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Rules, Regulations, Orders

**TITLE 6—AGRICULTURAL CREDIT
CHAPTER I—FARM CREDIT
ADMINISTRATION**

[FCA 198]

**SUBCHAPTER C—REGULATIONS ISSUED BY
THE FEDERAL LAND BANKS**

PART 21—FEDERAL LAND BANK OF SPRINGFIELD

Amendment

Section 21.10 of Title 6, Code of Federal Regulations is amended to read as follows:

§ 21.10 *Abstract deposit fees.* Where an abstract of title is loaned, a deposit of \$25 shall be required, \$24 of which shall be returned when the abstract is received by the Federal Land Bank of Springfield. Where an abstract is loaned to an association attorney, a national farm loan association, a production credit association, the Farm Security Administration or the Disaster Loan Corporation, the above deposit may be waived.

(Sec. 7, 39 Stat. 365, as amended, sec. 13, "Ninth," 39 Stat. 372, sec. 32, 48 Stat. 48, as amended, sec. 1, 48 Stat. 344, sec. 2, 48 Stat. 345; 12 U.S.C. 723, 781 "Ninth," 1016, 1020, 1020a, and sup., 6 CFR 19.4019). [Res. Ex. Com. June 24, 1940].

THE FEDERAL LAND BANK OF
SPRINGFIELD,
H. P. PERKINS,
Secretary.

[F. R. Doc. 40-4067; Filed, September 30, 1940; 11:46 a. m.]

**TITLE 10—ARMY: WAR DEPARTMENT
CHAPTER VIII—PROCUREMENT AND
DISPOSAL OF EQUIPMENT AND
SUPPLIES**

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS¹

PROCUREMENT OF SUPPLIES; GENERAL PROVISIONS

§ 81.1 *Sales, loans, or gifts of supplies to manufacturers*—(a) *General.* Sales,

¹ §§ 81.1-81.9 are superseded.

loans, or gifts of drawings, manufacturing or other information, and samples of supplies and equipment will be made only to those manufacturers who are or may likely be manufacturers or suppliers of the War Department under approved production plans. Such action will not be taken without prior approval of The Adjutant General if the samples are required to be safeguarded by Part 5, or if the samples are in the hands of organizations. If the information is required to be safeguarded by Part 5, such action will conform thereto.

(b) *Gifts.* Gifts may be made if the standard list price thereof does not exceed \$25, and if specific authorization in each case is given by the chief of the supply arm or service concerned. A certificate by the officer accountable for the supplies given, indicating disposition under this authority, will be accepted by auditing officers as a proper voucher for dropping those supplies.

(c) *Loans.* Loans of supplies will be made to contractors as directed in paragraph 10, AR 35-6520.² Such loans may be made to manufacturers who are likely to be contractors in the same manner only if the standard list price thereof does not exceed \$500, and provided that specific authorization in each case is given by the chief of the supply arm or service concerned.

(d) *Sales.* Sales may be made only as specifically authorized in each case by the chief of the supply arm or service concerned, and then only at the standard list price and in cases where such price does not exceed \$500.

(e) *Authority of the Assistant Secretary of War.* Any gift exceeding \$25, standard list price, any loan to others than contractors exceeding \$500, standard list price, and any sale at a price other than standard list price or exceeding \$500, standard list price, will be made only with the prior approval of the Assistant Secretary of War. (50 Stat. 535; 10 U.S.C. 1192a)* [Par. 6]

² Administrative regulations of the War Department relative to property accountability and responsibility.

*The source of §§ 81.1 to 81.9, inclusive (except as otherwise noted), is AR 5-100, August 7, 1940.

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§ 81.2 Troop labor and transportation, use of, forbidden. (a) Except in case of manifest necessity or when authorized by the Secretary of War, the labor of troops or Government employees or Government means of transportation will not be used to enable contractors to fulfill contracts.

(b) Whenever such labor and transportation have been used—

(1) The authority therefor will be given in writing.

(2) A report enumerating in detail the service rendered will be forwarded to The Adjutant General.

(3) Full deduction will be made for the value of the service rendered. (Sec. 5, 41 Stat. 764, 765; 10 U.S.C. 1193)* [Par. 6]

§ 81.3 Taxes—(a) Information to be included in invitations for bids, bids, contracts, and instructions to bidders—(1) Applicable Federal taxes. Invitations for bids, bids, and contracts will include the following tax condition:

Prices bid herein include any Federal tax heretofore imposed by the Congress, which is applicable to the material on this bid. If any sales tax, processing tax, adjustment charge, or other taxes or charges are imposed or changed by the Congress after the date set for the opening of this bid, and made applicable directly upon the production, manufacture, or sale of the supplies covered by this bid, and are paid to the Government by the contractor on the articles or supplies herein contracted for, then the prices named in this bid will be increased or decreased accordingly, and any amount due the contractor as a result of such change will be charged to the Government and entered on vouchers (or invoices) as separate items.

(2) Inapplicable Federal taxes. Instructions to bidders will include the following:

Title IV of the Revenue Act of 1932 (47 Stat. 169, 259), as amended by section 4 of the act of June 16, 1933 (48 Stat. 255), and section 401 of the act of August 30, 1935 (49 Stat. 1014, 1025), imposes Federal taxes upon certain specified articles sold in the United States by the manufacturer or producer, or imported into the United States, to be paid by the manufacturer, producer, or importer, but provides that no tax under this title shall be imposed with respect to the sale of any article for the exclusive use of the United States, and that a credit against the tax or a refund may be allowed or made with respect to the sale of any article if such article was resold for the exclusive use of the United States and the manufacturer, producer, or importer has such evidence as the regulations of the Commissioner of Internal Revenue may prescribe.

Bids will be evaluated on a Federal-tax-exclusive basis, except that when

this is not practicable they will be evaluated on a Federal-tax-inclusive basis. Therefore, bids are requested exclusive of Federal taxes from which exemption is granted or as to which a credit or refund is provided for by title IV of the Revenue Act of 1932 as amended. If the bid prices are exclusive of such taxes, or are inclusive of such taxes and the bidder agrees to the deduction of the amount thereof from the contract price and acceptance of tax-exemption certificates in lieu thereof, the bidder must show upon the face of his bid the amount of each such tax so included or excluded as to each item, so that a tax exemption certificate can be furnished him if his bid is accepted. If the bid as submitted does not show that such taxes are excluded and the bidder does not agree to their deduction if included, it will be presumed that the amount of all such taxes is included in the bid price, the bid will be evaluated accordingly, and if the bid is accepted no exemption certificate will be issued.

(3) State taxes. Instructions to bidders will include the following:

To facilitate evaluation of bids no State or local taxes charged directly on the sale of goods should be included in bid prices, but whether or not included, the amount of such taxes should be shown in detail so that appropriate computation may be made to determine the low bid and whether exemption certificates should be issued, etc. The evaluation of bids will be on a tax-exclusive basis since such State or local sales tax is not chargeable to the Federal Government, and if the bid as submitted does not clearly show that any such tax is excluded or that the bidder consents to the deduction thereof in a stated amount or amounts, it will be presumed that the amount of the tax is included in the bid price, the bid will be evaluated accordingly, and if the bid is accepted no exemption certificate will be issued.

(b) Improper use of tax exemption certificates. If the merchandise purchased is subject only to the Federal tax and such tax is included in the price paid, Standard Form No. 1094 (U.S. Government Tax Exemption Certificate) should not be used, nor should it be used by Federal officials or employees—

(1) For items of subsistence expense when a per diem in lieu of subsistence is granted,

(2) When using their personally owned motor vehicles for which a mileage allowance is authorized, or

(3) By individuals in official travel status, unless payment is actually made at the time of purchase.

(c) Federal taxes—(1) Items on which imposed. Items on which Federal taxes are imposed, which will be published from time to time in War Department procurement circulars, are as follows:

(i) Tires and inner tubes.

Tires, wholly or in part of rubber. [Sec. 3400 (1)³]

Inner tubes (for tires) wholly or in part of rubber. [Sec. 3400 (2)]

(ii) Toilet preparations, etc. [Sec. 3401]

Perfumes, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous, toilet powders, and any similar substance, article, or preparation, by whatsoever name known or distinguished.

(iii) Automobiles, etc., chassis, bodies and motorcycles. Automobile truck chassis, automobile truck bodies, and tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof). [Sec. 3403 (a)]

Other auto chassis and bodies and motorcycles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof), except tractors. [Sec. 3403 (b)]

Parts or accessories (other than tires and inner tubes) for any of the articles enumerated in the two paragraphs immediately preceding. [Sec. 3403 (c)]

(iv) Radio receiving sets, etc. [Sec. 3404]

Chassis, cabinets, tubes, reproducing units, power packs, and phonograph mechanisms, suitable for use in connection with or as part of radio receiving sets or combination radio and phonograph sets (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof).

(v) Mechanical refrigerators. Household type refrigerators (for single or multiple cabinet installations) operated with electricity, gas, kerosene, or other means (including parts or accessories therefor sold on or in connection therewith or with the sale thereof). [Sec. 3405 (a)]

Cabinets, compressors, condensers, expansion units, absorbers, and controls for, or suitable for use as part of or with, any of the articles enumerated in the paragraph immediately above, (including in each case parts or accessories for such refrigerator components sold on or in connection therewith or with the sale thereof), except when sold as component parts of complete refrigerators or refrigerating or cooling apparatus. [Sec. 3405 (b)]

(vi) Firearms, shells, and cartridges. [Sec. 3407]

(vii) Matches. [Sec. 3409]

Fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk.

(viii) Gasoline. [Sec. 3412]

All products commonly or commercially known or sold as gasoline (includ-

ing casinghead and natural gasoline), benzol, benzene, or naphtha, regardless of their classifications or uses; and any other liquid of a kind prepared, advertised, offered for sale or sold for use as, or used as, a fuel for the propulsion of motor vehicles, motor boats, or airplanes, except that it does not include any of the foregoing sold for use otherwise than as a fuel or in the manufacture or production of such fuel. The term "gasoline" does not include products commonly or commercially known or sold as kerosene, gas oil, or fuel oil.

(ix) Lubricating oil. [Sec. 3413]

The term "lubricating oil" as used in these regulations includes all oils, regardless of their origin, which are sold as lubricating oil and all oils which are suitable for use as a lubricant. The term "lubricating oils" does not include products of the type commonly known as grease.

