



# FEDERAL REGISTER

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**Rules, Regulations, Orders**

**TITLE 10—ARMY: WAR DEPARTMENT**

**CHAPTER I—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS**

**PART 5—SAFEGUARDING TECHNICAL INFORMATION<sup>1</sup>**

§ 5.1 *Definitions.* To facilitate an understanding of these regulations, the following terms are defined:

(a) *Classified military information.* Classified military information includes all information concerning documents, cryptographic devices, development projects, and matériel classified as *secret*, *confidential*, or *restricted*, as well as the items themselves. All other military information, *documents*, development projects, and matériel are regarded as unclassified.

(b) *Document.* The term "document" includes printed, mimeographed, typed, photostated, and written matter of all kinds; maps, photomaps, and serial photographs and mosaics; drawings, sketches, notes, and blueprints, or photostatic copies thereof; photographs and photographic negatives; engineering data; correspondence and plans relating to research and development projects; and all other similar matter.

(c) *Foreign government.* The term "foreign government" includes any recognized or nonrecognized government and any faction or body of insurgents within a country with which the United States is at peace.

(d) *Matériel.* The term "matériel" comprises military arms, armament, equipment, and supplies of all classes, both complete and in process of development and construction, models that show features in whole or in part, designs, mockups, jigs, fixtures, and dies, and all other components or accessories of military equipment.

(e) *Reserved area.* A reserved area is an area on the surface of the land

<sup>1</sup> These regulations supersede Part 5, Chapter I, Title 10, of the Code of Federal Regulations.

or water designated and set apart by executive order of the President for purposes of national defense, admittance to which is either prohibited or restricted.

(f) *Visitor.* As used in these regulations a visitor is any person admitted to a Government or commercial manufacturing establishment engaged in classified work or project for the War Department except—

(1) A person employed on the work or project, or

(2) A person directly and officially concerned with the work or project. (R.S. 161; 5 U.S.C. 22) [Par. 1, A.R. 380-5, June 10, 1939]

§ 5.2 *Responsibility.* (a) The safeguarding of classified military information is the responsibility of all military personnel, of civilian employees of the War Department, and of the management and employees of all commercial firms engaged in classified work or projects for the War Department. Classified military information will be discussed only with military or civilian personnel having a legitimate interest therein.

(b) Commanding officers, administrative officers, and procurement agencies are responsible that military personnel, civilian employees of the War Department, and the management and employees of commercial firms engaged in classified projects or developments for the War Department are familiar with the pertinent provisions of these regulations. (R.S. 161; 5 U.S.C. 22) [Par. 2, A.R. 380-5, June 10, 1939]

§ 5.3 *Right to possess classified military information.* (a) No person in the military service or employed by it is entitled to classified military information solely by virtue of his commission or official position. Such information will be entrusted only to those who need it in the performance of their official duties and to insure teamwork and efficient instruction of personnel, proper planning, or proper maintenance of equipment.

(b) Photographs of classified features of military equipment or of other classified items will be made by members of the military service or by civilian employees of the War Department only when neces-

**CONTENTS**

**RULES, REGULATIONS, ORDERS**

<b>TITLE 10—ARMY: WAR DEPARTMENT:</b>	Page
Aid of civil authorities and public relations, regulations amended .....	2941
<b>TITLE 12—BANKS AND BANKING:</b>	
Federal Deposit Insurance Corporation:	
Trust funds, insurance of .....	2945
<b>TITLE 24—HOUSING CREDIT:</b>	
Home Owners' Loan Corporation:	
Rental and contracts:	
Cancellation of rental agreements .....	2945
Forms for release of space .....	2945
<b>TITLE 25—INDIANS:</b>	
Office of Indian Affairs:	
San Carlos Indian Irrigation Project, Ariz., operation and maintenance charges .....	2945
<b>TITLE 30—MINERAL RESOURCES:</b>	
Office of the Secretary of the Interior:	
Bituminous Coal Division established .....	2947
Consumers' Counsel Division established in Office of the Solicitor .....	2947

**NOTICES**

Department of Agriculture:	
Food and Drug Administration:	
Coal-tar hearing, notice of certification and filing of transcript of evidence, etc. ....	2947
Federal Trade Commission:	
Marking Devices Industry, opportunity to present views, revision of trade practice rules .....	2951
Orders appointing examiners, etc.:	
Black & Yates, Inc. ....	2948
Bossert, Louis, & Sons, Inc. ....	2948
Boyd-Martin Boat Co. ....	2950
Cadwallader-Gibson Co., Inc. ....	2950
Chicago Warehouse Lumber Co. ....	2949

(Continued on next page)



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#### CONTENTS—Continued

Federal Trade Commission—Con. Orders appointing examiners, etc.—Continued.	Page
Dart Boats, Inc.-----	2950
Gillespie Furniture Co. (F. H. Gillespie, et al)-----	2948
Gillespie Furniture Co., and Furniture Corporation of America, Ltd.-----	2950
Matthews Co., Inc.-----	2950
Ohio Novelty Co. (Samuel Ra- vid)-----	2951
Pacific Door & Sash Co.-----	2948
Paxton, Frank, Lumber Co.---	2948
Sea Sled Corp.-----	2947
Stanton, E. J., and Son.-----	2948
Wendelstein, Carl, trading as Carl Wendelstein & Co.---	2949
Western Hardwood Lumber Co.-----	2949
Securities and Exchange Commis- sion:	
Hays, Arthur, & Co., Inc., regis- tration revoked-----	2952
Notice of and orders for hear- ings:	
Securities Corporation Gen- eral-----	2952
Stonewall Electric Co., and Tucson Gas, Electric Light and Power Co.-----	2951

sary in the conduct of their official duties and if made will not be developed or printed in commercial establishments or retained in their personal possession. (R.S. 161; 5 U.S.C. 22) [Par. 3, A.R. 380-5, June 10, 1939]

§ 5.4 *Dissemination of classified military information.* When classified military information is disseminated under the provisions of these regulations to persons not subject to military law, they will be informed that it affects the national

defense of the United States within the meaning of the Espionage Act and that its transmission to an unauthorized person is prohibited. (R.S. 161; 5 U.S.C. 22) [Par. 4a, A.R. 380-5, June 10, 1939]

§ 5.5 *Requests for military information.* (a) Requests from private individuals or firms for classified military information will be referred through channels to the corps area commander or chief of the arm or service concerned, who, if unable to make reply or if another agency is interested, will refer the matter to The Adjutant General for appropriate action.

