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Washington, Wednesday, May 1, 1940

The President

EXECUTIVE ORDER

AMENDING THE EXECUTIVE ORDER OF JANUARY 17, 1873, TO PERMIT OFFICERS AND EMPLOYEES OF THE SOCIAL SECURITY BOARD, FEDERAL SECURITY AGENCY, TO HOLD STATE, TERRITORIAL, AND MUNICIPAL OFFICES, ETC.

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (U.S.C., title 5, sec. 631), and as President of the United States, the Executive Order of January 17, 1873, as amended, prohibiting, with certain exceptions, Federal officers and employees from holding state, territorial, and municipal offices, is hereby further amended so as (1) to permit officers and employees of the Social Security Board, Federal Security Agency, upon recommendation of the Board and approval of the Federal Security Administrator, to hold office under state, territorial, and municipal governments engaged in cooperative and related work with the Social Security Board, as authorized by Federal and State laws: *Provided*, that the services to be performed by them shall pertain to such work and shall not in any manner interfere or conflict with the performance of their duties during their regular hours of duty as officers or employees of the Federal Government; and (2) to permit state, territorial, and municipal officers or employees engaged in cooperative and related work with the Social Security Board, unless prohibited by law, to accept appointment in and serve under the Social Security Board, Federal Security Agency, when the Board and the Administrator deem such employment necessary to secure a more efficient administration of the duties imposed upon the Social Security Board: *Provided*, that the appointment of any such officer or employee to a position subject to civil-service laws under the Social Security Board shall be made in

accordance with civil-service laws, rules, and regulations.

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
April 29, 1940

[No. 8399]
[F. R. Doc. 40-1720; Filed, April 30, 1940;
10:14 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VIII—SUGAR DIVISION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FARMING PRACTICES TO BE CARRIED OUT IN CONNECTION WITH THE PRODUCTION OF THE 1940 CROP OF SUGARCANE IN THE MAINLAND CANE SUGAR AREA

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, I, H. A. Wallace, Secretary of Agriculture, do hereby make the following determination:

§ 802.23b *Farming practices in connection with the production of the 1940 crop of sugarcane in the mainland cane sugar area—*(a) *Soil-building requirement.* The conditions prescribed in subsection (e) of Section 301 of the Sugar Act of 1937 shall be deemed to have been fulfilled with respect to the production of the 1940 crop of sugarcane for sugar on any farm in the mainland cane sugar area if there is carried out in 1940, on land on the farm which is adapted to the production of sugarcane for sugar, an acreage of soil-building practices equal to not less than 30 per centum of the acreage of sugarcane for sugar growing on the farm for harvest in 1940.

(b) *Approved practices.* (1) Each acre of the following shall be counted as one acre of soil-building practices:

- (i) Seeding winter legumes.
- (ii) Plowing or disking under a good stand and good growth of a green ma-

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nure crop, or cover crop (excluding lespedeza, peanuts hogged off, and non-leguminous cover crops).

(iii) Turning under a good stand and good growth of summer legumes (excluding peanuts, lespedeza, and summer legumes used as truck crops) NOT interplanted or grown in combination with row crops such as corn.

(2) Each two acres of the following shall be counted as one acre of soil-building practices:

(i) Turning under a good stand and good growth of summer legumes (excluding peanuts, lespedeza, and summer legumes used as truck crops) interplanted or grown in combination with row crops, such as corn, provided the summer legume occupies at least one-third of the land.

(3) Each of the following practices in the amounts specified shall be counted as one acre of soil-building practices if applied to a full seeding of winter legumes.

(i) Application of 300 pounds of 16-percent superphosphate (or its equiva-

lent) to, or in connection with the seeding of, winter legumes.

(ii) Application of 500 pounds of basic slag or rock phosphate (including Colloidal phosphate) to, or in connection with the seeding of, winter legumes.

