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Washington, Saturday, January 27, 1940

The President

CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT, MARYLAND
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

WHEREAS the Acting Secretary of the Interior has submitted to me for approval the following regulation adopted by him on December 12, 1939, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U.S.C. 704), and Reorganization Plan No. II (53 Stat. 1431):

REGULATION DESIGNATING CERTAIN PARTS OF BUSH RIVER AND OF CHESAPEAKE BAY AS ADDITIONS TO THE SUSQUEHANNA MIGRATORY WATERFOWL CLOSED AREA, MARYLAND

By virtue of and pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U.S.C. 704), and Reorganization Plan No. II (53 Stat. 1431), there are hereby designated as closed areas, additions to the Susquehanna Migratory Waterfowl Closed Area established by Proclamation No. 2347, of August 24, 1939,¹ in or on which pursuing, hunting, taking, capturing, or killing, or attempting to take, capture, or kill migratory birds is not permitted, two areas of land and water, being a part of Bush River and parts of Chesapeake Bay, in Harford County, Maryland, bounded as follows:

Bush River Unit

Beginning at the south corner of the United States Army Reservation, Aberdeen, Maryland, in Chesapeake Bay, 105 yards (approximate) from the south end of Pooles Island;

Thence northwesterly 280 yards (approximate) in Chesapeake Bay with the southwest boundary of the United States Army Reservation;

Thence N. 2½° W., 3,170 yards (approximate) in Chesapeake Bay, to a corner 440 yards distant east of the shore at

Robins Point, at the south end of Gunpowder Neck;

Thence northerly in Chesapeake Bay with a line parallel to and 440 yards distant offshore from the east side of Gunpowder Neck passing Fords Point, to the mouth of Bush River at Lego Point;

Thence northerly in Bush River with a line parallel to and 440 yards distant offshore from Gunpowder Neck passing Sandy Point, to a corner which bears N. 46° E. (approximate), 440 yards distant offshore from Briery Point;

Thence S. 46° W. (approximate), 440 yards to the shore line at Briery Point, on Gunpowder Neck;

Thence in a general northerly direction with the shore line of Bush River along the east side of Gunpowder Neck, around Doves Cove, passing Wilson Point and Beach Point, around the cove of Kings Creek, passing Tapler Bar and Eagle Point, and around the cove of Lauderick Creek to a corner in the north boundary of the United States Army Reservation at Fairview Point;

Thence N. 56° E. (approximate) crossing Bush River to the mouth of Sod Run;

Thence in a general southerly direction with the east shore line of Bush River, passing Chilbury Point, Pond Point, and around Redmon Cove to a point of land 1,060 yards (approximate) north of Bush Point;

Thence S. 46° W., 710 yards (approximate) on a line toward Briery Point, to a corner 440 yards from the east shore line of Bush River;

Thence southeasterly in Bush River with a line parallel to and 440 yards distant from the east shore line of the river, passing Bush Point to a corner 440 yards south of Abbey Point;

Thence northeasterly in Chesapeake Bay, with a line parallel to and 440 yards offshore, passing the mouth of Romney Creek, the mouth of Delph Creek, and Stony Point to a corner in the southeast boundary of the United States Army Reservation 440 yards distant offshore, near Cherry Tree Point, in Chesapeake Bay;

Thence southwesterly in Chesapeake Bay with the southeast boundary of the

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THE PRESIDENT

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¹4 F.R. 3743 DL.



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United States Army Reservation, to the place of beginning.

Phosphorus Area Unit

Beginning at a corner on the shore line at the west side of the south end of Spesutie Narrows about 880 yards south of Mulberry Point, which corner bears S. 46° E., 530 yards (approximate) from the tower located near Mulberry Point;

Thence in Chesapeake Bay,

S. 26° E., 1,400 yards (approximate);
S. 70° W., 400 yards (approximate);
N. 26° W., 1,070 yards (approximate),
to a corner on the shore line of Chesapeake Bay, about 530 yards north of Black Point;

Thence northerly with the shore line of Chesapeake Bay, to the place of beginning.

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the

aforesaid Migratory Bird Treaty Act, do hereby approve and proclaim the foregoing regulation of the Acting Secretary of the Interior.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of January in the year of our Lord nineteen hundred and forty [SEAL] and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

[No. 2383]

[F. R. Doc. 40-422; Filed, January 26, 1940; 11:48 a. m.]

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND IN AID OF FLOOD CONTROL

ALASKA

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, and subject to the conditions therein expressed and to valid existing rights, it is ordered that the following-described public land in Alaska be, and it is hereby, temporarily withdrawn from settlement, location, sale, or entry, and reserved for flood-control purposes in connection with the Lowell Creek flood-control project, to be prosecuted under the direction of the Secretary of War and supervision of the Chief of Engineers, as authorized by the act of August 25, 1937, c. 773, 50 Stat. 806:

All the unsurveyed public land between Mineral Survey No. 981, Alaska, and Resurrection Bay, lying northeast of a line drawn through U. S. Location Monument No. 726, running S. 34°28' E., and N. 34°28' W., containing less than one acre.

This order shall continue in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE

January 24, 1940.