(b) Requests for military information by foreign nationals, including representatives of foreign governments, such as military and air attaches, will be referred to the Military Intelligence Division, War Department General Staff, for necessary action. (R.S. 161; 5 U.S.C. 22) [Par. 5, A.R. 380-5, June 10, 1939]

§ 5.6 *Dissemination of restricted matter.* The information contained in restricted documents and the essential characteristics of restricted matériel will not be communicated to the public or to the press, but may be given to any person known to be in the service of the United States and to persons of undoubted loyalty and discretion who are cooperating in Government work. (R.S. 161; 5 U.S.C. 22) [Par. 10d, A.R. 380-5, June 10, 1939]

§ 5.7 *Loss or subjection to compromise.* Any person in the military service or in its employ who may have knowledge of the loss or subjection to compromise of a secret or confidential document or article of matériel will promptly report that fact to the custodian of the document or matériel. The proper commanding officer will then make a thorough investigation of the circumstances, fix the responsibility, and send to The Adjutant General, through military channels, a report with his recommendation in the case. (R.S. 161; 5 U.S.C. 22) [Par. 14, A.R. 380-5, June 10, 1939]

§ 5.8 *Responsibility for safeguarding technical information.* (a) Chiefs of arms and services engaged in the preparation of plans, research, and development work, or new design, test, production, procurement, storage, or use of classified matériel are responsible for the promulgation of such additional instructions as may be required for the safeguarding of information in the offices, establishments, laboratories, shops, or army posts under their jurisdiction.

(b) All secret, confidential, or restricted models, exhibits, dies, machines, and other similar items which are to be loaned, leased, or given to a commercial organization will be properly marked to indicate classification when practicable. If such marking is impracticable, the commercial organization will be specifically notified in writing of the classification of such items and of the pertinent provisions of the Espionage Act. (R.S. 161; 5 U.S.C. 22) [Par. 47, A.R. 380-5, June 10, 1939]

§ 5.9 *Classification of information from commercial firms.* Information obtained from civilian manufacturers concerning proprietary processes will be classified as *confidential* unless otherwise authorized by the firm concerned. (R.S. 161; 5 U.S.C. 22) [Par. 48, A.R. 380-5, June 10, 1939]

§ 5.10 *Dissemination of classified technical information.* Classified information concerning technical projects or developments may be imparted only to persons in the military and naval services of the United States, including civilian employees, who have a legitimate interest therein, and to American citizens of known loyalty and discretion who of necessity must be informed because of their cooperation in the work, project, or development. (R.S. 161; 5 U.S.C. 22) [Par. 49, A.R. 380-5, June 10, 1939]

§ 5.11 *Invitations for bids and contracts.* Prior to furnishing a prospective bidder with drawings, specifications, or other pertinent information concerning projects of a secret, confidential, or restricted nature, an agreement reading substantially as follows will be signed by the individual or by a responsible officer of the firm or corporation:

In consideration of the receipt of the referenced

(secret, confidential, or restricted) drawings, specifications, and accompanying inclosures, and models or matériel, I agree on behalf of the undersigned individual, firm, or corporation, its representatives, agents, and/or subbidders to the following:

a. The undersigned will neither supply nor disclose any information regarding the drawings, specifications, and accompanying inclosures, or models or matériel referred to herein to any unauthorized person, or incorporate in other projects special features of design or construction peculiar to the article or articles specified herein.

b. The undersigned will not permit any alien employed or to be employed by the bidder or contractor or by any of its subbidders or subcontractors to have access to the drawings, specifications, and accompanying inclosures, or models or matériel referred to herein, or to engineering principles, composition, subassemblies, or assemblies which are vital to the functioning or use of the article without the written consent beforehand of the Secretary of War.

c. The undersigned will not make or permit to be made reproductions of the drawings, specifications, and accompanying papers, or of the models or matériel except as specifically authorized by the contracting officer or his agent.

d. If no bid is submitted on the subject proposal, if a bid is made and not accepted, or, in case award is made, upon the completion of the contract, the undersigned will promptly return by hand, by registered mail, or by insured express, the referenced drawings, specifications, and accompanying papers or models or matériel, together with all copies thereof, to the office from which the originals were received.

e. The undersigned and/or subbidder agrees to bring to the attention of all persons engaged in the preparation of the bid the following pertinent provisions of the Espionage Act (sec. I, act June 15, 1917 (40 Stat. 217); U.S.C. 50:31). The successful bidder shall also bring to the attention of all persons engaged in the contract, including persons employed on subcontracts, these provisions of the Espionage Act.

“(d) whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue

print, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it \* \* \* or (e) whoever, being instructed with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine or not more than \$10,000 or by imprisonment for not more than two years, or both."

f. The undersigned further agrees that no information in connection with the contract will be given to any person not in the contractor's and/or subcontractor's employ except upon the written consent beforehand of the contracting officer or his agent. (R.S. 161; 5 U.S.C. 22) [Par. 50, A.R. 380-5, June 10, 1939]

§ 5.12 *Consultations with responsible manufacturers.* The commanding officers of arsenals and depots and other officers engaged in work on Government contracts are authorized to consult with all interested manufacturers or their representatives, inventors, and other persons concerning technical matters in which they have a legitimate interest. They will, however, inform all such persons of the classification of the projects, works, and developments. (R.S. 161; 5 U.S.C. 22) [Par. 51, A.R. 380-5, June 10, 1939]

§ 5.13 *Responsibility of Army representatives or inspectors.* (a) Army representatives or inspectors of the supply arms or services are the local representatives of the War Department and will take the necessary measures to insure the safeguarding of classified information or projects in the hands of the contractors or in process of manufacture in their plants.

(b) Army representatives or inspectors will advise contractors as to their responsibilities and the practicable measures to be taken to safeguard secret, confidential, and restricted matters and will act favorably, if practicable, on any suggestion or request of the company tending to preserve secrecy. If at any time conditions at any plant, or any action of a company or its employees, jeopardize the security of classified matter pertaining to the War Department or violate the provisions of the Espionage Act, the Army representative or inspector will request the contractor to take prompt remedial action. If adequate precautionary measures are not taken immediately, he will report promptly to the chief of the arm or service concerned and, if the situation requires, to the commanding general of the corps area in which the item is in process of manufacture.

