur Light, Heat and Power Company, Elkhart Electric Light Co., The Jacksonville Gas Light & Coke Company, Jacksonville Railway and Light Company, St. Louis Electric Terminal Railway Company, Venice Gas Company, The Detroit Edison Company, Pacific Gas and Electric Company, Fox River Navigation Company, Huron Farms Company, The Edison Illuminating Company of Detroit, The Wayne Mining Company, Valley Electric Supply Company, Arlington Properties Company, Ltd., Western Canal Company, Vallejo Electric Light and Power Company, Essex County Light and Power Company, Limited, The Peninsular Electric Light Company, St. Clair Edison Company, The Washtenaw Light and Power Company, San Joaquin Light and Power Corporation, Midland Counties Public Service Corporation, Standard Pacific Gas Line, Incorporated, Argus Natural Gas Company, Inc., Peoples Natural Gas Company, and to all other persons, including the security holders and consumers of the said respondents, all States, municipalities, and political subdivisions of States within which are located any of the utility assets owned or operated by any of said respondents or under the laws of which any of the respondents are incorporated, all State Commissions, State securities commissions and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over any of the respondents or over any of the businesses, affairs or operations of any of them.

Said order further provides that any person proposing to intervene in said proceedings shall file with the Secretary of the Securities and Exchange Commission on or before the 18th day of April, 1940, his request or application therefor as provided by Rule XVII of the Rules of Practice of the said Securities and Exchange Commission, and may, together with such request or application, file a proposed answer in form and content as hereinbefore provided, and which answer shall be deemed effectively filed upon the entry of an order by the Commission granting such request or application.

By order of the Securities and Exchange Commission this 8th day of March, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-993; Filed, March 11, 1940; 11:17 a. m.]

NOTICE OF HEARING WITH RESPECT TO THE HOLDING-COMPANY SYSTEM OF THE UNITED LIGHT AND POWER COMPANY

Notice is hereby given that the Securities and Exchange Commission adopted an order on the 8th day of March, 1940 directing that a hearing pursuant to Section 11 (b) (1) of the Public Utility Holding Company Act of 1935 be held with respect of The United Light and Power Company and each of its subsidiary companies hereinafter called the respondents at the offices of the said Securities and Exchange Commission, 1778 Pennsylvania Avenue, N. W., Washington, D. C., at 10 A. M. on the twentieth day after the date herein fixed for the filing of answers (or such later date as the Commission may prior thereto fix by supplementary notice).

Said order recites that it appears to the Commission that the holding company system of the said The United Light and Power Company is not confined in its operations to those of a single integrated public-utility system within the meaning of the said Act, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system.

Said order provides that each respondent shall file its answer to the allegations of said order on or before the 18th day of April, 1940, and thereby shall admit, deny, or otherwise explain the position of such respondent with respect to the allegations set forth in Parts I to V of said notice and order for hearing, and also provides that such answer may include a statement of the claim of the respondents or any of them as to (a) the action, if any, which is necessary and should be required to be taken by any of the respondents (including the divestment of control, securities or other assets), to limit the operations of each of the respondents as may be a registered holding company to a single integrated public-utility system and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system; (b) the extent to which any of said respondents which is a registered holding company should be permitted to continue to control one or more additional integrated public-utility systems as may meet the requirements of Clauses (A), (B) and (C) of Section 11 (b) (1) of the Act; and (c) the extent to which any of said respondents should be permitted to retain an interest in any business (other than the business of a public-utility company as such) as provided by Section 11 (b) (1) of the Act. The answer of any respondent which is a registered holding company may, if such respondent so desires, state that such respondent proposes and is prepared to take such action as will cause it to cease to be a holding company within the meaning of the Act, together with a description of such action and the time within which it proposes to take such action; and

