

MAY 6 1940

# FEDERAL REGISTER



VOLUME 5

NUMBER 87

Washington, Friday, May 3, 1940

## The President

### NATIONAL MARITIME DAY—1940

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

#### A PROCLAMATION

WHEREAS the first successful trans-oceanic voyage under steam propulsion was made by the steamship *The Savannah*, which set sail from Savannah, Georgia, on May 22, 1819; and

WHEREAS, in commemoration of the material contribution thus made to the advancement of ocean transportation, the Congress by a joint resolution of May 20, 1933 (48 Stat. 73), designated May 22 of each year as National Maritime Day and requested the President to issue annually a proclamation calling for the appropriate observance of the day; and

WHEREAS it is proper that public recognition should be given to the courage, vision, and achievements of the officers and seamen of the American merchant marine and to the eminence of American inventors and engineers in the science of navigation;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby call upon the people of the United States to observe May 22, 1940, as National Maritime Day by displaying the flag at their homes or other suitable places and do direct Government officials to display the flag on all Government buildings on that day.

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 30<sup>th</sup> day of April, in the year of our Lord nineteen hundred and forty, and [SEAL] of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

SUMNER WELLES

Acting Secretary of State.

[No. 2401]

[F. R. Doc. 40-1763; Filed, May 2, 1940; 11:44 a. m.]

## EXECUTIVE ORDER

### AMENDING THE FOREIGN SERVICE REGULATIONS OF THE UNITED STATES

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes of the United States (22 U.S.C. § 132), and the act of May 22, 1918, 40 Stat. 559 (22 U.S.C. §§ 223-226) as extended by the act of March 2, 1921, 41 Stat. 1217 (22 U.S.C. § 227), it is ordered that the Foreign Service Regulations of the United States be, and they and hereby, amended by prescribing the following as Chapter XXII thereof:

#### CHAPTER XXII—VISAS FOR ALIENS

XXII-1. *Duties of officers of the Foreign Service in connection with the enforcement of immigration laws.* Officers of the Foreign Service shall familiarize themselves with the existing laws on the subject of immigration and visas and with the rules and regulations established thereunder by the Secretary of Labor, the Commissioner of Immigration and Naturalization, or other officials acting in the name of the President and they shall perform the duties prescribed therein for them. They shall submit reports to the Department of State on any actual, attempted, or suspected violation of the immigration rules and laws and in an emergency may suitably inform the appropriate immigration officials.

XXII-2. *Duties of officers of the Foreign Service in connection with the admission of Chinese.* Officers of the Foreign Service, except consular agents, shall visa for and issue to admissible Chinese such documents as are prescribed by Executive order, and the laws, rules, and regulations governing the admission of Chinese persons into the United States or territory under its jurisdiction.

XXII-3. *Granting of diplomatic visas.* Diplomatic visas may be granted abroad under such rules and regulations as the Secretary of State may prescribe.

#### Cancelation of Regulations

The following provisions of the Foreign Service Regulations of the United States are hereby canceled:

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Part I

Sections XII-5 and XII-6.

Part II

Sections XXII-361, XXII-362, XXII-364, XXII-366, and XXII-368.

Revocation of Executive Orders

The following Executive orders are hereby revoked:

Executive Order No. 4690, dated July 11, 1927.

Executive Order No. 5226, dated November 18, 1929.

Executive Order No. 7449, dated September 16, 1936.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
April 29, 1940.

[No. 8400]

[F. R. Doc. 40-1748; Filed, May 1, 1940; 12:26 p. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT  
CHAPTER I—FARM CREDIT  
ADMINISTRATION

AUTHORIZING THE GOVERNOR OF THE FARM CREDIT ADMINISTRATION TO DESIGNATE THE ACTING GOVERNOR

1. Section 3.1 of Title 6, Code of Federal Regulations, as amended, is hereby amended to read as follows:

§ 3.1 Authority of Governor to designate Acting Governor. The Governor of the Farm Credit Administration is authorized to designate, by appropriate order, the Deputy Governor or Deputy Governors who shall perform the duties and exercise the powers of the Governor of the Farm Credit Administration in his absence.