(4) Each one and one-half acres of land the top soil of which is combustible (determined as such by the State Agricultural Conservation Committee) on which there are carried out the practices specified in paragraphs B, C, D and E of Amendment 3 to Southern Region Bulletin 101, issued June 11, 1937, for protecting the soil against fire, assuring adequate drainage, and preventing soil oxidation and subsidence, shall be counted as one acre of soil-building practices: *Provided, however,* That there shall be carried out on such land on the farm such other practices as are recommended for the farm by the County Agricultural Conservation Committee, and approved by the State Agricultural Conservation Committee, for protecting the soil against fire, assuring adequate drainage, preventing soil oxidation and subsidence, and otherwise preserving and improving the fertility of the soil and preventing soil erosion, such practices to be consistent with reasonable standards of the farming community in which the land is located.

(c) *Standards of performance.* The soil conserving practices shall be carried out on the farm in accordance with farming methods commonly used in the community in which the farm is located and in accordance with specifications approved by the Director of the Southern Division of the Agricultural Adjustment Administration. (Sec. 301, 50 Stat. 909; 7 U.S.C., Sup. IV, 1131)

Done at Washington, D. C., this 30th day of April, 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary.

[F. R. Doc. 40-1727; Filed, April 30, 1940; 11:54 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR
CHAPTER II—BUREAU OF RECLAMATION
[No. 28]

SUN RIVER IRRIGATION PROJECT, MONTANA,
SUN RIVER SLOPE DIVISION

PUBLIC NOTICE OPENING PUBLIC LANDS TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC AND PRIVATE LANDS

Corrections

F.R. Doc. 40-1309 (filed, March 30, 1940, at 9:51 a. m.), appearing in the issue for Tuesday, April 2, 1940, should be corrected as follows:

On page 1274, in the table, the irri-gable area in acres for T. 22 N., R. 3 W., Sec. 29, farm unit A, should read "137.4". The area for T. 22 N., R. 3 W., Sec. 31, farm unit C, should read "104.5". The

area for T. 21 N., R. 4 W., Sec. 1, farm unit A, should read "86.8". The description for farm unit C of T. 21 N., R. 4 W., Sec. 15 should read "S½NW¼, N½SW¼".

On page 1275, the description for farm unit C of T. 21 N., R. 5 W., Sec. 21, should read "S½NE¼ Sec. 21, S½NW¼ Sec. 22". In the thirteenth line of column 3, "asset" should read "assets".

On page 1276, the twenty-seventh line of paragraph 11, "relates" should read "relate".

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 27]

DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS

APRIL 30, 1940.

Paragraph (c) of subsection (1) of § 5.83 *Declaration as to Right, Title, and Interest in Articles or Materials* is relettered (d).

Subsection (1) of § 5.83¹ *Declaration as to Right, Title, and Interest in Articles or Materials* is amended by the addition of a new paragraph lettered (c) following immediately after paragraph (b) of that subsection, and reading as follows:

(c) Any foreign vessel (other than aircraft), when transporting only articles or materials other than arms, ammunition, or implements of war, [unless such arms, ammunition, or implements of war are to be used exclusively by American vessels (watercraft or aircraft) or other American vehicles in connection with their operation and maintenance], where such vessel proceeds on lakes, rivers, and inland waters bordering on the United States, unless the ultimate destination of such articles or materials is a place in a belligerent state not within any area mentioned in 46 CFR 5.81 (a).

(Sec. 161 R.S., 5 U.S.C. 22)

[SEAL] J. M. JOHNSON,
Acting Secretary of Commerce.

[F. R. Doc. 40-1740; Filed, April 30, 1940; 12:01 p. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.
[Administrative Order No. 447]

AMENDMENT OF PRIOR ALLOCATION OF FUNDS FOR LOANS

APRIL 22, 1940.

I hereby amend:

(a) Administrative Order No. 388, dated September 8, 1939, by reducing the allocation of \$150,000 therein made for

"Arkansas 0009B2 Craighead" by \$3,500, so that the reduced allocation shall be \$146,500;

(b) Administrative Order No. 398, dated October 6, 1939, by reducing the allocation of \$151,000 therein made for "Kentucky 0035C1 Warren" by \$7,500, so that the reduced allocation shall be \$143,500;

(c) Administrative Order No. 80, dated April 5, 1937, and Administrative Order No. 266, dated June 17, 1938, by reducing the allocation of \$1,650,000 therein made for "Michigan 37 Huron" by \$10,000, so that the reduced allocation shall be \$1,640,000;

(d) Administrative Order No. 312, dated December 12, 1938, by reducing the allocation of \$190,000 therein made for "Mississippi R9030A1 Jones" by \$6,000, so that the reduced allocation shall be \$184,000;

