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Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 2960]

IN THE MATTER OF AMERICAN MERCHANDISE COMPANY, INC., ET AL.

SEC. 3.69 (b) (16) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Imported as domestic.* Causing, in connection with offer, etc., in commerce, of imported thumb tacks, glove hands and other similar imported products, the brands or marks on imported glove hands, or other similar products, which indicate the foreign origin or manufacture of such merchandise, to be removed, erased or concealed so as to mislead or deceive purchasers and prospective purchasers with reference to the foreign origin or manufacture thereof; or causing, in aforesaid connection, such imported thumb tacks, or other similar products, to be removed from the containers on which are brands or marks indicating the foreign origin or manufacture of such merchandise and to be placed in containers bearing no such brands or marks so as to mislead or deceive purchasers and prospective purchasers, as above set forth; 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, American Merchandise Company, Inc., et al., Docket 2960, April 19, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of April, A. D. 1939.

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

IN THE MATTER OF AMERICAN MERCHANDISE CO., INC., AND HARRY GREENBERG AND LEO JOSEFSBERG, COPARTNERS, DOING BUSINESS UNDER THE FIRM NAME OF GREENBERG AND JOSEFSBERG AND UNDER THE TRADE NAMES OF AMERICAN MERCHANDISE COMPANY, G & J MANUFACTURING CO., AND G & J PRODUCTS

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, the answer of respondents, and a stipulation as to the facts entered into between respondents herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents American Merchandise Company, Inc., a corporation, its officers, representatives, agents and employees, and Harry Greenberg and Leo Josefsberg, individually and as copartners doing business under the firm name Greenberg and Josefsberg, and under the trade names of American Merchandise Company, G & J Manufacturing Co., and G & J Products, or under any other firm or trade name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of imported thumb tacks, glove hands and other similar imported products in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist:

1. Causing the brands or marks on imported glove hands, or other similar products, which indicate the foreign

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origin or manufacture of such merchandise, to be removed, erased or concealed so as to mislead or deceive purchasers and prospective purchasers with reference to the foreign origin or manufacture thereof;

2. Causing such imported thumb tacks, or other similar products, to be removed from the containers on which are brands or marks indicating the foreign origin or manufacture of such merchandise and to be placed in containers bearing no such brands or marks so as to mislead or deceive purchasers and prospective purchasers with reference to the foreign origin or manufacture thereof.

It is further ordered, That the respondents shall, within sixty days after service upon them of this order, file with

the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1420; Filed, April 26, 1939; 1:12 p. m.]

[Docket No. 3731]

IN THE MATTER OF CENTURY BUSINESS SERVICE, ETC.

SEC. 3.99 (a) *Using or selling lottery devices—Devices for lottery selling.* Selling, etc., in connection with offer, etc., in commerce, of sales promotion schemes or any other merchandise, sales promotion cards or any other device so designed that their use by the retail dealers constitutes, or may constitute, the operation 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, Century Business Service, etc., Docket 3731, April 20, 1939]

SEC. 3.99 (a) *Using or selling lottery devices—Devices for lottery selling.* Supplying, etc., in connection with offer, etc., in commerce, of sales promotion schemes or any other merchandise, retail dealers or others with sales promotion cards or sales booster plans or schemes or any other devices which are used, or which may be used, without alteration or re-arrangement thereof, to conduct a lottery, game of chance or gift enterprise when distributed to the consuming 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, Century Business Service, etc., Docket 3731, April 20, 1939]

SEC. 3.99 (a) *Using or selling lottery devices—Devices for lottery selling.* Furnishing, etc., in connection with offer, etc., in commerce, of sales promotion schemes or any other merchandise, to dealers display posters or circulars or other advertising literature bearing legends or statements informing the public as to the manner in which said sales promotion cards or other lottery devices are to be, or may be, distributed and used, 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, Century Business Service, etc., Docket 3731, April 20, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of April, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles

H. March, Ewin L. Davis, William A. Aytes.

IN THE MATTER OF EARL M. LOBAN, INDIVIDUALLY AND TRADING AS CENTURY BUSINESS SERVICE, ACME DIVIDEND SYSTEM AND CENTURY PUBLISHING COMPANY, INC.