Any order prepared for issuance by the Governor of the Farm Credit Administration pursuant to the authority conferred upon him by this section shall be submitted to the Secretary of Agriculture for approval and shall not become effective in the absence of such approval.

2. The order of February 20, 1940 (5 F.R. 733), is superseded by the provisions of this order.

Done at Washington, D. C., this 27th day of April 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,  
Acting Secretary of Agriculture.

[F. R. Doc. 40-1758; Filed, May 2, 1940; 11:39 a. m.]

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 394, Rev.]

LIST OF TRUE BULBS, CORMS, AND TUBERS EXEMPTED FROM JAPANESE BEETLE CERTIFICATION

MAY 5, 1940.

§ 301.48-6a Under regulation 6, A (1), of Quarantine No. 48<sup>1</sup> (§ 301.48-6), true bulbs, corms, and tubers are exempted from Japanese beetle certification when dormant, except for storage growth, and when free from soil. The exemption in-

<sup>1</sup> 5 F.R. 1321.

cludes single dahlia tubers or small dahlia root divisions when free from stems, cavities, and soil. Dahlia tubers, other than single tubers meeting these conditions, require certification.

The following list of bulbs, corms, and tubers, issued for the information of inspectors of the Bureau and for the use of shippers within the regulated areas, is revised to include *Gloriosa rothschildiana* and two species of *Corydalis*, and to list the species of bulbous *Anemone*.

The key letter in parentheses before each name indicates whether the variety in question is a true bulb, corm, or tuber, (B) standing for true bulb, (C) for Corm, and (T) for tuber. Plant roots of a bulbous nature not given on this list are, in most cases, fleshy rhizomes, and are therefore not exempt from certification.

- (C) Acidanthera.
- (T) Alstroemeria.
- (B) Amaryllis.
- (C) Amorphophallus (Devilstongue).
- (B) *Anemone nemorosa*, *A. ranunculoides*, *A. trifolia*.
- (C) Antholyza.
- (C) Babiana.
- (T) Begonia (tuberous rooted).
- (T) Boussingaultia (Madeira vine).
- (C) Brodiaea.
- (B) Bulbocodium.
- (C) Calochortus (Mariposa lily or Globe-tulip).
- (B) Camassia (wild hyacinth).
- (B) Chionodoxa (Glory-of-the-snow).
- (B) Colchicum (Autumn-crocus).
- (T) Colocasia (*Caladium esculentum* and fancy-leaved varieties).
- (B) Cooperia (Evening Star and Rainlily).
- (B) *Corydalis bulbosa*, *C. tuberosa*.
- (B) Crinum.
- (C) Crocus.
- (C) Cyclamen.
- (T) Dahlia (see statement in introductory paragraph).
- (C) Dierama.
- (T) *Dioscorea batatas* (Cinnamon vine).
- (T) Eranthis (Winter-aconite).
- (B) Erythronium (Troutlily or Dog-tooth violet).
- (B) Eucharis (Amazonlily).
- (C) Freesia.
- (B) Fritillaria (Fritillary).
- (B) Galanthus (Snowdrop).
- (B) Galtonia (*Hyacinthus candicans*) (Summer hyacinth).
- (C) Gladiolus.
- (T) *Gloriosa rothschildiana*.
- (T) Gloxinia (see *Sinningia*).
- (B) *Hippeastrum* (House-amaryllis).
- (B) *Hyacinthus* (*Hyacinth*, Dutch, and Roman).
- (B) *Hymenocallis* (Spiderlily).
- (B) Iris, bulbous (Dutch, Spanish, and English).
- (B) Ismene (see *Hymenocallis*).
- (B) Ixia.
- (B) Ixiolirion.
- (B) *Lachenalia* (Cape-cowslip).