(e) Administrative Order No. 398, dated October 6, 1939, by rescinding the allocation of \$48,500 therein made for "Missouri 0025B1 M. G. U.";

(f) Administrative Order No. 319, dated January 31, 1939, by reducing the allocation of \$400,000 therein made for "Missouri R9040A1 Pettis" by \$5,000, so that the reduced allocation shall be \$395,000;

(g) Administrative Order No. 314, dated December 29, 1938, by reducing the allocation of \$487,000 therein made for "Missouri R9041A1 Platte" by \$5,000, so that the reduced allocation shall be \$482,000;

(h) Administrative Order No. 122, dated August 6, 1937, by changing the project designation "Nebraska 8025 Saline" appearing therein to read "Nebraska 8025 Norris District Public";

(i) Administrative Order No. 267, dated July 7, 1938, and Administrative Order No. 273, dated July 19, 1938, by reducing the allocation of \$196,000 therein made for "Nebraska 9025B1 Saline" by \$4,000, so that the reduced allocation shall be \$192,000;

(j) Administrative Order No. 267, dated July 7, 1938, and Administrative Order No. 273, dated July 19, 1938, by changing the project designation "Nebraska 9025B1 Saline" appearing therein to read "Nebraska 9025B1 Norris District Public";

(k) Administrative Order No. 170, dated December 6, 1937, by changing the project designation "Nebraska 8025W Saline" appearing therein to read "Nebraska 8025W Norris District Public";

(l) Administrative Order No. 315, dated December 29, 1938, by changing the project designation "Nebraska R9025W2 Saline" appearing therein to read "Nebraska R9025W2 Norris District Public";

(m) Administrative Order No. 312, dated December 12, 1938, by reducing the allocation of \$164,000 therein made for "Nebraska R9038A1 Hall" by \$5,000, so that the reduced allocation shall be \$159,000;

(n) Administrative Order No. 312, dated December 12, 1938, by changing the project designation "Nebraska R9038A1 Hall" appearing therein to read "Nebraska R9038A1 Hall District Public";

(o) Administrative Order No. 358, dated June 19, 1939, by changing the project designation "Nebraska 0038W1 Hall" appearing therein to read "Nebraska 0038W1 Hall District Public";

(p) Administrative Order No. 408, dated November 6, 1939, by reducing the allocation of \$267,000 therein made for "Washington 9036A1 Adams" by \$5,000, so that the reduced allocation shall be \$262,000;

(q) Administrative Order No. 344, dated May 11, 1939, by reducing the allocation of \$267,000 therein made for "Wisconsin R9019D1 Chippewa" by \$5,000, so that the reduced allocation shall be \$262,000;

(r) Administrative Order No. 398, dated October 6, 1939, by reducing the allocation of \$148,000 therein made for "Wisconsin 0048B1 Waupaca" by \$1,000, so that the reduced allocation shall be \$147,000;

(s) Administrative Order No. 388, dated September 8, 1939, by reducing the allocation of \$100,000 therein made for "Wisconsin 0053B1 Eau Claire" by \$10,000, so that the reduced allocation shall be \$90,000; and

(t) Administrative Order No. 340, dated May 2, 1939, by reducing the allocation of \$234,000 therein made for "Wyoming R9014A1 Laramie" by \$10,000, so that the reduced allocation shall be \$224,000.

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-1730; Filed, April 30, 1940; 11:55 a. m.]

[Administrative Order No. 448]

AMENDMENT OF PRIOR ALLOCATIONS OF FUNDS FOR LOANS

APRIL 22, 1940.