ORDER TO CEASE AND DESIST

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

It is ordered, That the respondent Earl M. Loban, individually and trading as Century Business Service, Acme Dividend System, and Century Publishing Company, Inc., or trading under any other name or names, his representatives, agents and employees directly or through any corporate or other device in connection with the offering for sale, sale and distribution of sales promotion schemes 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 sales promotion cards or any other device so designed that their use by the retail dealers constitute or may constitute the operation of a game of chance, gift enterprise or lottery scheme;

2. Supplying to, or placing in the hands of retail dealers or others, sales promotion cards or sales booster plans or schemes or any other devices which are used or which may be used without alteration or re-arrangement thereof to conduct a lottery, game of chance or gift enterprise when distributed to the consuming public;

3. Furnishing or supplying to dealers display posters or circulars or other advertising literature bearing legends or statements informing the public as to the manner in which said sales promotion cards or other lottery devices are to be or may be distributed and used.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1421; Filed, April 26, 1939; 1:12 p. m.]

[Docket No. 2945]

IN THE MATTER OF PASCAL COMPANY, INC.

SEC. 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* SEC. 3.6 (y) *Advertising falsely or misleadingly—Safety.* Representing, in connection with offer, etc., in interstate commerce, etc., of "Breathesy" or any similar preparation, that said preparation is a cure or remedy for asthma, hay fever or kindred diseases, which can be successfully used without following any particular form of diet, and constitutes a harmless remedy which will return the user to vigorous, buoyant health, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Modified cease and desist order, Pascal Company, Inc., Docket 2945, April 18, 1939]

SEC. 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* SEC. 3.6 (x) *Advertising falsely or misleadingly—Results:* SEC. 3.6 (f) 10) *Advertising falsely or misleadingly—Unique nature or advantages.* Representing, in connection with offer, etc., in interstate commerce, etc., of "Breathesy" or any similar preparation, that said preparation will give relief to those suffering from asthma, other than temporary relief from asthmatic spasms, or is the one sure relief available for the treatment of asthma, or is a "doctor" ever ready to relieve asthmatics, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Modified cease and desist order, Pascal Company, Inc., Docket 2945, April 18, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of April, A. D. 1939.

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

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard¹ by the Federal Trade Commission upon the motion of W. T. Kelley, Chief Counsel for the Commission, to modify the findings as to the facts and the conclusion drawn therefrom and the order to cease and desist issued in this proceeding on February 16, 1938, upon the objection of respondent thereto, and the Commission having duly considered said motion and the record herein, and having granted said motion, and being now fully advised in the premises:

It is ordered, That the respondent, Pascal Company, Inc., its officers, representatives, agents and employees, in connection with the offering for sale, sale and

distribution of the preparation now known as, and sold under the name "Breathesy," or any preparation, under whatever name sold, composed of the same or similar ingredients and possessing similar therapeutic properties, in interstate commerce or in the District of Columbia, do forthwith cease and desist from representing that

(a) Said preparation is a cure or remedy for asthma, hay fever, or kindred diseases;

(b) Said preparation can be successfully used without following any particular form of diet;

(c) Said preparation is a harmless remedy which will return the user to vigorous, buoyant health;

(d) Said preparation will give relief to those suffering from asthma, other than temporary relief from asthmatic spasms;

(e) Said preparation is the one sure relief available for the treatment of asthma;

(f) Said preparation is a "doctor" ever ready to relieve asthmatics;

(g) and from making any other similar representations of like import or effect as to the therapeutic or medicinal value of said preparation.

It is further ordered, That the respondent, Pascal Company, Inc., 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 the order to cease and desist hereinabove set forth.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1430; Filed, April 27, 1939; 9:20 a. m.]

TITLE 43—PUBLIC LANDS

BUREAU OF RECLAMATION

PROVO RIVER PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

MARCH 6, 1939.

The SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry, under the first form of withdrawal, as provided in Section 3, Act of June 17, 1902 (32 Stat., 388).

PROVO RIVER PROJECT

SALT LAKE MERIDIAN, UTAH

Township 5 South, Range 2 East, Section 26, SW¼SW¼

Respectfully,

JOHN C. PAGE,
Commissioner.

I concur

HARRY L. BROWN,
Acting Secretary of Agriculture.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the

records of his office and the local land office to be noted accordingly.

HARRY SLATTERY,
Under Secretary of the Interior.

APRIL 18, 1939.

[F. R. Doc. 39-1432; Filed, April 27, 1939; 10:16 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Docket No. 662-FD]

IN THE MATTER OF THE APPLICATION OF UPPER BUCHANAN SMOKELESS COALS, INCORPORATED, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

NOTICE AND ORDER FOR HEARING

The applicant above named, having on the 24th day of April, 1939, filed its application for provisional approval as a marketing agency, notice is hereby given that the above entitled matter is assigned for hearing before an Examiner of the Commission, on the 12th day of May, 1939, at ten o'clock A. M., at the hearing room of the Commission, 734 15th Street, Northwest, Washington, D. C., at which time and place interested parties will be afforded an opportunity to be heard.

The Secretary of the Commission is forthwith directed to mail a copy of this Notice of Hearing to the applicant above named, to the Secretary of each District Board, and to the Consumers' Counsel, and shall cause a copy to be published in the FEDERAL REGISTER.

A copy of the aforesaid application is on file and available for inspection by interested parties at the office of the Secretary of the Commission.

By order of the Commission.

Dated this 26th day of April 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 39-1429; Filed, April 26, 1939; 3:54 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 18-401-E-1]

IN THE MATTER OF THE APPLICATION OF PENNSYLVANIA-CENTRAL AIRLINES CORPORATION

ORDER AUTHORIZING ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

At a session of the Civil Aeronautics Authority held in the City of Washington, D. C., on the 21st day of April 1939.

Pennsylvania-Central Airlines Corporation having filed application for a certificate of public convenience and necessity under section 401 (e) (1) of

¹ 2 F. R. 165.

the Civil Aeronautics Act of 1938, and a full hearing thereon having been held, and the Authority upon consideration of the record of such proceedings having issued its opinion containing its findings of facts, conclusions, and decision, which is attached hereto and made a part hereof, and finding that its action in this matter is necessary pursuant to said opinion:

It is ordered, That there be issued to Pennsylvania-Central Airlines Corporation a certificate of public convenience and necessity authorizing it, subject to the provisions of such certificate, to engage in air transportation with respect to persons, property, and mail between the terminal point Norfolk, Va., the intermediate points Washington, D. C., Pittsburgh, Pa., Akron, Ohio, and Cleveland, Ohio, and the terminal point Detroit, Mich.

It is further ordered, That there be issued to Pennsylvania-Central Airlines Corporation a certificate of public convenience and necessity authorizing it, subject to the provisions of such certificate, to engage in air transportation with respect to persons, property, and mail between the terminal point Detroit, Mich., the intermediate points Flint, Mich. (except with respect to mail), Lansing, Mich., Grand Rapids, Mich., Muskegon, Mich., and the terminal point Milwaukee, Wis., and between the intermediate point Grand Rapids, Mich., and the terminal point Chicago, Ill.

It is further ordered, That there be issued to Pennsylvania-Central Airlines Corporation a certificate of public convenience and necessity authorizing it, subject to the provisions of such certificate, to engage in air transportation with respect to persons, property, and mail between the terminal point Washington, D. C., the intermediate points Baltimore, Md., Harrisburg, Pa., and Williamsport, Pa., and the terminal point Buffalo, N. Y.

It is further ordered, That there be issued to Pennsylvania-Central Airlines Corporation a certificate of public convenience and necessity authorizing it, subject to the provisions of such certificate, to engage in air transportation with respect to persons, property, and mail between the terminal point Detroit, Mich., the intermediate points Flint, Mich., Saginaw-Bay City, Mich., Traverse City, Mich., and Cheboygan, Mich., and the terminal point Sault Sainte Marie, Mich.

