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FEDERAL REGISTER

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Washington, Saturday, July 6, 1940

The President

MILITARY ORDER

The administration of section 6 of the act of Congress entitled "An Act to expedite the strengthening of the national defense," approved July 2, 1940, is essentially a military function, and by virtue of the authority vested in me as President of the United States and as Commander-in-Chief of the Army and Navy of the United States, I hereby designate Lieutenant Colonel Russell L. Maxwell, U. S. Army, Administrator of Export Control to administer the provisions of the said section under the direction and supervision of the President as Commander-in-Chief of the Army and Navy of the United States.

FRANKLIN D ROOSEVELT
Commander-in-Chief.

THE WHITE HOUSE,
July 2, 1940.

[F. R. Doc. 40-2772; Filed, July 3, 1940;
4:15 p. m.]

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3949]

IN THE MATTER OF RETONGA MEDICINE COMPANY

§ 3.6 (1) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.18 *Claiming indorsements or testimonials falsely.* Disseminating, etc., in connection with offer, etc., of respondent's "Retonga" or other similar medicinal preparation, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of

respondent's said preparation, which advertisements represent, directly or through inference, that such preparation (1) is a cure or remedy for diseases or disorders characterized by such symptoms or conditions as nervousness, indigestion, headaches, sluggishness, pains, toxic poisoning, dizziness, muscular aches and pains, insomnia, biliousness, under-nourishment, loss of weight, or lack of strength; or (2) possesses any value in the treatment of such symptoms or conditions, as above enumerated, in excess of the temporary relief furnished by a mild laxative or gastric tonic when such symptoms or conditions are due to or caused by constipation or lack of appetite; or (3) has therapeutic value in the treatment of constipation in excess of providing temporary relief therefrom; or (4) relieves the body of toxic poisons or cleanses the system; or (5) has any beneficial effect or therapeutic value in the treatment of kidney or bladder disorders; or (6) renews or restores the strength or health or has any therapeutic properties with respect to building health or strength in excess of stimulating the appetite; 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, Retonga Medicine Company, Docket 3949, June 25, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of June, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and the 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

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violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Retonga Medicine Company, a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of its medicinal preparation advertised as "Retonga" or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails, or (b) by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisements represent directly or through inference, (1) that said preparation is a cure or remedy for diseases or disorders characterized by such symptoms or conditions as nervousness, indigestion, headaches, sluggishness, pains, toxic poisoning, dizziness, muscular aches and pains, insomnia, biliousness, undernourishment, loss of weight, or lack of strength or possesses any remedial or curative value in connection with the treatment of such diseases, disorders, symptoms or condi-

tions; (2) that said preparation possesses any value in the treatment of such symptoms and conditions as nervousness, indigestion, headaches, sluggishness, pains, toxic poisoning, dizziness, muscular aches and pains, insomnia, biliousness, undernourishment, loss of weight, or lack of strength in excess of the temporary relief furnished by a mild laxative or gastric tonic when such symptoms or conditions are due to or caused by constipation or lack of appetite; (3) that said preparation has therapeutic value in the treatment of constipation in excess of providing temporary relief therefrom; (4) that said preparation relieves the body of toxic poisons or cleanses the system; (5) that said preparation has any beneficial effect or therapeutic value in the treatment of kidney or bladder disorders; (6) that said preparation renews or restores the strength or health or has any therapeutic properties with respect to building health or strength in excess of stimulating the appetite;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce directly, or indirectly the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act of said preparation which said advertisements contain any of the representations prohibited in Paragraph 1 hereof.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2777; Filed, July 5, 1940; 11:10 a. m.]