- (B) Lapeyrousia (Anomatheca).
- (B) Leucojum (Snowflake).
- (B) Lilium (Lily bulbs, imported and domestic).
- (B) Lycoris (Cluster-amaryllis).
- (B) Milla (Mexican-star).
- (B) Muscari (Grape- and feathered-hyacinths).
- (B) Narcissus (Daffodil, Jonquil).
- (B) Nerine.
- (B) Ornithogalum (Star - of - Bethlehem).
- (B) Oxalis.
- (B) Pancratium.
- (B) Polianthes (Tuberose).
- (B) Puschkinia.
- (T) Ranunculus.
- (B) Scilla (Squill, Starhyacinth).
- (T) Sinningia speciosa (Gloxinia).
- (C) Sparaxis (Wandflower).
- (B) Sprekelia (St. Jameslily).
- (B) Sternbergia.
- (B) Tigridia (Tigerflower or Shellflower).
- (C) Tritonia (Montbretia).
- (B) Tulipa (Tulip).
- (B) Vallota (Scarboro-lily).
- (B) Watsonia (Buglelily).
- (T) Zantedeschia (Richardia) (Calla, white, yellow, spotted; arumlily).
- (B) Zephyranthes (Zephyrlily).

(§ 301.48-6) [B.E.P.Q. 394 Revised May 5, 1940]

[SEAL] LEE A. STRONG,  
Chief.

[F. R. Doc. 40-1760; Filed, May 2, 1940; 11:39 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 777]

PART 407—TREASURY

BORROWER'S SETTLEMENT AGENT

Section 407.50-19 is amended by changing the second and third paragraphs thereof to read as follows:

Subject to approval by the Regional Manager, with the advice of Regional Counsel, any institution or individual of known responsibility such as a National Bank, a member bank of the Federal Reserve System, a member of the Federal Home Loan Bank System, a Title Company, or an Attorney, shall be acceptable to act as an escrow agent: *Provided, however,* That whenever such an institution is available no individual shall be approved, such institution or individual to execute an Agreement, Form RO-TR-351, or Form RO-TR-351-A, regarding the payment of moneys due the Corporation. Form RO-TR-351 will be used generally, but where a number of cases are to be handled through any one escrow agent, Form RO-TR-351-A, Blanket Escrow

Agreement, may be used if in the opinion of the Regional Treasurer the use of same is advantageous and justified. No release or cancelation of evidence of indebtedness shall be transmitted to such approved institution or individual until a properly executed agreement, is on file with the Regional Treasurer.

After receipt of a properly executed Agreement, Form RO-TR-351, from the approved escrow agent, or upon receipt of a request from an approved escrow agent who has executed and filed a Blanket Escrow Agreement, Form RO-TR-351-A, with the Regional Treasurer, the Regional Treasurer shall transmit by registered mail to said agent the release, cancelation of evidence of indebtedness and any papers to which the borrower is entitled, as specified by the Regional Counsel, accompanied by Form RO-95-A or Form RO-95-A-1.

(Effective date May 1, 1940)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k)).

[SEAL] J. FRANCIS MOORE,  
Secretary.

[F. R. Doc. 40-1749; Filed, May 1, 1940; 1:06 p. m.]

TITLE 25—INDIANS

CHAPTER I—OFFICE OF INDIAN AFFAIRS

PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

FLATHEAD IRRIGATION DISTRICT, FLATHEAD INDIAN RESERVATION, MONTANA

Amendment

APRIL 16, 1940.

Section 130.24 of Title 25, Chapter I, Subchapter L, Part 130, CFR, Fixing Operation and Maintenance Charges Flathead Irrigation District Flathead Indian Reservation, Montana, as amended, 4 F.R., 1554, is hereby further amended by substituting \$80,000 for "\$86,750", 1941 for "1940", and 68,259.4 acres for "68,000" acres.

Section 130.25 as amended, 4 F.R., 1554, is hereby further amended by deleting the figures "1940" in each instance where they occur therein.

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

[F. R. Doc. 40-1750; Filed, May 2, 1940; 9:30 a. m.]

PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

MISSION IRRIGATION DISTRICT FLATHEAD INDIAN RESERVATION, MONTANA

Amendment

APRIL 16, 1940.