Said order further provides that the purpose of such hearing is to determine (1) such issues, if any, as may arise from the allegations of Parts I to V, inclusive, of said order, and the answer or answers filed thereto by the respondents or any of them as hereinbefore provided, and by any other party or parties hereto as hereinafter provided; (2) what action, if any, is necessary and shall be required to be taken by the respondents in said proceeding, or any of them, to limit the operations of the holding company systems of each of the respondents as may be a registered holding company to a single integrated public-utility system, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system; (3) pursuant to such application as may be made in said proceedings the extent to which each of the respondents as may be a registered holding company shall be permitted to continue to control one or more additional integrated public-utility systems as provided by Section 11 (b) (1) of the Act; and (4) pursuant to such application as may be made in said proceedings the extent to which any of the respondents will be permitted to retain any interest in any business (other than that of a public-utility company as such) as provided by Section 11 (b) (1) of the Act; and

Reference is made to said notice and order for hearing for a more complete statement of the various matters to be determined at said hearing, and a copy of said notice and order for hearing is on file and open to public inspection at the offices of said Securities and Exchange Commission in Washington, D. C., and in each of the Regional Offices of said Securities and Exchange Commission, and a copy of said notice and order for hearing may be had upon written request to the Secretary of said Commission, and said notice and order for hearing is hereby made a part of this notice as if more fully herein set forth at length.[1]

Notice of the aforesaid hearing is particularly given to each of the aforesaid respondents, The United Light and Power Company, The United Light and Railways Company, American Light and

[1] Filed as a part of the original document.

Traction Company, Continental Gas & Electric Corporation, United American Company, Northern Natural Gas Company, Cedar Rapids Gas Company, Ft. Dodge Gas and Electric Company, Iowa City Light and Power Company, La Porte Gas and Electric Company, Moline-Rock Island Manufacturing Company, Ottumwa Gas Company, Peoples Light Company, Peoples Power Company, Madison Gas and Electric Company, Michigan Consolidated Gas Company, Milwaukee Gas Light Company, San Antonio Public Service Company, Cimarron Utilities Company, Columbus and Southern Ohio Electric Company, Point Pleasant Water & Light Company, Guymon Gas Company, Iowa-Nebraska Light and Power Company, Maryville Electric Light and Power Company, Kansas City Power and Light Company, Kansas Power Transmission Company, Inc., Panhandle Power and Light Company, Peoples Gas and Electric Company, Argus Natural Gas Company, Peoples Natural Gas Company, United Power Manufacturing Company, Clinton, Davenport & Muscatine Railway Company, Mason City and Clear Lake Railroad Company, Tri-City Railway Company (Illinois), Tri-City Railway Company (Iowa), American Coal Company, American Michigan Pipe Line Company, American Production Company, Consolidated Building Company, The Milwaukee Coke & Gas Company, South Texas Ice Company, Waverly Company, The Hillsboro Ice and Coal Company, Hume-Sinclair Coal Mining Company, Huntsville-Sinclair Mining Company, The Lincoln Traction Company, The United Light and Power Industrials, Inc., Mason City Brick and Tile Company, Mason City Development Company, Rolfe Products Company, The Detroit Edison Company, The United Light and Power Service Company, and to all other persons, including the security holders and consumers of the said respondents, all States, municipalities, and political subdivisions of States within which are located any of the utility assets owned or operated by any of said respondents or under the laws of which any of the respondents are incorporated, all State Commissions, State securities commissions and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over any of the respondents or over any of the businesses, affairs or operations of any of them.

Said order further provides that any person proposing to intervene in said proceedings shall file with the Secretary of the Securities and Exchange Commission on or before the 18th day of April, 1940, his request or application therefor as provided by Rule XVII of the Rules of Practice of the said Securities and Exchange Commission, and may, together with such request or application, file a proposed answer in form and content as hereinbefore provided, and which answer shall be deemed effectively filed upon the entry of an order by the Commission granting such request or application.

By order of the Securities and Exchange Commission this 8th day of March, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-994; Filed, March 11, 1940; 11:17 a. m.]