[No. 8330]

[F. R. Doc. 40-413; Filed, January 25, 1940; 3:08 p. m.]

EXECUTIVE ORDER

ENLARGING THE UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

MINNESOTA AND WISCONSIN

By virtue of the authority vested in me as President of the United States, and in order to effectuate further the purposes of the Upper Mississippi River

Wildlife and Fish Refuge Act (43 Stat. 650), it is ordered that the following-described tracts of land and land under water, acquired by the United States in connection with the improvement of navigation in the Mississippi River, and determined by the Secretary of the Interior to be suitable for the use of the Department of the Interior as a breeding place for migratory and other wild birds, game and fur-bearing animals, and fishes and other aquatic animal life, and for the conservation of wild flowers and aquatic plants, be, and they are hereby, subject to valid rights, added to and reserved as a part of the Upper Mississippi River Wildlife and Fish Refuge, established under the above-mentioned Act:

Lock and Dam No. 4:

Buffalo County, Wisconsin

Tract B-248, aggregating 1.72 acres, more or less.

Lock and Dam No. 5:

Wabasha County, Minnesota

Tracts Wa-105, 106, 107A, 121B, 135, and 147, aggregating 138.30 acres, more or less.

Buffalo County, Wisconsin

Tracts B-306A & B, 306C, 307A, 307B, 312, 313, 316, and 318, aggregating 63.87 acres, more or less.

Lock and Dam No. 5A:

Winona County, Minnesota

Tracts Wi-42, 43, 56, 57, 58, 59, 60, 62, 63, 67, 68, 69, 70, 71, 82, 84, 85, 86, 87, 88, 89, 90, 91, 92, 103, 105, 106, 107, 108, 109, 114, 120, 125, 127, 132, 133, 134, 139, 140, 141, 142, 147, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158A, 161B, 162, 163, 165, 166, 167A, 167B, 168, 170, 171, 174, 175, 176, 177, 178, 179A, 183, 184, 185, 186, 187, 188, 189, 190, 196, 197, 198, and 206, aggregating 2,757.45 acres, more or less.

Buffalo County, Wisconsin

Tracts B-7, 20, 31, 32, 33, 36, 37, 38, 41B, 46A, 46B, 47A, 47B, 49A, 49B, 49C, 49D, 54, 72A, 72B, 82, and 83, aggregating 445.65 acres, more or less.

Lock and Dam No. 6:

Winona County, Minnesota

Tracts Wi-A, 2, 3, 6, 7A, and 9A, aggregating 103.38 acres, more or less.

Trempealeau County, Wisconsin

Tracts T-C2, part B, and C1; and 18A, aggregating 40.01 acres, more or less.

Lock and Dam No. 7:

LaCrosse County, Wisconsin

Tracts LA-5-1, 16, 17, 18, 19, 20A, 20B, 21A, 22A, 22B, 22C, 23, 24A, 26, 27A, 27B, 28, 29A, 29B, 30B, 39, 40A, 41, 42, 44, 45, 46, 47A, 47B, 48, 49, 50, 51, 55A, 55B, 55C, 55D, 55E, 59B, 60, 62, 63, 64, 06A, 65, 66, 67A & B, 67C, 68, 69A, 69B, 69C, 69D, 69E, 70, 71, 74, 75, 76, 77, 78B, 79, 80, 81, 82A, 82B, 83, 87A, 87B, 87C, 87D, 87E, 87F, 87G, 87H, 87I, 87J, 87K, 87L, 87M, 87N, 87-O, 87P, 87Q, 87R, 87S, 88A, 88B, 088B,

Lock and Dam No. 7—Continued.

LaCrosse County, Wisconsin—Con.

89, 089, 90, 090, 91, 091, 92, 93, 98, 098, 99, 099, 100A, 100B, 100C, 100D, 100E, 100F, 100G, 100H, 100-I, 100J, 100K, 100L, 100M, 100N, 100-O, 100P, 100Q, 100R, 100S, 100T, 100U, 100V, 101B, 105, 107, 108, 109, 110A, 110B-1, 110C, 110D, 110E, 110G, 110H, 110-I, 110J-1, 110J-2, 110K, 110L, 110M, 110N, 110-O, 110P, 111, 112, 113, 114, 115, 124, 0124, 125, 126, 127, 130A, 131, 132, 133, 134A, 140, 141, 142, 143, 144, 146, 149, 150, 160, 162, 163, 164, 165, 166, 167, 168, 169, 171, 197A & B, 198A & B, 199, 200, 201A, 201B, 202, 203, 204, 205, 206, 207, 209, 210A & B, 212, 213B, 224, 225, 226A, 227A, 236, 237A, 238A & C, 240, 241, 245B, 248, 250, 254B, 255, 256, 257, 259, 260A, 260B, 261A, 261C, 261D, 263, 267, 268, 269, 270, 271, 272, 273, 280, 282, 283, 284A, 291A, 291B, 293, 294A & B, 301B, 301C, 302A, B, & C, 305, 307, 308A, 309, 311, 358, 382B, 383B, 386, 400, 405, 420, 427B, 427C, 428, 429A and 429B, together with all streets and alleys in Outers' Camp in the S½NE¼NE¼, sec. 1, T. 16 N., R. 8 W., 4th P. M., and in J. C. Perkin's Addition to the Town of Campbell, in the SE¼NE¼, sec. 1, T. 16 N., R. 8 W., 4th P. M., aggregating 4,982.02 acres, more or less.

