

SEP 9 1940



FEDERAL REGISTER

VOLUME 5

NUMBER 174

Washington, Friday, September 6, 1940

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUP- PLIES AND ANIMALS

BID, PERFORMANCE, PAYMENTS, AND PATENT INFRINGEMENT BONDS

Corrections

F.R. Doc. 40-3690 (filed, September 4, 1940, 11:16 a. m.) appearing at page 3551 of the FEDERAL REGISTER for Thursday, September 5, 1940, is corrected as follows:

Paragraph (b) of § 81.21a, page 3552, is corrected by the insertion of the word "such" before "contracts" in the third line. The paragraph will read as follows:

(b) This law has been held to be not applicable to contracts for laundry service since such contracts are not for "construction, alteration, or repair." See 38 Op. Atty. Gen. 418, 424. (49 Stat. 793; 40 U.S.C. 270a)† [Par. 2]

Paragraph (d) (2) of § 81.28, page 3554, is corrected by the insertion of "§ 81.26 (c) (2)" instead of "§ 61.26 (c) (2)". The paragraph will read as follows:

(2) *With two or more corporate sureties where it is desired to limit the liability of the several corporate sureties.* The form specified in § 81.26 (c) (2) except the clause beginning "Now, therefore", which should be replaced by the following clause: * * *

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3897]

IN THE MATTER OF NATIONAL CONVERTERS INSTITUTE ET AL.

§ 3.27 (d) *Combining or conspiring—
To enhance, maintain or unify prices.* In
connection with offer, etc., in commerce

among and between the several States and in the District of Columbia, of cellulose sheets and rolls or other similar products, and on the part of respondent Institute, respondent Richard M. McClure, secretary and manager thereof, and respondent corporations, manufacturers of products in question, (1) filing uniform prices and discounts at which their said products are to be sold either directly or through the medium of respondent Institute and respondent McClure, or any other agency; or (2) exchanging through the medium of said Institute and said McClure, manager thereof, or any other agency, price lists, containing proposed or future prices and discounts of said products in order to establish net prices at which said respondent corporations will sell said products; or (3) filing with said Institute and said McClure, or any other agency, deviations in current price lists of said product in order to establish and maintain uniform net prices at which they will sell said products; or (4) agreeing among themselves that they will maintain said proposed future prices and discounts published by them and filed with respondent Institute and respondent McClure, or any other agency; or (5) collecting or disseminating information as to instances where respondent corporations have sold their products at prices and discounts other than those set forth in their respective price lists, in order to maintain the net prices and discounts which respondent corporations theretofore agreed to maintain; 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, National Converters Institute et al., Docket 3897, August 28, 1940]

IN THE MATTER OF NATIONAL CONVERTERS INSTITUTE, A TRADE ASSOCIATION; RICHARD M. MCCLURE, AN INDIVIDUAL; SHELLMAR PRODUCTS COMPANY, A CORPORATION; MILPRINT PRODUCTS CORPORATION, A CORPORATION; TRAVER PAPER AND MANUFACTURING COMPANY, A CORPORATION; DOBECKMUN COMPANY, A CORPORATION; DENNISON MANUFACTURING COMPANY, A CORPORATION; CATON PRINTING COMPANY, A CORPORATION; THOMAS M. ROYAL & COMPANY, A CORPORATION;

CONTENTS

RULES, REGULATIONS, ORDERS

TITLE 10—ARMY: WAR DEPARTMENT: Procurement and disposal of equipment and supplies: Page	
Bid, performance, etc., bonds; corrections	3579
TITLE 16—COMMERCIAL PRACTICES: Federal Trade Commission: National Converters Institute, et al., cease and desist order.....	3579
TITLE 43—PUBLIC LANDS: INTERIOR: General Land Office: Oil and gas leases, renewal regulations	3580
TITLE 45—PUBLIC WELFARE: Work Projects Administration: State Work Projects Adminis- tration: Appointive compensa- tion schedule.....	3581
Appointive compensa- tion schedule revised...	3582
TITLE 46—SHIPPING: Bureau of Marine Inspection and Navigation: Vessels denied clearance to belligerent states, regu- lations amended	3582
United States Maritime Com- mission: Subsidized vessels, voyage ter- minating practices, etc....	3582

NOTICES

Department of Commerce: Civil Aeronautics Authority: Hearings: American Airlines, Inc.....	3583
Canadian Colonial Airways, Ltd	3582
Department of Labor: Wage and Hour Division: Learner employment certifi- cates: Cancellation of certificate for apparel industry....	3583
Issuance for various indus- tries	3583

(Continued on next page)



