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Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

COMMODITY CREDIT CORPORATION

1937 COTTON CIRCULAR LETTER No. 9

APRIL 8, 1939.

Producers having loans on 1937–38 CCC Cotton Form A secured by cotton produced in 1937 may obtain the release of any part of the pledged cotton upon payment of the amount of the loan plus interest and any charges applicable to the cotton to be released.

Producers desiring to obtain partial releases should notify the Federal Reserve Bank, or Branch thereof, serving the district in which the cotton is stored, describing the cotton to be released by tag numbers.

The warehouse receipts representing the cotton to be released will be forwarded to an approved bank to be released to the producer, or his Agent, against payment of the amount as indicated above.

[SEAL] G. E. RATHELL,
Treasurer.

[F. R. Doc. 39–1289; Filed, April 15, 1939; 10:48 a. m.]

1938 WHEAT CIRCULAR LETTER No. 10

MARCH 16, 1939.

The following rulings pertaining to the 1938 wheat loan program have been approved by the Board of Directors of Commodity Credit Corporation.

I

Producers who secured loans under the 1938 wheat loan program upon wheat stored and sealed on the farm in the state of North Dakota, and certain counties in the states of Montana, Minnesota, South Dakota and Wyoming, will be permitted to obtain a renewal or extension of such loans for a period of ten months, provided a reinspection of the grain and the storage structure is satisfactory and consent for the additional period of storage is obtained. The necessary forms and instructions will be made available at an early date through the County Agricultural Conservation Committees in these areas.

The farm storage loans mature May 31, 1939, and it is estimated that in the areas in which extension or renewal will be permitted, approximately 8,000,000 bushels of farm stored wheat are pledged under the 1938 loan program. Producers securing such extension or renewal of the present loans will receive an additional allowance for storage of 5¢ per bushel, but will be responsible for the delivery of wheat of equal quantity and quality. The allowance of 7¢ per bushel for storage until May 31, 1939, will carry over and be paid at the same time and in the same manner as the additional allowance of 5¢ per bushel for the extended period.

The counties in the states of Minnesota, Montana, South Dakota and Wyoming, in which farm storage loans may be extended or renewed, are as follows:

Minnesota: Counties of Kittson, Marshall, Polk, Norman, Clay, Wilkin, and Traverse.

Montana: Counties of Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, McCone, Madison, Meagher, Musselshell, Park, Petroleum, Phillips, Pondera, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wiboux, and Yellowstone.

North Dakota: All Counties.

South Dakota: Counties of Armstrong, Aurora, Beadle, Bennett, Brown, Brule, Buffalo, Butte, Campbell, Clark, Codington, Corson, Custer, Day, Dewey, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hand, Harding, Hughes, Hyde, Jackson, Jerauld, Jones, Lawrence, Lyman, McPherson, Marshall, Meade, Mellette, Pennington, Perkins, Potter, Roberts, Shannon, Spink, Stanley, Sully,

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FEDERAL REGISTER

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II

In order that all producers may obtain the benefit of any premium values in pledged or mortgaged wheat in accordance with the provisions of 1938 Wheat Circular Letter No. 6, dated September 26, 1938,[1] the Corporation announced also that after April 1st and until further notice, pledged or mortgaged wheat will be released to the producers or their order, upon payment of the value at the point of storage or delivery, as determined by the Corporation, of an equal quantity of wheat of the same grade and subclass and country-run quality as the wheat originally pledged or mortgaged, but containing not more than 12% protein, or ordinary Amber or Hard Amber Durum of the same grade as to loans made on Durum wheat.

In determining such value, Commodity Credit Corporation will deduct an amount equal to the warehouse charges to a date ten days from the day of the statement in the case of elevator stored wheat and 7¢ per bushel for farm stored wheat. This will facilitate the movement of a substantial portion of the pledged or mortgaged wheat through normal trade channels in an orderly manner.

Advice as to the amount which will be required to obtain the release of pledged elevator stored wheat under this arrangement will be furnished producers at or shortly prior to maturity of the loans, and they will be allowed ten days within which to take advantage of this privilege. Producers may request such advice any time prior to maturity. Producers with farm stored wheat may obtain advice as to the amount necessary for settlement any time prior to June 15, 1939. If acceptance of the amounts is not received by Commodity Credit Corporation within ten days, the pledged or mortgaged wheat will become the property of Commodity Credit Corporation.

[1] 3 F. R. 2593 DI.

III

The assembling, handling and releasing of these wheat stocks will be under the supervision of Special Representatives of Commodity Credit Corporation located in certain Loan Agencies of the Reconstruction Finance Corporation. Such Special Representatives are: Kansas City, Wm. Lathrop; Chicago, Ivan C. Harden; Minneapolis, Cecil Blair; and Portland, Arch Ryer.

Subject to completion and final approval of a plan already approved in principle by the Secretary of Agriculture, all wheat under the 1938 wheat loan program to which the Commodity Credit Corporation acquires title will be purchased by the Federal Surplus Commodities Corporation for disposal in connection with its wheat export program except small quantities which may be diverted into domestic channels for relief purposes. This, it was stated, will provide Commodity Credit Corporation with an outlet for all wheat acquired by it under the 1938 wheat loan program.

As of March 8, 1939, the loans aggregated $47,196,315.81 upon 81,815,427 bushels. This represents 23,184,376 bushels of wheat stored on the farm, which loans mature on May 31, 1939, and 58,631,051 bushels of wheat stored in public grain elevators, which loans mature seven months from their respective dates.

[SEAL] JAMES A. COLE,
Special Assistant.

[F. R. Doc. 39–1290; Filed, April 15, 1939; 10:48 a. m.]

1938 WHEAT CIRCULAR LETTER No. 11

SUPPLEMENTAL INSTRUCTIONS

MARCH 31, 1939.

1. The areas in which farm stored wheat may be resealed have been extended by Commodity Credit Corporation to include all the counties in the states of Colorado, Kansas, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming and the following counties in Idaho, Oklahoma and Texas:

Idaho: Bannock, Bear Lake, Bonneville, Caribou, Cassia, Franklin, Fremont, Madison, Oneida, Power and Teton.

Oklahoma: Alfalfa, Beaver, Blaine, Cimarron, Custer, Dewey, Ellis, Garfield, Grant, Harper, Kingfisher, Kay Major, Noble, Roger Mills, Texas, Woods, and Woodward.

Texas: Armstrong, Bailey, Briscoe, Carson, Castro, Dallam, Deaf Smith, Donley, Floyd, Gray, Hale, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Lamb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler.

2. Producers desiring to reseal wheat must arrange with the County Agricultural Conservation Committee for the wheat to be remeasured, resampled and reinspected. Wheat will not be eligible for resealing which grades less than the grade shown on the chattel mortgage. Lesser quantities may be resealed at the request of producers, provided:

(a) Such lesser quantity is not due to a shortage occasioned by act or neglect on the part of the producer.

(b) The producer makes payment for the quantity of wheat not resealed by requesting the County Agricultural Conservation Committee to obtain from Commodity Credit Corporation a statement as to the market value of the quantity not resealed and by paying such amount to the Committee in Cashier's Check or Post Office money order for transmittal to Commodity Credit Corporation.

No partial deliveries of wheat will be permitted under the foregoing procedure, but allowance will be made for storage on the portion not resealed.

3. Each producer resealing wheat must execute a Storage Agreement on 1939 CCC Wheat Form A–1. The Consent for Storage set forth on such form must be executed in all instances in which the original chattel mortgage indicates consent was originally given by the landlord only until August 1, 1939. In addition, the producer must furnish a Certificate of Insurance in the form set forth in Instruction (1938 CCC Wheat Form 1)[1] providing primary insurance at least until May 31, 1940. If a lesser quantity is resealed, Commodity Credit Corporation will require the delivery *only* of the quantity of wheat resealed as stated in the Storage Agreement and not the quantity originally stated in the chattel mortgage. After March 31, 1940, upon the delivery of the quantity and quality stated in the agreement, Commodity Credit Corporation will pay storage to the producer on such quantity at the rate of 12¢ per bushel, less interest on the indebtedness to May 31, 1939.

4. In the event the maturity of any note secured by resealed wheat is accelerated under the provisions of the chattel mortgage, Commodity Credit Corporation will allow the producer, on the quantity of wheat delivered, storage at the rate of 7¢ per bushel, less interest on the note to May 31, 1939, provided such acceleration is not due to a fraudulent misrepresentation by the producer.

[SEAL] JAMES A. COLE,
Special Assistant.

[F. R. Doc. 39–1291; Filed, April 15, 1939; 10:49 a. m.]

[1] 3 F. R. 1997 DI.

TITLE 7—AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP–1939–13]

PART 701—1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 13

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin[1] is hereby amended as follows:

Paragraphs (a) to (h), inclusive, of section 701.8 are amended to read as follows:

(a) *Cotton.* 2 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton acreage allotment.

(b) *Corn.* 9 cents per bushel of the normal yield per acre of corn for the farm for each acre in the corn acreage allotment.

(c) *Wheat.* 17 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat acreage allotment.

(d) *Tobacco.* The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in the tobacco acreage allotment for each of the following kinds of tobacco:

	Cents
(1) Burley	0.8
(2) Flue-cured	0.8
(3) Fire-cured and dark air-cured	1.4
(4) Cigar filler and binder (except Type 45)	1.0
(5) Georgia-Florida Type 62	1.5

(e) *Potatoes.* 3 cents per bushel of the normal yield per acre of potatoes for the farm for each acre in the potato acreage allotment.

(f) *Peanuts.* $3.00 per ton of the normal yield per acre of peanuts for the farm for each acre in the peanut acreage allotment.

(g) *Rice.* 10 cents per 100 pounds of the normal yield per acre of rice for the farm for each acre in the rice acreage allotment.