Trempealeau County, Wisconsin

Tracts T—1A & B, 2, 3A, 3B, 4, 5, 6, 7, 8B, 14, 15, 16, and 17, aggregating 242.90 acres, more or less.

Lock and Dam No. 8:

Houston County, Minnesota

Tracts H—116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130A, 130B, 131A, 131B, 132A, 132B, 133, 134, 135, 136, 140, 141, 142, 143, 144, 145, 147A, 147B, 157, 159, 160, 165, 166, 175, 177, 185, 186, 187, 188A & B, 196, 197, 198A, 198B, 199A, 199B, 200, 209A, 209B, 210, 213, 230, 256, 257B, 261, 265B, 266, 267, 281, 282, 283, 293, 302A, 302B, and 311, aggregating 1,370.74 acres, more or less.

LaCrosse County, Wisconsin

Tracts La—4B, 5, 6A, 6B, 7, 8, 9A, 9B, 10, 11, 14, 15, 17, 18, 19, 20A, 20B, 21, 23, 24, 27, 28, 29, 30, 31, 34, 35, 39, 40, 43, 44, 45, 46, 47, 49B & 73B, 49C, 53, 54, 55, 56, 57, 58A, 58B, 63, 65, 66, 67, 68, 69, 71B, 71C, 72A, 76A & 90B, 78A, 78B, 79, 80, 86A, 86B, 87, 88A, 88B, 94, 96, 97, 100B, 102, 105, 106, 0106, 108, 111B, 113, 125, 138B, 139A, 140A, and 140B, aggregating 2,214.47 acres, more or less.

Vernon County, Wisconsin

Tracts V—10, 11, 12, 13, 17, 18, 24A, 24B, 28, 30, 39, 40, 41B, 55A, 56A, 73B, 75A, 75B, 76, 90B, 90C, 91, 92, 93, 94, 95, 96, 97, 097, 98, 99, 105, 108, 109, 111, 113A, 113C, 114B, 115, 116, 117, 123, 124, 125, 126A, 126B, 127B, 127C, 128A, 128C-1,

Lock and Dam No. 8—Continued.

Vernon County, Wisconsin—Con.

132C, 133A, 133B, 134B, 136, 137A, 140, 148A, 148B, 149A, 149B, 150, 151, 0151, 152A, 153A, 153B, 154, 156, 166, 169, 0171, 173, 177, 184, 188, 189, 191, 192, 195, 205, 206, 208B, 209, 211, 223, 227, 229, 231, 241, 244, 245, 250, 256, 257, 258, 261, 262, 263, 264, 265, 269, 279, 280, 281, 282, 283, 284, 288, 296, 297, 298, 299, 300, 301, 305, 306, 307, 315, 316, 317, 319A, 327A, 328, 329A, 329B, and 334, aggregating 3,463.40 acres, more or less.

The above-described lands are under the primary jurisdiction of the War Department, and their reservation for the purposes set forth in this order shall be subject at all times to use by the War Department in connection with the improvement of the Mississippi River for navigation and the uses thereof, and the enforcement of laws and regulations thereon by the Department of the Interior shall be without interference with any existing or future uses or regulations of the War Department.

It is unlawful for any person to pursue, hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatsoever within the limits of this refuge, or to enter thereon except under such rules and regulations as may be prescribed by the Secretary of the Interior.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 24, 1940.

[No. 8331]

[F. R. Doc. 40-414; Filed, January 25, 1940; 3:08 p. m.]

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR THE IMPROVEMENT OF THE FLOOD CHANNEL OF THE BIG BLACK RIVER

MISSISSIPPI

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, it is ordered as follows:

SEC. 1. Executive Order No. 6964 of February 5, 1935, as amended, temporarily withdrawing all public lands in certain states for classification and other purposes, is hereby revoked so far as it affects the land described in section 2 of this order.

SEC. 2. Subject to the conditions expressed in the above-mentioned acts and to valid existing rights, the following-described public land in Mississippi is hereby withdrawn from settlement, location, sale, or entry, and reserved for use in connection with the project for the improvement of the flood channel of the Big Black River, under the supervision of the War Department as authorized by

the act of June 22, 1936, c. 688, 49 Stat. 1570, 1576:

Choctaw Meridian

A tract of land described by metes and bounds as follows: Beginning at a point on the left bank of the Big Black River on the line between sec. 31, T. 10 N., R. 1 E. and sec. 36, T. 10 N., R. 1 W., from which the corner of secs. 5, 6, 31 and 32, Tps. 9 and 10 N., R. 1 E. bears S. 88°00' E. 75.95 chains distant; thence north 6.22 chains, along the line between sec. 31, T. 10 N., R. 1 E., and sec. 36, T. 10 N., R. 1 W.; thence S. 42°02' W. approximately 1.35 chains to the left bank of Big Black River; thence along the left bank of Big Black River, S. 9°45' E., approximately 5.30 chains, to the place of beginning, containing 0.29 of an acre, being a part of lot 9, sec. 36, T. 10 N., R. 1 W.

