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Washington, Friday, March 10, 1939

## The President

### EXECUTIVE ORDER

#### TRANSFERRING CERTAIN LAND TO THE CONTROL AND JURISDICTION OF THE TREASURY DEPARTMENT

#### VIRGIN ISLANDS

By virtue of and pursuant to the authority vested in me by the act of March 3, 1917, c. 171, 39 Stat. 1132 (U. S. C., title 48, sec. 1391), and as President of the United States, I hereby transfer the following-described property from the control and jurisdiction of the Department of the Interior to the control and jurisdiction of the Treasury Department, for use for post-office purposes:

All that certain tract or parcel of land situated in the Virgin Islands of the United States, in the municipality of St. Croix, town of Christiansted, comprising the entire block bounded by Church, Company, Hospital, and King Streets, and more particularly described as follows: Beginning at a point being the intersection of the northeasterly side of Church Street with the southeasterly side of King Street; thence along said northeasterly side of Church Street S. 37°16' E., 168.54 feet, to a point in the northwesterly side of Company Street; thence along said northwesterly side of Company Street N. 52°23' E., 77.46 feet, to a point in the southwesterly side of Hospital Street; thence along said southwesterly side of Hospital Street N. 37°13' W., 26.87 feet, to a point; thence, continuing along said southwesterly side of Hospital Street, N. 44°29' W., 119.54 feet, to a point in the southeasterly side of King Street; thence along said southeasterly side of King Street S. 72°11' W., 66.92 feet, to the point of beginning; together with the improvements thereon.

Executive Order No. 5602 of April 20, 1931, entitled "Placing certain government property in the Virgin Islands under the control and jurisdiction of the Department of the Interior", and in

which the above-described property is described as the "Cable Office building," is hereby modified to the extent necessary to make this order effective.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
March 7, 1939.

[No. 8061]

[F. R. Doc. 39-783; Filed, March 8, 1939; 2:45 p. m.]

### EXECUTIVE ORDER

#### TARIFF OF FEES OF OFFICERS OF UNITED STATES COURT FOR CHINA

By virtue of the authority vested in me by section 9 of the act of June 30, 1906, 34 Stat. 816 (U. S. C., title 22, sec. 202), I hereby prescribe, in terms of the American dollar, the following tariff of fees to be charged and collected by officers of the United States Court for China:

#### FEES OF CLERK

1. Upon the institution of any suit or proceeding in the United States Court for China, the Clerk of the Court shall collect from the party or parties instituting such suit or proceeding, as a fee for all services to be performed by the Clerk therein, except as hereinafter provided, the sum of \$5.00.

2. Upon the filing of any answer or paper joining issue or the entering of an order for trial, the Clerk shall collect from the party or parties filing such answer or paper, as an additional fee for services performed and to be performed by the Clerk in such suit or proceeding, the sum of \$5.00: *Provided*, that after one fee, as hereinbefore provided in this paragraph, has been paid by any defendant, cross-petitioner, intervenor, or party, other defendants, cross-petitioners, intervenors, or parties, separately appearing or filing any answer or paper in such suit or proceeding, shall pay a further fee of \$2.00 for each answer or paper so filed: *And provided further*, that upon a plea of guilty in any criminal case there shall be charged in the costs the sum of \$5.00, which, however, shall not be demanded of any such defendant

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unless and until by order, judgment, or decree of the Court the costs in the case are taxed and assessed against him.

3. Upon the entry of any judgment, decree, or final order of the Court in any suit or proceeding, the Clerk shall collect from the prevailing party or parties, as an additional fee for services performed and to be performed in such suit or proceeding, the sum of \$5.00. In any criminal case the Clerk shall not be required to account for any such fee not collected by him.

4. Upon the filing of any petition for appeal to any Circuit Court of Appeals or the Supreme Court of the United States, the Clerk shall collect from the party or parties prosecuting such appeal, as an additional fee in such suit or proceeding, the sum of \$5.00.

5. Upon the filing of any petition or application for a writ of *habeas corpus* the Clerk shall collect from the petitioner or applicant as full payment for all services performed or to be performed by him in such proceeding, the sum of \$5.00. If an appeal is prosecuted from the order of the Court in such proceeding, the Clerk shall collect an additional sum of \$5.00, as provided in paragraph 4 hereof.

6. For each additional trial or final hearing, upon a reversal by a Circuit Court of Appeals or the Supreme Court of the United States, or the granting of a new trial or rehearing by the Court, the Clerk shall collect from the party or parties securing such reversal, new trial, or rehearing, the sum of \$5.00. The Clerk shall not be required to account for any such fee not collected by him in any criminal case.

7. In probate matters, the Clerk shall collect an inclusive fee for all services to be performed by him as follows: \$10.00 in case the inventory is less than \$2,500.00; \$20.00 in case the inventory is more than \$2,500.00 but less than \$10,000.00; and \$50.00 in case the inventory exceeds \$10,000.00: *Provided*, that in case any claimant, intervenor, or other party files a caveat to the will or objection to probate, or objection to the disallowance of a claim by the executor or administrator, or objection to the executor's or administrator's report, or any other petition, motion, or pleading of a controversial nature which requires a hearing and determination by the Court, the Clerk shall collect from the party or parties filing such caveat, etc., the sum of \$5.00.