(c) When Army and Navy inspectors are on duty at the same plant, the Army inspector will coordinate all security measures with the Navy inspector in order to avoid conflicting demands upon

contractors. (R.S. 161; 5 U.S.C. 22) [Par. 52, A.R. 380-5, June 10, 1939]

§ 5.14 *Responsibility of Government contractors.* (a) A private individual, firm, or corporation which enters into a contract to engage in technical work for the War Department becomes responsible in matters within his or its control for the safeguarding of all secret, confidential, or restricted matters that may be disclosed or that may be developed in connection therewith. A clause to this effect will be included in such a contract, but its omission will not release the contractor from his responsibility under the Espionage Act.

(b) Contractors are responsible that all classified projects allotted to subcontractors or agents are fully protected by a similar agreement.

(c) Whenever for any reason a contract agreement or subcontract has been made which does not include a security clause but later is found to involve secret, confidential, or restricted matter, the supply arm or service concerned will take the necessary steps to insure that the project or work is properly classified and that the contractor, agent, or subcontractor is informed of the classification and of his responsibility in the matter. (R.S. 161; 5 U.S.C. 22) [Par. 53, A.R. 380-5, June 10, 1939]

§ 5.15 *Public display of classified matériel.* (a) Commanding officers are responsible that all classified parts, components, or features of matériel are properly safeguarded during maneuvers, drills, parades, ceremonies, assemblages, demonstrations, or exhibitions open to the general public.

(b) (1) Photographs of equipment while in process of development or those revealing processes of manufacture are prohibited unless authorized by the chief of supply arm or service concerned. After an article of equipment has been issued to combat units, release of photographs is permissible unless specifically prohibited by the instructions issued therewith.

(2) Requests for permission to take photographs of classified matériel, projects, or processes of manufacture will be referred to the War Department through the proper chief of supply arm or service. If authority is granted, it will be with the understanding that the resulting photographs will be submitted to the War Department for review prior to release. (R.S. 161; 5 U.S.C. 22) [Par. 55, A.R. 380-5, June 10, 1939]

§ 5.16 *Release of information or sale of matériel.* Domestic sale, divulging information in connection with negotiations for foreign sale, foreign sale, and foreign manufacture of items of Army and Navy Matériel and equipment are not permitted unless the War and Navy Departments are agreed that military secrecy is not compromised thereby. (R.S. 161; 5 U.S.C. 22) [Par. 56a, A.R. 380-5, June 10, 1939]

§ 5.17 *Classification of visitors—(a) Foreign nationals.* For the purpose of these regulations foreign nationals include—

(1) Representatives, officials, or employees of a foreign government having an official status.

(2) All other foreign nationals and citizens of the United States representing a foreign government, firm or corporation.

(b) *United States citizens.* All citizens of the United States not included in paragraph (a) above. (R.S. 161; 5 U.S.C. 22) [Par. 57, A.R. 380-5, June 10, 1939]

§ 5.18 *Authority for admission—(a) General.* Correspondence and communications relating to visits will be routed direct between the various offices concerned.

(b) *Foreign nationals.* (1) Foreign nationals (see sec. 5.17, par. (a)) will be admitted to Government or commercial manufacturing establishments and experimental laboratories engaged on classified work or projects only on written authority of the Assistant Chief of Staff, G-2, War Department General Staff. Their applications will be made through the appropriate diplomatic representative and will include the following information:

(i) Name in full.

(ii) Official title or position.

(iii) Name of plant or plants to which admission is desired.

(iv) Date of visit or dates between which visits are desired.

(v) Purpose of visit.

(2) Prior to authorizing a visit to a War Department or commercial manufacturing establishment engaged in classified work or projects, the Assistant Chief of Staff, G-2, War Department General Staff, will secure the recommendations of the Navy Department and the chief of the supply arm or service concerned.

(c) *United States citizens.* Subject to the approval of the commanding officer or the contractor, United States citizens, except those representing a foreign government, firm, or corporation, may be admitted to War Department or commercial manufacturing establishments engaged on classified work or projects under the following conditions.

(1) Casual visitors may be admitted provided no secret, confidential, or restricted work or project is shown or discussed.

(2) Representatives of other United States Government agencies, manufacturers, or their representatives, engineers, and inventors cooperating in War Department work and having a legitimate interest therein may be shown such works or projects as are considered necessary and desirable by the responsible chief of supply arm or service. Authority for admission will be in writing.

(3) Accredited reporters, photographers, and other representatives of publicity agencies may be admitted to manufacturing establishments engaged on work for the War Department provided classified matters, projects, or processes of manufacture are not shown or discussed with them. News items, photographs, and motion pictures resulting from the visit must be submitted to the Assistant Chief of Staff, G-2, War Department General Staff, for release prior to publication. (R.S. 161; 5 U.S.C. 22) [Par. 58, A.R. 380-5, June 10, 1939]

§ 5.19 *Responsibility of commanding officer, Army representative, or inspector.* The commanding officer of a military manufacturing establishment or the Army representative or inspector at a commercial manufacturing establishment is the local representative of the War Department in all matters regarding the admission of visitors. If in his opinion the situation at the time makes the admission of a visitor inadvisable, he is empowered to postpone the visit and request instructions from the office which authorized it. (R.S. 161; 5 U.S.C. 22) [Par. 59a, A.R. 380-5, June 10, 1939]

§ 5.20 *Responsibility of Government contractors.* (a) Contractors or subcontractors engaged in work for the War Department must place such restrictions on the movements of persons employed or entering their plants or offices as will give adequate security to secret, confidential, or restricted matters in their possession. In view of the wide differences in organization, arrangement, and physical make-up of individual plants, no specific rules are practicable. Therefore, local conditions at the plant and the classification of the project will determine the security measures to be adopted.

(b) The following general procedure in regard to visitors at establishments or plants engaged in classified projects for the War Department is prescribed:

(1) Visitors will be accompanied during their stay at the plant by the inspector or Army representative, a member of his office, or some responsible person who is specifically informed as to the necessary limitations or restrictions, the scope of the visit, and the information which may be furnished.