The rates of tax on certain items have been increased by the Revenue Act of 1940, approved June 25, 1940 (Public No. 656, 76th Congress), as indicated below. The Revenue Act referred to specifies that the rates are applicable after June 30, 1940 and before July 1, 1945.

Section	Description of tax (as in the Act)	Old rate	Defense-tax rate
3400 (1)	Tires	2½ cents	2½ cents.
3400 (2)	Tubes	4 cents	4½ cents.
3401	Toilet preparations	10 percent	11 percent.
3403 (a)	Automobile truck chassis, etc.	2 percent	2½ percent.
3403 (b)	Automobiles, etc.	3 percent	3½ percent.
3403 (c)	Parts	2 percent	2½ percent.
3404	Radios	5 percent	5½ percent.
3405	Mechanical refrigerators	5 percent	5½ percent.
3407	Firearms	10 percent	11 percent.
3409	Matches	5 cents	5½ cents.
3412	Gasoline	1 cent	1½ cents.
3413	Lubricating oils	4 cents	4½ cents.

Detailed information as to the taxes imposed are contained in the regulations of the Commissioner of Internal Revenue, which are published in Treasury Department, Bureau of Internal Revenue, Regulations Nos. 44 and 46. These publications will be obtained in the same manner as those referred to in paragraph 1, AR 5-320.⁴

(2) Use of tax-exemption certificates. When any of those items are purchased at a price which is exclusive of any such tax, the purchasing officer will execute and deliver to the vendor, if the latter so desires, a tax-exemption certificate to be used by the latter in securing exemption from or refund of such tax.

(d) State, county, and municipal taxes—(1) Purchases free of tax. When purchases are made subject to the condition specified in (a) (3), free from taxes imposed by State, county, or municipality, a tax-exemption certificate, executed as prescribed, will be furnished the vendor if he so desires. (Sec. 5, 41 Stat. 764, 765; 10 U.S.C. 1193) * [Par. 7, AR 5-100, Aug. 7, 1940 and Proc. Cir. 28, W.D., Sept. 20, 1940]

§ 81.4 Forms to be used—(a) Standard Government forms. (1) The following standard Government forms are prescribed for use in the United States for the procurement of supplies:

Standard Form No.	Description
2	Standard Form of Government Lease (real estate)
20	Standard Government Form of Invitation for Bids (construction contract)
21	Standard Government Form of Bid (construction contract)
22	Standard Government Instructions to Bidders (construction and supplies)

Standard Form No.	Description
23	Standard Government Form of Contract (construction)
24	Standard Government Form of Bid Bond (construction or supply)
25	Standard Government Form of Performance Bond (construction or supply)
25A	Standard Government Form of Payment Bond (construction)
30	Standard Government Form of Invitation for Bids (supply contract)
31	Standard Government Form of Bid (supply contract)
32	Standard Government Form of Contract (supplies)
33	Standard Government Form of Invitation, Bid, and Acceptance (short-form contract)
34	Standard Government Form of Annual Bid Bond (supplies)
35	Standard Government Form of Annual Performance Bond (supplies)
36	Standard Government Form of Continuation Schedule for Standard Form 31 or 33
41	Standard Government Form of Contract—Coal
42	Standard Government Instructions to Bidders—Coal
43	Standard Government Purchase Conditions—Coal
1036	Statement and Certificate of Award

(2) The use of these forms is not obligatory for purchases made in China or Japan or by military attaches serving in foreign countries, but their use in the Panama Canal Zone and the Philippine Islands is obligatory.

(3) Changes in contract forms. There shall be no deviation from these forms except as authorized by the Director of Procurement, Treasury Department. Changes now authorized are stated in the directions on the forms and in §§ 81.10, 81.36 and procurement circulars of the War Department. Should it be considered necessary to deviate from standard forms in order to meet statutory provisions or other conditions applicable to any particular arm, service, or

³ Section references are to the Internal Revenue Code.

⁴ Administrative regulations of the War Department relative to interdepartmental procurement.

bureau, the proposed deviation will be submitted to the Assistant Secretary of War, through the chief of the supply arm or service concerned.

(4) *Specifications.* There is no authority for the inclusion in specifications of provisions contrary to the terms of the Standard Government contract forms, including changes duly authorized.

(b) *Tax-exemption forms.* The following forms are prescribed for use in purchases to conform to § 81.3:

	Standard Form No.
U. S. Government Tax Exemption Certificate.....	1094
Cover of U. S. Government Tax Exemption Certificate Book (front, outside, and inside; back, outside).....	1094-A
Tabulation Sheet (insert).....	1094-B
U. S. Government Tax Exemption Identification Card.....	1094-C

(c) *Other forms.* Other forms may be authorized by the Assistant Secretary of War when the forms prescribed above are not applicable. (R.S. 161; 5 U.S.C. 22).* [Par. 10]

§ 81.5 *Rental of gas cylinders.* The following form of agreement will be included in contracts for rental of gas cylinders. The inapplicable provision, covering basis of computation, will be omitted from the contract.

INDIVIDUAL BASIS

Cylinders shall remain the property of the contractor and will be loaned, without charge, to the Government for a period of 30 days after the date of shipment of cylinders from the contractor's plant. Beginning with the first day after the expiration of the 30-day free loan period to and including the day the cylinders are released to the transportation company for return to the contractor, there will be charged and the United States agrees to pay the contractor a rental at the rate of \$---- per cylinder per day for the use of cylinders not returned to the contractor.

QUANTITY BASIS

Cylinders shall remain the property of the contractor and will be loaned, without charge, to the Government for a period of 30 days after the date of shipment of cylinders from the contractor's plant. Beginning with the first day after the expiration of the 30-day free loan period to and including the day the cylinders are released to the transportation company for return to the contractor, there will be charged and the United States agrees to pay the contractor a rental at the rate of \$---- per cylinder per day; computed on a quantity basis as indicated below, for the use of cylinders not returned to the contractor. This rental charge will be computed separately for oxygen and acetylene cylinders and for each point of delivery named in the contract. A credit of 30 cylinder days will accrue for each cylinder shipped. A debit of one cylinder day

will accrue for each cylinder for each day held beginning with the day after date of shipment from contractor's plant to and including the day the cylinder is released to the transportation company for return to the contractor. At the end of the contract period, in the event the total number of debits exceeds the total number of credits, rental will be charged for the difference. If the total number of credits equals or exceeds the total number of debits, no charge will be made for the use of the cylinders.

All cylinders not returned to the contractor on or before the expiration of a 90-day rental period or lost or damaged beyond repair while in the possession of the United States Government shall be paid for by the United States to the contractor at a replacement value of \$----- for each oxygen cylinder of 100 to 110 cubic feet capacity, \$----- for each oxygen cylinder of 200 to 220 cubic feet capacity, \$----- for each acetylene cylinder of 100 to 150 cubic feet capacity, and \$----- for each acetylene cylinder of 250 to 300 cubic feet capacity.

Cylinders retained or lost and so paid for shall be considered the property of the United States. But if and when located they may, at the option of the Government, be returned to the contractor, and, in such event, credit shall be allowed to the Government at the replacement value paid, less rental at the rate of \$----- per day beginning at the expiration of the 30-day loan period as aforesaid to the date upon which cylinders are turned over to carrier for return to contractor's plant.

NOTE: Spaces indicated are to be filled in by the bidder.

(Sec. 5, 41 Stat. 764; 10 U.S.C. 1193)* [Par. 11]

§ 81.6 *Treated lumber.* In the purchase of treated lumber, purchasing officers are authorized, when considered desirable, to specify treatment with zinc chloride, "Z. M. A.", as manufactured by the Curtin-Howe Corporation, 405 Lexington Ave., New York, N. Y.; "Wolman Salts" as manufactured by the American Lumber and Treating Co., Chicago, Ill.; chromated zinc chloride (dry salt to be retained not less than ¾ pound per cubic foot of lumber), as manufactured by the E. I. DuPont de Nemours & Co., Inc., Grasselli Chemicals Department, Wilmington, Del.; natural vacuum process and vacuum-pressure process (net retention not less than ¾ pound per cubic foot of lumber); copper chromium salts (acid-cupric-chromate), as manufactured by the Celcure Southern Corporation, Jacksonville, Fla., or equal. (Sec. 5, 41 Stat. 764, 765; 10 U.S.C. 1193)* [Par. 11]

§ 81.7 *Contracts for public utilities services.* Except in cases where the interests of the Government require that contracts for public utilities services, such as electricity, gas, and water, be limited

to a specified term, and except in localities where there is competition for the services desired, contracts for furnishing public utilities services will be entered into at stipulated rates "until further notice." (See 15 Comp. Gen. 920.) In telephone contracts to be made on a continuing basis, the words "and thereafter until further notice" may be inserted after the termination date indicated in the contract. Where numerous supplementary additions to, discontinuances of, or changes in existing service are made under continuing contracts, such contracts will be renewed periodically in order to provide an up-to-date recapitulation of the service to assist the Government in checking bills. (Sec. 5, 41 Stat. 764, 765; 10 U.S.C. 1193)* [Par. 11]

§ 81.8 *State price-fixing laws.* Appropriated funds may not be used for payments under awards upon invitations for bids containing restrictive requirements of showing compliance with State price-fixing laws relating to services, commodities, or articles necessary to be purchased by the United States until there has been an authoritative and final judicial determination that such State statutes are applicable to such contracts. It is not the duty or responsibility of contracting officers of the Federal Government, by means of restrictive specifications to enforce contractors to comply with the requirements of price-fixing acts of a State. See 16 Comp. Gen. 97, 348; 17 id. 287; 19 id. 614. (R.S. 161; 5 U.S.C. 22)* [Par. 11]

§ 81.9 *Corrosion-resisting metals—(a) Copper-nickel alloy (monel metal).* Although copper-nickel alloy is covered by Federal Specification QQ-C-541, competition is rarely if ever obtainable when it is purchased under that specification because it is produced from natural copper-nickel ore not mined in the United States and is the product of one company. Consequently it will be specified to the exclusion of other corrosion-resisting metals only when its use is essential.

(b) *Steel.* Depending upon the chemical composition of corrosion-resisting steel, its physical properties vary widely. For many uses it is superior to copper-nickel alloy and for others is equal to the latter. Prior to the purchase of corrosion-resisting metals, the existing specifications of the Navy (No. 46-S-18 and No. 47-S-20), as well as Federal and U. S. Army specifications will be consulted.