(h) *Commercial vegetables.* $1.50 for each acre in the commercial vegetable acreage allotment established for the farm.

Done at Washington, D. C., this 15th day of April 1939. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 39–1302; Filed, April 15, 1939; 12:29 p. m.]

[1] 3 F. R. 2715 DI.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

BUREAU OF ANIMAL INDUSTRY

[Amendment 30 to Declaration No. 12[1]]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

APRIL 1, 1939.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936, the following named counties in the States named having completed the necessary retests for re-accreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Arkansas: Searcy, April 1, 1942; Stone, April 1, 1942.

Florida: Collier, April 1, 1942.

Illinois: Clinton, April 1, 1942; Crawford, April 1, 1945; Lake, April 1, 1942; Will, April 1, 1942.

Indiana: Bartholomew, April 1, 1942; Montgomery, April 1, 1942; Porter, April 1, 1942; Randolph, April 1, 1942; Wells, April 1, 1942.

Iowa: Plymouth, April 1, 1942.

Kansas: Morris, April 1, 1942.

Kentucky: Grant, April 1, 1942; Graves, April 1, 1942.

Mississippi: Covington, April 1, 1942; Jasper, April 1, 1942; Kemper, April 1, 1942; Neshoba, April 1, 1942; Scott, April 1, 1942; Warren, April 1, 1942.

Missouri: Greene, April 1, 1942; Polk, April 1, 1942.

North Carolina: Granville, April 1, 1942; Harnett, April 1, 1942; Robeson, April 1, 1942.

Ohio: Clermont, April 1, 1942; Cuyahoga, April 1, 1942; Guernsey, April 1, 1942; Logan, April 1, 1942.

Pennsylvania: Greene, April 1, 1942; Lawrence, April 1, 1942; Venango, April 1, 1942.

South Carolina: Edgefield, April 1, 1942.

South Dakota: Gregory, April 1, 1942; Mellette, April 1, 1942; Todd, April 1, 1942; Tripp, April 1, 1942.

Tennessee: Marion, April 1, 1942.

Texas: Atacosa, April 1, 1942; Bandera, April 1, 1942; Burleson, April 1, 1942; Chambers, April 1, 1942; Jackson, April 1, 1942; Kimble, April 1, 1942; Polk, April

[1] Supplements footnote to 9 CFR 77.3.

1, 1942; Real, April 1, 1942; Trinity, April 1, 1942.

Utah: Sevier, April 1, 1942.

Vermont: Windham, April 1, 1942.

Virginia: Gloucester, April 1, 1942; Page, April 1, 1942.

West Virginia: Wayne, April 1, 1942.

Declaration No. 12, dated October 1, 1936,[2] as amended, is hereby further amended accordingly.

[SEAL] J. R. MOHLER,
Chief of Bureau.

[F. R. Doc. 39-1303; Filed, April 15, 1939; 12:29 p. m.]

TITLE 14—CIVIL AVIATION

CIVIL AERONAUTICS AUTHORITY

RULES OF PRACTICE UNDER TITLE IV AND SECTION 1002 (D) TO (I) OF THE CIVIL AERONAUTICS ACT OF 1938[3]

AMENDMENT NO. 1[4]

Rule 8—Petition for Rehearing, Reargument or Reconsideration

Any party may petition for rehearing, reargument, or reconsideration of any final order by the Authority in a proceeding, or for further hearing before decision by the Authority.

The matters of record claimed to have been erroneously decided must be specified, and the alleged errors, and the grounds relied upon must be briefly and specifically stated in the petition.

If a final order of the Authority is sought to be vacated or modified by reason of matters which have arisen since the hearing, or of a consequence which would result from a compliance therewith, or both, the new matter, the resulting consequence, or both, which are relied upon by the petitioner, must each be set forth in the petition. Where the petition is based wholly or in part upon new matter, the petition must contain a verified statement that the petitioner, with due diligence, could not have known or discovered the new matter prior to the time of the hearing.

The petition must set forth a brief statement of the relief sought by the petitioner.

Such petition for rehearing, reargument, or reconsideration, must be filed within fifteen days after service of the order sought to be vacated or modified, and shall be served by the petitioner upon all parties to the proceeding or their attorneys of the record.

No petition for rehearing, reargument, or reconsideration, or the granting thereof, filed in accordance with this Rule, shall operate as a stay of the effective date of the final order sought to be modified or vacated by such petition, unless specifically so ordered by the Authority.

Petitions under this Rule must conform to the requirements of Rule 3.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-1305; Filed, April 15, 1939; 12:59 p. m.]

TITLE 15—COMMERCE

FOREIGN-TRADE ZONES BOARD

[Order No. 6 (Cancels Order No. 3[1])]

IN THE MATTER OF A PETITION OF THE DEPARTMENT OF STATE DOCKS AND TERMINALS OF THE STATE OF ALABAMA FOR THE REVOCATION OF THE GRANT ISSUED TO ITS PREDECESSOR THE ALABAMA STATE DOCKS COMMISSION, AUTHORIZING THE ESTABLISHMENT, OPERATION, AND MAINTENANCE OF A FOREIGN-TRADE ZONE AT MOBILE, ALABAMA

Pursuant to the provisions of the Act approved June 18, 1934 (U. S. C., title 19, sec. 81a–81u), and of the Regulations issued thereunder (15 C. F. R., Parts 400 and 401), and in conformity with an application filed by the Alabama State Docks Commission, the then duly authorized agency of the State of Alabama, the Foreign-Trade Zones Board, on September 22, 1937, issued to the said Alabama State Docks Commission a grant permitting the establishment, operation, and maintenance of a foreign-trade zone, designated on the records of the Board as Zone No. Two, at Mobile, Alabama, and more particularly described on a map, accompanying the application, marked Exhibit No. 10a.

The State of Alabama, by Richard M. Hobbie, Director of its duly authorized agency, the Department of State Docks and Terminals, which was created by an Act of the Legislature of Alabama, approved February 6, 1939, superseding the said Alabama State Docks Commission, which was abolished by the same Act, having submitted on February 23, 1939, a petition to the Foreign-Trade Zones Board, requesting that the Board revoke the grant issued September 22, 1937, to the said Alabama State Docks Commission, thereby terminating the operation and maintenance of Foreign-Trade Zone No. Two, at Mobile, Alabama; and

It appearing to the Foreign-Trade Zones Board that the said petition is in proper form, duly authenticated, and supported by a certified copy of the hereinbefore mentioned Act, marked "Exhibit A," and that the petitioner has determined that the said Zone should no longer be operated and maintained;

It is therefore ordered, That, pursuant to the action of the Foreign-Trade Zones Board on April 14, 1939, the said grant, issued September 22, 1937, to the aforesaid Alabama State Docks Commission, and known as the grantee, the then duly authorized agency of the State of Alabama, be, and it is hereby revoked and cancelled, effective this date; and that the petitioner return to the Executive Secretary of the Foreign-Trade Zones Board, Washington, D. C., the certificate evidencing the said grant.

[SEAL] HARRY L. HOPKINS,
Secretary of Commerce,
Chairman, Foreign-Trade Zones Board.

[F. R. Doc. 39-1287, Filed, April 14, 1939; 4:22 p. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3021]

IN THE MATTER OF ALLEN B. WRISLEY COMPANY ET AL.

SEC. 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* SEC. 3.66 (a) *Misbranding or mislabeling—Composition:* SEC. 3.96 (a) (1) *Using misleading name — Goods — Composition.* Using, in connection with offer, etc., in commerce, of soap, word "olive" or any other word or words, or any combination of words or parts thereof, or any device of similar import or meaning, to describe, etc., soap, the oil or fatty content of which is not wholly olive oil, prohibited, except that in case of soap containing olive oil and other oils as the fatty content, the word "olive" may be used as descriptive of the olive oil content if there is used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing and designating each constituent oil in the order of its predominance by volume, beginning with the largest single oil constituent, and provided that if any particular oil in said soap is not present in an amount sufficient substantially to affect its detergent or other qualities, the percentage in which such oil is present shall then be specifically disclosed. (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, Allen B. Wrisley Company et al., Docket 3021, April 6, 1939]

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 April, A. D. 1939.

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

[2] 1 F. R. 2024.
[3] 3 F. R. 2702 DI.
[4] Effective April 14, 1939.

[1] Designated as Order No. 3, page viii, Regulations of the Foreign-Trade Zones Board, effective June 29, 1935, reprinted January 1938. Full text of the Board's resolution, Order (without number), and the grant, published in the FEDERAL REGISTER, October 8, 1937 (2 F. R. 2457, 2458 DI) (2 F. R. 2105, 2106).

IN THE MATTER OF ALLEN B. WRISLEY COMPANY, A CORPORATION, ALLEN B. WRISLEY DISTRIBUTING COMPANY, A CORPORATION, ALSO TRADING UNDER THE NAME REGAL SOAP COMPANY, KARL MAYER, GEORGE A. WRISLEY, AND WRISLEY B. OLESON, COPARTNERS TRADING AS KARL MAYER & COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before John L. Hornor, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral arguments by DeWitt T. Puckett, counsel for the Commission, and by Frank L. Sullivan, counsel for the respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Allen B. Wrisley Company and Allen B. Wrisley Distributing Company, also trading under the name Regal Soap Company, their officers, representatives, agents and employees, directly or through any corporate or other device, and Karl Mayer, George A. Wrisley and Wrisley B. Oleson, copartners trading as Karl Mayer & Company, or trading under any other name, their agents, representatives and employees, in connection with the offering for sale, sale and distribution of soap in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

Using the word "Olive" or any other word or words or any combination of words or parts thereof or any device of similar import or meaning to describe, designate, or in any way refer to soap, the oil or fatty content of which is not wholly olive oil, except that in the case of soap containing olive oil and other oils as the fatty content, the word "olive" may be used as descriptive of the olive oil content if there is used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing and designating each constituent oil in the order of its predominance by volume, beginning with the largest single oil constituent, and provided that if any particular oil in said soap is not present in an amount sufficient substantially to effect its detergent or other qualities, the percentage in which such oil is present shall then be specifically disclosed.