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

Federal Trade Commission:	
Complaints and notices of hearings:	Page
Frey, Parker T., Co.....	3585
Minetree Brokerage Co.....	3584
Thomas Page Mill Co.....	3585
Federal Security Agency:	
Social Security Board:	
Certification to Unemployment Compensation Commission, State of Missouri.....	3583
Securities and Exchange Commission:	
Pacific Gas and Electric Co., and Great Western Power Co., of California, hearing.....	3587
Pollak, Walter H., trustee of Associated Gas and Electric Co., effectiveness of declaration.....	3587
Sisto, J. A., & Co., rehearing petition denied.....	3586
Southeastern Gas and Water Co., listing and registration application withdrawal....	3586

NASHUA GUMMED AND COATED PAPER COMPANY, A CORPORATION; AND PIONEER WRAPPER AND PRINTING COMPANY, A CORPORATION

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of August, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the

complaint of the Commission, the answers of the respondents, and a stipulation as to the facts entered into between counsel for the respondents herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce among and between the several states of the United States and in the District of Columbia, of cellulose sheets and rolls or other similar products do forthwith cease and desist from:

(1) Filing uniform prices and discounts at which their said products are to be sold either directly or through the medium of respondent Institute and respondent Richard M. McClure, or any other agency.

(2) Exchanging through the medium of respondent Institute and respondent Richard M. McClure, manager thereof, or any other agency, price lists, containing proposed or future prices and discounts of said products in order to establish net prices at which said respondent corporations will sell said products.

(3) Filing with said respondent Institute and respondent Richard M. McClure, or any other agency, deviations in current price lists of said product in order to establish and maintain uniform net prices at which they will sell said products.

(4) Agreeing among themselves that they will maintain said proposed future prices and discounts published by them and filed with respondent Institute and respondent Richard M. McClure, or any other agency.

(5) Collecting or disseminating information as to instances where respondent corporations have sold their products at prices and discounts other than those set forth in their respective price lists, in order to maintain the net prices and discounts which respondent corporations theretofore agreed to maintain.

It is further ordered, That the respondents 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.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3724; Filed, September 5, 1940; 11:19 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1476]

REGULATIONS GOVERNING RENEWAL OF OIL AND GAS LEASES WHICH ISSUED FOR A PERIOD OF 20 YEARS

§ 192.75 *Statutory authority*. Section 17 of the act of February 25, 1920 (41 Stat. 443; 30 U.S.C. 226) provides that leases shall be for a period of 20 years, with the preferential right in the leases to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior. Subsection (b) of section 2 of the Act of August 21, 1935 (49 Stat. 679; 30 U.S.C. Sup. 223a) which amended the act of February 25, 1920, provides that nothing therein contained shall be construed to affect the validity of oil and gas prospecting permits or leases previously issued and in existence at the time the amendatory Act became effective, or impair any rights or privileges which had accrued under such permits or leases.*

§ 192.76 *Application for renewal*. An application to renew a 20-year lease for a period of 10 years should be filed in triplicate with the register of the district land office in which the leased lands are located or if in a State in which there is no district land office, in the General Land Office. Such application should be made by the record title holder or holders of the lease and be joined in or consented to by the operator of record. It should be stated in the application that all moneys due the United States have been paid and that operations under the lease have been conducted in accordance with the regulations of the Department. The register will forward one copy of the application to the supervisor of oil and gas operations, Geological Survey, for the district in which the lands are located.*

§ 192.77 *Report by Geological Survey*. Upon receipt of a copy of the application for renewal, the oil and gas supervisor will report to the Director of the Geological Survey as to the number and status

* §§ 192.75 to 192.85, inclusive, issued under the authority contained in sec. 32, 41 Stat. 450; 30 U.S.C. 189.

of the wells drilled on the leasehold, the current rate of production, if any, whether the lessee has made full compliance with the operating regulations of the Geological Survey and, if not, the respects in which the lessee has failed to make compliance. Thereupon the Director of the Geological Survey will transmit a copy of this report to the Commissioner of the General Land Office with such a recommendation as the facts may warrant.*

§ 192.78 *Action in General Land Office.* The Commissioner of the General Land Office shall consider the application and report submitted by the Director of the Geological Survey. If no objection to the renewal of the lease appears to the Commissioner, copies of a renewal lease, in triplicate, dated the first day of the month in which the original lease terminated, will be forwarded to the lessee for execution and return, together with a satisfactory lease bond. The Commissioner of the General Land Office shall then make his recommendation to the Secretary of the Interior, and if the lease is executed by the Secretary, one copy thereof will be delivered to the lessee.*

§ 192.79 *Bond.* The applicant shall furnish and maintain a corporate surety lease bond or not less than \$5,000, or file the consent of the lessee and surety on the bond of record to an extension of their liability thereunder for the 10-year renewal period.*