8. For performance of the marriage ceremony (by the Judge), the Clerk shall collect the sum of \$10.00.

9. For the docketing of an appeal from a consular court, the Clerk shall collect from the appellant or appellants, the sum of \$15.00.

10. In addition to the fees for services rendered in cases hereinbefore enumerated, the Clerk shall collect for miscellaneous services performed by him and his assistants, except when on behalf of the United States, the following fees:

(a) For issuing any writ or subpoena for a witness not in a case instituted or pending in the Court, and filing and entering the return of the Marshal thereon, 50¢.

(b) For filing and indexing any paper not in a case or proceeding, 25¢.

(c) For administering an oath or affirmation not in a case or proceeding pending in the Court, 10¢.

(d) For an acknowledgment, certificate, affidavit, or counter-signature with seal, 50¢.

(e) For taking depositions, or executing commissions or letters rogatory, where the record of testimony including caption and certificate does not exceed 500 words, \$10.00, and for each additional 100 words or fraction thereof, 50¢. Such fees shall cover the administration of oaths and all services of the Clerk as

Commissioner, but shall not include the services of stenographers, who shall receive 15¢ per folio of 100 words, and 5¢ per folio for each carbon copy.

(f) For a copy of any record, entry, or other paper, and the comparison thereof, 15¢ for each folio of 100 words.

(g) For searching the records of the Court for judgments, decrees, suits pending, or bankruptcy proceedings, including the certifying of the results of such search, 60¢ for the first name and 25¢ for each additional name embraced in the certificate.

(h) For receiving, keeping, and paying out money in pursuance of any statute or order of the Court, including cash bail, or bonds or securities authorized by law to be deposited in lieu of other security, 1% of the amount so received, kept, and paid out, or of the face value of such bonds or securities.

(i) For preparing and mailing notices in bankruptcy, 10¢ each for the first 20 notices and 5¢ for each additional notice, which fees shall cover and include all services and expenses in connection therewith, and shall not be deemed to be included in any other fees for services in bankruptcy proceedings.

(j) For all service to each estate, a fee of \$10.00 on the filing of a voluntary petition in bankruptcy.

(k) For making and comparing a transcript of record on appeal when required or requested, 15¢ for each folio of 100 words.

(l) For comparing any transcript, copy of record, or other paper not made by the Clerk, with the original thereof, 5¢ for each folio of 100 words.

(m) For admission of attorneys to practice, \$10.00 each; and for certificate of admission to be furnished upon request, \$5.00 additional.

(n) For making any record not in a case and not provided for above, 15¢ for each folio of 100 words.

FEEES OF MARSHAL

The Marshal for the United States Court for China shall collect fees as follows:

1. For service of any warrant, attachment, summons, *caapias*, or other writ, except execution or a subpoena for a witness, \$2.00 for each person on whom service is made.

2. For returning all writs, summonses, etc., 50¢.

3. For serving a writ of subpoena on a witness, 50¢.

4. For returning a subpoena, 25¢.

5. For levying execution, \$1.00.

6. For advertising property for sale, \$2.00.

7. For releasing property under execution by order of plaintiff, \$3.00.

8. For selling property under execution or attachment: 5% of the amount collected not in excess of \$500.00; 2½% of the amount collected in excess of \$500.00 and not more than \$5,000.00; 1¼% of the amount collected in excess of \$5,000.00.



9. For traveling fees in serving all process where transportation is required, for each mile, 15¢.

10. For levy on property under execution which is paid and satisfied while in the hands of the Marshal, one-half the fees fixed for selling property under execution or attachment.

11. For executing a deed prepared by a party or his attorney, \$1.00.

12. For drawing and executing a deed, \$5.00.

13. For copies of writs or papers furnished at the request of any party, 10¢ per folio of 100 words.

14. For every proclamation in admiralty, 30¢.

15. For serving an attachment *in rem* or a libel in admiralty, \$2.00.

16. For the necessary expenses of keeping boats, vessels, or other property attached or libeled in admiralty, not exceeding \$2.50 a day.

17. In admiralty cases in which the debt or claim is settled by the parties without a sale of the property, 1% on the first \$500.00 of the claim or decree, and one-half of 1% on the excess of any sum over \$500.00; provided, that when the value of the property is less than the claim, such fee shall be allowed only on the appraised value thereof.

18. For sale of vessels or other property under process in admiralty or under the order of a court of admiralty, and for receiving and paying over the money 2½% of any sum not more than \$500.00 and 1½% on the excess of any sum over \$500.00.

The tariff of fees prescribed by this order supersedes the tariff of fees made applicable to officers of the United States Court for China by the above-mentioned act of June 30, 1906, and amended by Executive Order No. 3572 of November 1, 1921.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
March 7, 1939.

[No. 8062]

[F. R. Doc. 39-784; Filed, March 8, 1939;  
2:45 p. m.]