[Docket No. 4003]

IN THE MATTER OF TONE COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* Disseminating, etc., in connection with offer, etc., of respondent's "Silver Label Formula No. 6" and "Gold Label Formula No. 8" (and also known and sold, in case of both, as "Tone Periodic Compound"), or other similar medicinal preparations, any advertisements, by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's said preparations, which advertisements represent, directly or through inference, that such preparations are cures or remedies for delayed menstruation or constitute

competent or effective treatments therefor, or are safe or harmless; or which advertisements fail to reveal that the use of said preparations may result in serious and irreparable injury to the health of the user; prohibited. (Sec. 6, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Tone Company, Docket 4003, June 25, 1940]

IN THE MATTER OF MICHAEL S. CHIOLAK,
AN INDIVIDUAL TRADING AS TONE COMPANY

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of June, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Michael S. Chiolak, an individual trading as Tone Company, or trading under any other name or names, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his medicinal preparations designated as SILVER LABEL FORMULA No. 6 and GOLD LABEL FORMULA No. 8, both of which are known and sold under the name of TONE PERIODIC COMPOUND, or of any other medicinal preparations composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisements represent, directly or through inference, that said preparations are cures or remedies for delayed menstruation or constitute competent or effective treatments therefore; that said preparations are safe or harmless; or which advertisements fail to reveal that the use of said preparations may result in serious and irreparable injury to the health of the user;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, which advertisements contain any

of the representations prohibited in paragraph 1 hereof, or which fail to reveal that the use of said preparations may result in serious and irreparable injury to the health of the user.

It is further ordered. That the respondent shall, within ten (10) days after service upon him of this order file with the Commission an interim report in writing stating whether he intends to comply with this order, and, if so, the manner and form in which he intends to comply; and that within sixty (60) days after the service upon him of this order, said respondent shall 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. 40-2779; Filed, July 5, 1940; 11:12 a. m.]

[Docket No. 4023]

IN THE MATTER OF THE NOVELTY HOME FURNISHER

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of clocks, coffee makers, silverware or other articles of merchandise, any merchandise so packed and assembled that sales of such merchandise to the general public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme, 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, The Novelty Home Furnisher, Docket 4023, June 25, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of clocks, coffee makers, silverware or other articles of merchandise, others with any merchandise together with punch boards, push or pull cards, or any other lottery devices, which said punch boards, push or pull cards, or other lottery devices are to be, or may be, used in selling or distributing said merchandise to the public, 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, The Novelty Home Furnisher, Docket 4023, June 25, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of clocks, coffee makers, silverware or other articles of merchandise, others with punch boards, push or pull cards, or other lottery devices, either with assortments of merchandise or separately, which said punch boards, push or pull cards, or other lottery devices are to be, or may be, used in selling or distributing any merchandise to the public,

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, The Novelty Home Furnisher, Docket 4023, June 25, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of clocks, coffee makers, silverware or other articles of merchandise, any merchandise by means of a game of chance, gift enterprise or lottery scheme, 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, The Novelty Home Furnisher, Docket 4023, June 25, 1940]

IN THE MATTER OF JACK PUZES, INDIVIDUALLY AND TRADING AS THE NOVELTY HOME FURNISHER

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of June, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, 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, Jack Puzes, an individual, trading as The Novelty Home Furnisher, his representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of clocks, coffee makers, silverware, cameras, lamps, or any other articles of merchandise, in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling and distributing any merchandise so packed and assembled that sales of such merchandise to the general public are to be made or may be made by means of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to or placing in the hands of others any merchandise together with punch boards, push or pull cards, or any other lottery devices, which said punch boards, push or pull cards, or other lottery devices are to be used or may be used in selling or distributing said merchandise to the public;

(3) Supplying to or placing in the hands of others punch boards, push or pull cards, or other lottery devices either with assortments of merchandise or separately, which said punch boards, push or pull cards, or other lottery devices are to be used or may be used in selling or distributing any merchandise to the public;

(4) Selling or otherwise disposing of any merchandise by means of a game of chance; gift enterprise or lottery scheme;

It is further ordered. That the respondent shall, within sixty 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. 40-2780; Filed, July 5, 1940; 11:12 a. m.]