Section 130.26 of Title 25, Chapter I, Subchapter L, Part 130, CFR, Fixing Operation and Maintenance Charges Mission Irrigation District Flathead Indian Reservation, Montana, as amended, 4 F.R., 1554, is hereby further amended by substituting 1941 for "1940", and further substituting 11,443.8 acres for "11,500" acres.

Section 130.27 as amended, 4 F.R., 1554, is hereby further amended by deleting the figures "1940" in each instance where they occur therein.

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

[F. R. Doc. 40-1751; Filed, May 2, 1940; 9:31 a. m.]

PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

JOCKO VALLEY IRRIGATION DISTRICT, FLATHEAD INDIAN RESERVATION, MONTANA

Amendment

APRIL 16, 1940.

Section 130.28 of Title 25, Chapter I, Subchapter L, Part 130, CFR, Fixing Operation and Maintenance Charges Jocko Valley Irrigation District Flathead Indian Reservation, Montana, as amended, 4 F.R., 1554, is hereby further amended by substituting \$5,000 for "\$4,500", 1941 for "1940", and 4,784.3 acres for "4,700" acres.

Section 130.29 as amended, 4 F.R., 1554, is hereby further amended by deleting the figures "1940" in each instance where they occur therein.

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

[F. R. Doc. 40-1752; Filed, May 2, 1940; 9:31 a. m.]

TITLE 47—TELECOMMUNICATION  
CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—RULES GOVERNING STANDARD BROADCAST STATIONS

The Commission on April 30, 1940, advanced the effective date of § 3.32 (b),<sup>1</sup> which prohibits the broadcasting of commercial programs on experimental authorizations, from May 1, 1940, to August 1, 1940.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-1757; Filed, May 2, 1940; 11:35 a. m.]

<sup>1</sup> 4 F.R. 4926.

## Notices

### DEPARTMENT OF AGRICULTURE.

#### Food and Drug Administration.

[F.D.C. Docket No. 18]

**NOTICE OF PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH TO DETERMINE WHETHER THE REGULATION ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE CANNED FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS ASPARAGUS SHALL BE AMENDED**

In conformity with subsection (e) of section 701 of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e)), and upon the application of a substantial portion of the interested industry, stating reasonable grounds therefor, notice upon the proposal of the *Canners' League of California*, on behalf of its members, herein set forth, is hereby given to all interested persons that a public hearing will be held beginning at 10 a. m., June 3, 1940, in Room 1039, South Building, United States Department of Agriculture, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., for the purpose of receiving evidence upon the basis of which to determine whether the regulation establishing a reasonable definition and standard of identity for the canned food known under its common or usual name as asparagus (§ 52.990, Title 21, CFR), heretofore promulgated by the Secretary of Agriculture on February 27, 1940, and published in the *FEDERAL REGISTER* February 28, 1940 (5 F.R. 809), and republished in the *FEDERAL REGISTER* March 7, 1940 (5 F.R. 978), shall be amended in the following particulars:

(1) By striking out of § 52.990 (b) in the table appearing in column II, Source, the words "four inches or more of upper end", which refer to the optional form of asparagus known as stalks or spears, and inserting in lieu thereof, the following: "*More than three and three-quarters inches of upper end.*"

(2) By striking out of § 52.990 (b) in the table appearing in column II, Source, the words "four inches or more of peeled upper end," which refer to the optional form of asparagus known as peeled stalks or peeled spears, and inserting, in lieu thereof, the following "*More than three and three-quarters inches of peeled upper end.*"

(3) By striking out of § 52.990 (b) in the table appearing in column II, Source, the words "three and one-quarter to less than four inches of upper end", which refer to the optional form of asparagus known as tips, and inserting, in lieu thereof, the following: "*Two and three-quarters to three and three-quarters inches of upper end.*"

(4) By striking out of § 52.990 (b) in the table appearing in column II, Source, the words "less than three and one-quarter inches of upper end", which refer to the optional form of asparagus known as points, and inserting, in lieu thereof, the following: "*Less than two and three-quarters inches of upper end.*"

All interested persons are invited to attend this hearing and to offer relevant evidence. In lieu of personal testimony, affidavits may be offered either in person at the time of the hearing or by sending the same to Michael F. Markel, 2317 South Building, United States Department of Agriculture, Washington, D. C., so as to be in his office by the time set for the hearing. Such affidavits, if relevant and material, may be received but the Secretary will consider the lack of opportunity for cross-examination in determining the weight that shall be given to such affidavits.