It is further ordered, That there be issued to Pennsylvania-Central Airlines Corporation a certificate of public convenience and necessity authorizing it, subject to the provisions of such certificate, to engage in air transportation with respect to persons and property between the terminal point Pittsburgh, Pa., and the terminal point Buffalo, N. Y.

It is further ordered, That there be issued to Pennsylvania-Central Airlines Corporation a certificate of public con-

¹ 3 F. R. 2873 DI.

venience and necessity authorizing it, subject to the provisions of such certificate, to engage in air transportation with respect to persons and property between the terminal point Pittsburgh, Pa., and the terminal point Baltimore, Md.

It is further ordered, That the exercise of the privileges granted by each of said certificates shall be subject to the terms, conditions, and limitations prescribed by Regulation 401-F-1, issued by the Authority on February 24, 1939,² all amendments thereto and such other terms, conditions, and limitations as may from time to time be prescribed by the Authority.

It is further ordered, That Special Order 401-A-1, dated August 20, 1938,³ shall automatically be vacated upon the issuance, as authorized by this order, of the certificate of public convenience and necessity for the route between the terminal point Detroit, Mich., certain intermediate points, and the terminal point Sault Sainte Marie, Mich.

It is further ordered, That said certificates shall be issued in the form attached hereto⁴ and shall be signed on behalf of the Authority by the Chairman of the Authority and shall have affixed thereto the seal of the Authority attested by the Secretary. Said certificates shall be made effective from the 22d day of August 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-1435; Filed, April 27, 1939; 11:50 a. m.]

FEDERAL POWER COMMISSION.

[Project No. 16]

IN THE MATTER OF THE NIAGARA FALLS
POWER COMPANY

ORDER POSTPONING HEARING

APRIL 26, 1939.

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

It appearing to the Commission that:

(a) By order adopted March 21, 1939,⁵ a public hearing in the above cause was set for May 1, 1939;

(b) Licensee, by its petition filed April 21, 1939, requests continuance of hearing set for May 1, 1939, to a date three weeks subsequent to the completion of the hearings in connection with the application for the amendment of license, asserting its executive, accounting, and engineering personnel required for the preparation and presentation of the case in support of its protest to the report on the actual legitimate original

² 4 F. R. 1029 DI.

³ 3 F. R. 2066 DI.

⁴ Filed as a part of the original document with the Division of the Federal Register, The National Archives.

⁵ 4 F. R. 1323 DI.

cost of the project as of March 2, 1921, is necessarily required in the continued preparation and presentation of the case pertaining to the application for amendment of license, and further, that its counsel assigned to the two cases mentioned is seriously ill.

The Commission orders that:

The public hearing in the above cause now set for May 1, 1939, be and the same is hereby postponed to June 1, 1939, at 10 a. m., in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-1436; Filed, April 27, 1939; 11:59 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of April, A. D. 1939.

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

[Docket No. 3463]

IN THE MATTER OF MANUEL BLATTBERG,
INDIVIDUALLY, AND TRADING AS MONARCH
HOSIERY & NECKWEAR COMPANY

ORDER APPOINTING EXAMINER AND FIXING
TIME AND PLACE FOR TAKING TESTIMONY

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 8, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1422; Filed, April 26, 1939; 3:32 p. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of April, A. D. 1939.

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

[Docket No. 3477]

IN THE MATTER OF MASON, AU & MAGENHEIMER CONFECTIONERY MANUFACTURING COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Friday, May 5, 1939, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1423; Filed, April 26, 1939; 3:32 p. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1939.

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

[Docket No. 3616]

IN THE MATTER OF A. F. DUVERGER, AN INDIVIDUAL, DOING BUSINESS UNDER THE NAMES AND STYLES OF NATIONAL DISTRIBUTORS AND INCOME AUDIT SERVICE

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 15, 1939, at ten o'clock in the forenoon of that day (central standard time) in Room 409, Federal Building, Birmingham, Alabama.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1424; Filed, April 26, 1939; 3:32 p. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1939.