[Docket No. 3938]

IN THE MATTER OF LEE-MOORE AND Co., ETC.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of radios, knives, cigar lighters, fountain pens or other articles, any merchandise so packed and assembled that sales of such merchandise to the general public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme, 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, Lee-Moore and Co., etc., Docket 3938, June 26, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of radios, knives, cigar lighters, fountain pens or other articles, others with any merchandise together with punch boards, push or pull cards, or any other lottery devices, which said punch boards, push or pull cards, or other lottery devices are to be, or may be, used in selling or distributing said merchandise to the public, 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, Lee-Moore and Co., etc., Docket 3938, June 26, 1940]

§ 3.99 (a) *Using or selling lottery devices—Devices for lottery selling:* § 3.99

(b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of radios, knives, cigar lighters, fountain pens or other articles, others with punch boards, push or pull cards, or other lottery devices, either with assortments of merchandise or separately, which said punch boards, push or pull cards, or other lottery devices are to be, or may be, used in selling or distributing any merchandise to the public, 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, Lee-Moore and Co., etc., Docket 3938, June 26, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in com-

merce, of radios, knives, cigar lighters, fountain pens or other articles, any merchandise by means of a game of chance, gift enterprise or lottery scheme, 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, Lee-Moore and Co., etc., Docket 3938, June 26, 1940]

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings*: § 3.72 (c) *Offering deceptive inducements to purchase—Excessive earnings*: § 3.80 (c) *Securing agents or representatives falsely or misleadingly—Earnings*. Representing, in connection with offer, etc., in commerce, of radios, knives, cigar lighters, fountain pens or other articles, any specified sum of money as possible earnings or profits of salesmen or agents for any stated period which is not a true representation of the net earnings or profits which have been made for such stated period of time by a substantial number of respondent's active salesmen or agents in the ordinary course of business under normal conditions and circumstances, 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, Lee-Moore and Co., etc., Docket 3938, June 26, 1940]

IN THE MATTER OF MORTON COHEN, AN INDIVIDUAL TRADING AS LEE-MOORE AND CO. AND ADWELL SALES CO.

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of June, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, 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, Morton Cohen, individually and trading as Lee-Moore and Co. and as Adwell Sales Co., or under any other trade name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of radios, knives, cigar lighters, fountain pens, cameras, pipes, watches, candy, blankets, rings, fishing tackle, or any other articles of merchandise, in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling and distributing any merchandise so packed and assembled that sales of such merchandise to the general public are to be made or may be made

by means of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to or placing in the hands of others any merchandise together with punch boards, push or pull cards, or any other lottery devices, which said punch boards, push or pull cards, or other lottery devices are to be used or may be used in selling or distributing said merchandise to the public;

(3) Supplying to or placing in the hands of others punch boards, push or pull cards, or other lottery devices either with assortments of merchandise or separately, which said punch boards, push or pull cards, or other lottery devices are to be used or may be used in selling or distributing any merchandise to the public;

(4) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme;

(5) Representing any specified sum of money as possible earnings or profits of salesmen or agents for any stated period which is not a true representation of the net earnings or profits which have been made for such stated period of time by a substantial number of respondent's active salesmen or agents in the ordinary course of business under normal conditions and circumstances.

It is further ordered, That the respondent shall, within sixty 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. 40-2776; Filed, July 5, 1940; 11:10 a. m.]

[Docket No. 3990]

IN THE MATTER OF STANDARD SALES CO.