The proposed amendments are subject to adoption, rejection, amendment, or modification by the Secretary, in whole or in part, as the evidence adduced at the hearing may require.

Michael F. Markel is hereby designated as presiding officer to conduct this hearing, in the place of the Secretary, with authority to administer oaths and to do all things necessary and appropriate to the proper conduct of such hearing, as provided in the general procedural regulations relating to such hearings.

[SEAL]

H. A. WALLACE,

*Secretary of Agriculture.*

MAY 1, 1940.

[F. R. Doc. 40-1759; Filed, May 2, 1940; 11:39 a. m.]

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

**NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS**

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued under Section 14 of the said Act and § 522.5 of Regulations Part 522, as amended, to the employers listed below effective May 3, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of §§ 522.13 or 522.5 (b), whichever is applicable of the aforementioned Regulations.

The employment of learners under these Certificates is limited to the occupations, learning periods, and minimum wage rates specified in the Determination

or Order for the Industry designated below opposite the employer's name and published in the *FEDERAL REGISTER* as here stated:

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

Hoisery Order, August 24, 1939 (4 F.R. 3711).

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

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

Textile Order, November 8, 1939 (4 F.R. 4531).

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

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

Edward Shuwall Frocks, Pottstown, Pennsylvania; Apparel; Dresses; 20 learners; September 20, 1940.

J. H. Bonck Company, 1100 S. Jeff Davis Parkway, New Orleans, Louisiana; Apparel; Shirts and Pants; 5 percent; October 24, 1940.

La. Pants Mfg. Co., Inc., 7800 Washington Avenue, New Orleans, Louisiana; Apparel; Shirts and Pants; 5 percent; October 24, 1940.

Princess Dress House, 229 South Market Street, Chicago, Illinois; Apparel; Dresses; 2 learners (240 hours for any one learner); October 24, 1940.

Trojan Athletic Wear Co., Bay City, Michigan; Apparel; Athletic Wear and Uniforms; 1 learner; October 24, 1940.

Ackshand Knitting Co., Inc., Ballston Spa, New York; Glove; Knit Wool Gloves; 5 percent; October 24, 1940.

Ackshand Knitting Co., Inc., Schuylerville, New York; Glove; Knit Wool Gloves; 5 percent; October 24, 1940.

Signed at Washington, D. C., this 2nd day of May 1940.

GUSTAV PECK,  
*Authorized Representative  
of the Administrator.*

[F. R. Doc. 40-1761; Filed, May 2, 1940; 11:45 a. m.]

**NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS**

Notice is hereby given that a Special Certificate authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Fair Labor Standards Act of 1938 is issued pursuant to Section 14 of the said Act and § 522.5 (b) of Regulations Part 522 (4 F.R. 2088), as amended (4 F.R. 4226), to the employer listed below effective May 3, 1940. This Certificate is issued upon his representations that experienced workers for the learner occupations are not available and that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employ-

ment. This Certificate may be canceled in the manner provided for in § 522.5 (b) of the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of this Certificate may seek a review of the action taken in accordance with the provisions of § 522.5 (b). The employment of learners under this Certificate is limited to the terms and conditions as designated opposite the employer's name.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Cleveland Casket Company, East Inman Street, Cleveland, Tennessee; Funeral Supplies; Burial Caskets; 1 learner; 8 weeks for any one learner; 25¢ per hour; Seamstress; July 12, 1940.

Signed at Washington, D. C., this 2nd day of May 1940.