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. 39-1284; Filed, April 14, 1939; 2:17 p. m.]

[Docket No. 3617]

IN THE MATTER OF MOTOR EQUIPMENT SPECIALTY COMPANY

SEC. 3.6 (g) *Advertising falsely or misleadingly—Earnings:* SEC. 3.72 (c) *Offering deceptive inducements to purchase—Excessive earnings:* SEC. 3.80 (g) *Securing agents or representatives falsely or misleadingly — Earnings.* Representing, in connection with offer, etc., in commerce, of "Mesco Fender Roller" and "Universal Wheel Check", or any other devices of substantially similar construction or design, any specified sum of money as possible earnings or profits of agents, salesmen, representatives or distributors for any given period of time which is not a true representation of the average net earnings or profits consistently made by respondent's active, full time agents, etc., in the ordinary course of business under normal conditions and circumstances; or any specified sum of money as earnings or profits of any specified agent, etc., for any given period of time which has not in fact been consistently earned net by such agent, etc., in the ordinary course of business and under normal business conditions, 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, Motor Equipment Specialty Company, Docket 3617, April 3, 1939]

SEC. 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* SEC. 3.80 (n) *Securing agents or representatives falsely or misleadingly—Qualities or properties of product.* Representing, in connection with offer, etc., in commerce, of "Mesco Fender Roller" and "Universal Wheel Check", or any other devices of substantially similar construction or design, that the use of such fender roller will remove all dents from all fenders, or will in all cases remove dents from fenders without the necessity of hammering, grinding, filing or performing other work on the fender, or will in all cases remove dents from fenders without causing damage to the finish of the fender, and that such fender roller can be operated adequately or successfully without practice in the operation thereof, 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, Motor Equipment Specialty Company, Docket 3617, April 3, 1939]

SEC. 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities:* Sec. 3.6 (ff) 10 *Advertising falsely or misleadingly—Unique nature or advantages:* SEC. 3.80 (e) *Securing agents or representatives falsely or misleadingly—Demand or business opportunities.* Representing, in connection with offer, etc., in commerce, of "Mesco Fender Roller" and "Universal Wheel Check", or any other devices of substantially similar construction or design, that there is no competition in connection with the sale of such devices with other devices designed and intended for similar usage, or that such devices are needed by every garage or shop, 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, Motor Equipment Specialty Company, Docket 3617, April 3, 1939]

SEC. 3.6 (w) *Advertising falsely or misleadingly—Refunds:* SEC. 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* SEC. 3.72 (k 3) *Offering deceptive inducements to purchase—Returns and reimbursements:* SEC. 3.72 (n 1) *Offering deceptive inducements to purchase—Terms and conditions:* SEC. 3.80 (t) *Securing agents or representatives falsely or misleadingly—Terms and conditions.* Representing, in connection with offer, etc., in commerce, of "Mesco Fender Roller" and "Universal Wheel Check", or any other devices of substantially similar construction or design, that respondent will refund the purchase price for such devices to his customers who are unable to resell the same, unless and until such is the fact, and unless all the terms and conditions of such offer of refund are clearly and unequivocally stated in equal conspicuousness and in immediate connection therewith, 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, Motor Equipment Specialty Company, Docket 3617, April 3, 1939]

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 3rd day of April, A. D. 1939.

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

IN THE MATTER OF HIRAM E. BARBER, AN INDIVIDUAL TRADING AND DOING BUSINESS UNDER THE NAME AND STYLE OF MOTOR EQUIPMENT SPECIALTY COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent 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 respondent 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 respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered That the respondent, Hiram E. Barber, individually and trading as Motor Equipment Specialty Company, or under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of certain devices now designated as the "Mesco Fender Roller" and "Universal Wheel Check," or any other devices of substantially similar construction or design, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing any specified sum of money as possible earnings or profits of agents, salesmen, representatives or distributors for any given period of time which is not a true representation of the average net earnings or profits consistently made by respondent's active, full time agents, salesmen, representatives or distributors in the ordinary course of business under normal conditions and circumstances.

(2) Representing any specified sum of money as earnings or profits of any specified agent, salesman, representative or distributor for any given period of time which has not in fact been consistently earned net by such agent, salesman or distributor in the ordinary course of business and under normal business conditions.

(3) Representing that the use of such fender roller will remove all dents from all fenders, or will in all cases remove dents from fenders without the necessity of hammering, grinding, filing or performing other work on the fender, or will in all cases remove dents from fenders without causing damage to the finish of the fender.

(4) Representing that such fender roller can be operated adequately or successfully without practice in the operation thereof.

(5) Representing that there is no competition in connection with the sale of such devices with other devices designed and intended for similar usage or that such devices are needed by every garage or shop.

(6) Representing that respondent will refund the purchase price for such devices to his customers who are unable to resell the same unless and until such is the fact and unless all the terms and conditions of such offer of refund are clearly and unequivocally stated in equal conspicuousness and in immediate connection therewith.

It is further ordered That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1285; Filed, April 14, 1939; 2:17 p. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 49846]

TAXABLE STATUS OF COAL, COKE, AND BRIQUETS IMPORTED FROM CERTAIN COUNTRIES [1]

APRIL 13, 1939.

To Collectors of Customs and Others Concerned:

Coal, coke made from coal, and coal or coke briquets imported from the following countries and entered for consumption or withdrawn from warehouse for consumption during the period from January 1 to June 30, 1939, inclusive, will not be subject to the tax of 10 cents per hundred pounds provided for in section 601 (c) (5) of the Revenue Act of 1932, as amended, until February 11, 1939, and on and after February 11, under I. R. C., Sec. 3423:

Canada.
France, including French Indo-China.

Coal, coke made from coal, and coal or coke briquets produced in the following countries, imported into the United States directly or indirectly therefrom and entered for consumption or withdrawn from warehouse for consumption during the period from January 1 to June 30, 1939, inclusive, will be exempt from the tax by virtue of section 601 (a) of the revenue act, and I. R. C., Sec. 3420:

Belgium.
Japan.
Netherlands.
United Kingdom.
Union of Soviet Socialist Republics.

Such fuels will be subject to the tax when produced in and imported from Germany and entered for consumption or withdrawn from warehouse for consumption during the period from January 1 to June 30, 1939, inclusive.

The above list does not include countries from which there have been no importations of coal or allied fuels during the past two calendar years. Further information concerning the taxable status of such fuels imported during the period from January 1 to June 30, 1939, will be furnished upon application therefor to the Bureau.

[SEAL] JAMES H. MOYLE,
Commissioner of Customs.

[F. R. Doc. 39-1304; Filed, April 15, 1939; 12:40 p. m.]

[1] Revenue Act of 1932 and the Internal Revenue Code effective February 11, 1939.

TITLE 24—HOUSING CREDIT

HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 202]

PART 402—LOAN SERVICE

CHANGE IN EFFECTIVE DATE

It is hereby ordered that Sections 402.03-65 (c) (F. R. Doc. 39-1081, filed March 30, 1939); 402.03-70 (F. R. Doc. 39-1079, filed March 30, 1939); 402.06-7 (F. R. Doc. 39-1075, filed March 30, 1939); 402.13-2 (F. R. Doc. 39-1080, filed March 30, 1939); 402.14-1, 402.14-2 (F. R. Doc. 39-1078, filed March 30, 1939); and 402.15-2 (F. R. Doc. 39-1077, filed March 30, 1939) of the Code of Federal Regulations (all published in the FEDERAL REGISTER on March 31, 1939) are hereby amended by changing the effective date thereof from April 15, 1939 to April 25, 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 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), and (k)). (Effective April 15, 1939.)

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

[SEAL] R. L. NAGLE,
Secretary.

[F. R. Doc. 39-1286; Filed, April 14, 1939; 4:12 p. m.]

TITLE 25—INDIANS

OFFICE OF INDIAN AFFAIRS

AMENDMENT OF REGULATIONS GOVERNING EDUCATION OF INDIANS IN CONTRACT SCHOOLS

APRIL 10, 1939.

Sections 46.161, 46.169, 46.170 and 46.174 of Title 25, Chapter 1, Office of Indian Affairs, Department of the Interior, Part 46, Education of Indians in Contract Schools, which read:

'SEC. 46.161. *Contract to be of advantage to Indians.* When in the opinion of the Commissioner of Indian Affairs it is to the advantage of the Indians, he may enter into negotiations with the authorities of any state for execution of a contract for education of Indian children residing therein.

SEC. 46.169 *Expenditures under contract.* Expenditures shall be in accordance with the provisions of a budget prepared on forms provided by the Indian Service, submitted by state officials, prior to approval of the contract, and approved by the Commissioner of Indian Affairs showing educational needs of the several districts enrolling Indian children, to provide a suitable education program to meet the needs of white and Indian children enrolled. No item of the approved budget shall be increased more than ten percent (10%) without prior

authority of the Commissioner of Indian Affairs.

SEC. 46.170 *Attendance reports.* Prior to March 1 of each succeeding year, there shall be submitted by the state to the Indian Office a report for the first half of the school year, showing the enumeration of Indian children of school age, and the number of Indian children enrolled in each class of school by counties or other convenient geographic division, or by school districts if practicable, in schools where federal aid is extended. At the close of each fiscal year the State Superintendent of Public Instruction shall submit a report for the entire school year showing the enumeration of Indian children of school age, number of Indian children enrolled in each class of school, as provided for the first half of the year, and also showing the average daily attendance for the year in schools where federal aid is extended.