§ 192.80 *Rentals.* Under the renewal lease the lessee shall pay an annual rental of \$1.00 an acre where all or part of the leased lands are situated within the limits of a geologic structure of a productive oil or gas field as theretofore or thereafter defined by the Geological Survey, the rental for any one year to be credited against the royalty accruing for that year, provided (a) that such rental may be reduced in the discretion of the Secretary of the Interior to a minimum of not less than 25 cents per acre where a satisfactory showing is made that the lease cannot be operated successfully at the higher rental herein prescribed, and (b) that prior to a valuable discovery of oil or gas within the limits of the geologic structure upon which all or part of the leased lands are situated, the rental shall be 25 cents per acre.*

§ 192.81 *Royalties.* On applications for the renewal of leases which carry a flat royalty of 5% to the United States, the renewal lease shall provide (a) as to oil, a minimum royalty of 12½% until the average production reaches 110 barrels of oil per well per day, and for production in excess of that amount the step-scale royalty rate prescribed in the form of lease contained in section 192.28 (paragraph 13, Circular 1386, May 7, 1936, 55 I. D. 508), and (b) as to gas, the rate of royalty prescribed in such form of lease.*

On applications for the renewal of 20-year leases which carry (a) as to oil, a sliding-scale royalty rate of 12½ to 33⅓%; and (b) as to gas, a royalty of 12½% where the average production per day is less than 3,000,000 cubic feet, and 16⅔% where the average daily production is in excess thereof; and (c) as to casing-head gasoline, a royalty of 16⅔%; the renewal lease shall provide as to oil, gas, casing-head gasoline, and other products, the rates of royalty prescribed in the form of lease above referred to. The method of computing all royalties shall conform to the provisions of the operating regulations.

§ 192.82 *Effect of suspension of operations during 20-year lease term.* Where during the 20-year period of a lease, operations and production have been suspended with the approval of the Secretary of the Interior pursuant to the Act of February 9, 1933 (47 Stat. 798; 30 U.S.C. 209), the lease term is extended by adding thereto the aggregate period of such suspension. For example, if a lease was issued on July 1, 1920, and operations and production on the leasehold have been suspended with the approval of the Secretary from July 1, 1933, to July 1, 1935, and from July 1, 1937, to September 1, 1938, the suspension periods totaling 3⅙ years, the lease term is extended for a period of 3⅙ years from July 1, 1940. Accordingly, in the example cited, an application for renewal filed at the expiration of the 20-year term will be considered premature and will be rejected without prejudice to the renewal of the application at the proper time.*

§ 192.83 *Application for suspension of operations under renewal lease.* Expiration of the term of the original lease automatically terminates drilling, producing or rental relief in effect at the expiration date of the lease. If such relief is desired under the renewal lease, an application therefor should be filed

with the oil and gas supervisor, Geological Survey. Suspension of operations and production, resulting in relief from payment of annual rental under the Act of February 9, 1933, will not be granted unless there is a well on the leased premises capable of production.*

§ 192.84 *Renewal lease.* The renewal lease will be executed on Form 4-973. Except as otherwise provided in §§ 192.75-192.83, the form of renewal lease contains substantially the same terms and conditions as the form of oil and gas lease prescribed for leases granted under the amendatory act of August 21, 1935, contained in § 192.28.*

§ 192.85 *Applicability.* Sections 192.75-192.84 shall be effective as to all applications heretofore or hereafter filed for the renewal of leases.*

FRED W. JOHNSON,
Commissioner.

I concur: July 10, 1940.

W. C. MENDENHALL,
Director, Geological Survey.

Approved: August 5, 1940.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 40-3717; Filed, September 5, 1940; 9:27 a. m.]

TITLE 45—PUBLIC WELFARE
CHAPTER II—WORK PROJECTS
ADMINISTRATION

[General Order No. 2]

APPOINTIVE COMPENSATION SCHEDULE

By virtue of and pursuant to the authority vested in me, I hereby establish the following appointive compensation schedule (ACS) for such appointive positions in the State Work Projects Administration set forth below as shall be classified in accordance with the rules and regulations of the Work Projects Administration.