**EXECUTIVE ORDER**

**AUTHORIZING INITIAL APPOINTMENTS TO CERTAIN EXECUTIVE POSITIONS IN THE RAILROAD RETIREMENT BOARD WITHOUT COMPLIANCE WITH THE CIVIL SERVICE RULES**

By virtue of and pursuant to the authority vested in me by the provisions of paragraph Eighth of subdivision SECONDD of section 2 of the Civil Service Act (22 Stat. 403, 404), it is hereby ordered that, subject to the establishment before the Civil Service Commission of the requisite qualifications in each case, initial appointments to each of the following-named executive positions in the Railroad Retirement Board may be effected

without compliance with the competitive requirements of the Civil Service Rules:

- Controller
- Chief of Plans and Procedure
- Director of Research
- Chief Inspector
- Assistant Chief Inspector
- Assistant Director, Employment and Claims
- Director of Employment Service
- Regional Directors (12)

This order is recommended by the Railroad Retirement Board.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
March 7, 1939.

[No. 8063]

[F. R. Doc. 39-785; Filed, March 8, 1939;  
2:45 p. m.]

**Rules, Regulations, Orders**

**TITLE 16—COMMERCIAL PRACTICES**

**FEDERAL TRADE COMMISSION**

[Docket No. 3025]

**IN THE MATTER OF THE SPONGE INSTITUTE ET AL.**

SEC. 3.27 (b) (1) *Combining or conspiring—To eliminate competition—In conspirators' goods.* Entering into, continuing or carrying out any understanding, agreement, etc., in connection with offer, etc., in commerce, of sponges, and on the part of respondent Sponge Institute, respondent Florida Sponge Packers Association, and respondent officers and members, either individually or as members of an association, with aforesaid Institute or Association, or any of their individual members, or with any other person, firm or corporation, which agreement, etc., is designed to or tends to (a) fix prices so as to lower price of sponges to Institute members, or lower price to certain wholesale distributors, or fix prices at which sponges are bought and sold, (b) limit sales of sponges to any select individuals or group of individuals or to members of said Institute or distributors approved by it or its members, (c) limit purchases of sponges to any select individuals or group of individuals or to members of said Packers Association or sponge packers approved by it or its members, or (d) monopolize in any select group of wholesale distributors, sponge packers, association members or dealers, business of dealing in and distributing sponges produced in Florida, 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 Sponge Institute et al., Docket 3025, February 24, 1939]

SEC. 3.27 (b) (1) *Combining or conspiring—To eliminate competition—In conspirators' goods.* Publishing or circulating, in connection with offer, etc.,

in commerce, of sponges, and on the part of respondent Sponge Institute, respondent Florida Sponge Packers Association, and respondent officers and members, lists of, or exchanging information regarding, (a) sponge packers who fail to deal exclusively with members of said Institute or wholesale distributors selected by it or its members, (b) wholesale distributors who have agreed to purchase only from members of said Packers Association, or sponge packers approved by said Institute or said Packers Association or their members, 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 Sponge Institute et al., Docket 3025, February 24, 1939]

SEC. 3.27 (b) (1) *Combining or conspiring—To eliminate competition—In conspirators' goods.* Using, in connection with offer, etc., in commerce, of sponges, and on the part of respondent Sponge Institute, respondent Florida Sponge Packers Association, and respondent officers and members, any cooperative or concerted action by respondents, acting individually or through and by means of associations, their members, representatives, etc., to promote, establish or carry out any understanding, agreement or combination for the purpose and with the effect of unlawfully restricting, restraining, monopolizing, suppressing and eliminating competition in the sale and distribution of sponges, 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 Sponge Institute et al., Docket 3025, February 24, 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 24th day of February, A. D. 1939.

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

**ORDER TO CEASE AND DESIST**

This proceeding having been heard<sup>1</sup> by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, testimony and other evidence taken before Robert S. Hall, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and brief filed herein by counsel for the Commission, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, The Sponge Institute, The Florida Sponge Packers Association, Theodore

<sup>1</sup> 2 F. R. 1170 (1402 DI).

Schroeder, Dan Malloy, David Block, and Dr. Lewis Radcliffe, individually and as officers of The Sponge Institute, Schroeder & Tremayne, Inc., a Missouri corporation, S. M. Arnold Co., Inc., a Missouri corporation, H. L. Ettman Sponge Company, a Missouri corporation, Addison Sponge Co., Inc., an Ohio corporation, S. Vollman Company, an Illinois corporation, Hugo Rosenfelt, trading as Nassau Sponge Company, Greek-American Sponge Company, an Illinois corporation, American Sponge and Chamois Co., Inc., a corporation, Albert Bloch & Sons, Inc., a New York corporation, Robert L. Senenberg and Perry Senenberg, copartners, trading as Florida Sponge & Chamois Company, Gulf and West Indies Co., Inc, a corporation, King and Malcolm Company, a New York corporation, Dan Malloy, trading as Dan Malloy Company, Frank M. Miglis, trading as Frank M. Miglis Company, John Diamandis and Peter J. Cardulis, copartners, trading as Diamandis & Cardulis, D. A. Alissandratos and Nick Bessis, copartners, trading as Commercial Sponge Company, C. G. Andriotes, trading as C. G. Andriotes & Company, George S. Smitzes, James Smitzes, Louis Smitzes and Nick Drivas, copartners, trading as Smitzes & Drivas, Sponge Producers Corporation, a corporation, Diamandis Diamandis & Christos Psilakas, copartners, trading as Florida Industrial Sponge Company, George Mavros, trading as National Sponge Company, N. G. Arfaras and Sponge Fishing Company, Inc., a Florida corporation, their officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of sponges in commerce as defined by the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Entering into, continuing or carrying out any understanding, agreement, combination or conspiracy, either individually or as members of an association, with the Florida Sponge Packers Association or The Sponge Institute, or any of their individual members, or with any other person, firm or corporation, which is designed to or has a tendency