I hereby amend:

(a) Administrative Order No. 290, dated September 16, 1938, by reducing the allocation of \$218,000 therein made for "Georgia R9069B1 Washington" by \$30,000, so that the reduced allocation shall be \$188,000;

(b) Administrative Order No. 388, dated September 8, 1939, by reducing the allocation of \$78,000 therein made for "Kansas 0013D1 Brown" by \$4,000, so that the reduced allocation shall be \$74,000;

(c) Administrative Order No. 428, dated January 13, 1940, by rescinding the allocation of \$5,000 therein made for "Mississippi 9041W2 Pike";

(d) Administrative Order No. 284, dated September 1, 1938, by reducing the allocation of \$7,000 therein made for "Oklahoma 8006W2 Caddo" by \$5,409, so that the reduced allocation shall be \$1,591;

(e) Administrative Order No. 348, dated May 19, 1939, by reducing the allocation of \$10,000 therein made for "Oklahoma R9022W1 Cotton" by \$3,000, so that the reduced allocation shall be \$7,000; and

(f) Administrative Order No. 335, dated April 12, 1939, by rescinding the allocation of \$10,000 therein made for "Oklahoma R9026W1 Harmon."

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-1728; Filed, April 30, 1940; 11:54 a. m.]

[Administrative Order No. 449]

ALLOCATION OF FUNDS FOR LOANS

APRIL 22, 1940.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 0009W2 Craighead.....	\$3,500
Arkansas 0027W2 Ouachita.....	4,500
Iowa 0-9060W2 Emmet-Dickinson...	5,000
Kentucky 0035W2 Warren.....	7,500
Michigan 0-7037W3 Huron.....	10,000
Mississippi 0-R9030W2 Jones.....	6,000
Missouri 0-R9040W2 Pettis.....	5,000
Missouri 0-R9041W2 Platte.....	5,000
Nebraska 0-9025W3 Norris District Public.....	4,000
Nebraska 0-R9038U1 Hall District Public.....	5,000
Wisconsin 0-R9019W3 Chippewa...	5,000
Wisconsin 0048W2 Waupaca.....	1,000
Wisconsin 0053W2 Eau Claire.....	10,000
Wyoming 0-R9014U1 Laramie.....	10,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-1729; Filed, April 30, 1940; 11:55 a. m.]

[Administrative Order No. 450]

ALLOCATION OF FUNDS FOR LOANS

APRIL 22, 1940.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Alabama 0-R9033W1 St. Clair.....	\$5,000
Colorado 0-R9031W1 Larimer.....	5,000
Florida 0-R9023W1 Levy.....	5,000
Georgia 0-R9092W1 Brantley.....	10,000
Kansas 0013W2 Brown.....	4,000
Michigan 0-R9038W4 Cass.....	5,000
Montana 0-9016W1 Park.....	5,000
Oklahoma 0-R9022U1 Cotton.....	3,000
South Carolina 0028W1 Williamsburg.....	10,000
Texas 0-R9103W1 Polk.....	10,000
Washington 0-8036W1 Adams.....	5,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-1731; Filed, April 30, 1940; 11:55 a. m.]

Federal Surplus Commodities Corporation.

DESIGNATION OF AREAS UNDER SURPLUS FOOD STAMP PROGRAM

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the following areas are hereby designated as areas in which food order stamps may be used:

The area within the county limits of Caddo County, Oklahoma.

The area within the Corporate limits of the town of West Springfield, Massachusetts.

The effective dates for the above-mentioned areas shall be announced by the local representative of the Federal Surplus Commodities Corporation for the respective areas in local newspapers of general circulation.

[SEAL] PHILIP F. MAGUIRE,
Executive Vice President.

APRIL 26, 1940.

[F. R. Doc. 40-1719; Filed, April 29, 1940;
3:02 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 270]

IN THE MATTER OF THE APPLICATION OF UNITED AIR LINES TRANSPORT CORPORATION UNDER SECTION 408 (B) OF THE CIVIL AERONAUTICS ACT OF 1938 FOR APPROVAL OF A PROPOSED ACQUISITION OF CONTROL OF, AND OF MERGER WITH OR PURCHASE OF ALL OF THE ASSETS OF, WESTERN AIR EXPRESS CORPORATION

NOTICE OF ORAL ARGUMENT

The above-entitled proceeding is assigned for oral argument before the Authority on May 8, 1940, 10 o'clock a. m. (Eastern Standard Time) in Room 5044 Commerce Building, Washington, D. C.

Dated Washington, D. C., April 29, 1940.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 40-1724; Filed, April 30, 1940;
11:03 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4103]

IN THE MATTER OF GLOBE-UNION, INC.,
RESPONDENT

COMPLAINT

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of section 2 of the Clay-

ton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Sec. 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. The respondent Globe-Union, Inc., is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal office and place of business located at 900 East Keefe Avenue, Milwaukee, Wisconsin.