GUSTAV PECK,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 40-1762; Filed, May 2, 1940; 11:45 a. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 243]

IN THE MATTER OF THE APPLICATION OF PENNSYLVANIA-CENTRAL AIRLINES CORP. FOR AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

Hearing<sup>1</sup> in the above-entitled proceeding, being the application of Pennsylvania-Central Airlines Corp. for an amendment to its certificate of public convenience and necessity for route No. 34 to provide for the transportation of passengers, property and mail between Baltimore, Md., Atlantic City and Camden, N. J., which is now assigned for hearing on May 6, 1940, is hereby postponed to May 27, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th Street, N.W., Washington, D. C., before Examiner Lawrence J. Kusters.

Dated Washington, D. C., May 1, 1940.

[SEAL] LAWRENCE J. KUSTERS,  
Examiner.

[F. R. Doc. 40-1753; Filed, May 2, 1940; 9:47 a. m.]

Air Safety Board.

[Docket No. 13]

IN THE MATTER OF INVESTIGATION OF ACCIDENT INVOLVING AIRCRAFT NC 18482, WHICH OCCURRED NEAR MIDDLETOWN, CONNECTICUT, ON APRIL 16, 1940

NOTICE OF HEARING

An accident involving aircraft of United States registry NC 18482 having

<sup>1</sup> 5 F.R. 1203.

occurred near Middletown, Connecticut, on Tuesday, April 16, 1940, it is hereby ordered by the Air Safety Board, pursuant to the provisions of sections 702 (a) (2) and 702 (c) of the Civil Aeronautics Act of 1938, that a public hearing be held in connection with the investigation of said accident before Examiner Fred M. Glass, at 9:30 A. M. (E. D. S. T.), Wednesday, May 8, 1940, in Federal Court Room No. 4, 12th floor, Post Office Building, corner Devonshire and Water Streets, Boston, Massachusetts.

Dated, Washington, D. C., May 1, 1940.  
By the Board.

[SEAL] R. D. HOYT,  
Executive Officer.

[F. R. Doc. 40-1754; Filed, May 2, 1940; 10:59 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 3900]

IN THE MATTER OF INTERSTATE BAKING CORPORATION, A CORPORATION; THE CONTINENTAL BAKING COMPANY, A CORPORATION; THE SIOUX CITY BAKERY, A CORPORATION; METZ BROTHERS BAKING COMPANY, A CORPORATION; FRED W. LENHARDT, AN INDIVIDUAL TRADING AS QUALITY BAKERY; EMIL A. MADSEN, AN INDIVIDUAL TRADING AS MADSEN BAKING COMPANY; JAKE SCHINTLER, AN INDIVIDUAL TRADING AS IOWA BAKERY COMPANY; ANTHONY PAGES, AN INDIVIDUAL TRADING AS SUNKIST CAKE AND PIE COMPANY; LOCAL NO. 383 OF THE CHAUFFEURS, TEAMSTERS AND STABLEMEN AND HELPERS UNION, AN UNINCORPORATED ASSOCIATION, AND GLENN BEAMEN, CHARLES CUNNINGHAM, JIM BROOKHART, WILLIAM CARLSON, O. G. FOSTER, RALPH JOHNSON AND HOWARD FOUTZ, INDIVIDUALLY AND AS OFFICERS AND MEMBERS OF LOCAL NO. 383 OF THE CHAUFFEURS, TEAMSTERS AND STABLEMEN AND HELPERS UNION, AND AS REPRESENTATIVES OF OTHER MEMBERS THEREOF

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 30th 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 L. Hornor, 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 20, 1940, at ten o'clock in the forenoon of that day (central stand-

ard time) in Room 329, Federal Building, Sioux City, Iowa.

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. 40-1767; Filed, May 2, 1940; 11:50 a. m.]