(a) To fix prices so as to lower the price of sponges in favor of members of The Sponge Institute as against non-members, or to lower the price in favor of certain wholesale distributors as against other purchasers of sponges, or to fix the prices at which sponges are bought and sold.

(b) To limit sales of sponges to any select individuals or group of individuals or to members of The Sponge Institute or distributors approved by it or its members.

(c) To limit purchases of sponges to any select individuals or group of individuals or to members of the Florida Sponge Packers Association or sponge packers approved by it or its members.

(d) To monopolize in any select group of wholesale distributors, sponge packers, association members, or dealers the business of dealing in and distributing sponges produced in Florida.

(2) From publishing or circulating lists of or exchanging information regarding

(a) Sponge packers who fail to deal exclusively with members of The Sponge Institute or wholesale distributors selected by it or its members.

(b) Wholesale distributors who have agreed to purchase only from members of the Florida Sponge Packers Association, or sponge packers approved by The Sponge Institute, or the Florida Sponge Packers Association or their members.

(3) The use of any cooperative or concerted action by respondents acting individually or through and by means of associations, their members, representatives, officers and agents, to promote, establish or carry out any understanding, agreement or combination for the purpose and with the effect of unlawfully restricting, restraining, monopolizing, suppressing and eliminating competition in the sale and distribution of sponges.

*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. 39-789; Filed, March 8, 1939;  
3:53 p. m.]

[Docket No. 3588]

IN THE MATTER OF NATIONAL GUARD  
EQUIPMENT COMPANY

SEC. 3.6 (a) 9 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Government connection*: SEC. 3.6 (j) (3) *Advertising falsely or misleadingly—Government approval—Government indorsement*: SEC. 3.6 (ja) *Advertising falsely or misleadingly—History of product*: SEC. 3.96 (a) (2) *Using misleading name—Goods—Government indorsement*: SEC. 3.96 (b) 1 (a) *Using misleading name—Vendor—Government connection*. Representing, in connection with offer, etc., in commerce, of general merchandise, wearing apparel and military equipment, uniforms and supplies, through use of term "National Guard" in his trade name, or through any other means or device, or in any manner, that respondent's business is a branch of, or affiliated with, the United States War Department or National Guard, or in any way connected or associated therewith, or that respondent's merchandise was made for, or purchased

from, the United States War Department or National Guard, prohibited; provided that any merchandise actually purchased at War Department surplus, refuse or reject sales may be so represented. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, National Guard Equipment Company, Docket 3588, February 23, 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 23rd day of February, A. D. 1939.

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

IN THE MATTER OF LOUIS COHEN, ALSO  
KNOWN AS LOUIS KAHN, AN INDIVIDUAL,  
TRADING AS NATIONAL GUARD EQUIPMENT  
COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard<sup>1</sup> 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 conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Louis Cohen, also known as Louis Kahn, an individual, trading as National Guard Equipment Company, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of general merchandise, wearing apparel and military equipment, uniforms and supplies in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing through the use of the term "National Guard" in his trade name, or through any other means or device, or in any manner that respondent's business is a branch of, or affiliated with, the United States War Department or National Guard or in any way connected or associated therewith or that respondent's merchandise was made for, or purchased from, the United States War Department or National Guard; provided that any merchandise actually purchased at War Department surplus, refuse or reject sales may be so represented.

*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,

<sup>1</sup> 3 F. R. 2598 DI.



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. 39-790; Filed, March 8, 1939;  
3:53 p. m.]

**TITLE 18—CONSERVATION OF POWER**

**FEDERAL POWER COMMISSION**

[Order No. 59]

AMENDING THE PROVISIONAL RULES OF PRACTICE AND REGULATIONS UNDER THE NATURAL GAS ACT, WITH APPROVED FORMS, EFFECTIVE JULY 11, 1938

MARCH 7, 1939.

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

The Commission, pursuant to authority vested in it by the Natural Gas Act, particularly Section 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act, hereby adopts, promulgates, and prescribes the following amendments to the Provisional Rules of Practice and Regulations under the Natural Gas Act, effective July 11, 1938, as heretofore prescribed by Order No. 52, adopted July 5, 1938:<sup>1</sup>

Part 54, Sec. 54.13 (Report of termination date) be and it is hereby eliminated.