SCHEDULE A

ACS grades	Salary steps						
	1	2	3	4	5	6	7
1	\$600	\$660	\$720	\$780	\$840		
2	720	780	840	900	960		
3	780	840	900	960	1,020	\$1,080	
4	900	960	1,020	1,080	1,140	1,200	
5	1,140	1,200	1,260	1,320	1,380	1,440	\$1,500
6	1,440	1,500	1,560	1,620	1,680	1,740	1,800
7	1,800	1,900	2,000	2,100	2,200	2,300	2,400
8	2,100	2,200	2,300	2,400	2,500	2,600	2,700
9	2,400	2,500	2,600	2,700	2,800	2,900	3,000
10	2,700	2,800	2,900	3,000	3,100	3,200	3,300
11	3,000	3,100	3,200	3,300	3,400	3,500	3,600
12	3,400	3,500	3,600	3,700	3,800	3,900	4,000
13	3,800	4,000	4,200	4,400	4,600		
14	4,600	4,800	5,000	5,200	5,400		
15	5,600	5,800	6,000	6,200	6,400		
16	6,500	6,750	7,000	7,250	7,500		

Schedule A shall apply to the following State Administrations: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New

Hampshire, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Vermont, Virginia and West Virginia.

SCHEDULE B

ACS grades	Salary steps						
	1	2	3	4	5	6	7
1	\$600	\$660	\$720	\$780	\$840		
2	720	780	840	900	960		
3	900	960	1,020	1,080	1,140	\$1,200	
4	1,020	1,080	1,140	1,200	1,260	1,320	
5	1,260	1,320	1,380	1,440	1,500	1,560	\$1,620
6	1,620	1,680	1,740	1,800	1,860	1,920	1,980
7	1,800	1,900	2,000	2,100	2,200	2,300	2,400
8	2,100	2,200	2,300	2,400	2,500	2,600	2,700
9	2,400	2,500	2,600	2,700	2,800	2,900	3,000
10	2,700	2,800	2,900	3,000	3,100	3,200	3,300
11	3,000	3,100	3,200	3,300	3,400	3,500	3,600
12	3,400	3,500	3,600	3,700	3,800	3,900	4,000
13	3,800	4,000	4,200	4,400	4,600		
14	4,600	4,800	5,000	5,200	5,400		
15	5,600	5,800	6,000	6,200	6,400		
16	6,500	6,750	7,000	7,250	7,500		

Schedule B shall apply to the following State Administrations: Arizona, Northern California, Southern California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan,

Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York City, New York State, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Washington, Wisconsin, Wyoming.

[SEAL]

F. C. HARRINGTON,
Commissioner.

Approved: July 1, 1940.
Effective Date: August 1, 1940.

[F. R. Doc. 40-3718; Filed, September 5, 1940; 10:16 a. m.]

[General Order No. 2, Rev. No. 1.]
REVISION OF APPOINTIVE COMPENSATION SCHEDULE

By virtue of and pursuant to the authority vested in me, I hereby revise

General Order No. 2 and all amendments thereto approved previous to the date of this revision as to the salary steps within grades 13 and 14 in all schedules in accordance with the following tabulation.

REVISION OF GRADES 13 AND 14 APPOINTIVE CLASSIFICATION SCHEDULE

ACS grades	Salary steps				
	1	2	3	4	5
13	\$4,000	\$4,200	\$4,400	\$4,600	\$4,800
14	4,800	5,000	5,200	5,400	5,600

[SEAL]

F. C. HARRINGTON,
Commissioner.

Approved, August 24, 1940.
Effective date September 1, 1940.

[F. R. Doc. 40-3719; Filed, September 5, 1940; 10:16 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 53]

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

VESSELS DENIED CLEARANCE TO BELLIGERENT STATES

SEPTEMBER 4, 1940.

Subsection (e) of § 5.82¹ American vessels denied clearance to belligerent states is amended to read as follows:

¹ 4 F.R. 4886.

(e) Where such American vessel (watercraft or aircraft) is unarmed and not under convoy, and is under charter or other direction and control of the American Red Cross, while carrying officers and American Red Cross personnel, medical personnel, and medical supplies, food, and clothing, for the relief of human suffering, and while on a mission of mercy only and carrying only Red Cross materials and personnel: *Provided*, That where permission has not been given by the blockading power, no clearance shall be granted to an American Red Cross vessel, to any port where a blockade by aircraft, surface vessel, or submarine is being attempted through the destruction

of vessels, or to a port of any country where such blockade of the whole country is being so attempted. (Section 161 R.S.; 5 U.S.C. 22)

[SEAL] ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 40-3714; Filed, September 4, 1940; 3:42 p. m.]

CHAPTER II—UNITED STATES MARITIME COMMISSION

[General Order No. 27, Supp. No. 1]

PART 281—INFORMATION AND PROCEDURE REQUIRED UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

PRACTICES TO BE OBSERVED IN THE METHOD OF TERMINATING VOYAGES AND DETERMINING LAY-UP PERIODS FOR SUBSIDIZED VESSELS

General Order No. 27¹ is hereby amended by the inclusion of the following paragraph with respect to Lay-Up Periods:

§ 281.3 Waiver or modification of provisions as to lay-up periods. The Director, Operations and Traffic, with the concurrence of the Director of Finance, is authorized, in special cases as the circumstances warrant such action, to waive or modify the provisions of General Order No. 27 as to lay-up periods (46 CFR, 1938 Supp., § 281.2 (b)), provided that in no event shall a lay-up period in excess of 15 days be allowed. (Secs. 601-610, 49 Stat. 2001-2007; 46 U.S.C. Supp. 1171-1180) [General Order No. 27, Supp. No. 1, approved by Commission August 29, 1940]

By order of the United States Maritime Commission.