§ 3.99 (b) *Using or selling lottery devices—In merchandising*. Selling, etc., in connection with offer, etc., in commerce, of radios, clocks, billfolds, fishing tackle and various other articles of merchandise, any merchandise so packed and assembled that sales of such merchandise to the general public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme, 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, Standard Sales Co., Docket 3990, June 26, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising*. Supplying, etc., in connection with offer, etc., in commerce, of radios, clocks, billfolds, fishing tackle and various other articles of merchandise, others with any merchandise together with punch boards, push or pull cards, or any other lottery devices, which said punch boards, push or pull cards, or any other lottery de-

VICES are to be, or may be, used in selling or distributing said merchandise to the public, 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, Standard Sales Co., Docket 3990, June 26, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising*. Supplying, etc., in connection with offer, etc., in commerce, of radios, clocks, billfolds, fishing tackle and various other articles of merchandise, others with punch boards, push or pull cards, or other lottery devices, either with assortments of merchandise or separately, which said punch boards, push or pull cards, or other lottery devices are to be, or may be, used in selling or distributing any merchandise to the public, 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, Standard Sales Co., Docket 3990, June 26, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising*. Selling, etc., in connection with offer, etc., in commerce, of radios, clocks, billfolds, fishing tackle and various other articles of merchandise, any merchandise by means of a game of chance, gift enterprise or lottery scheme, 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, Standard Sales Co., Docket 3990, June 26, 1940]

IN THE MATTER OF SAM GUTTMAN, AN INDIVIDUAL, TRADING AS STANDARD SALES CO.

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of June, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, 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, Sam Guttman, an individual, trading as Standard Sales Co., his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of radios, clocks, watches, fishing tackle, cameras, pen and pencil sets, billfolds, wood statuettes, or any other articles of merchandise, in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling and distributing any merchandise so packed and assembled that

sales of such merchandise to the general public are to be made or may be made by means of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to or placing in the hands of others any merchandise together with punch boards, push or pull cards, or any other lottery devices, which said punch boards, push or pull cards, or other lottery devices are to be used or may be used in selling or distributing said merchandise to the public;

(3) Supplying to or placing in the hands of others punch boards, push or pull cards, or other lottery devices either with assortments of merchandise or separately, which said punch boards, push or pull cards, or other lottery devices are to be used or may be used in selling or distributing any merchandise to the public;

(4) Selling or otherwise disposing of any merchandise by means of a game of chance; gift enterprise or lottery scheme.

It is further ordered, That the respondent shall, within sixty 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. 40-2778; Filed, July 5, 1940;
11:11 a. m.]

TITLE 50—WILDLIFE

CHAPTER I—BUREAU OF BIOLOGICAL SURVEY

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

CAROLINA SANDHILLS WILDLIFE REFUGE, SOUTH CAROLINA

Pursuant to section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222—16 U.S.C. 715i), as amended, and to the President's Reorganization Plan No. II¹ (53 Stat. 1431), the following is hereby ordered:

§ 27.142 *Fishing within the Carolina Sandhills Wildlife Refuge, South Carolina.* Noncommercial fishing is permitted from sunrise to sunset of each day except Sundays during the period June 15 to July 13, inclusive, 1940, in certain waters of the Carolina Sandhills Wildlife Refuge, South Carolina, in accordance with the provisions of the regulations dated November 23, 1937,² for the administration of national wildlife refuges under the jurisdiction of the Bureau of Biological Survey, and subject to the following conditions and restrictions:

(1) *Waters open to fishing.* Only the waters of Martin's Pond, Lake Bee, Lake Twelve, Lake Sixteen, and Lake Seven-

teen shall be open to fishing by hook and line (including rod and reel) only (as defined by State law).

(2) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of South Carolina.

(3) *Creel and size limits.* No person shall take any black bass less than ten inches in length or any bream less than five inches in length (all measurements shall be taken from the tip of the mouth to the fork of the tail). No person may take more than ten legal fish a day, not more than three of which may be black bass. These limits may be further restricted by the South Carolina State Commission of Forestry.

(4) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of valid fishing licenses issued by the South Carolina State Game and Fish Commission and the State Commission of Forestry, if such licenses are required. These licenses shall serve as a Federal permit for fishing in the refuge and must be carried on the person of the licensee while so fishing. The license must be exhibited upon request of any representative of the South Carolina State Game and Fish Commission or the State Commission of Forestry, or of any representative of the Department of the Interior.