SEC. 3. The reservation made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 25, 1940.

[No. 8332]

[F. R. Doc. 40-418; Filed, January 26, 1940; 10:26 a. m.]

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NO. 5952 OF NOVEMBER 23, 1932, PRESCRIBING THE ARMY RATION

By virtue of the authority vested in me by section 40 of the act of February 2, 1901, entitled "An Act to increase the efficiency of the permanent military establishment of the United States" (31 Stat. 748, 758), Executive Order No. 5952 of November 23, 1932, prescribing the Army Ration, is hereby amended as follows:

1. Subdivision (e) of Note 5 of Part 1 (Garrison Ration) is amended by adding thereto the following sentence:

"This additional 10 per cent is not applicable to any additional allowance which may be authorized under Note 6, below."

2. Part 3 (Reserve Ration) is revoked in full.

3. Part 4 (Field Ration) is amended to read as follows:

"The Field Ration is that prescribed for use only in time of war or national emergency when the garrison ration is not used. It will be issued in kind, and no ration savings will be allowed. Its components and substitutes will be prescribed by the Secretary of War or the commander of the field forces, and will consist of the following:

(a) *Field Ration "A."* This ration will correspond as nearly as practicable with the components or substitutes therefor of the garrison ration. This type of field

ration will be issued as often as circumstances permit.

(b) *Field Ration "B."* This ration will correspond as nearly as practicable with the components of Field Ration "A" with the exception that non-perishable processed or canned products will replace items of a perishable nature.

(c) *Field Ration "C."* This ration will consist of previously cooked or prepared food, packed in hermetically sealed cans, which food may be eaten either hot or cold, and will consist of six cans per ration as follows:

3 cans containing a meat and a vegetable component.

3 cans containing crackers, sugar, and soluble coffee.

(d) *Field Ration "D."* This ration will consist of three 4-ounce bars of concentrated chocolate.

(e) In time of war Field Rations "C" and "D" are to be issued only upon orders of the commander of the field forces. In time of peace, such of these types as are available may, for training purposes, be utilized when directed by proper authority.

(f) When deemed advisable, a combination of Field Ration "C" and "D" may constitute the Field Ration. This will normally consist of two cans of the meat and vegetable component, two cans of the crackers, sugar, and soluble coffee, and two 4-ounce bars of concentrated chocolate."

(g) In the theater of operations, when they cannot be obtained otherwise by the troops, the commander of the field forces may authorize the issue of any of the following items as a part of the field ration, not to exceed the allowances per ration as shown.

Articles	Quantities	Substitutive Articles	Quantities
Candy.....ounce..	1		
Tobacco, smoking do....	1	Tobacco, chewing ounce..	1
		Cigarettes.....each..	20
Papers, cigarette, to each 2 ounces of smoking tobacco allowed each..	100		
Matches, safety, for each issue of smoking tobacco or cigarettes box..	.5		

4. Parts 4 (Field Ration), 5 (Troops Traveling on Transports), and 6 (Ration and Savings Accounts) are re-numbered 3, 4, and 5, respectively.

This order shall be effective immediately.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 25, 1940.

[No. 8333]

[F. R. Doc. 40-420; Filed, January 26, 1940; 11:33 a. m.]

Rules, Regulations, Orders

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment 3 of § 228.3 of Economic Regulations]

GRANTING ACCESS TO AIRCRAFT INSPECTORS OF THE AUTHORITY OTHER THAN AIR CARRIER INSPECTORS

Correction

JANUARY 26, 1940.

Amendment 1 of § 228.3 of Economic Regulations, appearing on Page 257 of the FEDERAL REGISTER for Tuesday, January 23, 1940 (F. R. Doc. 40-342; filed January 22, 1940; 12:13 p. m.) should be entitled "Amendment 3 of § 228.3 of Economic Regulations."

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 40-430; Filed, January 26, 1940; 12:52 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULE X-14A-7

Acting pursuant to the Securities Exchange Act of 1934, particularly Sections 14 (a) and 23 (a) thereof (C. 404, Sec. 14, 48 Stat. 895; 15 U.S.C. 78n; C. 404, Sec. 23, 48 Stat. 901; C. 462, Sec. 8, 49 Stat. 1379; 15 U.S.C. 78w and Sup. III), and finding that such action is necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it, the Securities and Exchange Commission hereby amends paragraph (f) of Rule X-14A-7 (Sec. 240. X-14A-7) of Regulation X-14, so that it shall read as follows:

(f) Any solicitation made in connection with a reorganization of a registered holding company or any subsidiary company thereof, if such solicitation is made in compliance with Rule U-12E-3 (Sec. 250. U-12E-3) under the Public Utility Holding Company Act of 1935.

Effective January 26, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-429; Filed, January 26, 1940; 12:50 p. m.]