(c) Where the needs can be met equally by either of the metals referred to in (a) and (b), competition should be obtained between them. (Sec. 5, 41 Stat. 764, 765; 10 U.S.C. 1193)* [Par. 11]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 40-4060; Filed, September 28, 1940; 12:53 p. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3425]

IN THE MATTER OF BENTON ANNOUNCEMENTS, INC.

§ 3.6 (m10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.96 (a) (3.5) *Using misleading name—Goods—Manufacture:* § 3.96 (a) (4) *Using misleading name—Goods—Nature.* Using, in connection with offer, etc., in commerce, of stationery products, the words "engraved", "engraving" or "engravers", either alone or in conjunction with any other word or words, to designate, describe or refer to stationery products on which the lettering, inscriptions or designs have been printed from inked type faces, electrotypes or similar devices, and which lettering, inscriptions or designs have been given a raised letter effect by an embossing process wherein the plates used have not been previously inked so as to make an inked impression on the paper stock at the time the embossing impression is made, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp., IV, sec. 45b) [Cease and desist order, Benton Announcements, Inc., Docket 3425, September 18, 1940]

§ 3.6 (a) (17.5) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Manufacturing nature:* § 3.6 (m10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.96 (a) (3.5) *Using misleading name—Goods—Manufacture:* § 3.96 (b) (3.5) *Using misleading name—Vendor—Manufacturing nature:* § 3.96 (a) (4) *Using misleading name—Goods—Nature.* Using, in connection with offer, etc., in commerce, of stationery products, the words "engraved", "engraving" or "engravers", either alone or in conjunction with any other word or words, to designate, describe or refer to stationery products, or the nature or character of respondent's business, unless and until the respondent produces the stationery products so designated, described, or referred to by a process which consists essentially in the application of blank stationery to an inked intaglio plate under pressure sufficient to force the surface of the stationery into the letters or designs, which are cut or incised on the plate, so that the ink in such plate adheres to the stationery to form letters, words, characters or designs which are in relief and raised from the general plane of the surface of the stationery, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Benton Announcements, Inc., Docket 3425, September 18, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1940.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before John J. Keenan, and examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral arguments by Merle P. Lyon, counsel for the Commission, and by Carlton A. Fisher, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Benton Announcements, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of stationery products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "engraved", "engraving" or "engravers", either alone or in conjunction with any other word or words, to designate, describe or refer to stationery products on which the lettering, inscriptions or designs have been printed from inked type faces, electrotypes or similar devices, and which lettering, inscriptions or designs have been given a raised letter effect by an embossing process wherein the plates used have not been previously inked so as to make an inked impression on the paper stock at the time the embossing impression is made.

2. Using the words "engraved", "engraving" or "engravers", either alone or in conjunction with any other word or words, to designate, describe or refer to stationery products, or the nature or character of respondent's business, unless and until the respondent produces the stationery products so designated, described, or referred to by a process which consists essentially in the application of blank stationery to an inked intaglio plate under pressure sufficient to force the surface of the stationery into the letters or designs, which are cut or incised on the plate, so that the ink in such plate adheres to the stationery to form letters, words, characters or designs which are in relief and raised from the general plane of the surface of the stationery.

It is further ordered, That the respondent shall, within sixty (60) days after the service of this order, file with the Federal Trade Commission a report in

13 F. R. 2134

writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4062; Filed, September 30, 1940; 11:42 a. m.]

[Docket No. 3963]

IN THE MATTER OF KANT-SLIP MANUFACTURING COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.* Representing, in connection with offer, etc., in commerce, of respondents' "Kant-Slip Belt Dressing", or other similar product, that said belt dressing will preserve, or prolong the life of, leather, canvas or fiber belts, or that said belt dressing will make such belts soft or pliable, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Kant-Slip Manufacturing Company, Docket 3963, September 18, 1940]

IN THE MATTER OF SAMUEL BENENSOHN AND L. BENENSOHN, INDIVIDUALS TRADING AS KANT-SLIP MANUFACTURING COMPANY

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1940.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, answer of respondent Samuel Benensohn, and a stipulation as to the facts entered into between counsel for the Commission and counsel for the respondents, said stipulation having been approved by the Commission, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Samuel Benensohn and L. Benensohn, individuals trading as Kant-Slip Manufacturing Company, or trading under any other name or names, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their product designated "Kant-Slip Belt Dressing", or any other product composed of substantially similar ingredients, whether sold under the same name or any other name, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing that said belt dressing will preserve, or prolong the life of, leather, canvas or fiber belts, or that

15 F. R. 1611.

said belt dressing will make such belts soft or pliable.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4063; Filed, September 30, 1940;
11:42 a. m.]

[Docket No. 4156]

IN THE MATTER OF W. C. ALLEN CANDY COMPANY, INC.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, candy or any merchandise so packed and assembled that sales of such candy or other merchandise to the general public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45 b) [Cease and desist order, W. C. Allen Candy Company, Inc., Docket 4156, September 18, 1940]

§ 3.99 (b) *Using or selling lottery devices — In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, others with candy or any merchandise, together with push or pull cards, punch boards or any other lottery devices, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing said candy or merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, W. C. Allen Candy Company, Inc., Docket 4156, September 18, 1940]

§ 3.99 (b) *Using or selling lottery devices — In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, others with push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing any merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, W. C. Allen Candy Company, Inc., Docket 4156, September 18, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise,

any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, W. C. Allen Candy Company, Inc., Docket 4156, September 18, 1940]

IN THE MATTER OF W. C. ALLEN CANDY COMPANY, INC., A CORPORATION

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1940.

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

It is ordered, That the respondent, W. C. Allen Candy Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

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

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

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

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

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order file with the Commission a report in writing setting

forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4064; Filed, September 30, 1940;
11:42 a. m.]

[Docket No. 4202]

IN THE MATTER OF COHEN'S CUT RATE DRUG STORE, ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* Disseminating, etc., in connection with offer, etc., of respondent's medicinal preparation designated and advertised as "Soluble Gelatine Capsules No. 5, Apiol and Ergotin Compound", and as "Lady Lydia Capsules", or any other similar medicinal preparation, any advertisement by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that said preparation is a competent or effective treatment for delayed menstruation, or that it is safe or harmless; or which advertisements fail to reveal that the use of said preparation may result in serious and irreparable injury to the health of the user, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and Desist order, Cohen's Cut Rate Drug Store, etc., Docket 4202, September 18, 1940]

IN THE MATTER OF LOUIS COHEN, SOL COHEN, AND MARVYN COHEN, INDIVIDUALLY, AND TRADING AS COHEN'S CUT RATE DRUG STORE, AND AS COHEN DRUG CO., AND AS COHEN'S

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Louis Cohen, Sol (Saul) Cohen and Marvyn Cohen, individually, and trading as

Cohen's Cut Rate Drug Store, and as Cohen Drug Co., and as Cohen's, or trading under any other name or names, their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their medicinal preparation designated as "Soluble Gelatine Capsules No. 5, Apiol and Ergotin Compound", and as "Lady Lydia Capsules", or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or under any other name or names, do forthwith cease and desist from directly or indirectly:

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

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisements contain any of the representations prohibited in Paragraph 1 hereof, or which fail to reveal that the use of said preparation may result in serious and irreparable injury to the health of the user.

It is further ordered, That the respondents shall, within ten (10) days after service upon them of this order, file with the Commission an interim report in writing, stating whether they intend to comply with this order and, if so, the manner and form in which they intend to comply; and that within sixty (60) days after service upon them of this order, said respondents shall file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4065; Filed, September 30, 1940; 11:43 a. m.]

[Docket No. 4220]

IN THE MATTER OF QUEEN CITY CANDY COMPANY, INC.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or any other merchan-

dise, candy or any other merchandise so packed and assembled that sales of said candy or other merchandise are to be, or may be, made by means of a lottery, gaming device or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Docket 4220, Queen City Candy Company, Inc., September 18, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, others with assortments of candy or other merchandise together with push or pull cards, punch boards or other lottery devices, which said push or pull cards, punch boards or other lottery devices, are to be, or may be, used in selling or distributing said candy or any other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Queen City Candy Company, Inc., Docket 4220, September 18, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, others with push or pull cards, punch boards or other lottery devices either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing such candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45 b) [Cease and desist order, Queen City Candy Company, Inc., Docket 4220, September 18, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45 b) [Cease and desist order, Queen City Candy Company, Inc., Docket 4220, September 18, 1940]

IN THE MATTER OF QUEEN CITY CANDY COMPANY, INC., A CORPORATION

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1940.

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

respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Queen City Candy Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing candy or any other merchandise so packed and assembled that sales of said candy or other merchandise are to be made or may be made by means of a lottery, gaming device or gift enterprise;

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

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

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

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4066; Filed, September 30, 1940; 11:43 a. m.]

TITLE 18—CONSERVATION OF POWER

CHAPTER I—FEDERAL POWER COMMISSION

[Order No. 75]

SUBCHAPTER E—APPROVED FORMS

PART 210—STATEMENTS AND REPORTS (SCHEDULES)

SEPTEMBER 24, 1940.

The Commission, pursuant to authority granted by the Federal Power Act, particularly sections 301 (a), 304 (a), 309, and 311 thereof, orders that:

Section 210.1 *Annual report, Form No. 1, electric utilities and licenses (Classes A and B)*, paragraph numbered 7 of the General Instructions contained in the form of Annual Report, Financial and

Statistical, Electric Utilities and Licensees (Classes A and B), heretofore adopted and amended (on August 6, 1937, October 12, 1937, October 22, 1938 and October 17, 1939¹), by the Commission and designated as F.P.C. Form No. 1, be and it is hereby amended to read as follows:

Reports should be made out by means which result in a permanent record. The original copy in all cases shall be made out in permanent black ink or with permanent black typewriter ribbon. The two conformed copies, however, may be made with hectograph impression or other similar means of reproduction provided the impressions are sharp and accurately aligned as to line numbers and columns. Entries of a contrary or opposite character (such as decreases reported in a column providing for both increases and decreases) should be shown in red ink or enclosed in parentheses.

The amendments to said form of Annual Report, Financial and Statistical, F.P.C. Form No. 1, adopted, promulgated and prescribed by this order shall become effective on September 30, 1940; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-4051; Filed, September 28, 1940; 9:56 a. m.]

[Order No. 76]

PART 210—STATEMENTS AND REPORTS
(SCHEDULE)

Amending Form of Annual Report, Electric Utilities and Licensees (Class C), F.P.C. Form No. 96

SEPTEMBER 24, 1940.