(5) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by suitable posting by the officer in charge of the refuge.

(6) *Motor boats.* The use of motor boats; either inboard or outboard, is prohibited on all waters of the refuge except for official purposes.

HAROLD L. ICKES,
Secretary of the Interior.

JUNE 27, 1940.

[F. R. Doc. 40-2774; Filed, July 5, 1940;
9:35 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

FIRST FORM RECLAMATION WITHDRAWAL

KENDRICK PROJECT, WYOMING

MAY 27, 1940.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the act of June 26, 1936 (49 Stat. 1976), it is recommended that Departmental Order of October 31, 1936, establishing Grazing District No. 3, Wyoming, under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), be revoked in so far as the following described lands are affected, and the said lands be withdrawn from public entry under the first form with-

drawal as provided in section 3, act of June 17, 1902 (32 Stat. 388)

KENDRICK PROJECT, WYOMING

Sixth Principal Meridian

- T. 26 N., R. 84 W.,
- Sec. 3 N $\frac{1}{2}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 13 all;
- Sec. 24 N $\frac{1}{2}$ and SE $\frac{1}{4}$;
- Sec. 25 NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 26 S $\frac{1}{4}$ SW $\frac{1}{4}$;
- Sec. 35 all;
- Sec. 36 all;
- T. 27 N., R. 84 W.,
- Sec. 4 all;
- Sec. 5 E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
- Sec. 6 SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$;
- Sec. 8 SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$;
- Sec. 9 all;
- Sec. 15 E $\frac{1}{2}$, and SW $\frac{1}{4}$;
- Sec. 16 all;
- Sec. 17 all;
- Sec. 21 NW $\frac{1}{4}$ NW $\frac{1}{4}$;
- Sec. 22 NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;
- Sec. 26 N $\frac{1}{2}$ NW $\frac{1}{4}$;
- Sec. 27 N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
- Sec. 32 W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
- Sec. 34 NE $\frac{1}{4}$, and S $\frac{1}{2}$;
- Sec. 35 W $\frac{1}{2}$

Respectfully,

H. D. BASHORE,
Acting Commissioner.

I concur:

R. H. RUTLEDGE,
Director, Grazing Service.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

W. C. MENDENHALL,
Acting Under Secretary,
of the Interior.

JUNE 25, 1940.

[F. R. Doc. 40-2773; Filed, July 5, 1940;
9:35 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

LOUISIANA

JULY 3, 1940.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Louisiana State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1941: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1940.

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

[F. R. Doc. 40-2781; Filed, July 5, 1940;
11:30 a. m.]

¹ 4 F.R. 2731.

² 2 F.R. 2537; 50 CFR 12.1.

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued under Section 14 of the said Act and § 522.5 of Regulations Part 522, as amended, to the employers listed below effective July 6, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of §§ 522.13 or 522.5 (b), whichever is applicable of the aforementioned Regulations.

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

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

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

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

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

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

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

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

Handcraft Blouse Company, Inc., Mill No. 1, North, Cohoes Industrial Terminal, Cohoes, New York; Apparel; Dresses, Blouses, Sportswear; 50 learners; September 14, 1940.

Penn Children's Dress Company, 831 Lackawanna Avenue, Mayfield, Pennsylvania; Apparel; Dresses; 15 learners; September 14, 1940.

Clinton Knitting Company, Kirkland Avenue, Clinton, New York; Knitted Wear; Sweaters & Swimming Suits; 5 learners (25 cents per hour); October 24, 1940.

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

GUSTAV PECK,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-2790; Filed, July 5, 1940; 11:51 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5642]

IN THE MATTER OF NORTHWESTERN ELECTRIC COMPANY

ORDER CHANGING DATE FOR HEARING

JULY 3, 1940.