[SEAL] R. L. McDONALD,
Assistant Secretary.

SEPTEMBER 5, 1940.

[F. R. Doc. 40-3725; Filed, September 5, 1940; 11:38 a. m.]

Notices

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket No. 44-402-C-1]

IN THE MATTER OF THE APPLICATION OF CANADIAN COLONIAL AIRWAYS, LTD. FOR A PERMIT AUTHORIZING THE APPLICANT TO ENGAGE AS A FOREIGN AIR CARRIER OF PERSONS, PROPERTY, MAIL AND CANADIAN MAIL, IN SCHEDULED FOREIGN AIR TRANSPORTATION BETWEEN MONTREAL, PROVINCE OF QUEBEC, DOMINION OF CANADA, VIA ALBANY, TO NEW YORK, N. Y., IN THE UNITED STATES OF AMERICA AND RETURN

NOTICE OF HEARING²

The Board, by its order of July 18, 1940, having granted Canadian Colonial

¹ 3 F.R. 2144.

² Issued by Civil Aeronautics Board.

Airways, Ltd., leave to amend its application and directing a further hearing on such application as amended, said hearing is hereby assigned for September 23, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th Street N.W., Washington, D. C., before an Examiner of the Board.

Dated Washington, D. C., August 30, 1940.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40-3715; Filed, September 5, 1940; 9:26 a. m.]

[Docket Nos. 334, 204]

IN THE MATTER OF THE COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, OF AMERICAN AIRLINES, INC., AND IN THE MATTER OF THE PETITION OF AMERICAN AIRLINES, INC., FOR THE DETERMINATION OF FAIR AND REASONABLE RATES OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH ON AM ROUTES 4 AND 23, UNDER SECTION 406 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING¹

The above-entitled proceeding, involving the determination of fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith by American Airlines, Inc., is hereby assigned for public hearing on October 7, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Willard Hotel, 14th Street and Pennsylvania Avenue N.W., Washington, D. C., before an Examiner of the Board.

Dated Washington, D. C., August 30, 1940.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Acting Secretary.

[F. R. Doc. 40-3716; Filed, September 5, 1940; 9:26 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued under Section 14 of the

¹ Issued by Civil Aeronautics Board.

said Act and § 522.5 of Regulations Part 522, as amended, to the employers listed below effective September 6, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of §§ 522.13 or 522.5 (b), whichever is applicable of the aforementioned Regulations.

The employment of learners under these Certificates is limited to the occupations, learning periods, and minimum wage rates specified in the Determination or Order for the Industry designated below opposite the employer's name and published in the FEDERAL REGISTER as here stated:

Regulations, Part 522, May 23, 1939 (4 F.R. 2088), and as amended October 12, 1939 (4 F.R. 4226).

Hosiery Order, August 22, 1939 (4 F.R. 3711).

Apparel Order, October 12, 1939 (4 F.R. 4225).

Knitted Wear Order, October 24, 1939 (4 F.R. 4351).

Textile Order, November 8, 1939 (4 F.R. 4531), as amended, April 27, 1940 (5 F.R. 1586).

Glove Order, February 20, 1940 (5 F.R. 714).

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Eastwill Sportswear Corp., 411 Rush Avenue, Greenwood, South Carolina; Apparel; Sport Coats and Jackets; 20 learners (75% of the applicable hourly minimum wage); November 29, 1940.

Michael Berkowitz Company, Inc., Uniontown, Pennsylvania; Apparel; Shirts & Pajamas; 5 percent (75% of the applicable hourly minimum wage); November 29, 1940.

Signed at Washington, D. C., this 5th day of September, 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-3726; Filed, September 5, 1940; 11:45 a. m.]

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

Notice is hereby given that a Special Learner Certificate for the employment of learners issued to the Henry I. Siegel Company, Bruceton, Tennessee, effective July 23, 1940, has been canceled as of its effective date pursuant to § 522.5 (b) of the Learner Regulations and pursuant to the terms of the Certificate which provide among other things that it may be canceled as of the date of issuance if it is found that its issuance was not

necessary to prevent a curtailment of opportunities for employment.