SEC. 46.174 *Payments.* Payment shall be made to the official designated by the state under the terms of the contract to receive payment for the state, in the amount agreed upon. Payment may be made in three or nine equal payments, as provided for by the terms of the individual contract, except as provided for by section 46.175 of this part. Payments for the fiscal year shall not aggregate more than the amount of the contract. Where three payments are to be made, they shall be for periods ending approximately November 30, February 28 and May 31. When nine payments are to be made they shall be for periods ending aproximately September 30, October 31, November 30, December 31, January 31, February 28, March 31, April 30 and May 31.

are amended to read:

SEC. 46.161 *Contract to be of Advantage to Indians.* When in the opinion of the Commissioner of Indian Affairs it is to the advantage of the Indians, he may enter into negotiations with the authorities of any State for execution of a contract for education of Indian children residing therein. Contracts made pursuant to this part shall be executed for and on behalf of the United States by the Commissioner of Indian Affairs, and approved by the Secretary of the Interior.

SEC. 46.169 *Expenditures under contract.* Expenditures shall be made pursuant to a consolidated budget for all school districts, submitted by the proper state officials, prior to approval of the contract, and approved by the Commissioner of Indian Affairs. This budget shall show the educational needs of the several school districts enrolling Indian children and a suitable educational program to meet the needs of the enrolled white and Indian children. The State Department of Education will have available for submission upon request of the said Commissioner the individual district budgets. Prior approval by the Commissioner of Indian Affairs is necessary before any increase can be made in excess of ten percent (10%) of any item of the approved consolidated budget.

SEC. 46.170 *Basis for payment.* Payments of sums due the state under this contract shall be based on the total average attendance of students entitled hereunder shown by teacher's attendance report of Indian pupils in public schools, but payments shall not be made for any pupil having less than one-quarter Indian blood. Payments shall not be made to the individual schools, but to the designated state official for distribution in accordance with the required budget. Teachers' attendance reports will not be attached to vouchers, but will be retained in the office of the State Department of Education, and shall be available for inspection when required.

SEC. 46.174 *To whom and when payments made.* Payment shall be made at the daily rate specified in the contract to the state official designated therein to receive payment for the state. Payment may be made in three or nine equal installments as provided for by the contract, except as provided for by Sections 46.175 and 46.175a. No payments shall be made for the fiscal year in excess of the amount of the contract. Where three payments are to be made they shall be for periods ending approximately November 30, February 28 and May 31. When nine payments are to be made they shall be for periods ending approximately the last day of the month of September, and the last day of each succeeding month, including May of each year.

together with the following new sections:

46.162a *Uniform application of state law.* States entering into a contract under the provisions of this part agree that schools receiving Indian children, including those coming from Indian reservations, shall receive all aid from the state and other proper sources other than this contract to which other similar schools of the state are entitled and receive. In no instance shall there be discrimination by the state or subdivision thereof against Indians or in the support of schools receiving such Indians, and such schools shall receive state and other non-Indian Service funds or aid to which schools are entitled.

SEC. 46.164a *School Supplies.* The state shall furnish books, supplies, clothing, and noonday lunches to destitute Indian children attending public schools, and transportation when not otherwise provided, to the extent funds therefor are available under a contract executed as provided by this part, and county, district or state resources.

SEC. 46.175a *Capital Outlays.* Payment on account of capital outlays when provided for in the approved budget may exceed the amount earned for any one period under the provisions of Section 46.174; provided, however, that the total payment under the contract for the entire year shall not exceed the amount earned on a basis of average daily attendance.

SEC. 46.186 *School districts may be exempted.* When a State Board of Education is not authorized by State law to contract for education of Indian children within a school district, funds for payment of tuition to such a district which does not authorize the state on its behalf to contract for such purposes may be subtracted from the total amount otherwise payable to the state under the terms of its contract. In such cases payment to the school district may be made on the same terms as in other states where no state contract for education of Indian children in public schools has been executed.

Sec. 46.185 is hereby repealed.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 39-1293; Filed, April 15, 1939; 10:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

WAR DEPARTMENT

CHAPTER II—RULES RELATING TO NAVAGABLE WATERS

PART 202—ANCHORAGE REGULATIONS[1]

SEC. 202.25 *The Port of New York.*

* * * * *

(b) *For anchorage in general.*

* * * * *

(7) When applied for, a berth in an anchorage, if available, shall be assigned to any vessel by the Captain of the Port. He may grant revocable permits for habitually maintaining and using the same mooring space in an anchorage area, but no vessel shall occupy continuously a berth in any anchorage area when a vessel in regular traffic requires the berth or when navigation would be menaced or inconvenienced thereby. The Captain of the Port, subject to the approval of the District Engineer, is authorized to issue permits for maintaining mooring buoys. The method of anchoring these buoys shall be prescribed by the Captain of the Port. No vessel shall moor in any anchorage in such a manner as to interfere with the use of a duly authorized mooring buoy. In case of emergencies the Captain of the Port is hereby authorized to shift the position of any unattended vessel moored in or near any anchorage. No vessel shall be navigated within the limits of an anchorage at a speed exceeding six knots when

[1] These regulations supersede subparagraph (7), paragraph (b), Section 202.25, Title 33, of the Code of Federal Regulations.

in the vicinity of a moored vessel [Regs. amended April 1, 1939 (E. D. 7175 (New York)—125/7)]

* * * * *

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

[F. R. Doc. 39-1296; Filed, April 15, 1939; 10:50 a. m.]

TITLE 43—PUBLIC LANDS

OFFICE OF SECRETARY OF INTERIOR; DIVISION OF GRAZING

COLORADO GRAZING DISTRICT NO. 3

MODIFICATION

MARCH 28, 1939.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), the Departmental order of April 8, 1935, establishing Colorado Grazing District No. 3, is hereby revoked as far as it affects the following-described land, effective upon its withdrawal by Executive order as a national forest administrative site:

COLORADO

Sixth Principal Meridian

T. 14 S., R. 86 W., sec. 1, SE¼SW¼.

HARRY SLATTERY,
Acting Secretary of the Interior.

[F. R. Doc. 39-1310; Filed, April 17, 1939; 10:13 a. m.]

GENERAL LAND OFFICE

[Circular No. 1457]

SHOWING BY CORPORATE APPLICANTS AND BIDDERS FOR OIL AND GAS LEASES RELATIVE TO REGISTRATION WITH THE SECURITIES AND EXCHANGE COMMISSION

(1) Subparagraph (a) of paragraph 7 of Circular 1386[1] (subparagraph (a) of Sec. 192.19 of the Code of Federal Regulations) and subparagraph (b) of paragraph 10 of said circular (subparagraph (b) of Sec. 192.23 of the Code) are each amended by adding thereto the following:

Whenever deemed advisable, any corporate bidder or applicant for oil and gas lease may be required to file a sworn statement of the proper officer showing whether the applicant or any person controlling, controlled by, or under common control with the applicant has filed any registration statement, application for registration, prospectus or offering sheet with the Securities and Exchange Commission pursuant to the Securities Act of 1933 or the Securities Exchange Acts of 1934 or said Commission's rules and regulations under said Acts; if so, under what provision of said Acts or rules and regulations; and what disposition of any such statement, application, prospectus or offering sheet has been made.

FRED W. JOHNSON,
Commissioner.

Approved, March 29, 1939.

HARRY SLATTERY,
Acting Secretary of the Interior.

[F. R. Doc. 39-1294; Filed, April 15, 1939; 10:49 a. m.]

[1] 1 F. R. 373.

STOCK DRIVEWAY WITHDRAWALS NOS. 1 AND 2, COLORADO NOS. 1 AND 2, MODIFIED

APRIL 6, 1939.

It appearing that the following-described public lands should be included in Stock Driveway Withdrawal No. 2, Colorado No. 2, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to such driveway reservation, subject to valid existing rights:

New Mexico Principal Meridian

T. 33 N., R. 7 E.,
secs. 11 and 12, S½S½,
sec. 14, W½NW¼,
sec. 15, SE¼NE¼, E½SE¼,
secs. 22 and 27, E½E½,
sec. 34, E½NE¼, NE¼SE¼;
T. 33 N., R. 8 E.,
sec. 6, lots 4, 5, 6 and 7,
sec. 7, lots 1, 2, 3 and 4;
T. 34 N., R. 8 E.,
sec. 6, lots 4, 5, 6 and 7,
secs. 7, 18 and 19, lots 1, 2, 3 and 4,
sec. 25, S½SW¼, SW¼SE¼,
secs. 26, 27, 28 and 29, S½S½,
sec. 30, lots 1, 2, 3 and 4, SE¼SW¼, S½SE¼,
sec. 31, lots 1, 2, 3 and 4;
T. 35 N., R. 8 E.,
sec. 31, lots 1, 2, 3 and 4;
aggregating 3,174.57 acres.

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

And departmental order of July 23, 1917, establishing Stock Driveway Withdrawal No. 1, Colorado No. 1, is hereby revoked so far as it affects the following-described lands:

Sixth Principal Meridian

T. 20 S., R. 72 W.,
sec. 14, SW¼, S½SE¼,
sec. 15, SW¼NW¼, N½S½, SE¼SE¼,
sec. 23, N½NE¼,
sec. 24, NW¼NE¼, S½NE¼, NW¼, NE¼SE¼;
aggregating 880 acres.

HARRY SLATTERY,
Under Secretary of the Interior.

[F. R. Doc. 39-1295; Filed, April 15, 1939; 10:50 a. m.]

STOCK DRIVEWAY WITHDRAWAL NO. 5 COLORADO NO. 3, REDUCED

APRIL 6, 1939.