Upon consideration of the oral request, made by Mr. M. O. Leighton on behalf of Northwestern Electric Company, for changing the date for hearing in this matter;

The Commission finds that:

Sufficient reason has been presented to justify changing the date fixed for hearing by its order of June 18, 1940;¹

The Commission, therefore, orders that:

Its order to show cause and fixing date for hearing adopted on June 18, 1940, be and it is hereby modified only to change the date for hearing to July 22, 1940.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-2775; Filed, July 5, 1940; 10:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-94]

IN THE MATTER OF EDISON SAULT ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

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

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

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on July 15, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officer of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c)

¹ 5 F.R. 2395.

of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 11, 1940.

The matter concerned herewith is in regard to the acquisition by Edison Sault Electric Company, a subsidiary of American States Utilities Corporation, a registered holding company, of \$18,000 principal amount of its First Mortgage Sinking Fund Bonds Series A 4½%, and \$2,000 principal amount of its First Mortgage Sinking Fund Bonds Series B 4½%. The Bonds so purchased are to be delivered for cancellation to The Pennsylvania Company for Insurances on Lives and Granting Annuities, Philadelphia, Pennsylvania, Trustee for such First Mortgage Sinking Fund Bonds, in lieu of the cash payment to the sinking fund required by the Indenture for such First Mortgage Sinking Fund Bonds.

The applicant has stated that Rule U-12C-1 is applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 40-2771; Filed, July 3, 1940; 12:35 p. m.]

[File No. 70-104]

IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

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

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

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on July 22, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is

hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 17, 1940.

The matter concerned herewith is in regard to a proposal by Potomac Electric Power Company seeking exemption from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935 of the issuance and private sale of \$10,000,000 principal amount of First Mortgage Bonds of said Company, 3 1/4% Series due 1974, or other Series under said Company's Mortgage and Deed of Trust dated July 1, 1936.

It is stated the proceeds of the financing, together with other funds of the Company, will be used to maintain its normal working capital requirements and to meet its normal construction expenditures during the remainder of 1940 and during 1941 and those incident to the installation of two 50,000 kilowatt turbo-generator units and related equipment and facilities; one to be completed in the latter part of 1940 and estimated to cost approximately \$4,075,000 and the other to be begun in 1941 and estimated to cost approximately \$8,985,000.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2770; Filed, July 3, 1940; 12:02 p. m.]

[File No. 60-14]

IN THE MATTER OF COMMUNITY GAS AND POWER COMPANY, AMERICAN GAS AND POWER COMPANY, AMERICAN UTILITIES ASSOCIATES, AND LOWELL GAS LIGHT COMPANY, RESPONDENTS

ORDER REGARDING SUBSIDIARY COMPANIES

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

The Commission having ordered that a hearing be held pursuant to section 2 (a) (8) (B) of the Public Utility Holding Company Act of 1935 to determine whether an order of the Commission should issue declaring American Utilities Associates, to be a subsidiary company of Community Gas and Power Company, a registered holding company, and American Gas and Power Company, a registered holding company, and each of them as provided in said Section of said Act, and the Commission having by said order further directed that said hearing determine the extent of the ownership by American Utilities Associates of the

control securities in Lowell Gas Light Company;

The hearing pursuant to the Commission's order was held after appropriate notice. The Commission, having considered the record in this matter, including a stipulation that this order may issue, and having made and filed its findings herein;

It is ordered, That American Utilities Associates and Lowell Gas Light Company are hereby declared to be subsidiary companies as defined in section 2 (a) (8) of the Public Utility Holding Company Act of 1935 of Community Gas and Power Company and American Gas and Power Company, and each of them, and as such subject to the obligations, duties, and liabilities imposed upon subsidiary companies of holding companies by said Act. A copy of this order shall be mailed to American Utilities Associates and Lowell Gas Light Company as provided in section 2 (b) of the Act not later than July 2, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2787; Filed, July 5, 1940; 11:40 a. m.]

[File No. 31-487]

IN THE MATTER OF BLAIR & Co., INC.;
BLAIR SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

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

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

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on July 22, 1940, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

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

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors

or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 15 1940.