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

AMENDMENT OF RULE U-12F-2

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 11 (g), 12 (e) and 20 (a) thereof (C. 687, Sec. 11, 49 Stat. 820; 15 U.S.C., Sup. III, 79 k; C. 687, Sec. 12, 49 Stat. 823; 15 U.S.C., Sup. III, 79 l; C. 687, Sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 79 t.), and finding that such action is necessary and appropriate in the public interest, and for the protection of investors and consumers, the Securities and Exchange Commission hereby amends Rule U-12E-2' (Sec. 250. U-12E-2), so that it shall read as follows:

Except as to a solicitation which is made in compliance with Rule U-12E-3 (Sec. 250. U-12E-3), no person shall solicit or permit the use of his or its name to solicit any proxy regarding any security of a registered holding company or a subsidiary of such a company except upon compliance with the provisions of all rules and regulations adopted pursuant to the provisions of Section 14 (a) of the Securities Exchange Act of 1934 (C. 404, Sec. 14, 48 Stat. 895; 15 U.S.C., 78 n) that would be applicable to such solicitation if such securities were registered on a national securities exchange: *Provided, however,* That, unless such security is actually registered on a national exchange, no documents need be filed with any such exchange in connection with such solicitation.

Effective—January 26, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-428; Filed, January 26, 1940; 12:50 p. m.]

PUBLIC UTILITY HOLDING Co. ACT OF 1935

AMENDMENT OF RULE U-12E-3

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 11 (g), 12 (e) and 20 (a) thereof (C. 687, Sec. 11, 49 Stat. 820; 15 U.S.C., Sup. III, 79k; C. 687, Sec. 12, 49 Stat. 823; 15 U.S.C., Sup. III, 79 l; C. 687, Sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 79t.), and finding that such action is necessary and appropriate in the public interest, and for the protection of investors and consumers, the Securities and Exchange Commission hereby amends paragraph (c) of Rule U-12E-3 (Sec. 250. U-12E-3), so that it shall read as follows:

(c) *Solicitations of Restricted Authorizations.* Any person may, in anticipation of or in connection with a reorganization, solicit or permit the use of his or its name to solicit any authorization, other than one accompanied by a deposit

[F. R. Doc. 40-429; Filed, January 26, 1940; 12:50 p. m.]

of securities, which merely permits or empowers specified persons to represent the owners of securities or claims in connection with the negotiation, formulation or development of a reorganization plan, or to appear before a court, commission or other body in connection with such reorganization or the development of a plan, but which does not constitute a consent to or dissent from any plan, if the following conditions are satisfied:

(1) Each such solicitation shall be accompanied or preceded by the sending or delivery to the person solicited of a proxy statement containing the following information:

A. The names, addresses and principal business connections of each person making such solicitation, and of each person at whose instance or on whose behalf each such person is acting;

B. The interest of each person named in Item A above in such reorganization or such plan, including a statement of the nature and amount of securities and claims beneficially owned or otherwise controlled by each such person which were issued by or exist against the company to be affected by such reorganization, and each associate company thereof;

C. Costs (accrued and estimated) of such solicitation and a statement of any arrangement or expectation as to financing such costs including the names of each person who has advanced funds to cover, and of each person who will be obligated with respect to such costs, and a full statement of each such person's interest in the reorganization;

D. All plans or arrangements, however tentative, that have been made for the compensation of any person named in Item A above, and of any employee or agent directly engaged in such solicitation;

E. All plans or arrangements, however tentative, that have been made for the employment of any such person by the company in reorganization, any associate company thereof, or any successor thereto, and

F. Any other information to be distributed to security holders at the time of the first solicitation.

(2) Each such authorization shall expressly provide that it does not constitute and does not authorize any person to give a consent to or dissent from any plan of reorganization and that it is unconditionally revocable at the will of and without expense to the person granting such authorization.

(3) Copies of materials to be used in such solicitation shall be filed with or mailed to the Commission, at its office in Washington, D. C., in compliance with the following requirements:

A. Three copies of the proxy statement and the form of authorization, to be marked "For the Information of the Commission Only", shall be filed with the

Commission not later than 10 days prior to the date such material is to be distributed to security holders, except that the Commission, upon a showing of unusual circumstances, may permit a shorter interval;

B. Three copies of any revision of the proxy statement and form of authorization, in the form being distributed to security holders, or a statement that such material is being distributed in the form theretofore filed with the Commission, shall be filed with or mailed to the Commission not later than the date such material is first distributed to security holders;

C. Three copies of any supplementary solicitation literature to be subsequently distributed to security holders (exclusive of individual replies to inquiries), shall be filed with the Commission or mailed to arrive in the ordinary course of the mails not later than 3 business days prior to the date of distribution thereof;

D. The above material, as transmitted to the Commission, shall be accompanied by a statement indicative of the date upon which copies thereof are intended to be or are being distributed to security holders.

Effective January 26, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-427; Filed, January 26, 1940; 12:50 p. m.]