(2) Unless specifically authorized by the authorities mentioned in section 5.18, visitors will not be allowed in any shop, laboratory, drafting room, or section of a plant where secret, confidential, or restricted material is located or where classified work is in progress, nor will they be permitted to take photographs.

(c) (1) War Department contractors will submit to the contracting officer at the end of each month, and upon the completion of the work or project, a report of all visitors who have gained information concerning the classified work or projects. These reports will include the following information:

(i) Name, official position, and nationality.

(ii) Address.

(iii) Authority for visit.

(2) The contracting officer will submit the reports to the Assistant Chief of Staff, G-2, War Department General Staff, through the appropriate chief of supply arm or service. (R.S. 161; 5 U.S.C. 22) [Par. 60, A.R. 380-5, June 10, 1939]

§ 5.21 *Restricted areas—(a) Designation.* The commanding officer of a post, camp, station, or installation is responsible for the designation and proper safeguarding of restricted areas. If local conditions dictate, he will mark all ordinary entrances or approaches to such areas with a sign reading as follows:

WARNING  
RESTRICTED AREA

It is unlawful to enter within this -----  
(Area,  
----- without written permission  
building, etc.)  
of -----  
(Authority)

(b) *Procedure in case of violation.*

(1) The commanding officer of a military reservation, post, camp, station, or installation will cause any person not subject to military law who enters a restricted area or building to be detained, warned of his rights, and interrogated by proper authority. If it is a first offense and there is no evidence of deliberate intent, the offender may be warned against repetition and released upon the surrender of any unlawful photograph, sketch, picture, drawing, map, or graphic representation in his possession. Otherwise the offender will be delivered without unnecessary delay to the nearest United States marshal with a written statement of the facts, the names and addresses of the witnesses, and such pertinent exhibits as may be available.

(2) When an investigation reveals that a person not subject to military law has entered such a restricted area or building, custody of the individual not having been effected, the commanding officer will promptly forward in writing to the nearest United States district attorney a report of all the facts, including the names and addresses of the witnesses.

(3) A report will be made through military channels to the corps area commander of each case brought to the attention of civil authority and will include a brief of all the facts and copies of all pertinent communications. (R.S. 161; 5 U.S.C. 22) [Par. 62, A.R. 380-5, June 10, 1939]

PART 9—SECRECY SURROUNDING TROOP  
MOVEMENTS IN WAR<sup>2</sup>

§ 9.1 *General.* (a) The provisions of this section apply only in time of war.

<sup>2</sup>These regulations supplement Chapter I, Title 10, Code of Federal Regulations.

(b) Officers and men will avoid talk or discussion of military matters while in any public place and will view with suspicion any person asking questions about military subjects or discussing such topics where there is even a remote possibility that the information may reach the enemy.

(c) All persons connected with the military service who receive information of proposed inland or overseas movements of organizations, detachments, or individuals are forbidden to make public the details of such movements.

(d) (1) The names of organizations, ports of embarkation, or ships to be used in troop movements, or the date of departure, arrival, or embarkation will not be disclosed.

(2) When it is necessary to advise relatives or other civilians of approaching departure, persons connected with the military service will not convey any information in regard to rail routing, probable time and date of departure from or arrival at any station, names of ships, ports of embarkation, or the destination of organizations.

(e) In time of war commanding officers are responsible that their commands are instructed in the provisions of this section of the regulations and in the dangers involved in leakage of information concerning troop movements. (R.S. 161; 5 U.S.C. 22) [Par. 63, A.R. 380-5, June 10, 1939]

§ 9.2 *Rail movements.* The marking of cars or baggage to indicate an oversea destination, the date of departure, or the name of the ship is forbidden. Baggage for oversea shipment will be addressed to the commanding officer of the port or, where a port of embarkation or debarkation has been established, to the port storage officer. (R.S. 161; 5 U.S.C. 22) [Par. 64, A.R. 380-5, June 10, 1939]

§ 9.3 *Embarkation—(a) Admission to piers.* (1) All persons not on official business will be excluded from the piers at all times.

(2) Only official photographers will be permitted to take cameras within the limits of the pier or overseas.

(3) Arrangements will be made to have farewells completed before arrival at the piers. No members of families, relatives, or friends of those sailing will be allowed at the piers or thereabouts on the day of sailing. Should any such persons be found there, they will be ordered away summarily by the guard and report will be made of the officer or enlisted man with whom they were seen or with whom they attempted to communicate.

(b) *Movement of troops.* At ports of embarkation troop movements will be made insofar as practicable without attracting undue attention. Troops will be held at ease, bands will not play, colors will be cased, and no noise of any kind will be permitted. (R.S. 161; 5 U.S.C. 22) [Par. 65, A.R. 380-5, June 10, 1939]

§ 9.4 *Movements of vessels.* In harbors, vessels loaded with troops or supplies will be moved under cover of darkness, whenever possible. If vessels must be moved during daylight, the commanding officer of troops will hold his men below deck or within deck superstructures to prevent attracting attention. Signals by flags or whistles should be limited to those necessary for safe navigation. (R.S. 161; 5 U.S.C. 22) [Par. 66, A.R. 380-5, June 10, 1939]

§ 9.5 *Overseas.* After arrival overseas no information will be given concerning names or destinations of organizations, names of vessels, data concerning convoys, routes pursued, measures taken to avoid attack, dates of arrival, debarkation, or departure, or number of troops or kind of cargoes carried. (R.S. 161; 5 U.S.C. 22) [Par. 67, A.R. 380-5, June 10, 1939]

CHAPTER IX—TRANSPORT

PART 91—GENERAL TRANSPORT REGULATIONS

Sections 91.8 and 91.9, Part 91, Title 10, Code of Federal Regulations are rescinded. (R.S. 161; 5 U.S.C. 22) [A.R. 380-5, June 10, 1939]

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

[F. R. Doc. 39-2476; Filed, July 11, 1939; 9:24 a. m.]

TITLE 12—BANKS AND BANKING

FEDERAL DEPOSIT INSURANCE CORPORATION

PART 307—INSURANCE OF TRUST FUNDS

§ 307.1 *Claim by fiduciary insured bank for insured deposits of trust estates.* In the event of the closing of an insured bank for inability to meet the demands of its depositors, the claim for insured deposits made by a fiduciary insured bank which, in the exercise of its trust powers, had deposited trust funds therein will be determined as follows:

(a) *Allocated funds of a trust estate.* If trust funds of a particular trust estate are allocated by the fiduciary and deposited, the deposit with respect to such estate will be determined by ascertaining the amount of its funds allocated, deposited and remaining to the credit of the claimant as fiduciary in the closed insured bank.