Departmental order of November 17, 1917, withdrawing certain lands in Colorado for stock driveway purposes under section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, is hereby revoked in so far as it affects the following-described lands which are within the boundaries of the Southern Ute Indian Reservation as extended by departmental order of September 14, 1938, under sections 3 and 7 of the act of June 18, 1934, 48 Stat. 984:

New Mexico Principal Meridian

T. 32 N., R. 4 W.,
sec. 2, E½,
sec. 11, N½NE¼,
sec. 12, SW¼NE¼, NW¼, W½SE¼,
sec. 13, W½NE¼, N½SE¼, SE¼SE¼;
T. 33 N., R. 4 W.,
sec. 3, E½,
sec. 10, E½, SE¼SW¼,
sec. 15, NW¼NE¼, NE¼NW¼, W½W½,
sec. 22, NW¼, S½,
sec. 23, SW¼,
sec. 26, W½,
sec. 35, N½NW¼, SE¼NW¼, E½SW¼, S½SE¼;
aggregating 3,042 acre.

HARRY SLATTERY,
Under Secretary of the Interior.

[F. R. Doc. 39-1312; Filed, April 17, 1939; 10:13 a. m.]

STOCK DRIVEWAY WITHDRAWAL NO. 254, NEW MEXICO NO. 14, ENLARGED

APRIL 6, 1939.

It appearing that the following-described public lands should be included in Stock Driveway Withdrawal No. 254, New Mexico No. 14, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to such driveway reservation, subject to valid existing rights and the water power and power site withdrawals affecting portions of the lands:

New Mexico Principal Meridian

T. 29 N., R. 11 E.,
sec. 1, lots 1, 2, 3 and 4, SE¼NE¼, SW¼NW¼, NW¼SW¼, S½SW¼, SW¼SE¼;
T. 30 N., R. 11 E.,
secs. 21, 22, 23 and 24, N½N½;
T. 31 N., R. 11 E.,
secs. 9 and 10, N½N½,
sec. 11, NW¼NE¼, N½NW¼;
T. 27 N., R. 12 E.,
sec. 6, E½E½,
sec. 7, E½,
secs. 18 and 19, all,
secs. 30 and 31, those portions in E½ not included in private grants;

T. 28 N., R. 12 E.,
secs. 7 and 19, E½,
sec. 30, W½NE¼;
T. 29 N., R. 12 E.,
sec. 5, lot 4, SW¼NW¼, NW¼SW¼, S½ SW¼,
sec. 6, N½, E½SW¼, SE¼,
sec. 17, lots 1, 2, 5 and 8, W½;
T. 30 N., R. 12 E.,
sec. 6, lot 7,
sec. 7, lots 1, 2, 3 and 4, SE¼SW¼,
sec. 18, N½, SW¼, W½SE¼,
sec. 19, lot 1, NE¼NW¼;
aggregating 6,334.40 acres.

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

HARRY SLATTERY,
Under Secretary of the Interior.

[F. R. Doc. 39–1311; Filed, April 17, 1939; 10:13 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

MARIAS PROJECT, MONTANA

ADVERTISEMENT OF LANDS FOR LEASE

APRIL 8, 1939.

1. Sealed proposals will be received at the Office of the Bureau of Reclamation, Washington, D. C., until 2 o'clock P. M., May 1, 1939, for the lease for grazing and/or agricultural purposes of all or any tract or tracts of the land in the Marias and Lonesome Lake reservoir sites, shown on the accompanying list.

2. The lands will be leased for the period ending December 31, 1939, the lessee having no option to renew. The bidder shall state in the proposal (a) the legal description of such subdivisions or tracts which he proposes to lease, (b) the area in acres, and (c) the rental price he proposes to pay. The bidder may make such stipulations as he may desire regarding combinations of tracts he is willing to accept. *Please use attached proposal blanks.*

3. Bids must be accompanied by payment in full. Funds so remitted by unsuccessful bidders will be returned on making of award. Remittance should be in the form of certified check, bank draft, or money order, drawn in favor of "Bureau of Reclamation".

4. Those desiring to bid should first consult a copy of lease form 7–523–A–G, attached hereto,[1] which lease must be promptly executed by successful bidders before possession of the land is given, and which describes various rights reserved by the United States and other details not herein enumerated, to which the lessee must agree. Copies of the lease form may also be inspected at the bulletin boards of the post offices at Big Sandy, Box Elder, Kinread, Brinkman, and Chester, Montana.

5. Envelopes containing bids must be sealed, marked and addressed as follows:

Bid for lease of land, Marias Project, Montana, to be opened at 2 P. M., Eastern standard time, May 1, 1939.

JOHN C. PAGE,
Commissioner.

[1] Not filed with original document; requests for copies should be addressed to the Bureau of Reclamation.

MARIAS PROJECT, MONTANA

LIST OF LANDS AVAILABLE FOR LEASE

[Figures in parentheses are areas in lots]

Part I. Marias Reservoir Site

Description:	*Area in acres*
T. 30 N., R. 4 E., M. P. M.:	
Sec. 14, SW¼SE¼, Lot 1 (39.99)	79.99
Sec. 19, NE¼SW¼, Lots 1 (38), 2 (29), 3 (33), 10 (32)	172
Sec. 20, NW¼NW¼, Lots 3 (5), 10 (40), 11 (34)	119
Sec. 21, E½NE¼, NE¼NW¼, Lots 1 (30), 2 (7), 3 (23), 9 (17)	197
Sec. 22, SE¼NE¼, NW¼NW¼, NE¼SW¼, NE¼SE¼, Lots 6 (7), 7 (27), 8 (31)	225
Sec. 23, N½NE¼, SW¼SW¼, Lots 12 (45), 13 (43)	208
Sec. 24, SE¼NW¼, NW¼SE¼, SE¼SE¼, Lots 1 (35), 4 (33)	188
Sec. 25, SE¼NE¼, Lots 1 (48), 2 (19), 6 (12), 7 (36), 8 (48), 11 (27)	230
Sec. 26, SE¼NE¼, E½SE¼	120
Sec. 35, NE¼NE¼	40
T. 29 N., R. 5 E., M. P. M.:	
Sec. 1, SW¼SW¼	40
Sec. 2, N½SW¼, SE¼SE¼, Lots 5 (32), 7 (33), 8 (38)	223
Sec. 3, SE¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼, Lots 3 (41), 4 (21), 5 (9), 6 (28)	299
Sec. 4, SE¼NW¼, NE¼SW¼, W½SE¼, Lots 1 (7), 2 (15), 4 (8), 5 (40), 6 (40)	270
Sec. 9, NE¼NE¼	40
Sec. 10, W½NW¼, SE¼, Lots 4 (40), 5 (33), 6 (24)	337
Sec. 11, E½NE¼, W½SW¼, NE¼SE¼, Lots 5 (3), 11 (42)	245
Sec. 12, W½W½	160
Sec. 13, NE¼, W½NW¼, SE¼NW¼, Lot 8 (28)	308
Sec. 14, NW¼, SW¼SE¼, Lot 2 (32)	232
Sec. 23, NE¼	160
Sec. 24, S½NE¼, S½NW¼, SE¼, Lot 1 (39)	359
T. 30 N., R. 5 E., M. P. M.:	
Sec. 28, SW¼NW¼, NE¼SW¼, SW¼SE¼, Lots 1 (18), 2 (11), 3 (45)	194
Sec. 29, NE¼NE¼, S½SE¼, Lots 1 (44), 2 (31), 3 (40), 5 (43), 6 (24), 8 (35)	367
Sec. 30, E½NE¼, SE¼SW¼, SE¼	280
Sec. 31, NE¼NE¼, NW¼NW¼, SE¼SW¼, S½SE¼	200
Sec. 32, NE¼, SE¼NW¼, N½ SE¼	280
Sec. 33, E½NE¼, SW¼NW¼, W½SW¼, NE¼SE¼, Lot 1 (28) 8 (31), 10 (39)	338
Sec. 34, SW¼NW¼, NW¼SW¼, SE¼SW¼, Lot 1 (39)	159
T. 29 N., R. 6 E., M. P. M.:	
Sec. 7, NE¼SW¼, SE¼, Lots 3 (38), 4 (38)	276
Sec. 8, S½	320
Sec. 9, S½	320
Sec. 10, S½	320
Sec. 11, S½S½	160
Sec. 14, N½NE¼, N½NW¼, Lots 1 (36), 2 (34)	230
Sec. 15, NE¼NE¼, Lots 1 (30), 10 (12)	82
Sec. 17, N½NE¼, N½NW¼	160
Sec. 18, N½NE¼, SE¼NE¼, Lots 1 (38), 5 (30)	188
Sec. 19, E½SW¼, W½SE¼, SE¼ SE¼, Lots 5 (39), 6 (39), 7 (39), 8 (39)	356
T. 29 N., R. 7 E., M. P. M.:	
Sec. 21, Lots 6 (37), 14 (10)	47
Sec. 28, Lot 5	14