PUBLIC UTILITY HOLDING CO. ACT OF 1935
AMENDMENT OF RULE U-12E-3

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 11 (g), 12 (e) and 20 (a) thereof (C. 687, Sec. 11, 49 Stat. 820; 15 U.S.C. Sup. III, 79k; C. 687, Sec. 12, 49 Stat. 823; 15 U.S.C. Sup. III, 79 l; C. 687, Sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 79t.), and finding that such action is necessary and appropriate in the public interest, and for the protection of investors and consumers, the Securities and Exchange Commission hereby amends the second paragraph of paragraph (a) (3) of Rule U-12E-3 (Sec. 250 U-12E-3), so that it shall read as follows:

No person shall solicit any such authorization in any case unless the instruments used to evidence such authorization contain fair and equitable provisions for review and determination by a court, commission or other independent person of all fees and expenses that are to be paid or incurred by the estate or by the persons solicited in connection with the reorganization; for the submission of periodic reports and statements of account by the person making such solicitation to those from whom authorization is procured; for prohibition of the buying or selling of securities affected by the reorganization by or on behalf of the person effecting such solicitation or his

associates; and for the unconditional right to revoke or cancel such authorizations and, except for cause shown, to withdraw securities from deposit, without expense, at any time before the authorization has been conclusively exercised.

Effective January 26, 1940.

By the Commission,

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-426; Filed, January 26, 1940; 12:50 p. m.]

TITLE 29—LABOR

CHAPTER II—NATIONAL LABOR RELATIONS BOARD

AMENDMENTS TO NATIONAL LABOR RELATIONS BOARD RULES AND REGULATIONS, SERIES 2

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following amendments to its Rules and Regulations, Series 2 (General Rules and Regulations), which it finds necessary to carry out the provisions of said Act. Said amendments to the Rules and Regulations, Series 2, shall become effective upon the signature of the original amendments by the members of the Board, and upon the publication thereof in the FEDERAL REGISTER.

Section 202.35,¹ National Labor Relations Board Rules and Regulations, Series 2, is hereby amended by striking out in the second sentence of said section the words "or permission to file a brief with the Board," and in the third sentence of said section the words "the submission of briefs or," and by inserting between the first and second sentences the following sentence: "Any party may, within thirty days after the date of the order transferring the case to the Board pursuant to Section 202.32 of this Article, file a brief with the Board."

As amended the entire Section 202.35, Rules and Regulations, Series 2, shall read as follows:

"Upon the expiration of the period for filing a statement of exceptions, as provided in Section 202.33, the Board may decide the matter forthwith upon the record, or after the filing of briefs, or after oral argument, or may reopen the record and receive further evidence before a member of the Board or other agent or agency, or may close the case upon compliance with the recommendations of the Intermediate Report, or may make other disposition of the case. Any party may, within thirty days after the date of the order transferring the case to the Board pursuant to Section 202.32, file a brief with the Board. Should any party desire permission to argue orally before the Board, request therefore must

¹ 4 F.R. 3138 DI.

be made in writing to the Board within twenty days after the date of the order transferring the case to the Board pursuant to Section 202.32. The Board shall notify the parties of the time and place for oral argument, if such permission is granted, and shall notify the parties of the time and place for the taking of further evidence.

"Where the Trial Examiner has found in his Intermediate Report that the respondent has not engaged in and is not engaging in any of the alleged unfair labor practices affecting commerce, and no exceptions have been filed within the period for filing a statement of exceptions, as provided for in Section 202.33, the case shall be considered closed. The Board may, upon motion made within a reasonable period and upon proper cause shown, reopen the record for further proceedings in accordance with this Section."

Sections 207.1 and 208.1² of the National Labor Relations Board Rules and Regulations, Series 2, are hereby amended in the following manner:

(a) By the insertion of two new Sections, to be known hereafter as Sections 207.1 and 207.2, and to read as follows:

PRACTICE BEFORE THE BOARD BY FORMER EMPLOYEES

§ 207.1 *Prohibition of practice before Board of its former regional employes in cases pending in Region during employment.* No person who has been an employee of the Board and attached to any of its Regional offices shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding which was pending in any Regional office to which he was attached during the time of his employment with the Board.

§ 207.2 *Same; application to former employes of Washington staff.* No person who has been an employee of the Board and attached to the Washington staff shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding pending before the Board or any of the Regional offices during the time of his employment with the Board.

(b) By changing the number of the present Section 207.1 to Section 208.1.

(c) By changing the number of the present Section 208.1 to Section 209.1, a new number.

Signed at Washington this 25th day of January, 1940.

J. WARREN MADDEN,
Chairman.
EDWIN S. SMITH,
Member.
WM. M. LEISERSON,
Member.

[F. R. Doc. 40-421; Filed, January 26, 1940; 11:40 a. m.]

² 4 F. R. 3141 DI.

Notices

FEDERAL COMMUNICATIONS COMMISSION.

GLOBE WIRELESS, LTD., SAN FRANCISCO, CALIFORNIA

NOTICE OF PROPOSED MODIFICATION OF LICENSES

You are hereby notified that the Commission proposes to modify the outstanding fixed public point-to-point radio-telegraph station licenses of Globe Wireless, Ltd., for stations KLF, KLM, KRP, KRS, KRT, KRW, KRY, and KRZ at Cypress, California, and for stations KGF, KGF-2, KGG, KGJ, KGK, KGL, KGV, KGZ, KIE, KKV, KIJ, KNL, KNU, KNV, KNZ, KOF, KPG, and KTU, at Mussel Rock, California, and for station KKB, KLT, KVN, KVS, KVT, KVW, KVV, and KVZ at Edmonds, Washington, by inserting in each license the following condition:

"Provided the frequency or frequencies authorized herein shall be used for trans-Pacific telegraph traffic only and shall not be used to transmit telegraph messages originating in and destined to points within the continental United States."