This cancellation shall not become effective until after the expiration of the fifteen-day period after the date this Notice appears in the FEDERAL REGISTER during which time petitions for reconsideration or review may be filed under § 522.13 of the Regulations by any aggrieved person. If a petition is properly filed, the effective date of cancellation shall be postponed unless and until final action sustaining such cancellation is taken on such petition.

Signed at Washington, D. C., this 5th day of September, 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-3727; Filed, September 5, 1940; 11:45 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE UNEMPLOYMENT COMPENSATION COMMISSION OF THE STATE OF MISSOURI

The Unemployment Compensation Commission of the State of Missouri having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Missouri Unemployment Compensation Law, as amended; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Unemployment Compensation Commission of the State of Missouri.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMAYER,
Chairman.

JULY 19, 1940.

Approved:

WAYNE COY,
Acting Administrator.

JULY 23, 1940.

[F. R. Doc. 40-3720; Filed, September 5, 1940; 10:54 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4285]

IN THE MATTER OF T. A. WARD, CARR WARD AND WILMA WARD, INDIVIDUALLY AND TRADING AS MINETREE BROKERAGE COMPANY

COMPLAINT

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, have violated, and are now violating, the provisions of sub-section (c) of Section 2 of the Clayton Act (U.S.C. title 15, sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondents T. A. Ward and Wilma Ward are individuals residing in the City of Poplar Bluff, Missouri. Said respondents T. A. Ward and Wilma Ward own and control 88% of the outstanding capital stock of the Poplar Bluff Wholesale Grocery Company and 98% of the outstanding capital stock of Ward Stores, Inc., which operates a chain of 44 retail stores located in southeastern Missouri. Said T. A. Ward and Wilma Ward are respectively President and Secretary-Treasurer of these companies.

PAR. 2. Respondent Carr Ward is an individual residing in the City of Poplar Bluff, Missouri. This respondent is engaged with respondents T. A. Ward and Wilma Ward in the brokerage business under the trade name Minetree Brokerage Company with an office and principal place of business located in Poplar Bluff, Missouri.

Respondent Carr Ward is the son of respondent T. A. Ward and the husband of respondent Wilma Ward, and is now employed by said respondents T. A. Ward and Wilma Ward to render services of an executive nature to various enterprises owned and controlled by said respondents T. A. Ward and Wilma Ward, particularly, the Poplar Bluff Wholesale Grocery Company and Ward Stores, Inc.

PAR. 3. Poplar Bluff Wholesale Grocery Company places orders for a substantial portion of the goods, wares and merchandise, particularly foodstuffs by it required in the ordinary conduct of its business with sellers who are, in most cases, located in states of the United States other than the state in which said Poplar Bluff Wholesale Grocery Company is located, through the brokerage firm of T. A. Ward, Wilma Ward and Carr Ward trading as Minetree Brokerage Company. As a result of the transmission and execution of said orders, as aforesaid, goods, wares and merchandise, particularly foodstuffs, are, in the case of each such order and in a continuous succession of such orders, sold, transported and delivered by

one or more of such sellers across state lines to Poplar Bluff Wholesale Grocery Company.

PAR. 4. In the course and conduct of the buying and selling transactions hereinabove referred to, resulting in the delivery of goods, wares and merchandise, particularly foodstuffs, in interstate commerce from one or more sellers to said Poplar Bluff Wholesale Grocery Company, sellers have transmitted and paid, and do transmit and pay, to the brokerage firm of T. A. Ward, Wilma Ward and Carr Ward, trading as Minetree Brokerage Company, brokerage fees or commissions, the same being a certain percentage (usually from 2½% to 5%) of the sales price of such purchases.

Since June 19, 1936, sellers have paid brokerage fees and commissions to, and the same have been received by the brokerage firm of T. A. Ward, Wilma Ward and Carr Ward, trading as Minetree Brokerage Company, upon the purchases of Poplar Bluff Wholesale Grocery Company in the manner hereinabove described in substantial amounts.

PAR. 5. In all of the transactions of purchase and sale hereinabove referred to, the respondents T. A. Ward, Wilma Ward and Carr Ward have acted in fact for and on behalf of the Poplar Bluff Wholesale Grocery Company.

PAR. 6. The transmission and payment of brokerage fees and commissions by sellers to said respondents T. A. Ward, Wilma Ward and Carr Ward as members of the brokerage firm trading as Minetree Brokerage Company, and the receipt and acceptance of such brokerage fees and commissions by said respondents T. A. Ward, Wilma Ward and Carr Ward upon the purchases of the Poplar Bluff Wholesale Grocery Company, in the manner and form hereinabove set forth is in violation of the provisions of subsection (c) of Section 2 of the Act described in the preamble hereof.

Wherefore, the premises considered, the Federal Trade Commission on this 29th day of August, A. D. 1940, issues its complaint against said respondents.