(b) *Interest of a trust estate in unallocated trust funds.* If trust funds of a particular trust estate be mingled<sup>1</sup> with trust funds of other trust estates and deposited by the fiduciary bank in one or more banks to the credit of the depositing bank as fiduciary, without allocation of specific amounts from the particular trust estate to an account in

<sup>1</sup> This Section is not to be construed as an express or implied approval of such commingling of trust funds as may be involved in the maintaining of general trust accounts.

such bank or banks, the deposit with respect to such estate in any closed insured bank will be the amount which will bear the same ratio to all unallocated funds of the estate for which the fiduciary is accountable as the entire unallocated trust funds to the credit of the fiduciary bank in the closed insured bank will bear to the entire amount of such funds so deposited by the fiduciary in all depositories.<sup>2</sup>

(c) *Claims for funds of corporate trusts determined on basis of allocation.* The rule stated in paragraph (b) hereof will not be applied to funds of an insured bank held as fiduciary under a type of trust created to facilitate the issuance, distribution, or servicing of corporate bonds, debentures or stock issues, commonly known as corporate trusts. The claim of the fiduciary bank with respect to deposits of such funds will be determined according to allocations of the funds of particular estates to particular deposit accounts.

(d) *Insured deposit of a trust estate.* In arriving at the total insured deposit of an insured fiduciary bank with respect to any trust estate, the deposit of such estate as determined in accordance with any paragraph hereof shall be combined with that determined under any other paragraph and the insured deposit shall be the total less any amount thereof in excess of \$5,000. (Sec. 101 (c) (15), (h) (9) and (m) (3), 49 Stat. 686, 690, 697; 12 U.S.C., Sup., 264 (c) (13), (h) (9) and (m) (3)). [Approved, Res. July 8, 1939]

Approved by the Board of Directors of the Federal Deposit Insurance Corporation on July 8, 1939.

[SEAL] E. F. DOWNEY,  
Secretary.

[F. R. Doc. 39-2480; Filed, July 11, 1939; 10:39 a. m.]

TITLE 24—HOUSING CREDIT  
HOME OWNERS' LOAN CORPORATION

PART 413—RENTAL AND CONTRACTS  
CANCELLATION OF RENTAL AGREEMENTS

Amending Part 413 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 413.03 is amended to read as follows:

§ 413.03 When the rented office space for a Regional, State, Division, District, Field Station or Collection Office is released in whole or in part, written notice on forms provided therefor as required under the terms of the lease shall be given by the official directly supervising such office or station to the lessor or his agent, identifying the space to be released

<sup>2</sup> In determining claims under this paragraph, unallocated trust funds in the insured fiduciary bank will be included in the totals of such funds.

and designating the effecting date for the operation of the release. The Treasurer shall submit a statement of the space to be released and the space to be retained and the cost thereof to the General Manager, who is authorized to approve the same.

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

Adopted by the Federal Home Loan Bank Board on June 30, 1939.

[SEAL] H. CAULSEN,  
Assistant Secretary.

[F. R. Doc. 39-2485; Filed, July 11, 1939; 12:29 p. m.]

[Administrative Order No. 1307]

PART 413—RENTAL AND CONTRACTS

FORMS FOR RELEASE OF SPACE

Amending Part 413 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 413.03-2 is amended to read as follows:

§ 413.03-2 On the effective date for the release of space, in whole or in part, the Manager of the office concerned shall cause to be executed by the lessor Form 147, 147-A, 147-B or 147-C for space to be released in whole or in part, and forward the original and two copies thereof to the Treasurer in Washington.

(Effective July 15, 1939.)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

Promulgated by the General Counsel and General Manager of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN,  
Assistant Secretary.

[F. R. Doc. 39-2486; Filed, July 11, 1939; 12:29 p. m.]

TITLE 25—INDIANS

OFFICE OF INDIAN AFFAIRS

[Irrigation 9001-36-S]

PART 130—AMENDMENT OF ORDER FIXING OPERATION AND MAINTENANCE CHARGES, SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

JUNE 28, 1939.

Sections 130.62 to 130.69, inclusive, of Title 25, Chapter I, Part 130, CFR, Fixing Operation and Maintenance Charges, San Carlos Indian Irrigation Project, Arizona, which read:

§ 130.62 *General.* In compliance with the provisions of the Act of June 7,

1924 (43 Stat., 476), and acts supplementary thereto and the repayment contract of June 8, 1931, between the United States and the San Carlos Irrigation and Drainage District made pursuant to said act, the maintenance and operation charges assessable against the 50,000 acres of privately owned lands of the San Carlos project within the boundary of said San Carlos Irrigation and Drainage District for the calendar year 1938, based upon a total project area of 100,000 acres under constructed works, are hereby fixed as follows:

A fixed or basic charge of \$1.65 per acre which shall entitle each acre in the District to have delivered for use thereon two acre feet of water per acre or its proportionate share of the available water supply. This fixed or basic charge shall be paid whether or not the land is in cultivation and whether or not the landowner uses any water.

Fifty cents per acre foot or fraction thereof for the first acre foot of water delivered in excess of the two acre feet provided for by the basic charge and one dollar per acre foot or fraction thereof for water delivered in excess of three (3) acre feet per acre, except such free water as may be delivered in accordance with the provisions of the repayment contract whenever such free water is available.

§ 130.63 *Basic charge.* The fixed or basic charge of \$1.65 per acre shall be paid for each assessable acre within the San Carlos Irrigation and Drainage District on or before March 1, 1938.

§ 130.64 *Excess water charges.* Payments for excess water as herein provided for shall be made at the time of request for delivery thereof.

§ 130.65 *Receiving officer.* Payments made on account of the 50,000 acres of lands within the San Carlos Irrigation and Drainage District shall be paid to the Project Engineer of the Indian Irrigation Service, or other proper officer, by the San Carlos Irrigation and Drainage District.

§ 130.66 *Payment for Indian lands.* The United States will make available for expenditure on account of the maintenance and operation of this project the \$1.65 per acre fixed or basic charge for the 50,000 acres of Indian land in the project, and also the charge for excess water.