The Commission, pursuant to authority granted by the Federal Power Act, particularly sections 301 (a), 304 (a), 309, and 311 thereof, hereby orders that:

§ 210.4 *Semi-annual statement of interstate transmission, sale and interchange of electric energy*, paragraph numbered 7 of the General Instructions contained in the form of Annual Report, Electric Utilities and Licensees (Class C), adopted by order of the Commission, No. 55, dated September 7, 1938, and designated as F.P.C. Form No. 96, be and the same is hereby amended to read as follows:

Reports should be made out by means which result in a permanent record. The original copy in all cases shall be made out in permanent black ink or with permanent black typewriter ribbon. The two conformed copies, however, may be made with hectograph impression or other similar means of reproduction pro-

¹ 4 F.R. 4369.

vided the impressions are sharp and accurately aligned as to line numbers and columns. Entries of a contrary or opposite character (such as decreases reported in a column providing for both increases and decreases) should be shown in red ink or enclosed in parentheses.

The amendments to the form of Annual Report, Electric Utilities and Licensees (Class C), F.P.C. Form No. 96, adopted, promulgated and prescribed by this order shall become effective on September 30, 1940; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-4052; Filed, September 28, 1940; 9:56 a. m.]

[Order No. 77]

PART 210—STATEMENTS AND REPORTS
(SCHEDULES)

Amending Form of Annual Report, Electric Utilities and Licensees (Class D), F.P.C. Form No. 97

SEPTEMBER 24, 1940.

The Commission, pursuant to authority conferred by the Federal Power Act, particularly sections 301 (a), 304 (a), 309, and 311 thereof, hereby orders that:

Section 210.5 *Initial statement of licensee showing actual legitimate original cost of project*, paragraph numbered 7 of the General Instructions contained in the form of Annual Report, Electric Utilities and Licensees (Class D); adopted by order of the Commission, No. 56, dated September 7, 1938, (amended by order No. 71, December 9, 1939) and designated as F.P.C. Form No. 97, be and it is hereby amended to read as follows:

Reports should be made out by means which result in a permanent record. The original copy in all cases shall be made out in permanent black ink or with permanent black typewriter ribbon. The two conformed copies, however, may be made with hectograph impression or other similar means of reproduction provided the impressions are sharp and accurately aligned as to line numbers and columns. Entries of a contrary or opposite character (such as decreases reported in a column providing for both increases and decreases) should be shown in red ink or enclosed in parentheses.

The amendments to the form of Annual Report, Electric Utilities and Licensees (Class D), F.P.C. Form No. 97, adopted, promulgated and prescribed by this order shall become effective on September 30, 1940; and the Secretary of the Commission shall cause prompt pub-

¹ 5 F.R. 3627.

lication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 40-4053; Filed, September 28, 1940; 9:56 a. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR
DIVISION

PART 536—DEFINING THE TERM "AREA OF
PRODUCTION"

NOTICE OF POSTPONEMENT OF EFFECTIVE
DATE OF AMENDMENT TO REGULATIONS

Whereas on July 24, 1940, an amendment to Regulations, Part 536 (defining the term "area of production" as used in section 7 (c) and in section 13 (a) (10) of the Fair Labor Standards Act), effective October 1, 1940, was issued (FEDERAL REGISTER, Volume 5, page 2647), which amendment amended § 536.2 of the said regulations by rendering it inapplicable to the handling, packing, storing, drying, preparing in their raw or natural state, or canning of perishable or seasonal fresh fruits or vegetables for market and by adding a special paragraph applicable solely to perishable or seasonal fresh fruits or vegetables, and

Whereas the said effective date of October 1, 1940, was selected because it appeared desirable to make the change in regulations effective at a time when the said operations on fruits and vegetables are comparatively inactive and because it further appeared that October 1 represented a period of comparative inactivity; and

Whereas it now appears that the said operations are in general comparatively inactive at that time except for the peak activity connected with the packing of apples and pears and also the canning of tomatoes, black-eyed peas, pimientos, snap beans, lima beans, carrots, cabbage, okra, and beets; and

Whereas by a notice published in the FEDERAL REGISTER on September 12, 1940, the Administrator postponed the effective date of this amendment with respect to the handling, packing and preparing in their raw or natural state of apples and pears from October 1, 1940 until December 1, 1940; and

Whereas it appears similarly desirable to postpone the effective date of this amendment with respect to the canning of tomatoes, black-eyed peas, pimientos, snap beans, lima beans, carrots, cabbage, okra, and beets until November 1, 1940;

Now, therefore, it is hereby ordered that the effective date of this amendment with respect to the canning of tomatoes, black-eyed peas, pimientos, snap beans, lima beans, carrots, cabbage, okra and beets be postponed from October 1, 1940

until November 1, 1940. The present definition of the term "area of production" contained in § 536.2 of Regulations, Part 536, hereby remains applicable to the canning of tomatoes, black-eyed peas, pimientos, snap beans, lima beans, carrots, cabbage, okra, and beets, until November 1, 1940.

Signed at Washington, D. C., this 30th day of September, 1940.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 40-4077; Filed, September 30, 1940; 12:05 p. m.]

Notices

TREASURY DEPARTMENT.

Bureau of the Public Debt.

[1940 Department Circular No. 642]

PARTIAL REDEMPTION, BEFORE MATURITY, OF 2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B (FOURTH CALL)

SEPTEMBER 26, 1940.

To Holders of 2¾ Percent Mutual Mortgage Insurance Fund Debentures, Series B:

I. Notice of fourth call for partial redemption, before maturity, of 2¾ percent Mutual Mortgage Insurance Fund Debentures, Series B. The Federal Housing Administrator, with the approval of the Secretary of the Treasury, has issued the following notice of call for partial redemption and offer to purchase with respect to 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B:

[Here follows, in the original document, the text of the notice of call for partial redemption, etc., issued by the Federal Housing Administrator, appearing on page 3867 of this issue.]

II. Transactions in fourth-called debentures. 1. The debentures included in the foregoing notice of call for partial redemption on January 1, 1941, are hereby designated fourth-called 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, and are hereinafter referred to as fourth-called debentures.

2. Transfers and denominational exchanges in fourth-called debentures will terminate at the close of business on September 30, 1940.

III. Redemption or purchase. 1. Holders of fourth-called debentures will be entitled to have such debentures redeemed and paid at par on January 1, 1941, with interest in full to that date, at the rate of \$13.75 per \$1,000. Interest on fourth-called debentures will cease on January 1, 1941.

2. Holders of fourth-called debentures have the privilege of presenting such debentures at any time from October 1 to December 31, 1940, inclusive, for pur-

chase at par and accrued interest, at the rate of \$0.074728 per \$1,000 per day from July 1, 1940, to date of purchase.

IV. Rules and regulations governing redemption and purchase. 1. The United States Treasury Department is the agent of the Federal Housing Administrator for the redemption and purchase of fourth-called debentures. In accordance with regulations adopted by the Federal Housing Administrator and approved by the Secretary of the Treasury, the assignment, redemption, and purchase of fourth-called debentures will be governed by the general regulations of the Treasury Department with respect to United States bonds and notes, so far as applicable, except as otherwise provided herein.

2. Fourth-called debentures presented for redemption on January 1, 1941, or for purchase from October 1 to December 31, 1940, inclusive, must be assigned by the registered payee or assignee thereof or by their duly constituted representatives in the form indicated in paragraph 3 hereof, and should thereafter be presented and surrendered to any Federal Reserve bank or to the Division of Loans and Currency, Treasury Department, Washington, D. C., accompanied by appropriate written advice. (Use Form P. D. 1662.¹) The debentures must be delivered at the expense and risk of the holders. (See paragraph 8 of this section.) In all cases checks in payment of principal and final interest will be mailed to the address given in the form of advice accompanying the debentures when surrendered.

3. If the registered payee or an assignee holding under proper assignment from the registered payee desires that payment be made to him, the debentures should be assigned by such payee or assignee or by a duly constituted representative to "The Federal Housing Administrator for redemption" or to "The Federal Housing Administrator for purchase," according to whether the debentures are to be presented for redemption on January 1, 1941, or for purchase prior to that date. If it is desired for any reason that payment be made to some other person without intermediate assignment, the debentures should be assigned to "The Federal Housing Administrator for redemption (or purchase) for the account of _____," inserting the name and address of the person to whom payment is to be made.

4. An assignment in blank or other assignment having similar effect will be recognized, but in that event payment will be made to the person surrendering the debenture for redemption or purchase since, under such an assignment, the debenture becomes in effect payable to bearer. Assignments in blank or as-

signments having similar effect should be avoided, if possible, in order not to lose the protection afforded by registration.

5. Final interest on any fourth-called debentures, whether purchased prior to, or redeemed on or after January 1, 1941, will be paid with the principal in accordance with the assignments on the debentures surrendered.

6. All assignments must be made on the debentures themselves unless otherwise directed by the Treasury Department. Detached assignments will be recognized and accepted in any particular case in which the use of detached assignments is specifically authorized by the Treasury Department. Any assignment not made upon the debenture is considered a detached assignment.

7. A fourth-called debenture registered in the name of, or assigned to, a corporation, will be paid to such corporation on or after January 1, 1941, upon an appropriate assignment for that purpose executed on behalf of the corporation by a duly authorized officer thereof. An assignment so executed and duly attested in accordance with Treasury Department regulations will ordinarily be accepted without proof of the officer's authority. In all cases coming under this provision payment will be made only by check drawn to the order of the corporation. Proof of the authority of the officer assigning on behalf of a corporation will be required, in accordance with the general regulations of the Treasury Department, in the case of assignments for purchase prior to January 1, 1941, and in case of assignments for redemption on or after January 1, 1941, for the account of any person other than the corporation.

8. Debentures presented for redemption or purchase under this circular must be delivered to a Federal Reserve bank or to the Division of Loans and Currency, Treasury Department, Washington, D. C., at the expense and risk of the holder. Debentures bearing restricted assignments may be forwarded by registered mail, but debentures bearing unrestricted assignments should be forwarded by registered mail insured or by express prepaid.

9. In order to facilitate the redemption of fourth-called debentures on January 1, 1941, any such debenture may be presented and surrendered in the manner herein prescribed in advance of that date but not before December 1, 1940. Such early presentation by holders will insure prompt payment of principal and interest when due.

V. General provisions. 1. Any further information which may be desired regarding the redemption of fourth-called debentures under this circular may be obtained from any Federal Reserve bank or from the Division of Loans and Currency, Treasury Department, Washing-

¹ Filed as a part of the original document.

ton, D. C., where copies of the Treasury Department's regulations governing assignments may be obtained.

2. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to perform any necessary acts under this circular. The Secretary of the Treasury may at any time or from time to time prescribe supplemental and amendatory rules and regulations governing the matters covered by this circular, which will be communicated promptly to the registered owners of fourth-called debentures.

HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 40-4057; Filed, September 28, 1940;
10:41 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 607-FD]

APPLICATION OF TOM DAVIS FOR EXEMPTION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the applicant, the Director consents to the withdrawal of the application of the above-named applicant upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which may otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect:

It is ordered.

Dated, September 27, 1940.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 40-4055; Filed, September 28, 1940;
9:57 a. m.]

[Docket No. 610-FD]

APPLICATION OF RUSSELL DODD FOR EXEMPTION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the applicant, the Director consents to the withdrawal of the application of the above-named applicant upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which may otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect:

It is ordered.

Dated, September 27, 1940.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 40-4054; Filed, September 28, 1940;
9:57 a. m.]

[General Docket No. 19]

IN THE MATTER OF PROMULGATING AN ORDER MAKING LIMITED PROHIBITIONS AGAINST THE SALE OF COAL FOR WHICH NO MINIMUM PRICES, TEMPORARY OR FINAL, HAVE BEEN ESTABLISHED

NOTICE OF AND ORDER FOR HEARING

Order No. 303, promulgated on September 26, 1940, provides for expeditious establishment of temporary effective minimum prices for coal for which minimum prices have not been established in General Docket No. 15 or are not in the process of being established in General Docket No. 15-A, and provides that no Code Acceptance filed on or after October 1, 1940, shall become effective until 30 days after its filing unless minimum prices, temporary or final, are established by the Division for coal of acceptant's mine.

It now appears necessary that a further order be entered making limited prohibitions against the sale of coal for which no minimum prices, temporary or final, have been established.

Now, therefore, it is ordered, That:

Any interested person shall appear before the Director or an employee of the Bituminous Coal Division designated by him on October 7, 1940, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C., (the room to be designated on that day by the Chief of the Records Section in Room 502 at 734 Fifteenth Street, N.W.) and show cause why an order should not be issued, in substance as follows:

"It is ordered, That no Code member shall sell bituminous coal produced by such Code member for which minimum prices, temporary or final, have not been established by the Division; *Provided, however,* That, as to coal regarding which a 4 II (d) petition has been filed with the Division pursuant to Order No. 303, this prohibition against the sale of coal shall not be effective after thirty (30) days from the date of filing such petition; and, *Provided, further,* That, as to unpriced coal which is being produced and prepared by new acceptants of the Bituminous Coal Code at the time of filing acceptance thereof, this prohibition against the sale of coal shall not apply after thirty (30) days from the date of filing such acceptance on the form as revised in Orders No. 290 and No. 303."

Dated, September 28, 1940.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 40-4072; Filed, September 30, 1940;
11:51 a. m.]

APPLICATION OF THE FARMERS ELEVATOR SERVICE COMPANY, RALSTON, IOWA

ORDER GRANTING REGISTRATION TO APPLICANT AS A BONA FIDE AND LEGITIMATE FARMERS' COOPERATIVE ORGANIZATION ELIGIBLE TO RECEIVE FROM CODE MEMBERS THE APPROPRIATE DISCOUNTS OR PRICE ALLOWANCES THAT MAY BE ALLOWED TO BONA FIDE AND LEGITIMATE FARMERS' COOPERATIVE ORGANIZATIONS ON COAL IT PURCHASES IN NOT LESS THAN CARGO OR RAILROAD CARLOAD LOTS FOR, OR FOR RESALE TO, ONLY THE BONA FIDE AND LEGITIMATE FARMERS' COOPERATIVE ORGANIZATIONS LISTED HEREIN

The Farmers Elevator Service Company, Ralston, Iowa, having filed its application for registration as a bona fide and legitimate farmers' cooperative organization, duly organized under the laws of the State of Iowa, and having certified to the Division, under oath, the names of each of its members which are bona fide and legitimate farmers' cooperative organizations duly organized under the laws of the State of Iowa, and for which it will purchase coal, or to which it will resell coal, in not less than cargo or railroad carload lots, as set forth in the list attached hereto and identified as Exhibit "A", and

Applicant having agreed, under oath, that on and after the effective date of minimum prices it will purchase coal for and resell to only those bona fide and legitimate farmers' cooperative organizations set forth in the attached Exhibit "A", and

Applicant having further agreed, under oath, that it will not, after minimum prices become effective, accept or retain any discount, price allowance or commission on any bituminous coal which it purchases for, or for resale to, others than the bona fide and legitimate farmers' cooperative organizations listed in Exhibit "A"; and that it will notify the Division immediately of any change in the status of any of the organizations so certified, and that it will observe and be bound by the "Terms of Agreement" as set forth in § 304.34 (b) of the Rules and Regulations for Registration of Farmers' Cooperative Organizations, and

Applicant having agreed further that if any interested person files complaint alleging that any organization set forth in Exhibit "A" is not a bona fide and legitimate farmers' cooperative organization and if, after notice to applicant of hearing, the Director should find that any such organization, in fact, is not a bona fide and legitimate farmers' cooperative organization, that applicant's eligibility to receive from code members appropriate discounts or price allowances on coal it purchases in not less than cargo or railroad carload lots for, or for resale

to such organization, may be terminated, and that thereafter applicant will not accept any such discounts or price allowances on bituminous coal shipped to such organization until such time after the Director may make a finding that such organization is a bona fide and legitimate farmers' cooperative organization.

It is therefore ordered, That the Farmers Elevator Service Company, Ralston, Iowa, be and it is hereby registered with the Division as a bona fide and legitimate farmers' cooperative organization eligible to receive from code members appropriate discounts or price allowances that may be allowed to bona fide and legitimate farmers' cooperative organizations on coal it purchases in not less than cargo or railroad carload lots for, or for resale to, only the bona fide and legitimate farmers' cooperative organizations set forth in Exhibit "A" attached hereto, which list is made a part of this Order,

Provided, however, That jurisdiction is reserved to the Director, upon complaint of any interested party alleging that any organization set forth in Exhibit "A" is not a bona fide and legitimate farmers' cooperative organization, and after notice to applicant of hearing to enter an Order terminating the eligibility of applicant to receive from code members appropriate discounts or price allowances that may be allowed to bona fide and legitimate farmers' cooperative organizations on coal it purchases in not less than cargo or railroad carload lots for, or for resale to, such organization, if the Director should find that such organization is not a bona fide and legitimate farmers' cooperative organization, and thereafter applicant may not accept or retain any discount, price allowance or commission on any bituminous coal which he purchases for, or for resale to, any such organization.

Dated, September 28, 1940.

[SEAL] DAN H. WHEELER,
Acting Director.

Exhibit "A"

Farmers Lumber Co., Adair, Iowa.
Farmers Cooperative Co., Afton, Iowa.
Farmers Grain Company, Akron, Iowa.
Farmers Coop. Elevator, Albert City, Iowa.
Farmers Coop. Elevator Co., Alleman, Iowa.
Farmers Elev. & Supply Co., Alta, Iowa.
Farmers Mutual Coop. Co., Alton, Iowa.
Farmers Coop. Elevator Co., Anita, Iowa.
Farmers Coop. Elevator Co., Arcadia, Iowa.
Archer Coop. Grain Co., Archer, Iowa.
Farmers Inc. Coop. Society, Aredale, Iowa.
Arlington Coop. Commission Co., Arlington, Iowa.
Farmers Coop. Elevator Co., Armstrong, Iowa.
Farmers Elevator Co., Ashton, Iowa.
Farmers Cooperative Co., Aurelia, Iowa.

Farmers Elevator, Bode, Iowa.
Farmers Elevator Co., Bondurant, Iowa.
Farmers Coop. Elev. & LS., Boone, Iowa.
Farmers Coop. Elevator Co., Boxholm, Iowa.
Bradgate Coop. Exchange, Bradgate, Iowa.
Farmers Cooperative Co., Britt, Iowa.
Burt Coop. Elevator Co., Burt, Iowa.
Cartersville Supply Co., Cartersville, Iowa.
Farmers Cooperative Co., Cedar Falls, Iowa.
Farmers Coop. Exchange, Central City, Iowa.
Farmers Coop. Grain Co., Charter Oak, Iowa.
Farmers Coop. Elevator Co., Churdan, Iowa.
Clarence Coop. Co., Clarence, Iowa.
Farmers Union Shipping Assn., Clarinda, Iowa.
Farmers Elevator Co., Clarion, Iowa.
Baxter Grain & Coal Co., Baxter, Iowa.
Farmers Coop. Co., Blairsburg, Iowa.
Farmers Coop. Elevator Co., Blanchard, Iowa.
Farmers Elevator Co., Blencoe, Iowa.
Farmers Coop. Exchange, Corning, Iowa.
United Shippers Coop., Cresco, Iowa.
Farmers Cooperative Co., Creston, Iowa.
Farmers Cooperative Co., Cumberland, Iowa.
Farmers Elevator Co., Cylinder, Iowa.
Farmers Cooperative Co., Dallas Center, Iowa.
Winnesheik Coop. Assn., Decorah, Iowa.
Dedham Coop. Assn., Dedham, Iowa.
Farmers Union Exchange, Denison, Iowa.
Equity Coop. Exchange, DeWitt, Iowa.
Dickens Coop. Elevator Co., Dickens, Iowa.
Farmers Coop Co., Dike, Iowa.
Farmers Grain Co., Colo, Iowa.
Colwell Coop. Grain Exchange, Colwell, Iowa.
Farmers Grain Co., Conrad, Iowa.
Farmers Coop. Grain & Lumber, Conroy, Iowa.
Elkader Cooperative Co., Elkader, Iowa.
Farmers Cooperative Co., Ellsworth, Iowa.
Howard County Equity Assn., Elma, Iowa.
Ericson Coop. Elevator & LS Co., Ericson, Iowa.
Farmers Mutual Coop. Cry., Center Junction, Iowa.
Farmers Cooperative Co., Farragut, Iowa.
Farmers Elevator Co., Fenton, Iowa.
Farmers Cooperative Co., Fontanelle, Iowa.
Farmers Lumber Co., Fontanelle, Iowa.
Farmers Cooperative Co., Forest City, Iowa.
Fostoria Elevator Co., Fostoria, Iowa.
Farmers Cooperative Co., Garden City, Iowa.