You are further notified that the grounds and reasons therefor are as follows:

1. Globe Wireless, Ltd., has heretofore used the aforementioned licenses to render telegraph services in connection with trans-Pacific messages only.

2. Globe Wireless, Ltd., has made representations to the Commission in formal proceedings upon applications for additional frequencies to the effect that it did not intend to enter the domestic communications field and that its regular frequency assignment was not adequate to handle its trans-Pacific telegraph traffic.

3. On October 3, 1939, Globe Wireless, Ltd., filed with the Commission, to become effective November 3, 1939, a new tariff F. C. C. No. 13 containing charges, rules, and regulations applicable to domestic telegraph service between Seattle, Washington, San Francisco, California, and Los Angeles, California, and has for the first time entered the domestic telegraph field in said area in competition with the other telegraph carriers rendering service therein.

4. The domestic field proposed to be served by Globe Wireless, Ltd., under the aforesaid tariff F. C. C. No. 13 appears to be adequately served by The Western Union Telegraph Company, Postal Telegraph-Cable Company, the Pacific Telephone and Telegraph Company, Mackay Radio and Telegraph Company of California, Press Wireless, Inc., and R. C. A. Communications, Inc., and existing fa-

cilities appear to be adequate to handle the present business and any increase in traffic that may be foreseen at this time.

5. It appears that the interests of the aforesaid carriers will be adversely affected by the entry of Globe Wireless, Ltd., into the domestic communication service.

6. It does not appear that the offering of the aforesaid domestic telegraph service by Globe Wireless, Ltd., will improve service, create traffic, provide advantages by reason of competition or reduce rates.

7. The frequencies now assigned to Globe Wireless, Ltd., on a regular basis are not adequate to give a complete and satisfactory trans-Pacific telegraph service in addition to a domestic service.

8. The public interest, convenience and necessity will not be served by the entry of Globe Wireless, Ltd., into domestic telegraph service by means of the aforesaid radio stations.

9. The public interest, convenience and necessity will be promoted by the modification herein proposed.

You are further notified that if Globe Wireless, Ltd., objects to the modification of the said licenses as herein proposed it may file with the Commission within fifteen days from the date hereof, its objections in writing and its request for a hearing in which it may show cause why such an order of modification should not issue. In the event of failure to file such objections and request to be heard an order modifying the licenses as herein proposed will thereafter issue.

Dated at Washington, D. C., this 4th day of January 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-423; Filed, January 26, 1940; 12:47 p. m.]

[Docket No. 5810]

PROPOSED MODIFICATION OF CERTAIN RADIOTELEGRAPH STATION LICENSES OF GLOBE WIRELESS, LTD.

ORDER FOR HEARING

Whereas, Globe Wireless, Ltd., respondent in the above-entitled proceeding, was notified by a written Notice, dated January 4, 1940, that the Commission proposed to modify certain radio-telegraph station licenses held by Globe Wireless, Ltd., said Notice setting forth in detail the action proposed and the grounds or reasons therefor; and

It appearing, That on January 19, 1940, Globe Wireless, Ltd., filed with the Commission Objections to Proposed Modification of Licenses and Request For Hearing, said Request For Hearing also praying that certain carriers named therein be made parties to this proceeding:

It is ordered, That the above-entitled proceeding be, and it is hereby, assigned

for hearing on the 19th day of February, at 10:00 a. m., at the offices of the Federal Communications Commission in Washington, D. C.;

It is further ordered, That in addition to Globe Wireless, Ltd., the following carriers be, and the same are hereby, made respondents to this proceeding and that a copy of this Order and of the aforesaid Notice of Proposed Modification of License be forthwith served upon each of them: Pacific Telephone and Telegraph Company, The Western Union Telegraph Company, Postal Telegraph-Cable Company, Mackay Radio and Telegraph Company, Inc. (California), Mackay Radio and Telegraph Company, Inc. (Delaware), R. C. A. Communications, Inc., Commercial Pacific Cable Company, and Press Wireless, Inc., and that said carriers shall be and appear at the hearing as hereinabove designated.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

Dated January 24, 1940.

[F. R. Doc. 40-424; Filed, January 26, 1940; 12:47 p. 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 23rd day of January, A. D. 1940.

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

[Docket No. 3908]

IN THE MATTER OF MILWAUKEE JEWISH KOSHER DELICATESSEN ASSOCIATION, A CORPORATION; JOSEPH PLOTKIN, AARON GUTEN, CARL GUTEN, R. COHEN, AND M. GUTEN, MEMBERS OF SAID RESPONDENT, MILWAUKEE JEWISH KOSHER DELICATESSEN ASSOCIATION

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 Edward E. Reardon, 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, February 13, 1940, at ten o'clock in the forenoon of that day (central standard time) in Federal Court Room

No. 372, Post Office Building, Milwaukee, Wisconsin.