NOTICE

Notice is hereby given you, T. A. Ward, Carr Ward and Wilma Ward, individually and trading as Minetree Brokerage Company, respondents herein, that the 4th day of October, A. D. 1940, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 29th day of August, A. D. 1940.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3721; Filed, September 5, 1940; 11:18 a. m.]

[Docket No. 4286]

IN THE MATTER OF THE THOMAS PAGE
MILL COMPANY, INC., A CORPORATION,
AND PIEDMONT WHOLESALE GROCERY
COMPANY, A CORPORATION

COMPLAINT

The Federal Trade Commission having reason to believe that the parties respondent named in the caption hereof, hereinafter more particularly designated and described, since June 19, 1936, have violated, and are now violating, the provisions of subsection (c) of Section 2 of the Clayton Act (U.S.C., Title 15, Sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent, The Thomas Page Mill Company, Inc., is a corporation organized and existing under and by virtue of the laws of the State of Kansas, with its principal office and place of business located at Norris and Quincy Streets, Topeka, Kansas. This respondent is engaged in the milling, distribution and sale of flour.

PAR. 2. Respondent, Piedmont Wholesale Grocery Company, is a corporation organized and existing under and by virtue of the laws of the State of Missouri, with its principal office and place of business located at Piedmont, Missouri. This respondent is engaged in the general wholesale merchandise business.

PAR. 3. In the course and conduct of its business as aforesaid, since June 19, 1936, respondent, The Thomas Page Mill Company, Inc., has been and is now selling flour to purchasers located in various states of the United States, and causing said merchandise to be shipped and distributed by it to said purchasers located in various states of the United States, and particularly in the States of Nebraska, Missouri, and Kentucky. One of said purchasers to whom respondent sells and ships said merchandise is the respondent, Piedmont Wholesale Grocery Company.

Since June 19, 1936, in the course of making such sales of said merchandise in commerce, respondent, The Thomas Page Mill Company, Inc., has engaged in the practice of paying brokerage fees and granting allowances or discounts in lieu of brokerage upon such purchases by buyers for their own account, including the Piedmont Wholesale Grocery Company, and said respondent Piedmont Wholesale Grocery Company has received and accepted allowances or discounts in lieu of brokerage upon its purchases of merchandise from respondent The Thomas Page Mill Company, Inc.

PAR. 4. The paying of brokerage fees and granting of allowances in lieu thereof by respondent The Thomas Page Mill Company, Inc., to buyers upon their purchases as aforesaid, and the receipt and acceptance of such brokerage fees or al-

lowance in lieu thereof by said respondent Piedmont Wholesale Grocery Company upon its purchases from respondent The Thomas Page Mill Company Inc., in the manner and form hereinabove set forth, is in violation of the provisions of subsection (c) of Section 2 of the Act described in the preamble hereof.

Wherefore, the premises considered, the Federal Trade Commission on this 29th day of August, 1940, issues its complaint against said respondents.

NOTICE

Notice is hereby given you The Thomas Page Mill Company, Inc. and Piedmont Wholesale Grocery Company, respondents herein, that the 4th day of October, A. D. 1940, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of

fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 29th day of August, A. D. 1940.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.[F. R. Doc. 40-3722; Filed, September 5, 1940;
11:18 a. m.]

[Docket No. 4290]

IN THE MATTER OF PARKER T. FREY, AN
INDIVIDUAL, DOING BUSINESS UNDER THE
FIRM NAMES AND STYLES OF PARKER T.
FREY COMPANY AND NEARBY SALES COM-
PANY

COMPLAINT

Pursuant to the provisions of an Act of Congress approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", commonly known as the Clayton Act (U.S.C. Title 15, Sec. 13), as amended by an Act of Congress approved June 19, 1936, commonly known as the Robinson-Patman Act, the Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has been, and is now, violating the provisions of subsection (c) of section 2 of said Act, as amended, issues its complaint against said respondent and states its charges with respect thereto as follows, to wit:

PARAGRAPH 1. Respondent Parker T. Frey is an individual doing business principally under the firm name and style of the Parker T. Frey Company but also under the firm name and style of the Nearby Sales Company. The respondent has his principal office and place of business at 135 South Second Street, Philadelphia.

PAR. 2. Respondent is now, and for many years prior hereto has been, en-

gaged in the business of acting as broker in the sale of food products, particularly canned sea food and vegetables, said business having been carried on by him principally under the firm name and style of Parker T. Frey Company.

Respondent is also engaged, and for many years prior hereto has been engaged, in the business of buying and selling for his own account food products, particularly canned sea food and vegetables, said business having been carried on by him principally under the firm name and style of the Nearby Sales Company but also under the firm name and style of Parker T. Frey Company.