§ 130.67 *Operation by district.* The San Carlos Irrigation and Drainage District upon request of its Board of Directors may continue for the period of this order to operate the canals serving lands in private and public ownership within its boundary, and in the event said District elects to continue such operation a credit of 70 cents per acre shall be allowed from the said basic charge for the area of district lands so operated and the basic charge to be paid to the Government by the District will accordingly be reduced to \$0.95 per acre.

§ 130.68 *Restriction of Government obligation.* It should be understood that the provisions of this order requiring funds to be made available by the United States are dependent upon appropriations being made by Congress therefor; that the charges based upon the conditions defined shall apply to the calendar year 1938 only, and that nothing herein shall be construed as establishing a precedent for future years.

§ 130.69 *District obligations.* Should the San Carlos Irrigation and Drainage District, through its Board of Directors, request and be granted the privilege of maintaining certain of the works of the project designated in the said repayment contract as "Works of the District," the rights and obligations of the District shall be prescribed and governed by the departmental order turning over the maintenance of such works to the District. are amended to read:

ORDER FIXING OPERATION AND MAINTENANCE CHARGES FOR THE JOINT WORKS OF THE SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA, AND WATER DELIVERY CHARGES FOR STATE AND FEDERAL AGENCIES, VILLAGES, TOWNS, AND SCHOOL LANDS, NOT UNDER THE PROJECT

§ 130.62 *Assessment, joint works, fiscal year 1939.* Pursuant to the provisions of the Act of June 7, 1924 (43 Stat., 476), and supplementary acts, and the Repayment Contract of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with the Order of June 15, 1938 (3 F.R. 2006 DI), which defined the joint works of the San Carlos Irrigation Project, the cost of the operation and maintenance of such joint works, for the fiscal year 1939, was estimated at \$60,000 including the administration of the Gila Decree, and in accordance therewith the assessment for the last six months of that fiscal year is hereby fixed on the basis of Sixty Cents (\$0.60) for each acre of the 100,000 acres of project lands under constructed works.

Provision shall be made for the payment of this assessment by the San Carlos Irrigation and Drainage District for the District lands on or before June 30, 1939.

§ 130.63 *Assessment, joint works, fiscal year 1940 and until further order.* Pursuant to the Acts of Congress, Repayment Contracts and the Order of June 15, 1938, cited in Section 130.62 hereof, the cost of the operation and maintenance of the joint works of the San Carlos Irrigation Project, for the fiscal year 1940, is estimated to be \$60,000, and the rate of assessment for the fiscal year 1940, and subsequent years until further order, is hereby fixed at Sixty Cents (\$0.60) for each acre of land, as follows:

This per acre rate shall be assessed against the entire 100,000 acres of project lands under constructed works and

shall include the cost of the administration of the Gila Decree but shall be exclusive of the costs of operating and maintaining the Electric Power Generating Plants at Coolidge Dam, the Diesel Plant at Coolidge, and the Power Transmission and Distribution Systems, which costs are payable from power revenues.

The assessment against the lands of the San Carlos Irrigation and Drainage District, for the fiscal year 1940 and subsequent years until further order, is payable on March 1, in advance of each fiscal year as provided in the Order of June 15, 1938 (3 F.R. 2006 DI). [Payment of the assessment against the 50,000 acres of Indian land will be handled as provided in Part 130, Sec. 130.110-130.116 (4 F.R. 2055 DI)]

§ 130.64 *Assessment, State and Federal agencies.* Pursuant to the provisions of the Act of March 7, 1928 (45 Stat., 210), and Article 12 of the Repayment Contract of June 8, 1931, and in accordance with the Order of June 15, 1938 (3 F.R. 2006 DI), the State Lands and Federal Agencies may be delivered water, out of such project water as may be set aside for that purpose, for the calendar year 1939, and until further order, upon the payment of \$2.10 per acre per annum, payable in advance each year of the delivery of water. Such payment shall entitle the lands to receive two acre-feet of water per acre per annum or such lesser amount as represents the proportionate share of the available supply of water. Any water delivered to such lands in excess of two acre-feet per acre shall be paid for on the same terms under which excess water is furnished to the project lands.

The water service to the State Lands and Federal Agencies shall be made by:

(a) The San Carlos Irrigation and Drainage District shall serve the State Lands for which service the District shall collect and retain \$2.10 per acre.

(b) The Indian Unit of the project, as defined in the Order of June 15, 1938 (3 F.R. 2006 DI), shall serve the Federal Agencies for which it shall collect and retain \$2.10 per acre.

The collections for the sale of excess water, as defined in the Order of June 15, 1938 (3 F.R. 2006 DI) to the State Lands and Federal Agencies shall be made by the District and Indian Unit, respectively, in advance of the delivery of water, and shall be paid on or before December 31, 1939, as provided in said Order of June 15, 1938.

§ 130.65 *Assessment, villages, towns and schools.* Such project water as shall be available may be delivered to the Villages, Towns and Schools, not included in the designated area of the San Carlos Irrigation Project, for the irrigation of lawns and gardens. The charge for such service for the calendar year 1939, and until further order, shall be \$2.50 per acre-foot of water delivered, payable in advance of delivery.

The delivery of water and the collection therefor shall be made by the San Carlos Irrigation and Drainage District. It is agreed that, for the season of 1939, the District shall retain \$1.25 per acre-foot, for each acre-foot on which collection shall be made, as its compensation for rendering the service. The remainder of the collections shall be paid to the Project Engineer for the San Carlos Irrigation Project for the benefit of the Joint Works. This order is subject to modification for future years by the issuance and publication of changes hereto.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

[F. R. Doc. 39-2477; Filed, July 11, 1939; 9:24 a. m.]

**TITLE 30—MINERAL RESOURCES  
OFFICE OF THE SECRETARY OF  
THE INTERIOR**

[Order No. 1399]

**ESTABLISHMENT OF BITUMINOUS COAL  
DIVISION IN THE DEPARTMENT OF THE  
INTERIOR**

JULY 5, 1939.

I hereby amend Order No. 1394 issued by me on June 16, 1939, to read as follows:

"1. In order to carry out the provisions of subsections (a) and (b) of section 4 of Reorganization Plan No. II, transmitted by the President to the Congress May 9, 1939, pursuant to the provisions of the Reorganization Act of 1939, there is hereby established in the Department of the Interior a Bituminous Coal Division, under the charge of a Director.