PAR. 2. Respondent is engaged in the business of manufacturing, distributing and selling storage batteries, and radio accessories consisting of volume and tone controls. Respondent transports said products, or causes the same to be transported, for distribution and sale, from the place where such products are manufactured to its customers and purchasers thereof located in other states of the United States and the District of Columbia; and there is and has been at all times herein mentioned a current of trade and commerce in said products manufactured and sold by respondent, between the state wherein respondent's factory is located and various other states of the United States. Respondent's said products are sold by it for use, consumption or resale within the United States and the District of Columbia.

PAR. 3. Respondent distributes and sells radio tone and volume controls throughout the United States in the same territories and places as, and in substantial competition with, other persons and corporations engaged in the manufacture, distribution and sale of radio tone and volume controls. There are several manufacturers of radio tone and volume controls in the United States, of whom respondent is one of the two largest in volume of controls sold. The life of a tone or volume control is normally shorter than the life of the radio set in which it is used, and such controls are usually replaced one or more times during the normal operating life of a radio.

PAR. 4. During 1938 respondent sold in excess of 2,600,000 tone and volume controls to radio manufacturers for original equipment of radios, and in excess of 500,000 tone and volume controls for replacement of original equipment. Among the radio manufacturers purchasing respondent's tone and volume controls are the Belmont Radio Corporation and Wells-Gardner & Co., both located in Chicago, Illinois, who, since January 1, 1938, have manufactured and sold to Montgomery Ward & Co., Inc., also of Chicago, Illinois, all of that company's requirements for radio sets bearing its trade name "Wards Airline Radio."

During the years 1938 and 1939 said two manufacturers sold to Montgomery Ward & Co., Inc., in excess of 215,000 radio sets per year. Montgomery Ward & Co., Inc., is engaged in selling, among other articles, radios and radio parts and accessories including tone and volume controls, direct to consumers in the United States by means of mail orders

and catalogs, and also through approximately 600 retail stores owned by it and located in practically all states of the United States. Said radio manufacturers, Belmont Radio Corporation and Wells-Gardner & Co., also sell to Montgomery Ward & Co., Inc., radio parts and accessories, including large quantities of tone and volume controls. Said tone and volume controls are adapted, and are offered for sale, for use on various popular types of radio sets other than the "Wards Airline Radio."

Tone and volume controls for replacement of original equipment are sold by respondent to radio manufacturers, and jobbers of radio parts and accessories. These customers of respondent, and many of their customers, are competitively engaged in the resale of tone and volume controls, at wholesale and retail, in the various territories and places where said customers, respectively carry on their business.

The jobbers to whom respondent sells tone and volume controls resell such controls to dealers (radio repair-men) located in cities, towns and villages throughout the United States. Respondent suggests to said jobbers the price at which they may resell such tone and volume controls to dealers.

PAR. 5. In the course and conduct of its business as above described, respondent sells, and since June 19, 1936, has sold its radio tone and volume controls at widely varying prices. Respondent sells its tone and volume controls to said radio manufacturers, Belmont Radio Corporation and Wells-Gardner & Co., at prices ranging from ten to twenty cents per control, while the prices charged by it to jobbers of radio accessories, for tone and volume controls of like grade and quality, range from thirty-six cents to seventy-two cents per control. By so doing respondents have discriminated in price between such radio manufacturers and jobbers of radio accessories. Said radio manufacturers have knowingly received the benefit of such discrimination.

The prices at which dealers purchase said tone and volume controls from jobbers range from sixty cents to one dollar and twenty cents. Said radio manufacturers, Belmont Radio Corporation and Wells-Gardner & Co., resell the said tone and volume controls purchased from respondent to a customer, Montgomery Ward & Company, Inc., at prices ranging from twelve to twenty-four cents per control. Montgomery Ward & Company, Inc., distribute and sell said tone and volume controls in the same territories and places as, and in competition with, the dealers who purchase respondent's controls from jobbers.

PAR. 6. The effect of the discrimination in price described in Paragraph Five hereof has been and may be to injure, destroy and prevent competition with the customer of respondent's said customers who have knowingly received the benefit of said discrimination.