Dixon Coop. Elevator Co., Dixon, Iowa.
Farmers Inc. Coop. Society, Dougherty, Iowa.
Dunbar Elevator Co., Dunbar, Iowa.
Farmers Coop. Elevator Co., Duncombe, Iowa.
Dyersville Shipping Assn., Dyersville, Iowa.
Farmers Coop. Co., Eagle Grove, Iowa.
Farmers Coop. Elevator Co., Earlham, Iowa.
Eldridge Cooperative Co., Eldridge, Iowa.
Farmers Inc. Coop. Society, Grafton, Iowa.
Farmers Inc. Coop. Society, Greene, Iowa.
Farmers Elevator Co., Halbur, Iowa.
Farmers Coop. Elevator Co., Harcourt, Iowa.
Hawkeye Cooperative Co., Hawkeye, Iowa.
Highview Farmers Grain Co., Highview, Iowa.
Farmers Cooperative Co., Hinton, Iowa.
Farmers Coop. Society, Garner, Iowa.
Farmers Elevator Co., George, Iowa.
Gilbert Coop. Co., Gilbert, Iowa.
Farmers Elevator Co., Gilman, Iowa.
Gilmore Cooperative Co., Gilmore City, Iowa.
Farmers Coop. Co., Glidden, Iowa.
Farmers Elevator Co., Goldfield, Iowa.
Farmers Coop. Grain & Lumber, Gowrie, Iowa.
Klemme Coop. Grain Co., Klemme, Iowa.
Farmers Elevator Co., Lake Mills, Iowa.
Farmers Exchange, Lake Park, Iowa.
Farmers Coop. Elevator Co., Lanyon, Iowa.
Farmers Coop. Assn., Larchwood, Iowa.
Laurel Coop. Co., Laurel, Iowa.
Farmers Trading Co., Laurens, Iowa.
Hobarton Coop. Elevator Co., Hobarton, Iowa.
Farmers Coop. Elevator Co., Holmes, Iowa.
Hopkinton Cooperative Creamery, Hopkinton, Iowa.
Farmers Coop. Elevator Co., Hornick, Iowa.
Farmers Mutual Coop. Co., Hospers, Iowa.
Farmers Coop. Elevator Co., Hubbard, Iowa.
Farmers Coop. Assn., Hull, Iowa.
Farmers Coop. Elevator Co., Iowa Falls, Iowa.
Farmers Coop. Co., Ireton, Iowa.
Farmers Grain & Stock Co., Jesup, Iowa.
Farmers Coop. Elevator Co., Jolley, Iowa.
Farmers Shipping Co., Kimballton, Iowa.
Farmers Elevator Co., Kingsley, Iowa.
Mapleton L. S. Shipping Assn., Mapleton, Iowa.
Farmers Coop. Elevator Co., Marble Rock, Iowa.
Farmers Elevator Co., Marcus, Iowa.

- Lawn Hill Lumber Co., Lawn Hill, Iowa.
 Farmers Cooperative Co., Ledyard, Iowa.
 Farmers Elevator Co., Leland, Iowa.
 Farmers Union Grain Co., Lidderdale, Iowa.
 Farmers Coop. Elevator Co., Lincoln, Iowa.
 Farmers Coop. Elevator Co., Linn Grove, Iowa.
 Farmers Coop. Elevator Co., Livermore, Iowa.
 Farmers Cooperative Co., Lost Nation, Iowa.
 Lowden Farmers Coop. Equity Assn., Lowden, Iowa.
 Farmers Coop. Elevator Co., Luther, Iowa.
 Farmers Grain Co., McCallsburg, Iowa.
 Farmers Elevator Co., Malcom, Iowa.
 Manly Cooperative Co., Manly, Iowa.
 Oyens Cooperative Co., Oyens, Iowa.
 Farmers Cooperative Co., Palmer, Iowa.
 Palmgrove Cooperative, Palmgrove, Iowa.
 Farmers Elevator Co., Matlock, Iowa.
 Maynard Coop. Commission Co., Maynard, Iowa.
 Middletown Coop. Elevator Co., Middletown, Iowa.
 Modale Cooperative Assn., Modale, Iowa.
 Farmers Coop. Co., Mondamin, Iowa.
 Monona Farmers Comm. Co., Monona, Iowa.
 Nashua Equity Assn., Nashua, Iowa.
 Chickasaw Equity Coop. Assn., New Hampton, Iowa.
 Farmers Elevator Co., New London, Iowa.
 Farmers Elevator Co., Northwood, Iowa.
 Farmers Cooperative Co., Oakland, Iowa.
 Cooperative Elevator Assn., Ocheydan, Iowa.
 Farmers Elevator Co., Odebolt, Iowa.
 Oelwein Farmers Creamery, Oelwein, Iowa.
 Farmers Mutual Coop. Assn., Orange City, Iowa.
 Farmers Coop. Exchange, Otley, Iowa.
 Farmers Grain & Supply Co., Paullina, Iowa.
 Farmers Cooperative Exchange, Pella, Iowa.
 Farmers Coop. Grain Co., Persia, Iowa.
 Farmers Elevator Co., Peterson, Iowa.
 Farmers Coop. Elevator Co., Pierson, Iowa.
 Plainfield Coop. Assn., Plainfield, Iowa.
 Farmers Coop. Elevator Co., Radcliffe, Iowa.
 Farmers Elevator Co., Rake, Iowa.
 Farmers Coop. Assn., Ralston, Iowa.
 Farmers Coop. Grain Co., Randall, Iowa.
 Farmers Cooperative Co., Readlyn, Iowa.
 Farmers Cooperative Co., Remsen, Iowa.
 Farmers Cooperative Co., Renwick, Iowa.
 Richards Coop. Elevator Co., Richards, Iowa.
 Farmers Elevator Co., Rinard, Iowa.
 Cooperative Grain & Prod. Co., Ringsted, Iowa.
 Farmers Coop. Elevator Co., Ottosen, Iowa.
 Farmers Cooperative Co., Riverton, Iowa.
 Roberts Cooperative Elevator Co., Roberts, Iowa.
 Farmers Cooperative Exchange, Rock Rapids, Iowa.
 Farmers Elevator Co., Rock Valley, Iowa.
 Farmers Lumber Co., Rock Valley, Iowa.
 Farmers Coop. Society, Rockwell, Iowa.
 Farmers Cooperative Co., Roland, Iowa.
 Farmers Elevator Co., Roelyn, Iowa.
 Farmers Exchange Co., Rudd, Iowa.
 Sanborn Coop. Grain Co., Sanborn, Iowa.
 Sand Springs Coop. Cry., Sand Springs, Iowa.
 Scarville, Elevator Co., Scarville, Iowa.
 Farmers Elevator Co., Scranton, Iowa.
 Farmers Inc. Coop. Society, Sheffield, Iowa.
 Farmers Cooperative Assn., Sheldon, Iowa.
 Ritter Farmers Elevator Co., Ritter, Iowa.
 Farmers Elevator Co., Stanhope, Iowa.
 Farmers Coop. Elevator Co., Stockton, Iowa.
 Stonega Cooperative Co., Stonega, Iowa.
 Stratford Grain & Supply Co., Stratford, Iowa.
 Sully Cooperative Exchange, Sully, Iowa.
 Superior Coop. Elevator Co., Superior, Iowa.
 Taintor Cooperative Co., Taintor, Iowa.
 Farmers Cooperative Co., Terril, Iowa.
 Farmers Coop. Elevator Co., Thompson, Iowa.
 Farmers Elevator Co., Titonka, Iowa.
 Farmers Lumber Co., Traer, Iowa.
 Farmers Elevator Co., Truesdale, Iowa.
 Farmers Elevator Co., Walcott, Iowa.
 Walcott Marketing Assn., Walcott, Iowa.
 Washta Coop. Shippers, Washta, Iowa.
 Farmers Cooperative Society, Sioux Center, Iowa.
 Sloan Farmers Cereal Co., Sloan, Iowa.
 Somers Coop. Co., Somers, Iowa.
 Farmers Elevator Co., Spencer, Iowa.
 Stacyville Grain & Coal Co., Stacyville, Iowa.
 Farmers Cooperative Society, Wesley, Iowa.
 Westphalia Coop. Assn., Westphalia, Iowa.
 Whittemore Elevator Co., Whittemore, Iowa.
 Farmers Inc. Coop. Society, Woden, Iowa.
 Farmers Elevator Co., Yale, Iowa.
 Watkins Cooperative Co., Watkins, Iowa.
 Farmers Coop. Elevator Co., Waukee, Iowa.
 Waukon Equity Coop. Assn., Waukon, Iowa.
 Farmers Exchange, Waverly, Iowa.
 Community Coop. Assn., Webster City, Iowa.
 West Bend Elevator Co., West Bend, Iowa.
 Whiting Farmers Coop. Elev. Co., Whiting, Iowa.
 Farmers Coop. Assn., Winterset, Iowa.
 Farmers Coop. Elevator Co., Woolstock, Iowa.
 [F. R. Doc. 40-4071; Filed, September 30, 1940; 11:51 a. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWAL No. 75 ·
NEVADA No. 19, ADJUSTED

SEPTEMBER 20, 1940.

It is ordered that the departmental order of March 21, 1919, establishing Stock Driveway Withdrawal No. 75, Nevada No. 19, be construed in conformity with the official plat of the survey of T. 21½ N., R. 54 E., M. D. M., approved by the General Land Office on January 19, 1939, to include the following-described public land:

MOUNT DIABLO MERIDIAN

T. 21½ N., R. 54 E., sec. 31, 582.21 acres.

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

[F. R. Doc. 40-4061; Filed, September 30, 1940; 9:20 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 518]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 21, 1940.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 1012D1 Miller.....	\$240,000
Colorado 1017E1 Prowers.....	40,000
Maryland 1004E1 St. Marys.....	84,000
Minnesota 1032C1 Fillmore.....	185,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-4059; Filed, September 28, 1940; 11:22 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 64]

DESIGNATING THE REGIONAL DIRECTORS AND THE ACTING REGIONAL DIRECTORS OF REGIONS 1, 8, 9, AND 10 AS AUTHORIZED REPRESENTATIVES TO GRANT OR DENY APPLICATIONS FOR SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF HANDICAPPED WORKERS, AND TO CANCEL SUCH SPECIAL CERTIFICATE

By virtue of, and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Baird Snyder, Acting Administrator of the Wage and Hour Division, Department of Labor, hereby designate and appoint the regional directors or the acting regional directors of regions 1, 8, 9, and 10 as my authorized representatives, with full power and authority to grant or deny applications for special certificates for the employment of handicapped workers, and to sign, issue and cancel special certificates authorizing the employment of handicapped workers pursuant to the provisions of section 14 of the Fair Labor Standards Act of 1938 and Regulations, Title 29—Labor, Chapter V—Wage and Hour Division, Part 524.