"2. The aforesaid Division shall administer the functions vested in the National Bituminous Coal Commission (including the functions of the members thereof) by the Bituminous Coal Act of 1937, approved April 26, 1937 (50 Stat. 72), exclusive of the power to appoint and fix the compensation and duties of personnel and exclusive of the power to make contracts for personal services (both of which powers are vested in said Commission by Section 2 (a) of the Bituminous Coal Act of 1937), which powers shall be exercised by the Office of the Secretary of the Interior; and shall assist the Secretary in winding up the affairs of the National Bituminous Coal Commission.

"3. The functions administered by the aforesaid Division shall be performed by and through its Director, who shall exercise all of the power and authority of the Division in the premises.

"This order shall be effective July 1, 1939."

HAROLD L. ICKES,  
Secretary of the Interior.

[F. R. Doc. 39-2478; Filed, July 11, 1939; 9:24 a. m.]

[Order No. 1400]

**ESTABLISHMENT OF A CONSUMERS' COUNSEL  
DIVISION IN THE OFFICE OF THE SOLICITOR**

JULY 7, 1939.

In order to carry out the provisions of subsection (c) of section 4 of Reorganization Plan No. II, transmitted by the President to the Congress May 9, 1939 pursuant to the provisions of the Reorganization Act of 1939, there is hereby established in the Office of the Solicitor a Consumers' Counsel Division, under the immediate charge of a Director.

The Division shall administer the functions vested in the office of the Consumers' Counsel of the National Bituminous Coal Commission (including the functions vested in the Consumers' Counsel in charge of that office) by the Bituminous Coal Act of 1937, approved April 26, 1937 (50 Stat. 72), exclusive of the power to appoint and fix the compensation and duties of personnel (vested in said Consumers' Counsel by section 2 (b) of the Bituminous Coal Act of 1937), which power shall be exercised in the Office of the Secretary.

This order shall be effective as of July 1, 1939.

HAROLD L. ICKES,  
Secretary of the Interior.

[F. R. Doc. 39-2479; Filed, July 11, 1939; 9:24 a. m.]

**Notices**

**DEPARTMENT OF AGRICULTURE.**

**Food and Drug Administration.**

**IN THE MATTER OF PUBLIC HEARING FOR  
PURPOSE OF RECEIVING EVIDENCE UPON  
BASIS OF WHICH REGULATIONS MAY BE  
PROMULGATED AMENDING "REGULATIONS  
UNDER THE FEDERAL FOOD, DRUG, AND  
COSMETIC ACT FOR THE LISTING OF  
COAL-TAR COLORS, CERTIFICATION OF  
BATCHES THEREOF, AND PAYMENT OF  
FEES FOR SUCH SERVICE," BY CHANGING  
CERTAIN LISTED COLORS AND THE  
LISTING OF CERTAIN OTHER COAL-TAR  
COLORS**

**NOTICE OF CERTIFICATION AND FILING OF  
TRANSCRIPT OF EVIDENCE AND OF TIME AL-  
LOWED FOR FILING PROPOSED FINDINGS OF  
FACT, CONCLUSIONS, ARGUMENTS, AND  
BRIEFS**

Notice is hereby given to all interested parties whose appearances were entered as matters of record that on Wednesday, July 12, 1939, there will be certified to and filed with the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0310, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., the transcript of evidence of the above-entitled hearing, held July 5 and 6, 1939, pursuant to notice which was published in the FEDERAL REGISTER issued June 3, 1939, at pages 2255-2259.

Further notice is hereby given that written arguments, proposed findings of fact, together with suggestions and conclusions, based solely on the evidence adduced at the said hearing, may be filed with said Hearing Clerk not later than July 20, 1939.

This the 11th day of July 1939.

[SEAL] FRANK S. HASSELL,  
Presiding Officer.

[F. R. Doc. 39-2482; Filed, July 11, 1939; 12 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 thirtieth day of June 1939 A. D.

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

[Docket No. 1734]

**IN THE MATTER OF THE SEA SLED CORPORATION**

**ORDER APPOINTING EXAMINER AND FIXING  
TIME AND PLACE FOR TAKING TESTIMONY**

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

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

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-2460; Filed, July 10, 1939; 4:08 p. m.]

*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 thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles

H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 1735]

IN THE MATTER OF LOUIS BOSSERT & SONS, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered* That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
*Secretary.*

[F. R. Doc. 39-2461; Filed, July 10, 1939; 4:08 p. m.]

*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 thirtieth day of June 1939 A. D.

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

[Docket No. 1736]

IN THE MATTER OF BLACK & YATES, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal

Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

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

[SEAL] OTIS B. JOHNSON,  
*Secretary.*

[F. R. Doc. 39-2462; Filed, July 10, 1939; 4:08 p. m.]

*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 thirtieth day of June 1939 A. D.

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

[Docket No. 1737]

IN THE MATTER OF PACIFIC DOOR & SASH COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
*Secretary.*

[F. R. Doc. 39-2463; Filed, July 10, 1939; 4:08 p. m.]

*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 thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson,

Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 1738]

IN THE MATTER OF FRANK PAXTON LUMBER COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
*Secretary.*

[F. R. Doc. 39-2464; Filed, July 10, 1939; 4:09 p. m.]

*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 thirtieth day of June 1939 A. D.

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

[Docket No. 1739]

IN THE MATTER OF F. H. GILLESPIE, M. L. GILLESPIE, AND A. F. MACDOUGALL, PARTNERS, TRADING AS GILLESPIE FURNITURE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock



in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-2465; Filed, July 10, 1939;  
4:09 p. m.]

*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 thirtieth day of June 1939 A. D.

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

[Docket No. 1740]

IN THE MATTER OF E. J. STANTON AND SON  
ORDER APPOINTING EXAMINER AND FIXING  
TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-2466; Filed, July 10, 1939;  
4:09 p. m.]

*United States of America—Before  
Federal Trade Commission*

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

No. 132—2

the City of Washington, D. C., on the thirtieth day of June 1939 A. D.

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

[Docket No. 1741]

IN THE MATTER OF CARL WENDELSTEIN  
TRADING AS CARL WENDELSTEIN & Co.