Part II. Lonesome Lake Reservoir Site

T. 29 N., R. 11 E., M. P. M.:	
Sec. 9, SE¼	160
Sec. 22, NW¼NW¼	40
T. 29 N., R. 12 E., M. P. M.:	
Sec. 1, W½	320
Sec. 2, All	640
Sec. 3, SE¼SW¼, NE¼SE¼, S½ SE¼	160
Sec. 7, S½S½	160
Sec. 8, NE¼, NE¼NW¼, S½ NW¼, S½	600
Sec. 9, SE¼	160
Sec. 10, All	640
Sec. 11, All	640
Sec. 12, W½NW¼	80
Sec. 14, W½NE¼, W½	400
Sec. 15, All	640
Sec. 17, N½, W½SW¼, SE¼ SW¼, NE¼SE¼	480
Sec. 18, NE¼, N½NW¼, SE¼ NW¼, S½	600
Sec. 19, All	640
Sec. 20, N½, N½SW¼, SW¼ SW¼, N½SE¼, SE¼SE¼	560
Sec. 21, N½, SW¼, N½SE¼ SW¼SE¼	600
Sec. 22, All	640
Sec. 23, W½NW¼	80
Sec. 24, SE¼SE¼	40
Sec. 25, NE¼NE¼, S½NE¼	120
Sec. 26, NE¼SW¼, S½SW¼, N½SE¼	200
Sec. 27, N½NE¼, W½, S½SE¼	480
Sec. 28, W½NE¼, W½, W½SE¼, SE¼SE¼	520
Sec. 29, E½NE¼, N½NW¼, SE¼NW¼, E½SW¼, SE¼	440
Sec. 30, NE¼, N½NW¼, E½SE¼	320
Sec. 31, E½NE¼, NE¼SE¼	120
Sec. 32, N½NE¼, SW¼NW¼, N½SW¼, SE¼	360
Sec. 33, N½, N½S½, SW¼SW¼	520
Sec. 34, N½, NW¼SW¼	360
T. 30 N., R. 12 E., M. P. M.:	
Sec. 35, S½SE¼	80
T. 29 N., R. 13 E., M. P. M.:	
Sec. 19, SW¼SW¼	40
Sec. 30, W½NW¼	80

MARIAS PROJECT, MONTANA

PROPOSAL FOR LEASE OF LANDS

To the Bureau of Reclamation, Washington, D. C.:

Pursuant to the accompanying advertisement, and subject to all of the provisions thereof, the undersigned proposes to lease all the land described below, for the period ending December 31, 1939, at the rental named:

Legal description	Area in acres	Rental
Total		

Enclosed is _____ (Certified Check, Bank Draft or Money Order) for $ _____.

_____ (Bidder)

_____ (P. O. Address)

_____ (Date)

[F. R. Doc. 39–1292; Filed, April 15, 1939; 10:49 a. m.]

FEDERAL POWER COMMISSION.

[Project No. 16]

IN THE MATTER OF THE NIAGARA FALLS POWER COMPANY

ORDER CONTINUING HEARING

APRIL 14, 1939.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

Upon petition filed April 13, 1939, by The Niagara Falls Power Company for continuance of the pending hearing upon its application for amendment of license so as to include therein authority to divert an additional 275 cfs of water through the project;

The Commission *orders* that:

The aforesaid hearing be and it hereby is continued to May 8, 1939, at 10 A. M. in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-1308; Filed, April 17, 1939; 10:12 a. m.]

[Docket Nos. G-109, G-112]

ILLINOIS COMMERCE COMMISSION, COMPLAINANT, V. NATURAL GAS PIPELINE COMPANY OF AMERICA, AND TEXOMA NATURAL GAS COMPANY, DEFENDANTS; AND IN THE MATTER OF NATURAL GAS PIPELINE COMPANY OF AMERICA AND TEXOMA NATURAL GAS COMPANY

ORDER FIXING DATE OF HEARING

APRIL 14, 1939.

Commissioners: Clyde L. Seavey, Acting Chairman; Claude L. Draper, Basil Manly, John W. Scott.

It appearing to the Commission that:

(a) In Docket No. G-109, on September 23, 1938, the Illinois Commerce Commission, a State Commission within the meaning of the Natural Gas Act, filed with the Commission a complaint alleging that the rates and charges for natural gas charged by the Natural Gas Pipeline Company of America to Chicago District Pipeline Company and other public utilities in the State of Illinois are unjust and unreasonable, and the fixing of fair, just and reasonable rates by this Commission will materially aid the Illinois Commerce Commission in fixing fair, just and reasonable rates for gas sold to ultimate consumers in Illinois; in their answer to said complaint, filed with the Commission on November 16, 1938, the Natural Gas Pipeline Company of America and the Texoma Natural Gas Company deny that the rates and charges for natural gas charged by the Natural Gas Pipeline Company of America to the Chicago District Pipeline Company and other public utilities in Illinois are unjust and unreasonable, and deny that the fixing of other and different rates or charges will materially aid the Illinois Commerce Commission in fixing fair, just and reasonable rates for gas sold to ultimate consumers in Illinois;

(b) In Docket No. G-112, on October 14, 1938, the Commission on its own motion, instituted an investigation of the Natural Gas Pipeline Company of America and the Texoma Natural Gas Company (1) to determine, with respect to each of said companies, whether, in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications, are unjust, unreasonable, unduly discriminatory, or preferential; and (2) if the Commission shall find that any such rates, charges, classifications, rules, regulations, practices, or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders just, reasonable and non-discriminatory rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force;

The Commission *orders* that:

(A) Dockets Nos. G-109 and G-112 be and they are hereby consolidated for purposes of hearing thereon;

(B) A public hearing in these proceedings be held commencing on May 8, 1939, at 10 o'clock a. m., in Room 425, New Post Office, Canal and Van Buren Streets, Chicago, Illinois.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-1309; Filed, April 17, 1939; 10:12 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

[Docket No. 3756]

IN THE MATTER OF NUTRINE CANDY COMPANY

COMPLAINT

Count I

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 violated, and is now violating, the provisions of Section 2 of the Clayton Act as amended by the Robinson-Patman Anti-Discrimination Act approved June 19, 1936 (U. S. C., title 15, sec. 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. The respondent, Nutrine Candy Company, is a corporation organized and existing under and by virtue of the laws of the State of Illinois, with its principal office and place of business located at 419 West Erie Street, Chicago, Illinois.

PAR. 2. Respondent corporation is now and has been since prior to June 19, 1936, engaged in the business of manufacturing, offering for sale, selling, and distributing, candy, including a small line of fancy candies packed in boxes, but in general specializing in bulk candy as more particularly described herein. Respondent sells bulk candy direct to retail dealers in commerce between and among the States of Illinois, Wisconsin, Minnesota, Nebraska, Oklahoma, Arkansas, Tennessee, Michigan, Iowa, Indiana, Kansas, Missouri, Ohio, Kentucky, West Virginia, and western Pennsylvania, and as a result of said sale causes said product to be shipped and transported from Chicago, Illinois, to the purchasers thereof who are located in the aforementioned states. There is, and has been at all times herein mentioned, a continuous current of trade and commerce in said product across state lines between respondent's factory and the purchasers of said product.

PAR. 3. In the course and conduct of its business as foresaid, respondent, during the time herein mentioned, has been and is now in substantial competition with other corporations, individuals, partnerships and firms engaged in the business of manufacturing, selling and distributing candy in commerce between and among the various states of the United States.

Purchasers of respondent's candy in the course of their business in reselling respondent's candy, during the time herein mentioned, have been and are now in substantial competition with each other.

PAR. 4. In the course and conduct of its business as aforesaid, since June 19, 1936, respondent has been and is now discriminating in price between different retailers buying said candy of like grade and quality sold by it in interstate commerce by giving and allowing certain of said retailers of its product different prices than given or allowed other retailers. Said discrimination in price is brought about by the following practice pursued by the respondent, to-wit:

Respondent sells its products under four different price lists, which price lists are designated by the following letters: "ES, NS, SS and SR." So-called Eastern Syndicate accounts are classified under the letters "ES." National Syndicate accounts are classified under the letters "NS." Small Syndicate accounts are classified under the letters "SS" and Small Retail accounts under the letters "SR." Customers purchasing on the "SR" price list pay the highest prices while customers purchasing on the other price lists pay lower prices for goods of like grade and quality. For the purpose of illustrating the differential in price resulting from the four price lists, there is appended hereto and made a part of this Paragraph a tabulation showing the

prices at which the various kinds of candy were sold to customers purchasing under the various classifications during the period from July 1 to July 5, 1937 inclusive.

Respondent permits its salesmen to classify customers as the salesmen see fit and in many instances customers who are small retailers are classified as and sold at the prices specified for sales to syndicate accounts. Furthermore, the salesmen frequently sell certain items to their customers from the "NS" or "SS" price lists and then the rest of the items purchased by the same customer are from the "SR" price list.

Respondent does not make known to its customers that it sells its products at the prices set forth in the various classifications. The salesmen are promised commissions of 12% on the Small Retail accounts, 5% on the Small Syndicate accounts and 2% on the National Syndicate accounts.

PAR. 5. The general effect of said discrimination in price by the respondent set forth above has been and may be substantially (a) to lessen competition between those retailers who purchase from respondents in one of the aforesaid lower priced classifications and competing retailers who purchase in a higher priced classification; (b) to injure, destroy, and prevent competition between the aforesaid retailers; and (c) to tend to create a monopoly in the more favored retailers who are in direct competition with retailers who are not so favored as to receive the benefit of said lower prices, in that a substantial amount of business in this line of commerce has been and is being diverted to the favored retailers with the cumulative effect of having a tendency and capacity to eliminate and destroy the bulk candy business of said small independent retail dealers.

PAR. 6. The foregoing alleged acts and practices of said respondent are violations of Section 2 (a) of the first section of the said Act of Congress approved June 19, 1936, entitled "An Act to amend section 2 of the act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (U. S. C. Title 15, sec. 13), and for other purposes."

Count II

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that Nutrine Candy Company, a corporation in its own name and right and trading under the name and style of Superior Candy Company, hereinafter referred to as respondent, has violated the provisions of the said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PAR. 1. For its charges under this paragraph of this count, said Commission relies upon the matters and things set out in Paragraphs One and Two of Count I of this complaint to the same extent and as though the allegations of said Paragraphs One and Two of said Count I were set out in full herein, and said Paragraphs One and Two of said Count I are incorporated herein by reference and made a part of the allegations of this count.

PAR. 2. In the course and conduct of its business as aforesaid, respondent, during the time herein mentioned, has been and is now in substantial competition with other corporations, individuals, partnerships and firms engaged in the business of manufacturing, selling and distributing candy in commerce between and among the various states of the United States.