Signed at Washington, D. C., this 24th day of September, 1940.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 40-4076; Filed, September 30, 1940; 11:57 a. m.]

IN THE MATTER OF THE AMENDMENT OF REGULATIONS, PART 516, REGULATIONS ON RECORDS, ISSUED UNDER THE FAIR LABOR STANDARDS ACT OF 1938

NOTICE OF HEARING

Whereas the Administrator desires to determine whether any amendments to Regulations, Part 516¹ are necessary or appropriate for the enforcement of the provisions of the Fair Labor Standards Act or the regulations or orders thereunder;

Now, therefore, for the purpose of ascertaining whether any such amendments are necessary and, if so, the nature of such amendments, notice is hereby given of a public hearing to begin at 10:00 a. m. on October 17, 1940, at the United States Department of Labor, Room 3229, 14th Street and Constitution Avenue NW., Washington, D. C., before Gustav Peck, Assistant Director, Hearings Branch, at which hearing interested parties will be heard on the following question:

"What, if any, amendments should be made to regulations, Part 516 in respect to the records to be kept by employers of persons employed, wages, hours, and

other conditions and practices of employment."

Any person desiring to appear at the aforesaid hearing may appear on his own behalf or on behalf of any other person or may file a written statement.

Anyone desiring to appear must file a notice of intention to do so with the Administrator of the Wage and Hour Division, United States Department of Labor, and should, if he desires a change in the above Regulations, Part 516, set forth the amendment which he proposes. The notice of intention to appear must reach the Administrator prior to 4:30 p. m. October 16, 1940.

If written statements are filed in lieu of personal appearances, they must be received prior to 4:30 p. m. October 17.

Signed at Washington, D. C. this 27th day of September, 1940.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 40-4075; Filed, September 30, 1940; 11:57 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

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 Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3530)

Apparel Learner Regulations, September 7, 1940, (5 F.R. 3591)

Millinery Learner Regulations, Custom Made, August 29, 1940, (5 F.R. 3392)

Millinery Learner Regulations, Popular Priced, August 29, 1940, (5 F.R. 3393)

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

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

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

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 1, 1940. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of

these Certificates may seek a review or reconsideration thereof.

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

Beloit Hosiery Company, South Beloit, Illinois; Hosiery; Seamless; 5 learners; October 1, 1940.

Bradley Full Fashioned Hosiery Company, Inc., Broad Street, Cleveland, Tennessee; Hosiery; Full-Fashioned; 5 learners; October 1, 1941.

Burson Knitting Company, Rockford, Illinois; Hosiery; Seamless; 5 percent; October 1, 1941.

Chipman, Inc., East Flat Rock, North Carolina; Hosiery; Full-Fashioned; 5 learners; October 1, 1941.

Chipman LaCrosse Hosiery Mills Company, East Flat Rock, North Carolina; Hosiery; Seamless; 5 learners; October 1, 1941.

Classic Hosiery Mill, Inc., Park and Spruce Streets, Elizabethtown, Pennsylvania; Hosiery; Full-Fashioned; 5 learners; October 1, 1941.

Clementon Hosiery Mill, Ohio Avenue, Clementon, New Jersey; Hosiery; Full-Fashioned; 5 learners; October 1, 1941.

J. A. Cline & Son, Hildebran, North Carolina; Hosiery; Seamless; 5 percent; October 1, 1941.

Debonair Full Fashioned Mills, Inc., Cleveland, Tennessee; Hosiery; Full-Fashioned; 5 percent; October 1, 1941.

Drexel Knitting Mills Company, Drexel, North Carolina; Hosiery; Seamless; 5 percent; October 1, 1941.

Duke Hosiery Corporation, Highland Avenue and Fourth Street, Hickory, North Carolina; Hosiery; Seamless; 5 learners; October 1, 1941.

Easton Hosiery Mills, Easton, Maryland; Hosiery; Full-Fashioned; 5 learners; October 1, 1941.

Ellis Hosiery Mills, Hickory, North Carolina; Hosiery; Seamless; 5 percent; October 1, 1941.

Fidelity Hosiery Mill, Inc., Shamokin, Pennsylvania; Hosiery; Seamless; 5 percent; October 1, 1941.

Foster Hosiery Mill, Burlington, North Carolina; Hosiery; Full-Fashioned; 5 percent; October 1, 1941.

Glassboro Hosiery Mill, Inc., Glassboro, New Jersey; Hosiery; Full-Fashioned; 3 learners; October 1, 1941.

Great American Knitting Mills, Inc., Bechtelsville & Bally, Pennsylvania; Hosiery; Seamless; 5 percent; October 1, 1941.

Grey Hosiery Mills, Bristol, Virginia; Hosiery; Full-Fashioned; 5 percent; October 1, 1941.

Grey Hosiery Mills, Hendersonville, North Carolina; Hosiery; Full-Fashioned; 5 percent; October 1, 1941.

Hatfield Hosiery Company, Hatfield, Pennsylvania; Hosiery; Full-Fashioned; 3 learners; October 1, 1941.

Hickory Knitting Mills, Hickory, North Carolina; Hosiery; Seamless; 5 learners; October 1, 1941.

¹ 3 F.R. 2533.

Holt Hosiery Mills, Graham, North Carolina; Hosiery; Full-Fashioned; 5 learners; October 1, 1941.

Hope Hosiery Mills, Adamstown, Pennsylvania; Hosiery; Seamless; 3 learners; October 1, 1941.

Indiana Textile Mills Company, Indiana, Pennsylvania; Hosiery; Full-Fashioned; 5 learners; October 1, 1941.

Lincoln Hosiery Company, Lincoln, Pennsylvania; Hosiery; Seamless; 5 learners; October 1, 1941.

Mar-Ed Hosiery Mill, Cheltenham, Pennsylvania; Hosiery; Full-Fashioned; 5 learners; October 1, 1941.

Mauney Mills, Kings Mountain, North Carolina; Hosiery; Seamless; 5 learners; October 1, 1941.

Maywood Silk Hosiery Mills, Inc., Cordele, Georgia; Hosiery; Full-Fashioned; 2 learners; June 1, 1941.

Maywood Silk Hosiery Mills, Inc., Cordele, Georgia; Hosiery; Full-Fashioned; 5 learners; October 1, 1941.

Millheim Hosiery Mills, Inc., Millheim, Pennsylvania; Hosiery; Seamless; 5 percent; October 1, 1941.

Nolde & Horst Company of Tennessee, McMinnville, Tennessee; Hosiery; Full-Fashioned; 5 percent; October 1, 1941.

Pearl Hosiery Mills, New Britain, Pennsylvania; Hosiery; Full-Fashioned; 5 learners; October 1, 1941.

Piedmont Knitting Company, Gordonsville, Virginia; Hosiery; Full-Fashioned; 5 learners; October 1, 1941.

Propper-McCallum Hosiery Company, Inc., Northampton, Massachusetts; Hosiery; Full-Fashioned; 11 learners; October 1, 1941.

Ragan Knitting Company, Thomasville, North Carolina; Hosiery; Seamless; 5 percent; October 1, 1941.

Renfro Hosiery Mills Company, Mount Airy, North Carolina; Hosiery; Seamless; 5 percent; October 1, 1941.

Ripon Knitting Works, Ripon, Wisconsin; Hosiery; Seamless; 5 learners; October 1, 1941.

Stimpson Hosiery Mills, Inc., Statesville, North Carolina; Hosiery; Full-Fashioned; 5 percent; October 1, 1941.

Infants Socks, Inc., Eufaula, Alabama; Hosiery; Seamless; 5 percent; October 1, 1941.

Van Raalte Company, Saratoga Springs, New York; Hosiery; Full-Fashioned; 5 learners; October 1, 1941.

Willstrut Hosiery Mill, 16308 Foothill Boulevard, San Leandro, California; Hosiery; Seamless & Full-Fashioned; 5 learners; October 1, 1941.

The Bencoe Company, Inc., 518 Second Avenue, Seattle, Washington; Apparel; Chenille and Felt Letters; 3 learners; October 1, 1941.

Buttnick Manufacturing Company, 204 First Avenue, Seattle, Washington; Apparel; Men's and Boy's Work Clothing; 5 learners (75% of the applicable hourly minimum wage); October 1, 1941.

Central Wash Suit Company, Inc., Haverstraw, New York; Apparel; Infants, Childrens Wear, Ladies Sportswear; 5

percent (75% of the applicable hourly minimum wage); October 1, 1941.

Consolidated Mercantile Industries, Inc., 26 Exchange Place, Jersey City, New Jersey; Apparel; Brassieres, Slips, Gowns, Surgical Goods; 2 learners (75% of the applicable hourly minimum wage); October 1, 1941.

Crescent Neckwear Company, 355 Marietta Street, Atlanta, Georgia; Apparel; Neckwear—Men's and Boys'; 5 learners (75% of the applicable hourly minimum wage); October 1, 1941.

Foster Brothers Sportswear Company, Inc., 21st & Hunting Park Avenue, Philadelphia, Pennsylvania; Apparel; Sportswear and Beachwear; 5 percent (75% of the applicable hourly minimum wage); October 1, 1941.

H. B. Glover Company, 480-498 Iowa Street, Dubuque, Iowa; Apparel; Pajamas, Sportswear; 5 percent (75% of the applicable hourly minimum wage); October 1, 1941.

The Grace Company, Belton, Missouri; Apparel; Playsuits, Crawlers, Infants Wear; 10 learners, 75% of the applicable hourly minimum wage); January 28, 1941.

H. Lang Company, 113 N. 2nd Street, River Falls, Wisconsin; Apparel; Overalls, Sleeveless Coveralls, Kwikins, Jackets, and Denim Pants; 12 learners (75% of the applicable hourly minimum wage) February 4, 1941.

Long Branch Tailoring Corporation, West Street, Long Branch, New Jersey; Apparel; Boys' and Men's Single Pants; 5 learners (75% of the applicable hourly minimum wage); October 1, 1941.