PAR. 7. The foregoing alleged acts and practices are in violation of Subsection (a) of Section 2 of the Clayton Act as amended.

Wherefore, the premises considered, the Federal Trade Commission, on this 23d day of April, A. D. 1940, issues this, its complaint, against said respondent.

NOTICE

Notice is hereby given you, Globe-Union, Inc., respondent herein, that the 31st day of May, A. D. 1940, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

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

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

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

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from

such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 23rd day of April, A. D. 1940.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 40-1726; Filed, April 30, 1940; 11:41 a. m.]

[Docket No. 3894]

IN THE MATTER OF THE KENDALL COMPANY, A CORPORATION, DOING BUSINESS UNDER THE TRADE NAME OF BAUER & BLACK
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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 April, A. D. 1940.

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 John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 10, 1940, at nine o'clock (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

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] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 40-1732; Filed, April 30, 1940; 11:58 a. m.]

[Docket No. 3948]

IN THE MATTER OF FANNIE P. FOX, AN INDIVIDUAL, TRADING AND DOING BUSINESS UNDER THE NAME OF SURE LABORATORIES
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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 April, A. D. 1940.

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 John W. Addison, 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, June 5, 1940, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

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] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 40-1733; Filed, April 30, 1940; 11:58 a. m.]

[Docket No. 3963]

IN THE MATTER OF SAMUEL BENENSOHN AND L. BENENSOHN, INDIVIDUALS, TRADING AS KANT-SLIP MANUFACTURING COMPANY
ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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 April, A. D. 1940.

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 John W. Addison, 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 Friday, June 7, 1940, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

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] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 40-1734; Filed, April 30, 1940; 11:58 a. m.]

[Docket No. 3971]

IN THE MATTER OF INDIANAPOLIS SOAP COMPANY, A CORPORATION, WILLIAMS SOAP COMPANY, A CORPORATION, JESSE M. DAILY, MAUDE S. DAILY, ROBERT S. DAILY AND SIDNEY F. DAILY, JR., INDIVIDUALLY AND AS OFFICERS OF INDIANAPOLIS SOAP COMPANY AND WILLIAMS SOAP COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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 April, A. D. 1940.

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 John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 27, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 225, Post Office Building, Indianapolis, Indiana.

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] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 40-1735; Filed, April 30, 1940; 11:58 a. m.]

[Docket No. 3996]

IN THE MATTER OF CHARLES T. PIKE, ELBERT C. PIKE, AND ERNEST C. PIKE, INDIVIDUALLY AND TRADING AS MIDDLE WEST SUPPLY COMPANY AND THE BEST GARDENS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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 April 1940.

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 John W. Addison, 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 Friday, May 31, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 225, Post Office Building, Indianapolis, Indiana.

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] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 40-1736; Filed, April 30, 1940; 11:59 a. m.]

[Docket No. 4027]

IN THE MATTER OF ROBERT J. THOMPSON COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of April 1940.

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 John W. Addison, 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 Tuesday, May 7, 1940, at nine o'clock in the forenoon of that day (eastern standard time) in Room 4023, Fourth Floor, 9th and Chestnut Streets, New Post Office Building, Philadelphia, Pa.

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. 40-1739; Filed, April 30, 1940; 11:59 a. m.]

[Docket No. 4007]

IN THE MATTER OF NORTHWEST FILM AD SERVICE, INC., A CORPORATION, AND FRANK D. ATKINS, AN INDIVIDUAL

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of April, A. D. 1940.

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 Lewis C. Russell, 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, May 23, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 664, Federal Courts Building, Kansas City, Missouri.

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. 40-1737; Filed, April 30, 1940; 11:59 a. m.]

[Docket No. 4024]

IN THE MATTER OF SAMUEL MICKELBERG, INDIVIDUALLY, AND TRADING AS EXHIBIT SALES COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of April, A. D. 1940.

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 John W. Addison, 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, May 8, 1940, at nine o'clock in the forenoon of that day (eastern standard time) in Room 4023,

Fourth Floor, 9th and Chestnut Streets, New Post Office Building, Philadelphia, Pa.