Part 54, Sec. 54.5 (Notice of cancellation) be and it is hereby amended to read as follows:

"Sec. 54.5 *Notice of cancellation or termination.* When a rate schedule (as defined in Sec. 54.1) is proposed to be cancelled, or by its own terms is to terminate, and no new rate schedule is filed in its place, each natural-gas company required to file such rate schedule shall notify the Commission of the proposed cancellation or termination, on the form indicated in Sec. 250.3 at least sixty days prior to the proposed effective date of cancellation or termination. A copy of such notice to the Commission shall show that notice has been served upon each party to the rate schedule and has been duly posted in the manner provided in Sec. 54.8.

The following information shall be submitted to the Commission with such notice:

(1) In the event no negotiations are under way for a continuance of the service.

(a) The reasons for the proposed discontinuance of service;

(b) The provisions, if any, being made by the purchaser for substitute service; and

<sup>1</sup> 3 F. R. 881 DI.

(c) Whether or not each of the other parties to the agreement approve or disapprove of its cancellation or termination.

(2) In the event negotiations are under way for a continuance of the service—a full statement of the plan proposed and of the status of such negotiations."

Part 250, Sec. 250.3 (Forms—Notice of cancellation) be and it is hereby amended to read as follows:

"Sec. 250.3 *Notice of cancellation or termination.*

(See Sec. 54.4)

(An original and four copies to be submitted.)

Notice is hereby given that effective the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, Rate Schedule F. P. C. No. \_\_\_\_\_, \* dated \_\_\_\_\_ and filed with the Federal Power Commission by \_\_\_\_\_

(Name of Natural Gas Company Filing

Rate Schedule) { (is proposed to be cancelled) (will terminate by its own terms) (use applicable words)

The above notice has been served upon all other parties to the rate schedule, as follows:

\_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_  
\_\_\_\_\_ on \_\_\_\_\_ 19\_\_\_\_

(Name of Natural Gas Company Filing Notice)

By \_\_\_\_\_

(Title)

Dated \_\_\_\_\_, 19\_\_\_\_

\* Insert here complete rate schedule or supplement identification as designated by the Federal Power Commission."

The amendments to the Provisional Rules of Practice and Regulations under the Natural Gas Act adopted, promulgated and prescribed by this order shall become effective on July 11, 1939; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 39-791; Filed, March 9, 1939;  
10:34 a. m.]

**TITLE 26—INTERNAL REVENUE**

**BUREAU OF INTERNAL REVENUE**

[T. D. 4888]

REGULATIONS RELATING TO STAMP TAXES IMPOSED BY THE INTERNAL REVENUE CODE AMENDED

REGULATIONS 71 AMENDED

To Collectors of Internal Revenue and Others Concerned:

Regulations 71, approved July 16, 1932, as amended, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, ap-

proved February 11, 1939,<sup>1</sup> under the authority contained in section 3791 of the Internal Revenue Code, are amended as follows:

Subparagraph (v) as added to article 35 by Treasury Decision 4824, approved July 5, 1938,<sup>2</sup> is changed to read as follows:

"(v) (1) The delivery or transfer after February 10, 1939, of shares or certificates from the owner thereof to a custodian, if under a written agreement between the owner and the custodian, the shares or certificates so delivered or transferred are to be held or disposed of by such custodian for, and subject at all times to the instructions of, the owner; also from such custodian to such owner.

"(2) The delivery or transfer after February 10, 1939, from such custodian to a registered nominee of such custodian, or from the owner direct to such registered nominee, or from one such nominee to another such nominee, if the shares or certificates continue to be held by the nominee for the same purpose for which they would be held if retained by such custodian; also from such nominee to such custodian or the owner. No exemption shall be granted unless the nominee is registered in the manner provided for the registration of nominees of persons conducting a stock brokerage business as specified in subparagraph (h) added to article 126 by Treasury Decision 4701.<sup>3</sup>

"(3) The delivery or transfer after February 10, 1939, of shares or certificates from a custodian of the owner to another custodian of the owner, or from the registered nominee of the first custodian to the second custodian or the registered nominee of the latter, provided that on the facts of the case the transfer would have been exempt under (1) or (2) if made by the owner direct to the second custodian or the registered nominee of the latter.

"(4) The exemptions specified in (1), (2), and (3) shall not be granted in any case unless the delivery or transfer is accompanied by a certificate, signed by the custodian, in substantially the following form:

We hereby certify that the transfer of the attached shares is exempt from the transfer tax under the provisions of section 1802 of the Internal Revenue Code, that evidence in proof of the exemption is maintained by us and is available for inspection by Internal Revenue Officers.

Signature of Custodian.

"(5) The custodian contemplated by this subparagraph (v) is a mere custodian and does not include a trustee. A mere custodian is a person to whom there are delivered or transferred shares or certificates of stock to be held or disposed of by the custodian for, and

<sup>1</sup> 4 F. R. 879 DI.  
<sup>2</sup> 3 F. R. 1650 DI.  
<sup>3</sup> 1 F. R. 1642.

subject at all times to the instructions of, the owner and not otherwise."

This Treasury decision is issued under authority contained in section 3791 of the Internal Revenue Code.