The Moyer Manufacturing Company, 18 W. Walnut Street, Youngstown, Ohio; Apparel; Trousers, Shirts, Work Clothing; 5 percent (75% of the applicable hourly minimum wage); October 1, 1941.

Perfect Trouser Company, Inc., S. E. Corner 26th and Reed Streets, Philadelphia, Pennsylvania; Apparel; Cotton Pants; 5 percent (75% of the applicable hourly minimum wage); October 1, 1941.

Quaker City Pant and Overall Company, 421 Arch Street, Philadelphia, Pennsylvania; Apparel; Overalls & Pants; 2 learners (75% of the applicable hourly minimum wage); October 1, 1941.

The Rauh Company, 9th & Sycamore Streets, Cincinnati, Ohio; Apparel; Men's and Boys' Dress Shirts; 5 percent (75% of the applicable hourly minimum wage); October 1, 1941.

Renselle Company, Inc., Minersville, Pennsylvania; Apparel; Men's Pajamas; 5 percent (75% of the applicable hourly minimum wage); October 1, 1941.

Roberts, Incorporated, Main Street, New City, New York; Apparel; Maid's Aprons and Uniforms; 3 learners (75% of the applicable hourly minimum wage); October 1, 1941.

Boris Smoler and Sons, Crawford & Prospect Streets, Elkhart, Indiana; Apparel; Wash Dresses; 5 percent (75% of

the applicable hourly minimum wage); October 1, 1941.

Southern Garments, Inc., Anderson, South Carolina; Apparel; Ladies' Rayon Slips; 12 learners (75% of the applicable hourly minimum wage); January 28, 1941.

Trump Apron Company, Frankfort, Kansas; Apparel; Gift Aprons of Fine Organdie; 3 learners; (75% of the applicable hourly minimum wage); October 1, 1941.

United Mills, Incorporated, Mount Gilead, North Carolina; Apparel; Ladies' Rayon Woven Slips; 5 learners (75% of the applicable hourly minimum wage); October 1, 1941.

M. Wiener & Company, 725 Arch Street, Philadelphia, Pennsylvania; Apparel; Beachwear and Playclothes (Cotton Shorts); 5 learners (75% of the applicable hourly minimum wage); October 1, 1941.

The Boysell Company, Inc., 116 West Airline Avenue, Gastonia, North Carolina; Textile; Tufted Bedspreads and Rugs; 25 learners; March 4, 1941.

Model Mat Company, 305 Holland Street, Shelbyville, Tennessee; Textile; Cotton Chenille Bath Mat Sets, Housecoats and Sports Wear; 15 learners; April 1, 1941.

Pennsylvania Ribbon Manufacturing Company, 7th & Somerset Streets, Philadelphia, Pennsylvania; Textiles; Ribbon; 7 learners; December 31, 1940.

Acme Glove Corporation, Gloversville, New York; Glove; Leather Dress Gloves; 2 learners; October 1, 1941.

Proper Maid Silk Manufacturing Company, Inc., Amsterdam, New York; Glove; Knit Fabric Gloves; 5 learners; October 24, 1940.

Gluck Knitting Mills, Inc., 115 West 23rd Street, New York, New York; Glove; Knit Wool Gloves; 32 learners; January 21, 1941.

Signed at Washington, D. C. this 30th day of September, 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-4073; Filed, September 30, 1940; 11:57 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under Section 14 thereof and part 522.5B of the Regulations issued thereunder (August 16, 1940, 5 F. R. 2862) to the employers listed below effective October 1, 1940.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers representa-

tions that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be canceled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

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

Rockingham Poultry Marketing Cooperative, Incorporated, Broadway, Virginia; Poultry Dressing & Packing, Some Eggs; 62 learners; 4 weeks for any one learner; 22½ cents per hour; Waxers, Pinners, Roughers, & Packers; November 12, 1940.

Signed at Washington, D. C. this 30th day of September, 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-4074; Filed, September 30, 1940; 11:57 a. m.]

FEDERAL LOAN AGENCY.

Federal Housing Administration.

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY OF 2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B

SEPTEMBER 25, 1940.

To holders of 2¾ Percent Mutual Mortgage Insurance Fund debentures, Series B.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C. Title 12, sec. 1701, et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1941, on which date interest on such debentures shall cease:

Denomination:	Serial numbers (all numbers inclusive)	
\$50	427 to	618
\$100	1,461 to	2,259
\$500	752 to	946
\$1,000	1,915 to	2,889
\$5,000	116 to	177
\$10,000	14 to	19

The debentures first issued, as determined by the serial numbers, were selected for redemption by the Federal Housing Administrator, with the approval of the Secretary of the Treasury.

No transfers or denominational exchange in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1940. This does not affect the right of the holder of a

debenture to sell and assign the debenture on or after October 1, 1940, and provision will be made for the payment of final interest due January 1, 1941, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Federal Housing Administrator hereby offers to purchase any debentures included in this call at any time from October 1, 1940, to December 31, 1940, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1941, or for purchase prior to that date will be given by the Secretary of the Treasury.

RAYMOND T. CAHILL,
Acting Administrator.

Approved, September 26, 1940.

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 40-4056; Filed, September 28, 1940; 10:05 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 54-24]

IN THE MATTER OF STANDARD GAS AND ELECTRIC COMPANY, SAN DIEGO CONSOLIDATED GAS & ELECTRIC COMPANY

ORDER EXTENDING TIME FOR EXPIRATION OF OFFER OF EXCHANGE UNDER THE PLAN

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

This Commission having heretofore under date of August 22, 1940, duly entered an order¹ subject to certain conditions contained therein in the above entitled proceedings approving an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 and permitting a declaration to become effective pursuant to sections 6 and 7 of said Act with respect to a Plan pursuant to which holders of notes and debentures of Standard Gas and Electric Company would be permitted under certain circumstances to exchange said notes and debentures for common stock of San Diego Consolidated Gas & Electric Company (the name of which has since been changed to San Diego Gas and Electric Company);

Said order providing among other things that the period of deposit set forth in said Plan should not be extended without the approval of this Commission;

Whereas Standard Gas and Electric Company has requested that it be permitted to extend to October 31, 1940 the date, namely, September 30, 1940, heretofore fixed by said Plan for the expiration of the offer of exchange described in said Plan;

¹ 5 F.R. 3190.

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to now permit said date to be extended as requested;

It is ordered, That the date for the expiration of the offer of exchange as set forth in said Plan as heretofore approved by the Commission in its order of August 22, 1940 be and hereby is permitted to be extended to October 31, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F.R. Doc. 40-4068; Filed, September 30, 1940; 11:46 a. m.]

[File No. 70-145]

IN THE MATTER OF SAN DIEGO GAS & ELECTRIC COMPANY

ORDER GRANTING APPLICATION PURSUANT TO RULE U-8

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

The above named party having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof for exemption from the provisions of section 6 (a) of the Act of the issuance and sale of \$16,000,000 principal amount of its First Mortgage Bonds, 3¾% Series, due July 1, 1970, to the Equitable Assurance Society of the United States; and

Said application having been filed on August 26, 1940 and amendments thereto having been filed on September 13, 1940 and on September 27, 1940, respectively, and notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated under said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and the above named party having requested that said application, as amended, be granted on the earliest possible date after the filing of the last amendment; and

This Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application, as amended, and finding in respect thereto under section 6 (b) of the Act that the requirements of section 6 (b) of the Act are satisfied; and

This Commission being satisfied that the date of granting the application, as amended, should be advanced;

It is hereby ordered pursuant to said Rule U-8 and the applicable provisions of the Act, that the aforesaid application, as amended, be and the same is hereby granted forthwith; subject, however, to the terms and conditions prescribed in Rule U-9 promulgated under the Act; provided, however, if any regulatory body having jurisdiction in the premises re-

quires the above named party to dispose of its unamortized debt discount, premium and expense in a manner other than that proposed in the application, as amended, the above named party may carry out such requirements without further order of, or the taking of any action by this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

Commissioner Healy dissenting for the reasons stated in his memorandum of April 1, 1940.

[F. R. Doc. 40-4069; Filed, September 30, 1940;
11:46 a. m.]

[File No. 70-157]

IN THE MATTER OF SAN DIEGO GAS &
ELECTRIC COMPANY

ORDER PERMITTING APPLICATION AND DECLARATION TO BECOME EFFECTIVE PURSUANT TO RULE U-8

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

The above named party, a direct subsidiary of Standard Gas and Electric Company, a registered holding company, having filed (1) an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for an exemption from the provisions of section 6 (a) of the Act of the issuance and sale by said party of 314,325 shares of its Cumulative

Preferred Stock, 5% Series, \$20 par value; and (2) a declaration pursuant to Rule U-12C-1 promulgated under the Act with respect to the acquisition and retirement by said party of 62,925 shares of its Seven Percent Cumulative Preferred Stock, \$100 par value, now outstanding; and

The application and declaration having been filed on September 17, 1940 and an amendment thereto having been filed on September 27, 1940, and notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated under the Act, and the Commission not having received a request for a hearing with respect to the application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and said party having requested that the application, as amended, be granted and the declaration, as amended, become effective on the earliest possible date after the filing of the amendment; and

This Commission deeming it appropriate in the public interest and in the interest of investors and consumers (1) to grant the application, as amended, pursuant to section 6 (b) of the Act and finding with respect thereto that the issuance and sale of said securities are solely for the purpose of financing the business of said party and have been expressly authorized by the Railroad Commission of the State of California, in which state said party is organized and doing business; and (2) to permit the declaration, as amended, pursuant to

Rule U-12C-1 under the Act to become effective and finding with respect thereto that said party's financial integrity will not be adversely affected nor its working capital impaired for practical purposes; and

This Commission being satisfied that the effective date of the declaration, as amended, and that the date of granting the application, as amended, should be advanced:

It is hereby ordered pursuant to said Rule U-8 and the applicable provisions of the Act, that the aforesaid application, as amended, be and the same is hereby granted and that the aforesaid declaration, as amended, be and the same is hereby permitted to become effective forthwith; subject, however, to the terms and conditions prescribed in Rule U-9 promulgated under the Act: *Provided, however,* If any regulatory body having jurisdiction in the premises requires said party to dispose of the call premium of its Seven Percent Cumulative Preferred Stock in a manner other than that proposed in the application, as amended, said party may carry out such requirement without further order of, or the taking of any action by this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

Commissioner Healy dissenting for the reason stated in his Memorandum of April 1, 1940.

[F. R. Doc. 40-4070; Filed, September 30, 1940;
11:48 a. m.]