The matter concerned herewith is in regard to an application by Blair & Co., Inc., and its wholly owned subsidiary, Blair Securities Corporation, for an order of the Commission declaring them not to be holding companies, pursuant to section 2 (a) (7) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Recording Secretary.

[F. R. Doc. 40-2784; Filed, July 5, 1940; 11:39 a. m.]

[File Nos. 31-487, 60-15]

IN THE MATTER OF BLAIR & Co., INC.;
BLAIR SECURITIES CORPORATION AND IN
THE MATTER OF BLAIR & Co., INC.;
SCHRODER, ROCKEFELLER & Co., INCORPORATED; EMANUEL & Co.; A. C. ALLYN
AND COMPANY, INCORPORATED; W. C.
LANGLEY & Co.; CRANBERRY, MARACHE &
LORD; JOINTLY AND SEVERALLY, RE-
SPONDENTS

ORDER CONSOLIDATING HEARING

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

The Commission having instituted proceedings pursuant to section 2 (a) (7) (B) of the Public Utility Holding Company Act of 1935 to determine whether Blair & Co., Inc., Schroder, Rockefeller & Co., Incorporated, Emanuel & Co., A. C. Allyn and Company, Incorporated, W. C. Langley & Co., and Cranberry, Marache & Lord, or any one or more of them directly or indirectly exercise (either alone or pursuant to an arrangement or understanding with one or more other persons) such a controlling influence over the management or policies of the Standard Power and Light Corporation as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that they or any one or more of them be subject to the obligations, duties, and liabilities imposed in said Act upon holding companies (File No. 60-15) and

An application having been filed by Blair & Co., Inc., and its wholly owned subsidiary, Blair Securities Corporation, for an order of the Commission declaring them not to be holding companies, pursuant to section 2(a)(7) of the Public Utility Holding Company Act of 1935 (File No. 31-487);

It appearing to the Commission that the matters are related and involve common questions of law and fact; that evidence offered in respect of each of the said matters may have a bearing on the other; and that substantial savings in time, effort and expense will result if the hearings on said matters are con-

solidated so that they may be heard as one matter and so that evidence adduced in each matter may stand as evidence in the other for all purposes;

It is ordered, That the hearings on said matters be and they hereby are consolidated. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of either proceeding to order a separate hearing concerning either matter, to close the record with respect to either matter, or to take action on either matter prior to closing the record on said other matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Recording Secretary.

[F. R. Doc. 40-2783; Filed, July 5, 1940;
11:38 a. m.]

[File No. 34-43]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, TERRE HAUTE ELECTRIC COMPANY, INC., CENTRAL INDIANA POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

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

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

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on July 25, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

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

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 20, 1940.

The matter concerned herewith is in regard to an application pursuant to Sec-

tion 12 (e) of the Public Utility Holding Company Act of 1935 and Rule U-12E-4 adopted thereunder for a report on the proposed plan of consolidation of Public Service Company of Indiana, Terre Haute Electric Company, Inc., Central Indiana Power Company, Dresser Power Corporation, and Northern Indiana Power Company, and a declaration pursuant to Section 12 (e) of the Act and Rules U-12E-3 and U-12E-5 adopted thereunder with respect to the solicitation of consents to the said plan of consolidation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2785; Filed, July 5, 1940;
11:39 a. m.]

[File No. 70-95]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

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

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

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on July 22, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

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

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 17, 1940.

The matter concerned herewith is in regard to an application by International Utilities Corporation, a registered holding company, for approval of the declaration and payment out of capital or unearned surplus of a regular quarterly dividend on August 1, 1940, on its

\$3.50 Prior Preferred Stock at the rate of 87½¢ per share on the 98,969.95 shares of such stock presently outstanding. The aggregate amount of this dividend will be \$86,597.88. The applicant has designated Rule U-12C-2 as applicable to the above transaction.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Recording Secretary.