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. 40-1738; Filed, April 30, 1940, 11:59 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[Files 43-285 and 70-5]

IN THE MATTERS OF CENTRAL AND SOUTH WEST UTILITIES COMPANY, SOUTHWESTERN GAS AND ELECTRIC COMPANY, THE MIDDLE WEST CORPORATION

ORDER APPROVING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of April, A. D. 1940.

Southwestern Gas and Electric Company, a subsidiary of a registered holding company, has filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale for \$1,300,000 of 71,000 shares of common stock without par value to its parent, Central and South West Utilities Company; by order of February 12, 1940 the Commission permitted, among other things, the declaration with respect to such stock to become effective, but reserved jurisdiction with respect to the number of shares to be issued and their acquisition by Central and South West Utilities Company;

Central and South West Utilities Company, a registered holding company, has filed an application pursuant to Section 10 of the Act regarding the acquisition of such stock and also the acquisition from The Middle West Corporation of a subscription right to such shares;

The Middle West Corporation, a registered holding company, has filed an application pursuant to Rule U-12D-1 promulgated under the Act regarding the disposition to Central and South West Utilities Company of said subscription right to shares of common stock of Southwestern Gas and Electric Company;

Central and South West Utilities Company has filed a declaration pursuant to Section 7 of the Act regarding the issue and sale to Continental Illinois National Bank and Trust Company of Chicago of a 3½% note for \$1,200,000 to mature four years from the date of issue, and to be secured by the pledge of 71,000 shares of common stock of Southwestern Gas and Electric Company;

A public hearing having been held on said declarations and applications after appropriate notice; the Commission having considered the record in these matters and having made and filed its findings and opinion herein;

It is ordered, That said applications be approved and that said declarations be and become effective forthwith, and that the jurisdiction previously reserved with respect to said declaration filed by Southwestern Gas and Electric Company be hereby released, subject, however, to the following conditions:

1. That the proposed transactions shall be carried out in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said applications and declarations;

2. That the proposed transactions shall be effected within a period of thirty (30) days following the issuance of this order;

3. That within ten (10) days after the completion of such transactions applicants and declarants shall file with this Commission certificates of notification showing that said transactions have been effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said applications and declarations;

4. That when all expenses incurred in connection with the issue and sale of the securities and the preparation and prosecution of the declarations and applications concerned with the present transactions shall be actually paid, the applicants and declarants shall file a detailed statement of such expenses showing the names of persons or entities to whom such payments were made, the amounts of such payments, the accounts charged and a detailed description of the services rendered for which such payments were made.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1722; Filed, April 30, 1940; 10:53 a. m.]

[File No. 70-14]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION

ORDER APPROVING PAYMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of April, A. D. 1940.

International Utilities Corporation, a registered holding company, having filed an application pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-12C-2 adopted thereunder, for approval of the declaration and payment out of capital or unearned surplus of a regular quarterly dividend at the rate of 87½¢ per share on the \$3.50 Prior Preferred Stock;

A hearing on such application having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered, That the proposed dividend payment to the \$3.50 Prior Preferred Stock be approved, subject, however, to the following conditions:

(1) That the proposed dividend on the \$3.50 Prior Preferred Stock shall be charged to capital surplus, and that the amount of such dividend so charged shall be restored to capital surplus from the first available earnings after December 31, 1938, after providing for 1939 and 1940 dividends heretofore declared and paid;

(2) That International Utilities Corporation shall notify the \$3.50 Prior Preferred stockholders concurrently with the receipt of the dividend that the dividend payment received is subject to the above condition.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1723; Filed, April 30, 1940; 10:53 a. m.]

[File No. 70-48]

IN THE MATTER OF THE ST. LOUIS COUNTY GAS COMPANY, THE NORTH AMERICAN 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 29th day of April, A. D. 1940.

A declaration and 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 May 17, 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 May 13, 1940.

The matter concerned herewith is in regard to the proposal by The St. Louis

County Gas Company, a subsidiary of The North American Company, a registered holding company, to issue and sell 11,000 additional shares of Common Stock, of the par value of \$100 per share, to said The North American Company for cash equivalent to the par value of the stock so to be issued and sold, and the proposal of The North American Company to acquire said stock on said

basis, said The North American Company being presently beneficial owner of all of the stock of said The St. Louis County Gas Company.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1721; Filed, April 30, 1940;
10:52 a. m.]