PAR. 3. In the course and conduct of its business as described in Paragraph One hereof, respondent sells and has sold to dealers certain assortments of candy so packed and assembled as to involve the use of a lottery scheme when sold and distributed to the consumers thereof. One of said assortments is sold and distributed to the purchasing public in the following manner: This assortment consists of a number of one pound boxes of candy together with a device commonly called a push card. The card contains a number of partially perforated discs with a feminine name printed immediately above each of said discs and with the word "push" printed on the face of said disc. Concealed within each disc is a number and when a disc is pushed or separated from the card the number is disclosed. The numbers range from 1 to 39 but are not arranged in numerical sequence. Sales are from 1¢ to 39¢ and the person pushing a disc from said card pays in cents the amount of the number disclosed. Each purchaser is entitled to and receives a box of candy. The push card bears legends or instructions as follows:

TRY YOUR LUCK

1¢ to 39¢

EVERYBODY WINS

A Full 1 Pound Box

HOME STYLE

CHOCOLATE COVERED CHERRIES

Pay What You Punch

FROM 1 to 39¢ No Higher

EVERY PUNCH WINS

1 Pound Box Chocolate Cherries

Sales of said boxes of respondent's candy are made by means of said push cards in accordance with the above described legends or instructions. The prices to be paid for said boxes of candy are thus determined wholly by lot or chance.

The respondent manufactures, sells and distributes various assortments of candy involving a lot or chance feature but such assortments and the method of sale and distribution thereof are similar to the one hereinabove described and vary only in detail.

PAR. 4. Retail dealers who purchase respondent's said assortments of candy directly or indirectly expose and sell the same to the purchasing public in accordance with the aforesaid sales plans. Respondent thus supplies to and places in the hands of others the means of conducting lotteries in the sale of its candy in accordance with the sales plans or methods hereinabove set forth. The use by respondent of said sales plans or methods in the sale of its candy and the sale of said candy by and through the use thereof and by the aid of said sales plans or methods is a practice of the sort which is contrary to an established public policy of the Government of the United States and in violation of the criminal laws of many of the states of the United States.

PAR. 5. The sale of candy to the purchasing public in the manner above alleged involves a game of chance or the sale of a chance to procure a box of candy at a price much less than the normal retail price thereof. Many persons, firms and corporations who sell or distribute candy in competition with the respondent as above alleged are unwilling to adopt and use said sales plans or methods or any methods involving a game of chance or the sale of a chance to win something by chance or any other methods that are contrary to public policy or in violation of criminal statutes and such competitors refrain therefrom. Many persons are attracted by said sales plans or methods employed by respondent in the sale and distribution of its candy and the element of chance involved therein and are thereby induced to buy and sell respondent's candy in preference to candy offered for sale and sold by said competitors of respondent who do not use the same or equivalent methods. The use of said methods by respondent because of said game of chance has a tendency and capacity to and does unfairly divert trade to respondent from its said competitors who do not use the same or equivalent methods, and as a result thereof substantial injury is being, and has been done by respondent to competition in commerce between and among the various states of the United States.

PAR. 6. The aforesaid acts and practices of the respondent as herein alleged are all to the prejudice and injury of the public and of respondent's competitors and constitute unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

Wherefore, the premises considered, the Federal Trade Commission on this 11th day of April, A. D., 1939, issues its complaint against said respondent.

Notice

Notice is hereby given you, Nutrine Candy Company, respondent herein, that the 19th day of May, A. D., 1939 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 VII) 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 at 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 11th day of April, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

Table of Prices of Nutrine Candy Company From July 1 to July 5, 1937, at Which Sales Have Been Made

	Woolworth-Kresge-Niesner Br.				Maximum price differential	Percent of increase over the minimum price
	E. S.	N. S.	S. S.	S. R.		
Butter Cream: Choc. Drops	0.06¼	0.06½	0.07	0.08⅞	0.02⅝	42
Cocoanut Bon Bons		0.10¼- .11	.11	.14¼	.04	39
Choc. Panned Fruit and ut Mix	.11¾	.11½				
Choc. Fruit Fudge	.06½	.06½	.08½		.02	31
Circus Peanuts	.06½	.09 - .09¾	.10½	.12⅞	.06⅜	98
Creamed Coco Dips	.10½	.10½ - .11¾	.13	.14⅞	.04⅜	42
Frosty Peaks	.06½	.10⅞	.10⅞		.04⅜	67
Fruit Salads	0.06½- .06½	.06½ - .07½	.08¾	.08¾	.02¼	35
Giant Jelly Drops	.06	.06 - .06¼	.06¾	.06¾	.0075	12½
Hawaiian Cocoanut Sparklers	.12	.12¾	.14⅞	.16⅞	.04⅞	41
Happy Prince Milk Chocolates	.12	.18⅞			.06⅞	57
Iced Fruit Marmalade	.08½	.10¾	.12¼	.12¼	.03¾	44
Iced Caramel Buds	.10½	.11¾	.13¼	.13¼	.02¾	26
Iced Maple Nut Snaks	.10¼	.11¾	.13½	.13½	.03¼	32
Jelly Orange Slices	.06	.06 - .06¼	.06¼	.06¾	.0075	12
Panama Rainbow Cubes	.09¼	.09¾		.12⅞	.03⅜	39
Spiced Jelly Strings		.06¼- .07	.08¼	.09½	.03¼	52
Sunbeams	.08- .08	.08 - .09¼	.10¾	.11⅜	.03⅜	48
Tangerine Slices	.06½		.08¼	.09½	.03	46
Vanilla Fruit Fudge	.06½	.06½- .07	.08½		.02	31
Sugar Roasted Peanuts	.10½	.10½- .11		.12¾	.02¼	21

[F. R. Doc. 39–1288; Filed, April 15, 1939; 10:14 a. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 336]

AMENDMENT OF PRIOR ALLOCATION OF FUNDS FOR LOANS

APRIL 14, 1939.

I hereby amend Administrative Order No. 328, dated March 22, 1939, by reducing the allocation of $384,000 therein made for Alabama R9030A1 Autauga by $6,000, so that the reduced allocation shall be $378,000.

JOHN M. CARMODY,
Administrator.

[F. R. Doc. 39–1306; Filed, April 17, 1939; 10:12 a. m.]

[Administrative Order No. 337]

ALLOCATION OF FUNDS FOR LOANS

APRIL 14, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Wisconsin R9056G2 Crawford	$187,500
Wisconsin R9056G3 Crawford (Iowa)	437,500
Wisconsin R9056G4 Crawford (Minn.)	375,000

JOHN M. CARMODY,
Administrator.

[F. R. Doc. 39–1307; Filed, April 17, 1939; 10:12 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of April 1939.

[File No. 1–383]

IN THE MATTER OF BOYD-RICHARDSON COMPANY 8% CUMULATIVE FIRST PREFERRED STOCK, $100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The St. Louis Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X–12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the 8% Cumulative First Preferred Stock, $100 Par Value, of Boyd-Richardson Company; and

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

It is ordered, That the matter be set down for hearing at 10 A. M. on Tuesday, May 16, 1939, at the office of the Securities & Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

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

By the Commission.

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

[F. R. Doc. 39–1298; Filed, April 15, 1939; 11:15 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 12th day of April 1939.

[7–376 to 7–381, incl.]

IN THE MATTER OF APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES TO AMERICAN ROLLING MILL COMPANY (COMMON STOCK, $25 PAR VALUE), THE CITY ICE & FUEL COMPANY (COMMON STOCK, NO PAR VALUE), COLUMBIA GAS & ELECTRIC CORPORATION (COMMON STOCK, NO PAR VALUE), GENERAL MOTORS CORPORATION (COMMON STOCK, $10 PAR VALUE), STANDARD BRANDS, INCORPORATED (COMMON STOCK, NO PAR VALUE), AND TIMKEN ROLLER BEARING COMPANY (COMMON STOCK, NO PAR VALUE)

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

The Cincinnati Stock Exchange, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule X–12F–1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

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

It is ordered, That the matter be set down for hearing at 10 A. M. on Wednesday, May 17, 1939, at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officers herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That James C. Gruener, W. H. Snyder and Dan T. Moore, or either of them, officers of the Commission, be and they hereby are designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

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

[F. R. Doc. 39–1297; Filed, April 15, 1939; 11:15 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 13th day of April, A. D. 1939.

[File No. 31–84]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION AND DOMINION GAS AND ELECTRIC COMPANY

ORDER GRANTING EXEMPTION

International Utilities Corporation and Dominion Gas and Electric Company having made application for exemption of Dominion Gas and Electric Company, as a holding company, pursuant to the provisions of Section 3 (a) (5) of the Public Utility Holding Company Act of 1935, and said companies having also made application pursuant to Section 3 (b) of said Act for an order exempting Dominion Gas and Electric Company and its subsidiary companies from the provisions of the Act applicable to them as subsidiary companies of International Utilities Corporation, a registered holding company; notice and opportunity for hearing on said application having been duly given;[1] the record in this matter having been duly considered; and the Commission having made appropriate findings of fact,

It is ordered, That Dominion Gas and Electric Company be, and it hereby is, exempted from all those provisions of the Public Utility Holding Company Act of 1935 which would require it to register under said Act because of its directly or indirectly owning, controlling, or holding with power to vote 10 per cent or more of the outstanding voting securities of Canadian Western Natural Gas, Light, Heat and Power Company, Limited; Northwestern Utilities, Limited; and Canadian Utilities, Limited; and

It is further ordered, That the said Dominion Gas and Electric Company, Canadian Western Natural Gas, Light, Heat and Power Company, Limited; Northwestern Utilities, Limited; Canadian Utilities, Limited; Edmonton Utilities, Limited; Princeton Petroleum Company, Limited; Gas Production and Transportation Company, Limited; Union Power Company, Limited; and Northwestern Fidelity Trust Company, Limited be, and they are hereby exempted to the extent specified from certain provisions of the Act applicable to them as subsidiary companies of said International Utilities Corporation, a registered holding company, as follows:

(a) Section 6 of the Act except that this exemption shall not extend to any issue or sale of securities which are to be offered for sale within the United States or to any exercise of a privilege or right to alter the priorities, preferences, voting power or any other rights of the holders of any security which prior to the exercise of such privilege or right shall have been offered for sale within the United States;

(b) Section 9 of the Act except that this exemption shall not apply to the acquisition of any utility assets located within the United States or to the acquisition of any interest in the business of or securities issued or guaranteed by any public utility or holding company which directly or indirectly owns or controls utility assets located within the United States;

(c) Sections 11 (g) and 12 (e) of the Act, provided, however, that such exemption shall not be applicable to any solicitation within the United States regarding any securities, other than securities owned by International Utilities Corporation or other associates of the issuer;

(d) Section 12 (c) of the Act but only insofar as such section applies to the acquisition, retirement, or redemption of the securities of Dominion Gas and Electric Company or its subsidiaries, and only in such amounts as required by the charter or indenture sinking fund provisions of Dominion Gas and Electric Company or of any of its subsidiaries;

(e) Section 13 of the Act with respect to any transactions except the performing of services or contracts for, or the sale of goods to, any public utility company operating within the United States or to any public utility holding company or subsidiary thereof which is a public utility company operating within the United States;

(f) Section 15 of the Act unless rules, regulations, or orders promulgated by the Commission pursuant to the provisions of such section shall by their terms be made expressly applicable to a company which is not, and which has no subsidiary company which is, a public utility company operating in the United States; and

(g) Section 17 (c) of the Act.

It is further ordered, That the exemption herein granted shall expire on December 31, 1940, without prejudice to the right of International Utilities Corporation and Dominion Gas and Electric Company to apply on behalf of themselves and the subsidiary companies of Dominion Gas and Electric Company for an extension of the time during which such order shall be effective, and also without prejudice to the right of said International Utilities Corporation and Dominion Gas and Electric Company to

[1] 4 F. R. 1152 DI.

apply at any time for such enlargement of any of the provisions of this order as they may deem appropriate.

By the Commission.

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

[F. R. Doc. 39–1301; Filed, April 15, 1939; 11:16 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of April 1939.

[File No. 1–1487]

IN THE MATTER OF EISENSTADT MANUFACTURING COMPANY 7% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The St. Louis Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X–12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the 7% Cumulative Preferred Stock, $100 Par Value, of Eisenstadt Manufacturing Company; and

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

It is ordered, That the matter be set down for hearing at 10:30 A. M. on Tuesday, May 16, 1939, at the office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

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

By the Commission.

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

[F. R. Doc. 39–1299; Filed, April 15, 1939; 11:15 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 14th day of April, A. D. 1939.

[File No. 50–5]

IN THE MATTER OF AMERICAN GAS AND POWER COMPANY AND BIRMINGHAM GAS COMPANY

NOTICE AND ORDER CHANGING DATE FOR HEARING

The above entitled matter having been duly set down and noticed for hearing on April 28, 1939, by order of this Commission dated April 12, 1939,[1] upon the application of the above named parties for approval of fees and expenses incurred in connection with the Plan of Recapitalization of Birmingham Gas Company, pursuant to the reservation of jurisdiction in respect thereto contained in the order of this Commission in this proceeding entered September 29, 1938; and counsel for applicants and declarants having requested that said hearing be held on May 3, 1939, instead of on April 28, 1939;

It is ordered, That the date for said hearing be changed accordingly, and that said hearing be held on May 3, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room in which such hearing will be held.

Notice of such hearing is hereby given to such declarants and applicants 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 April 24, 1939.

By the Commission.

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

[F. R. Doc. 39–1300; Filed, April 15, 1939; 11:15 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 11th day of April, A. D. 1939.

[File No. 34–29]

IN THE MATTER OF SOUTHERN NATURAL GAS COMPANY

ORDER RELATIVE TO REPORT AND DECLARATION

Southern Natural Gas Company, a registered holding company, having filed (a) an application, and amendments thereto, for a report of the Commission, pursuant to Section 11 (g) of the Public Utility Holding Company Act of 1935, on a plan for the recapitalization of said company, and (b) a declaration, and amendments thereto, pursuant to Rule U–12E–5 adopted by the Commission, with respect to the solicitation of proxies in connection with such matters from the stockholders of said company; and

A public hearing having been held[1] on said application and declaration as amended, the Commission having considered the record in this matter and having made and filed its report on said plan, said report being in the form of a copy thereof attached to this order:

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

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

By the Commission.

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

[F. R. Doc. 39–1314; Filed, April 17, 1939; 10:56 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 14th day of April, A. D. 1939.

[File Nos. 34–8, 52–3, 52–5, 52–9, 52–10, and 59–1]

IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION AND IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION AND CHARLES TRUE ADAMS, TRUSTEE

NOTICE OF AND ORDER FOR REOPENING HEARING

The Commission having on August 29, 1938 entered an order entitled "Order for Consolidation of Hearings for Stated Purposes and Governing Certain Procedural Matters" consolidating the above entitled matters for purposes of hearing;

Hearing pursuant to said order with respect to valuation and plans of reorganization having been held before the Commission's Trial Examiner jointly on the same subject matter; with a hearing before the Special Master of the District Court of the Northern District of Illinois, Eastern Division, Cause No. 64605;

Oral arguments having been held jointly before the Securities and Exchange Commission and the Special Master; and the hearing with respect to valuation and plans of reorganization having been closed;

The Special Master, in order to afford an opportunity to be heard to parties unable to appear at the hearings held in Washington, D. C., having ordered that the hearing in the proceeding pending before him reconvene on April 5, 1939 at 10:00 A. M. at the offices of the Referees in Bankruptcy at 7 South Dearborn Street, Chicago, Illinois; and the Special Master on April 5, 1939 having

[1] 4 F. R. 1609 DI.

[1] 4 F. R. 434 DI.

continued said hearing to April 17, 1939 at 10:00 A. M.;

Atlas Corporation having on April 13, 1939 filed (File No. 52–9) a Fifth Amendment to its applications for approval of a plan of reorganization pursuant to Rule U–11F–1 of the General Rules and Regulations under the Public Utility Holding Company Act of 1935 and for a report on said plan of reorganization pursuant to Section 11 (g) of said Act and Rule U–12E–4, and a declaration with respect to the solicitation of proxies and other authorizations pursuant to Section 11 (g) of said Act and Rule U–12E–5; and

It appearing to the Commission that further hearing with respect to valuation and plans of reorganization are appropriate in the public interest or necessary for the protection of investors or consumers;

It is ordered, That said hearing be reopened for the purpose of receiving evidence with respect to valuation and plan or plans of reorganization, and that said hearing be held jointly with the hearing before said Special Master on April 17, 1939 at 10:00 o'clock in the forenoon of that day at the offices of the Referees in Bankruptcy at 7 South Dearborn Street, Chicago, Ilinois or at such other place as the Special Master conducts the hearing in the proceedings pending before him relating to the same subject matter.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside at 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 reopening of such hearing is hereby given to the parties and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. Persons, not heretofore admitted as parties to the proceedings pending before the Commission, and desiring to be admitted as parties should be prepared to file with the Commission's Trial Examiner petitions and affidavits which comply with Rule XVII, as amended, of the Commission's Rules of Practice on or before April 17, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39–1313; Filed, April 17, 1939; 10:56 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS SATURDAY, APRIL 15, 1939

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

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	595	39
2. Hawaii	142	16
3. California	2,188	779
4. Alaska	23	9
5. Texas	2,245	907
6. Louisiana	810	380
7. Michigan	1,866	888
8. Arizona	168	86
9. New Jersey	1,557	833
10. South Carolina	670	389
11. Ohio	2,562	1,545
12. Mississippi	775	476
13. Oklahoma	923	369
14. Alabama	1,020	635
15. Arkansas	715	451
16. New Mexico	163	104
17. Georgia	1,121	755
18. Kentucky	1,008	692
19. North Carolina	1,222	846
20. Tennessee	1,008	773
21. Wisconsin	1,133	874
22. Illinois	2,941	2,281
IN ARREARS—Continued		
23. Connecticut	619	486
24. Delaware	92	77
25. Indiana	1,248	1,112
26. Oregon	368	331
27. Florida	566	529
28. Nevada	35	33
29. Idaho	171	162
30. New York	4,851	4,605
31. Pennsylvania	3,712	3,540
32. West Virginia	666	659
33. Maine	307	305
34. New Hampshire	179	178
QUOTA FILLED		
35. Utah	196	196
36. Wyoming	87	87

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1938
IN EXCESS			
37. Massachusetts	1,638	1,650	+12
38. Missouri	1,399	1,428	−43
39. Washington	602	621	+46
40. Colorado	399	412	+15
41. Montana	207	216	−18
42. Vermont	139	146	+1
43. Minnesota	988	1,042	−39
44. Kansas	725	771	+26
45. North Dakota	262	280	+22
46. Rhode Island	265	291	+25
47. South Dakota	267	294	−1
48. Iowa	952	1,087	−21
49. Nebraska	531	625	−19
50. Virginia	933	1,934	−37
51. Maryland	629	1,888	+19
52. District of Columbia	188	8,764	0

GAINS	
By appointment	317
By reinstatement	3
By transfer	29
By correction	2
Total	351
LOSSES	
By separation	79
By transfer	29
By correction	1
Total	109
Total appointments	48,076

NOTE.—Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's opinion of Aug. 25, 1934, 14,809.

By direction of the Commission.

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

[F. R. Doc. 39–1315; Filed, April 17, 1939; 12:28 p. m.]