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] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 40-417; Filed, January 26, 1940; 10:07 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of January, A. D. 1940.

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

[Docket No. 3689]

IN THE MATTER OF POWER AND GANG MOWER MANUFACTURERS' ASSOCIATION, COLDWELL LAWN MOWER COMPANY, JACOBSEN MANUFACTURING COMPANY, MILBRADT MANUFACTURING COMPANY, MOTO MOWER COMPANY, TORO MANUFACTURING COMPANY, IDEAL POWER LAWN MOWER COMPANY, OUTBOARD MOTORS CORPORATION, ROSEMAN TRACTOR MOWER COMPANY, ECLIPSE LAWN MOWER 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 Edward E. Reardon, 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, February 20, 1940, at ten 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] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 40-415; Filed, January 26, 1940; 10:06 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of January, A. D. 1940.

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

[Docket No. 3861]

IN THE MATTER OF BERLAND SUPPLY COMPANY, INC., S. J. CASPER, INC., I. SHAPIRO, INC., LOUIS M. MINTZ, AN INDIVIDUAL, TRADING AS MINTZ SUPPLY COMPANY, W. A. REINEMANN, AN INDIVIDUAL, TRADING AS HOTEL AND RESTAURANT SUPPLY COMPANY, NATIONAL BEVERAGE DISTRIBUTING COMPANY, ANCHOR - HOCKING GLASS COMPANY, WEST VIRGINIA GLASS SPECIALTY COMPANY, INDIANA GLASS COMPANY, ROSEWARE, INC., W. H. PETERSON, AN INDIVIDUAL, HOTEL, RESTAURANT & TAVERN EQUIPMENT ASSOCIATION AND ITS MEMBERS

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 Edward E. Reardon, 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, February 5, 1940, at ten o'clock in the forenoon of that day (eastern standard time) in Court Room No. 2, New Federal Building, Columbus, Ohio.

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

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 40-416; Filed, January 26, 1940; 10:06 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of January, A. D. 1940.

[File No. 43-263]

IN THE MATTER OF LOUISIANA ICE & ELECTRIC COMPANY, INC.

EFFECTIVENESS OF DECLARATION

Louisiana Ice & Electric Company, Inc., a subsidiary of Utilities Stock & Bond Corporation, a registered holding company, having filed a declaration and an amendment thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of a First Mortgage Note in the principal amount of \$50,000 to the Rural Electrification Administration, said note to bear interest at the rate of 2.73% per annum and to be amortized through monthly installments over a period of twenty years;

A public hearing having been held on the declaration, as amended, pursuant to appropriate notice; the Commission having considered the record in this matter and having made its findings herein;

It is ordered, That the declaration, as amended, be and it hereby is permitted to become effective forthwith, subject to the following terms and conditions:

1. That the issue and sale of the said note be in the manner and for the purposes represented in the declaration, as amended;

2. That within ten days after the issue and sale of the said note, there shall be filed with this Commission a Certificate of Notification stating that the same has been effected in the manner and for

the purposes represented in the declaration, as amended.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.[F. R. Doc. 40-425; Filed, January 26, 1940;
12:50 p. m.]

UNITED STATES TARIFF COMMISSION.

WHEAT AND WHEAT PRODUCTS

INVESTIGATION EXTENDED AND HEARING
RECONVENED*Investigation No. 3 Under Section 22 of
the Agricultural Adjustment Act, as
Amended*

Extension of investigation. By direction of the President, dated January 25, 1940, the United States Tariff Commission has this day ordered and hereby gives notice of the extension of the scope of the investigation instituted on December 14, 1939,¹ under section 22 of the Agricultural Adjustment Act (of 1933), as amended, and Executive Order No. 7233, of November 23, 1935, for the additional purpose of determining whether Wheat or Wheat Products are practically certain to be imported into the United States under such conditions and in suf-

¹ 4 F.R. 4907 DI.

ficient quantities as to render or tend to render ineffective or materially interfere with the program undertaken with respect to wheat under the Soil Conservation and Domestic Allotment Act, as amended, or to reduce substantially the amount of any product processed in the United States from wheat. This extension of the investigation is made in view of the amendment of said section 22 by the Act approved January 25, 1940, H.R. 7171, 76th Congress.

Hearing. The hearing in this investigation, which was recessed on January 4, 1940, will be reconvened at the office of the Commission in Washington, D. C. at 10:00 a. m. on the 12th day of February 1940, in order that all parties interested may have an opportunity to be present, to produce evidence, and to be heard. The testimony adduced at the hearing on January 4 will be considered in conjunction with the testimony presented at the reconvened hearing.

A copy of section 22 as now amended is enclosed with this notice.

I hereby certify that the above extension of investigation and reconvening of hearing were ordered by the United States Tariff Commission on the 26th day of January 1940.

[SEAL]

SIDNEY MORGAN,
Secretary.

Notice issued January 26, 1940.

[F. R. Doc. 40-419; Filed, January 26, 1940;
11:21 a. m.]