[F. R. Doc. 40-2786; Filed, July 5, 1940;
11:39 a. m.]

[File No. 70-103]

IN THE MATTER OF ARKANSAS-MISSOURI POWER CORPORATION

NOTICE OF AND ORDER FOR HEARING

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

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

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on July 23, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

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

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 18, 1940.

The matter concerned herewith is in regard to the issue and sale by the above named company of the following securities:

1. \$2,350,000 principal amount of First Mortgage Bonds, Series A, 4%, due June 1, 1965; and
2. \$300,000 principal amount of Serial Notes, to bear interest at a rate not exceeding 3¾% per annum and maturing semi-annually in ten equal principal amounts beginning six months after date of issue and delivery thereof.

It is proposed that the bonds will be sold to underwriters and the Serial Notes will be privately sold to certain banks, the names of which are to be supplied.

Proceeds from such sale, together with other funds of the applicant to the extent necessary, will be used to redeem and discharge the \$2,707,725 principal amount of applicant's outstanding First Mortgage 5% Bonds, Series A, due January 1, 1957.

The applicant has designated sections 6 and 7 and Rule U-7 of the Act as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2788; Filed, July 5, 1940; 11:40 a. m.]

[File No. 34-7]

IN THE MATTER OF MIDLAND UTILITIES COMPANY

NOTICE OF AND ORDER FOR FURTHER HEARING

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

An application having been duly filed with the Commission by Melvin L. Emerich, Robert P. Minton, and Leo J. Sheridan, as a committee for the holders of debentures of Midland Utilities Company, pursuant to section 11 (g) of the Public Utility Holding Company Act of 1935, for a report on a proposed plan of reorganization for Midland Utilities Company, a registered holding company, which is presently the subject of a reorganization proceeding pursuant to section 77B of the Bankruptcy Act, in the United States District Court for the District of Delaware; and

After appropriate notice a hearing having been had on this matter and such hearing having been continued subject to call:

It is ordered, That a further hearing on such matter under the applicable provisions of the said Act and the rules of the Commission thereunder be held on July 22, 1930, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk

No. 131—2

in room 1102 will advise as to the room where such hearing will be held.

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

Notice of such hearing is hereby given to such 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 July 16, 1940.

The matter concerned herewith is in regard to, and will be limited to, a hearing as to the value of the assets of Midland Utilities Company. The evidence adduced at such hearing will be used in connection with the consideration of the said proposed plan of reorganization or any other plan of reorganization of Midland Utilities Company which may be the subject of an application filed pursuant to the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-2789; Filed, July 5, 1940; 11:40 a. m.]

[File No. 70-89]

IN THE MATTER OF NEW YORK STATE ELECTRIC & GAS CORPORATION

NOTICE OF AND ORDER FOR HEARING

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

New York State Electric & Gas Company, an operating public utility subsidiary of a registered holding company having filed an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 seeking exemption from the provisions of Section 6 (a) of said Act of the issuance and sale of its note in the principal amount of

\$370,000 bearing interest at the rate of 2.69% to Rural Electrification Administration; the note, to be secured by the pledge of applicant's First Mortgage Bonds, 4% Series due 1965 in an aggregate principal amount of not in excess of \$450,000, is to be dated as of the date of issue thereof and is to mature in thirty-nine equal installments; the first installment to be payable one year after the date of the note and the remaining installments on each semi-annual interest payment date, to maturity; it being represented that the New York Public Service Commission by order dated June 12, 1940, authorized the issuance and sale by applicant of said note and the issuance of said First Mortgage Bonds, 4% series due 1965, to be pledged as collateral security therefor;

It is ordered, That a hearing on such matter be held on July 23, 1940, 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 where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

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

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 17, 1940.

By the Commission.

[SEAL] ORVAL L. DuBois,
Recording Secretary.

[F. R. Doc. 40-2782; Filed, July 5, 1940; 11:38 a. m.]