ORDER APPOINTING EXAMINER AND FIXING  
TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-2467; Filed, July 10, 1939;  
4:10 p. m.]

*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 thirtieth day of June 1939 A. D.

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

[Docket No. 1742]

IN THE MATTER OF CHICAGO WAREHOUSE  
LUMBER COMPANY

ORDER APPOINTING EXAMINER AND FIXING  
TIME AND PLACE FOR TAKING TESTIMONY

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

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed

to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-2468; Filed, July 10, 1939;  
4:10 p. m.]

*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 thirtieth day of June 1939 A. D.

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

[Docket No. 1743]

IN THE MATTER OF WESTERN HARDWOOD  
LUMBER COMPANY

ORDER APPOINTING EXAMINER AND FIXING  
TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

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

By the Commission.  
[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-2469; Filed, July 10, 1939;  
4:10 p. m.]

*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 thirtieth day of June 1939 A. D.

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

[Docket No. 1744]

IN THE MATTER OF CADWALLADER-GIBSON  
COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING  
TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
*Secretary.*

[F. R. Doc. 39-2470; Filed, July 10, 1939;  
4:10 p. m.]

*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 thirtieth day of June 1939 A. D.

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

[Docket No. 1751]

IN THE MATTER OF THE MATTHEWS COM-  
PANY, INC.

ORDER APPOINTING EXAMINER AND FIXING  
TIME AND PLACE FOR TAKING TESTIMONY

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

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and

he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
*Secretary.*

[F. R. Doc. 39-2471; Filed, July 10, 1939;  
4:11 p. m.]

*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 thirtieth day of June 1939 A. D.

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

[Docket No. 1768]

IN THE MATTER OF DART BOATS, INC.

ORDER APPOINTING EXAMINER AND FIXING  
TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
*Secretary.*

[F. R. Doc. 39-2472; Filed, July 10, 1939;  
4:11 p. m.]

*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 thirtieth day of June 1939 A. D.

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

[Docket No. 1906]

IN THE MATTER OF BOYD-MARTIN BOAT  
COMPANY

ORDER APPOINTING EXAMINER AND FIXING  
TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

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

By the Commission.

OTIS B. JOHNSON,  
*Secretary.*

[F. R. Doc. 39-2473; Filed, July 10, 1939;  
4:11 p. m.]

*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 thirtieth day of June 1939 A. D.

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

[Docket No. 1916]

IN THE MATTER OF GILLESPIE FURNITURE  
COMPANY, AND FURNITURE CORPORATION  
OF AMERICA, LTD.

ORDER APPOINTING EXAMINER AND FIXING  
TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered,* That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-2474; Filed, July 10, 1939;  
4:12 p. m.]

*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 6th day of July A. D. 1939.

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

[Docket No. 3594]

IN THE MATTER OF SAMUEL RAVID, INDIVIDUALLY, AND TRADING AS OHIO NOV-ELTY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

*It is further ordered,* That the taking of testimony in this proceeding begin on Wednesday, July 26, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in the Portage Hotel, Akron, Ohio.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-2475; Filed, July 11, 1939;  
9:18 a. m.]

*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 7th day of July, A. D. 1939.

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

[File No. 21-339]

IN THE MATTER OF PROPOSED REVISION OF TRADE PRACTICE RULES FOR THE MARKING DEVICES INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, 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, groups or other parties affected by or having an interest in the proposed revision of the trade practice rules for the Marking Devices Industry to present to the Commission, orally or in writing, their views concerning such rules, including such pertinent information, suggestions or objections, if any, 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 July 27, 1939. Opportunity for oral hearing and presentation will be afforded at 10 a. m., July 27, 1939, in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, 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. 39-2459; Filed, July 10, 1939;  
1:24 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the  
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of July A. D. 1939.

[File No. 43-230]

IN THE MATTER OF STONEWALL ELECTRIC COMPANY AND THE TUCSON GAS, ELECTRIC LIGHT AND POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration and applications pursuant to sections 7, 10 and 12 of 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 be held on July 17, 1939, 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 Charles S. Moore 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 to continue or postpone said hearing from time to time.

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 July 15th, 1939.

The matter concerned herewith is in regard to a declaration regarding the issue and sale by Stonewall Electric Company to the Rural Electrification Administration of a \$65,000 mortgage note pursuant to Section 7 of the Act, the proceeds to be used in construction of rural distribution lines, and an application regarding a lease of and an option to buy said distribution lines to The Tucson Gas, Electric Light and Power Company pursuant to Section 12 of the Act and an application regarding the acquisition of said lease and option agreement by The Tucson Gas, Electric Light and Power Company pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-2481; Filed, July 11, 1939;  
11:11 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 10th day of July, A. D. 1939.

**IN THE MATTER OF ARTHUR HAYS & COMPANY, INC., 521 COLORADO BUILDING, WASHINGTON, D. C.**

**ORDER REVOKING REGISTRATION**

The registration of Arthur Hays & Company, Inc., as a broker and dealer under Section 15 (b) of the Securities Exchange Act of 1934, as amended, having come on for hearing before the Commission upon the question of revocation or suspension; and

A hearing having been held in this matter after appropriate notice and the Commission having this day made and filed its findings herein;

*It is ordered,* Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Arthur Hays & Company, Inc., be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-2483; Filed, July 11, 1939; 12:01 p. 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 11th day of July, A. D. 1939.

[File No. 51-21]

**IN THE MATTER OF SECURITIES CORPORATION GENERAL**

**NOTICE OF AND ORDER FOR HEARING**

An Application pursuant to section 12 (c) and Rule U-12C-2 of 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 be held on July 27, 1939, 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 to

continue or postpone said hearing from time to time.

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 July 22, 1939.

The matter concerned herewith is in regard to an application pursuant to Rule U-12C-2 by Securities Corporation General, a subsidiary of a registered holding company, International Utilities Corporation, with regard to the payment of a dividend by Securities Corporation General in the amount of \$1.75 per share, payable August 1, 1939, on the 1,843 shares of Cumulative Preferred Stock, \$7.00 Series, which it has outstanding, and with regard to the payment of a dividend by Securities Corporation General in the amount of \$1.50 per share, payable August 1, 1939, on the 4,731 shares of Cumulative Preferred Stock, \$6.00 Series, which it has outstanding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-2484; Filed, July 11, 1939; 12:01 p. m.]