Since June 19, 1936, respondent has made many purchases of said food products aforementioned, for his own account, for resale, from sellers located in states other than the State of Pennsylvania, pursuant to which purchases, such commodities have been shipped and transported by the sellers thereof from the respective states in which they are located, across state lines, either to respondent, or pursuant to instructions and directions from respondent, to the respective purchasers to whom such products have been resold by said respondent.

PAR. 3. In the course and conduct of his business of buying food products for his own account in commerce as aforesaid, the respondents, trading under the firm names and styles aforementioned, has been, and is now, receiving and accepting from numerous sellers of said products, so purchased, brokerage fees, or allowances or discounts in lieu thereof, on many of said purchases for his own account.

PAR. 4. The aforesaid acts of the respondent constitute a violation of subsection (c) of section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936.

Wherefore, the premises considered, the Federal Trade Commission on this 29th day of August, A. D. 1940, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, Parker T. Frey, an individual, doing business under the firm names and styles of Parker T. Frey Company and Nearby Sales Company, respondent herein, that the 4th day of October, A. D. 1940, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be en-

tered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at

Washington, D. C., this 29th day of August, A. D. 1940.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-3723; Filed, September 5, 1940; 11:18 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 16-1A1-1]

IN THE MATTER OF THE APPLICATION OF J. A. SISTO & CO. FOR APPROVAL OF ITS APPLICATION FOR MEMBERSHIP IN THE NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC., OR IN THE ALTERNATIVE FOR AN ORDER DIRECTING THE NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC. TO ADMIT J. A. SISTO & CO. TO MEMBERSHIP IN SUCH ASSOCIATION

ORDER DENYING PETITION FOR REHEARING PURSUANT TO SECURITIES EXCHANGE ACT OF 1934—SECTION 15A (B) (4)

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of August, A. D. 1940.

J. A. Sisto & Co., a partnership, having filed a petition for a rehearing with respect to the order of this Commission, dated July 1, 1940, in the above-entitled proceeding, which order denied the application of J. A. Sisto & Co. for an order approving or directing its admission to membership in the National Association of Securities Dealers, Inc., and the Commission having duly considered said petition and having this day filed its memorandum opinion herein;

It is ordered, That said petition for rehearing be and it hereby is in all respects denied.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3728; Filed, September 5, 1940; 11:51 a. m.]

[File No. 1-1708]

IN THE MATTER OF SOUTHEASTERN GAS AND WATER COMPANY 6% FIRST LIEN GOLD BONDS, DUE 1941

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

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

The Southeastern Gas and Water Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) pro-

mulgated thereunder, having made application to withdraw its 6% First Lien Gold Bonds, due 1941, from listing and registration on the Chicago Stock Exchange; and

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

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on September 19, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3730; Filed, September 5, 1940; 11:51 a. m.]

[File No. 31-55]

IN THE MATTER OF PACIFIC GAS AND ELECTRIC COMPANY AND GREAT WESTERN POWER COMPANY OF CALIFORNIA

NOTICE OF AND ORDER FOR HEARING

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

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

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 October 21, 1940, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, No. 174—2

nue 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 Richard Townsend 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 October 15, 1940.

The matter concerned herewith is in regard to a joint application for an order under Section 2 (a) (8) of said Act declaring that neither Pacific Gas and Electric Company nor any of its subsidiaries are subsidiaries of The North American Company and for an order under Sections 3 (a) (1) and (2) of said Act exempting said applicants and their subsidiaries from the provisions imposed by said Act upon holding companies and every subsidiary company thereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3729; Filed, September 5, 1940; 11:51 a. m.]

[File 70-131]

IN THE MATTER OF WALTER H. POLLAK, TRUSTEE OF ASSOCIATED GAS AND ELECTRIC COMPANY, DEBTOR, IN REORGANIZATION UNDER CHAPTER X OF THE BANKRUPTCY ACT

ORDER REGARDING EFFECTIVENESS OF DECLARATION

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 September, A. D. 1940.

Walter H. Pollak, Trustee of Associated Gas and Electric Company, Debtor, in Reorganization under Chapter X of the Bankruptcy Act, having filed a declaration and amendment thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of \$200,000 aggregate principal amount of Trustee's certificates of indebtedness; and

A public hearing having been held on such declaration, after appropriate notice; briefs having been submitted and argument having been heard; the record in this matter having been considered and the Commission having this day issued its Findings and Opinion herein;

It is ordered, Subject to the proviso that this order shall be of no effect until and except to the extent that the issue and sale of the said certificates are authorized by order of the United States District Court for the Southern District of New York pursuant to section 116 (2) of the Bankruptcy Act, that such declaration be and hereby is permitted to become effective.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-3731; Filed, September 5, 1940; 11:55 a. m.]