[Docket No. 3999]

IN THE MATTER OF SUPREME BAKING COMPANY, A CORPORATION, THE CONTINENTAL BAKING COMPANY, A CORPORATION, THE COLONIAL BAKING COMPANY, A CORPORATION, ZINSMASERS BREADS, INC., A CORPORATION, INTERSTATE BAKING CORPORATION, A CORPORATION, LLOYD A. UNGLES, AN INDIVIDUAL, TRADING AS UNGLES BAKING COMPANY, BAKERY SALESMEN'S UNION, LOCAL NO. 356, AN UNINCORPORATED ASSOCIATION, AND RAY MILLS, GLENN RHOADS, ALBERT J. GARDNER, EVERETT HOLCOMB, MASTIN M. THOMAS, LESTER DAVITT, AND PEARL HAGEN, INDIVIDUALLY, AND AS OFFICERS AND MEMBERS OF BAKERY SALESMEN'S UNION, LOCAL NO. 356, AND AS REPRESENTATIVES OF OTHER MEMBERS THEREOF

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 30th 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 L. Hornor, 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 316, United States Court House, Des Moines, Iowa.

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. 40-1769; Filed, May 2, 1940; 11:50 a. m.]

[Docket No. 4020]

IN THE MATTER OF NEW METHOD FILE GRINDERS, INC., A CORPORATION, ALSO TRADING AS AUTOMOBILE BODY SUPPLY COMPANY

CORRECTED 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 30th 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 3, 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] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 40-1771; Filed, May 2, 1940; 11:51 a. m.]

[Docket No. 4039]

IN THE MATTER OF SIMON ARON, MORRIS ARON, AND LOUIS BROUDO, INDIVIDUALLY AND AS CO-PARTNERS, TRADING UNDER THE NAME OF NOVELTY SALES COMPANY

CORRECTED 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 30th 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 Tuesday, May 7, 1940, at one o'clock in

the afternoon 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. 40-1773; Filed, May 2, 1940; 11:51 a. m.]

[Docket No. 3853]

IN THE MATTER OF AMERICAN FLIERENCH CORPORATION, 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 1st day of May, 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 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, May 14, 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] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 40-1765; Filed, May 2, 1940; 11:49 a. m.]

[Docket No. 3663]

IN THE MATTER OF CLARO LABORATORIES, INC., A CORPORATION, AND JOSEPH FERDINAND CLARO PRZYBYSZ, ALSO KNOWN AS JOSEPH FERDINAND CLARO, FRANCES PRZYBYSZ, INDIVIDUALS

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 1st day of May, 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 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, May 21, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 209, Federal Building, South Bend, 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] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 40-1764; Filed, May 2, 1940; 11:49 a. m.]

[Docket No. 3884]

IN THE MATTER OF VITAPHORE APPLIANCES, INC., 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 1st day of May, 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 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 Thursday, May 23, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 209, Federal Building, South Bend, 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] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 40-1766; Filed, May 2, 1940; 11:49 a. m.]

[Docket No. 3960]

**IN THE MATTER OF ROY FELLOW, DOING BUSINESS UNDER THE NAME AND STYLE OF FELLOW PUBLISHING 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 1st day of May, 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 William C. Reeves, 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 14, 1940, at ten o'clock in the forenoon of that day (Pacific standard time), in Room 542, Federal Office Building, Civic Center, San Francisco, California.

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. 40-1768; Filed, May 2, 1940; 11:50 a. m.]

[Docket No. 4009]

**IN THE MATTER OF D. VICTOR WALLACE, AN INDIVIDUAL, TRADING AS PARAMOUNT INSTITUTE**

**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 1st day of May, 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 William C. Reeves, 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 13, 1940, at eleven o'clock in the forenoon of that day (Pacific standard time) in Room 542, Federal Office Building, Civic Center, San Francisco, California.

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. 40-1770; Filed, May 2, 1940; 11:51 a. m.]

[Docket No. 4028]

**IN THE MATTER OF GEORGE C. HUSKINS, MINA D. HUSKINS AND HOWARD W. ELLISON, TRADING AS CARTER 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 1st day of May, 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 William C. Reeves, 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 13, 1940, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 542, Federal Office Building, Civic Center, San Francisco, California.