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

Approved: March 9, 1939.

JOHN W. HANES,  
Acting Secretary of the Treasury.  
[F. R. Doc. 39-798; Filed, March 9, 1939;  
12:57 p. m.]

### Notices

#### DEPARTMENT OF THE INTERIOR.

##### National Bituminous Coal Commission.

[Docket No. 588-FD]

##### ORDER IN THE MATTER OF THE APPLICATION OF BIBBY COAL, SHALE AND CLAY COMPANY FOR EXEMPTION

At a regular session of the National Bituminous Coal Commission held in its offices in Washington, D. C., on the 8th day of March, 1939.

The above named applicant having heretofore filed with the Commission its application for exemption from the provisions of Section 4 and the first paragraph of Section 4-A of the Bituminous Coal Act of 1937; and

*It appearing,* After considering the allegations made in the verified application of the Bibby Coal, Shale and Clay Company, that applicant is the owner and producer of bituminous coal from a certain mine located at Littleton, Alabama, and that all of the bituminous coal produced at such mine is consumed by the applicant in the manufacture of clay products at Littleton, Alabama,

*Now, therefore,* It is hereby ordered:

That the provisions of Section 4, Part II (1) of the Bituminous Coal Act of 1937 do apply to the bituminous coal produced by the Bibby Coal, Shale and Clay Company at its mine located at Littleton in Jefferson County, Alabama, and such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937.

Within fifteen (15) days from the date of this Order all interested parties are afforded the opportunity of filing a protest to this determination requesting a hearing on the application and protest. If no such protest be filed, this Order shall become effective fifteen (15) days from this date.

Applicant shall apply annually hereafter, and at such other times as the Commission may require, for renewal of this Order, and applicant shall file such accompanying reports as will enable the Commission to determine whether the facts as found in this Order continue to exist.

The Secretary of the Commission is directed forthwith to mail a copy of this

Order to the applicant, to the Consumers' Counsel, and the Secretary of each District Board; and shall cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission; and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 8th day of March, 1939.

[SEAL] F. WITCHER McCULLOUGH,  
Secretary.

[F. R. Doc. 39-797; Filed, March 9, 1939;  
12:35 p. m.]

#### DEPARTMENT OF LABOR.

##### Wage and Hour Division.

##### FINDING THAT THE BRANCH OF TOBACCO INDUSTRY ENGAGED IN HANDLING CERTAIN TYPES OF LEAF TOBACCO IS A SEASONAL INDUSTRY WITHIN THE MEANING OF SECTION 7 (B) (3) OF THE FAIR LABOR STANDARDS ACT AND REGULATIONS ISSUED THEREUNDER

Whereas, applications have been made by the General Cigar Company and sundry other parties engaged in the buying, handling, stripping, sorting, grading, sizing, packing, and in the stemming prior to packing, of perishable cigar leaf tobacco of types 41-45, 51-55, 61 and 62 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture), pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of regulations issued thereunder, for partial exemption from the maximum hours provisions of Section 7 (a) of said Act pursuant to the provisions of said Section 7 (b) (3) applicable to industries found by the Administrator of the Wage and Hour Division to be of a seasonal nature; and

Whereas, it appeared that:

(1) the operations of buying, handling, stripping, sorting, grading, sizing, packing, and the stemming prior to packing, of perishable cigar leaf tobacco of the types above enumerated, include operations essential to the preservation of a perishable agricultural product; and

(2) the warehouses wherein said operations are performed close at the end of the operating season each year except for maintenance, repair, clerical and sales work; and

(3) the earliest season opens in June, the latest in January, and the shortest season is about two months and the longest about four months; and

(4) green tobacco, being the materials used by the industry is available for natural reasons only at the above indicated times of the year when the plants are in operation; and

Whereas, the Administrator on the basis of such applications and pursuant to Section 526.5 (c) of the aforesaid regulations published in the FEDERAL REGIS-

TER on February 16, 1939, a preliminary determination that a *prima facie* case has been shown for the granting of an exemption pursuant to Section 526.3 of regulations issued thereunder, to that branch of the tobacco industry engaged in the buying, handling, stripping, sorting, grading, sizing, packing, and in the stemming prior to packing, of perishable cigar leaf tobacco of types 41-45, 51-55, 61 and 62 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture); and

Whereas, no objection and request for hearing has been received by the Administrator within fifteen days following the publication of his said preliminary determination in the FEDERAL REGISTER;

Now, therefore, pursuant to Section 526.5 (c) of the aforesaid regulations, the Administrator hereby finds that upon the *prima facie* case shown upon the said applications, that that branch of the tobacco industry engaged in the buying, handling, stripping, sorting, grading, sizing, packing, and in the stemming prior to packing, of perishable cigar leaf tobacco of types 41-45, 51-55, 61 and 62 (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture), is a seasonal industry within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act and regulations issued thereunder, and hence is entitled to the exemption provided in Section 7 (b) (3) of the said Act.

Signed at Washington, D. C., this 7th day of March, 1939.

ELMER F. ANDREWS,  
Administrator.

[F. R. Doc. 39-788; Filed, March 8, 1939;  
2:54 p. m.]

[Administrative Order No. 16]

##### APPOINTMENT OF INDUSTRY COMMITTEE NO. 4 (HAT)

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Elmer F. Andrews, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint for the hat industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public:

C. O. Fisher, Chairman, Middletown, Conn.

Charlotte Carr, Chicago, Ill.

Jack Brody, New York, N. Y.

Harry D. Wolf, Chapel Hill, N. C.

Thomas J. S. Waxter, Baltimore, Md.

For the Employees:

Max Zaritsky, New York, N. Y.

Dennis M. Carroll, Danbury, Conn.

Arthur Foster, Philadelphia, Pa.

Max Finger, New York, N. Y.

James Biffle, St. Louis, Mo.



**For the Employers:**

J. W. Farley, Boston, Mass.  
 Fletcher E. Montgomery, New York, N. Y.  
 Nathan Hutt, New York, N. Y.  
 William T. Christmas, St. Louis, Mo.  
 Dale Purves, Philadelphia, Pa.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. As used in this order, the term "hat industry" means:

(a) The manufacture from any material of headwear for men or boys, except caps.

(b) The manufacture of hat bodies from fur-felt or wool-felt for men's, women's or children's hats.

(c) The manufacture or processing of hatters' furs.

3. The industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said act are "engaged in commerce or in the production of goods for commerce", excepting employees exempted by virtue of the provisions of Section 13 (a) and employees coming under the provisions of Section 14.

Signed at Washington, D. C., this 7th day of March, 1939.

ELMER F. ANDREWS,  
*Administrator.*

[F. R. Doc. 39-786; Filed, March 8, 1939; 2:54 p. m.]

[Administrative Order No. 17]

**APPOINTMENT OF INDUSTRY COMMITTEE No. 5 (MILLINERY)**

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Elmer F. Andrews, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint for the millinery industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

**For the Public:**

Karl de Schweinitz, Chairman, Philadelphia, Pa.  
 Stanley Marcus, Dallas, Tex.  
 Miss Rosamond Lamb, Boston, Mass.  
 Mrs. Elizabeth Brandeis Raushenbush, Madison, Wis.  
 Arthur R. Wilson, Chicago, Ill.

**For the Employees:**

Max Zaritsky, New York, N. Y.  
 Alex Rose, New York, N. Y.  
 Max Goldman, New York, N. Y.  
 Joseph Myles, St. Louis, Mo.  
 Miss Stella Nelson, Chicago, Ill.

**For the Employers:**

Walter K. Marks, New York, N. Y.  
 L. D. Thompson, Atlanta, Ga.  
 George Sherman, St. Louis, Mo.  
 Joseph Pearl, Chicago, Ill.  
 S. A. Baum, Jersey City, N. J.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. As used in this order, the term "millinery industry" means:

The manufacture of all headwear, except knitted headwear, for ladies, misses, girls and infants, from any material, but not including the manufacture of hat bodies of fur-felt or wool-felt.

3. The industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said act are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by virtue of the provisions of Section 13 (a) and employees coming under the provisions of Section 14.

Signed at Washington, D. C., this 7th day of March, 1939.

ELMER F. ANDREWS,  
*Administrator.*

[F. R. Doc. 39-787; Filed, March 8, 1939; 2:54 p. m.]

**FEDERAL POWER COMMISSION.**

[Docket No. G-116]

**IN THE MATTER OF MONTANA-DAKOTA UTILITIES COMPANY**

**ORDER EXTENDING TEMPORARY AUTHORIZATION TO IMPORT NATURAL GAS AND FIXING DATE OF JOINT HEARING**

MARCH 7, 1939.

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

Upon application filed November 17, 1938, by the Montana-Dakota Utilities Company, a Delaware corporation authorized to transact business in the State of Montana and in other states, and having an office in Minneapolis, Minnesota, for an order of the Commission authorizing the importation of natural gas from the Dominion of Canada into the United States pursuant to section 3 of the Natural Gas Act; and It appearing to the Commission that:

(a) On December 20, 1938, temporary authorization for the importation of natural gas from the Dominion of Canada into the United States was granted applicant for a period of not exceeding 90 days from said date; provided, however, that said authorization

shall automatically terminate prior to the expiration of the said 90 days, (a) if and when during the said period the Commission shall adopt an order upon consideration of the application, or (b) if a public hearing is had, the Commission shall adopt an order after consideration of the full record;

(b) The Board of Railroad Commissioners of the State of Montana, a State Commission within the meaning of section 2 (8) of the Natural Gas Act, has requested that a joint hearing be held upon said application;

(c) A public hearing should be held upon the said application to enable the Commission to determine whether the proposed importation will be consistent with the public interest;

The Commission orders that:

(A) A public hearing on said application be held on May 15, 1939, at 10:00 a. m., in the Legislative Room, State Capitol, Helena, Montana;

(B) The Board of Railroad Commissioners of the State of Montana may participate in said hearing as provided in Part 67 of the Provisional Rules of Practice and Regulations under the Natural Gas Act;

(C) The Commission's order adopted on December 20, 1938, granting temporary authorization to import natural gas, be and it is hereby amended to extend the period of such authorization to July 20, 1939.