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. 40-1772; Filed, May 2, 1940; 11:51 a. m.]

**SECURITIES AND EXCHANGE COMMISSION.**

[File No. 30-178]

**IN THE MATTER OF FRANKLIN T. GRIFFITH, J. C. AINSWORTH AND E. B. MACNAUGHTON, TRUSTEES UNDER DECLARATION OF TRUST DATED NOVEMBER 27, 1935**

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

**ORDER**

Franklin T. Griffith, J. C. Ainsworth and E. B. MacNaughton, trustees under

a declaration of trust dated November 27, 1935, and a registered holding company, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting an order declaring that applicants have ceased to be a holding company;

*It is ordered*, That said applicants have ceased to be a holding company.

By the Commission.

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

[F. R. Doc. 40-1756; Filed, May 2, 1940; 11:03 a. m.]

[File No. 59-6]

**IN THE MATTER OF THE UNITED GAS IMPROVEMENT COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS**

**ORDER FOR POSTPONEMENT OF HEARING**

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

It appearing to the Commission that a hearing in the above-captioned matter pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 has been set for the second day of May, 1940, at 10 o'clock a. m. at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, NW., Washington, D. C.; and

It appearing to the Commission that certain issues have been raised by the answer filed by The United Gas Improvement Company and certain subsidiary companies thereof in the Notice of and Order for hearing in such matter; that oral argument in regard thereto has been heard by the Commission; that such matters are now under consideration by the Commission and that further time for consideration of the same is desirable before proceeding to hearing in the above captioned matter

*It is therefore ordered*, That such hearing be, and the same hereby is, postponed until the thirteenth day of May, 1940, at 10 o'clock a. m. at the office of the Securities and Exchange Commission in 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. All interested parties or persons will govern themselves accordingly.

By the Commission.

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

[F. R. Doc. 40-1755; Filed, May 2, 1940; 11:03 a. m.]

[File No. 37-47]

**IN THE MATTER OF TRUSTEES UNDER PENSION TRUST AGREEMENT DATED DECEMBER 14, 1937 (AS AMENDED)**

**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 2nd day of May, A. D. 1940.

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

*It is ordered,* That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on May 16, 1940, at 10 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 James G. Ewell 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 11, 1940.

The matter concerned herewith is in regard to a declaration by Trustees Under Pension Trust Agreement Dated December 14, 1937 (As Amended), a subsidiary of Associated Gas and Electric Company, a registered holding company, and an affiliate of New England Gas and Electric Association, a registered holding company, with respect to organization

and conduct of business of a subsidiary service company. The declarant has designated Section 13 (b) of the Act and Rule U-13-22 (b) as applicable to the declaration. The declaration was filed pursuant to a stipulation entered into pursuant to a condition in the order of the Commission approving an application for an investment program "In the Matter of Trustees Under Pension Trust Agreement Dated December 14, 1937, As Amended, File No. 46-137" and contains a disclaimer by the declarant that its activities constitute "service" as defined in Rule U-13-1 (a), that it has or is taking any step in the performance of any "service contract" as defined in Section 2 (a) (19), or that its activities are of the nature contemplated by Section 13 and other related provisions of the Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-1774; Filed, May 2, 1940;  
11:57 a. m.]

[File No. 70-49]

IN THE MATTER OF WEST COAST POWER  
COMPANY

NOTICE OF AND ORDER FOR HEARING

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

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

*It is ordered,* That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on May 15, 1940, at 2:00 o'clock in the afternoon of

that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

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

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 13, 1940.

The matter concerned herewith is in regard to the issue and sale by West Coast Power Company of a new issue of its First Mortgage Bonds, Series A, 4¼%, due 1965. The bonds will be sold privately to insurance companies at 100 and accrued interest to date of delivery. The proceeds are to be used for retirement of presently outstanding First Mortgage Bonds, Series A, 4½%, due 1961 and other corporate purposes.

Declarant has designated Section 7 as applicable.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 40-1775; Filed May 2, 1940;  
11:57 a. m.]