By the Commission.

[SEAL] LEON M. FUQUAY,  
*Secretary.*

[F. R. Doc. 39-793; Filed, March 9, 1939; 10:34 a. m.]

[Docket No. DI-134]

**IN THE MATTER OF WISCONSIN PUBLIC SERVICE CORPORATION**

**ORDER REOPENING PROCEEDINGS AND FIXING DATE OF HEARING**

MARCH 7, 1939.

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

It appearing to the Commission that:

(a) At a hearing held on the Declaration of Intention filed by the Wisconsin Public Service Corporation relative to reconstruction of a dam and the construction of a new powerhouse on the Wisconsin River near Tomahawk, Wisconsin, only fragmentary evidence of doubtful character was introduced dealing with possible use of the Wisconsin River above Portage, Wisconsin, for purposes of navigation;

(b) Evidence has been informally received indicating considerable past use of the Wisconsin River for purposes of navigation for many miles above Portage, Wisconsin;

(c) It is essential to a complete and proper investigation of the proposed construction and its effect upon the

interests of interstate and foreign commerce that the proceedings herein be reopened for the taking of additional evidence;

The Commission orders that:

(A) Proceedings on said Declaration of Intention be and they are hereby reopened for the presentation of evidence as to the navigability of the Wisconsin River and such further and additional evidence as may be pertinent with respect to said Declaration of Intention;

(B) A further hearing in these proceedings be held on May 10, 1939, at 10:00 a. m., in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 39-792; Filed, March 9, 1939;  
10:34 a. m.]

#### FEDERAL TRADE COMMISSION.

##### *United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of March, A. D. 1939.

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

[Docket No. 3393]

##### IN THE MATTER OF JOHNSON & JOHNSON, KENDALL COMPANY, AND BAY COMPANY

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

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

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

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, March 15, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-781; Filed, March 8, 1939;  
2:05 p. m.]

##### *United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of March, A. D. 1939.

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

[Docket No. 3691]

##### IN THE MATTER OF CANADIAN CHAMOIS & LEATHER CORPORATION

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

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

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

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, March 23, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in room 500, 45 Broadway, New York, New York.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-782; Filed, March 8, 1939;  
2:05 p. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

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

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March 1939.

[File No. 1-506]

##### IN THE MATTER OF THE CAPITAL CITY PRODUCTS COMPANY COMMON STOCK, NO PAR VALUE

##### ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Capital City Products Company, 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 the Commission to withdraw its Common Stock, No Par Value,

from listing and registration on the New York Curb and Detroit Stock Exchanges; 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, April 5, 1939, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., 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 James G. Ewell, 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. 39-796; Filed, March 9, 1939;  
10:58 a. m.]

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

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of March, A. D. 1939.

[File No. 32-133]

##### IN THE MATTER OF NORTHWESTERN ILLINOIS UTILITIES

##### NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on March 27, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

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



Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 15, 1939.

The matter concerned herewith is in regard to an application filed by Northwestern Illinois Utilities, a subsidiary of American Utilities Service Corporation, a registered holding company, pursuant to provisions of Section 6 (b) of the Act for exemption of the issue by applicant of its unsecured promissory note in the principal amount of \$500,000 bearing interest at the rate of 6% per annum to be dated as of November 1, 1938, and to mature November 1, 1964 to its parent in payment of applicant's 6% unsecured promissory note of like principal amount, dated November 1, 1934 and which became due November 1, 1935.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-795; Filed, March 9, 1939;  
10:58 a. m.]

United States of America—Before the  
Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of March, A. D. 1939.

No. 47—2

[File No. 32-134]

IN THE MATTER OF GAS UTILITIES  
COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered,* That a hearing on such matter be held on March 27, 1939, at 2:00 o'clock in the afternoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

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

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding

shall file a notice to that effect with the Commission on or before March 15, 1939.

The matter concerned herewith is in regard to an application filed by Gas Utilities Company, a subsidiary of American Utilities Service Corporation, a registered holding company, pursuant to Section 6 (b) of the Act for exemption of the issue of:

(1) its unsecured promissory income notes in the principal amount of \$90,000, to be dated as of November 1, 1938 and to mature November 1, 1964. The interest on such notes will be non-cumulative and will be paid only out of the net earnings of the applicant from year to year at not to exceed 6% per annum. These notes are to be issued to the parent in payment of applicant's 6% unsecured promissory note in like principal amount, dated November 1, 1934 and which became due November 1, 1935.

(2) 2,600 shares of common stock with a par value of \$10 per share in exchange for 2,600 shares of common stock with a par value of \$100 per share.

The purpose of the reduction of the common capital account from \$260,000 to \$26,000 is stated to be for the purpose of creating additional capital surplus in the amount of \$234,000 which, among other things, will be available for the purpose of writing off losses incurred by the applicant through the discontinuance of the manufacture and distribution of gas in the City of Galena, Illinois.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-794; Filed, March 9, 1939;  
10:58 a. m.]