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

[Docket No. 3674]

IN THE MATTER OF M. L. CLEIN AND COMPANY, A CORPORATION, AND MAX L. CLEIN, SADIE B. CLEIN, INDIVIDUALS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 22, 1939, at ten o'clock in the forenoon of that day (central standard time), in Room 324, Post Office Building, Atlanta, Georgia.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1425; Filed, April 26, 1939; 3:33 p. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1939.

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

[Docket No. 3692]

IN THE MATTER OF CASENBURY CROWE, AN INDIVIDUAL, TRADING AS SOUTHERN MANUFACTURING COMPANY, AND FACTORY-TO-YOU COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, May 18, 1939, at ten o'clock in the forenoon of that day (central standard time), in City Auditorium, Rome, Georgia.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1426; Filed, April 26, 1939; 3:33 p. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1939.

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

[Docket No. 3697]

IN THE MATTER OF ROY D. BURNSED, TRADING AS SOUTHERN ART STONE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Friday, May 19, 1939, at ten o'clock in the forenoon of that day (central standard time) in Room 324, Post Office Building, Atlanta, Georgia.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1427; Filed, April 26, 1939;
3:33 p. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 24th day of April, A. D. 1939.

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

[Docket No. 3721]

IN THE MATTER OF MOREHOUSE MANUFACTURING COMPANY, A CORPORATION, TRADING UNDER THE NAME OF SHAVING POWDER CO.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, May 4, 1939, at ten o'clock in the forenoon of that day (eastern standard time), in Court Room, Federal Building, Savannah, Georgia.

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

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-1423; Filed, April 26, 1939;
3:33 p. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 339]

ALLOCATION OF FUNDS FOR LOANS

APRIL 18, 1939.

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
Colorado R9015B1 Morgan.....	\$325,000
Colorado R9020B1 Delta.....	179,000
Colorado R9022A1 Boulder.....	320,000
Indiana R9052A1 Ripley.....	200,000
Nebraska R9070A1 Thayer.....	182,000
Pennsylvania R9015D1 Bradford....	50,000
Texas R9041D1 Panola.....	26,000
Virginia R9027E1 Nottoway.....	314,000

JOHN M. CARMODY,
Administrator.

[F. R. Doc. 39-1431; Filed, April 27, 1939;
10:16 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

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

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of April 1939.

[File No. 1-2309]

IN THE MATTER OF TONOPAH NORTH STAR TUNNEL AND DEVELOPMENT COMPANY COMMON ASSESSABLE STOCK, \$1 PAR VALUE

ORDER PERMITTING WITHDRAWAL OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The San Francisco Mining Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Assessable Stock, \$1 Par Value, of Tonopah North Star Tunnel and Development Company; and

The Commission by order dated March 31st, 1939, having set the matter down for hearing on May 1, 1939 at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California; and

Said Exchange by letter dated April 22, 1939 having requested permission to withdraw said application;

It is ordered, That said request be and the same is hereby granted and that the order of the Commission dated March 31st, 1939 above mentioned be and the same is hereby cancelled.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1434; Filed, April 27, 1939;
11:21 a. m.]

14 F. R. 1471 DL

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

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of April, A. D. 1939.

[File No. 31-418]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on May 5, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

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

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before April 29, 1939.

The matter concerned herewith is in regard to an application filed by Consolidated Electric and Gas Company pursuant to Section 3 (b) of the Public Utility Holding Company Act of 1935, for the exemption of Carleton Electric Company, Limited, Woodstock Electric Railway, Light and Power Company, Limited, and Maine and New Brunswick Electrical Power Company Limited, companies doing business as public utility companies in the Dominion of Canada, from the provisions of such Act applicable to such companies as subsidiaries of a registered holding company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1433; Filed, April 27, 1939;
11:21 a. m.]

United States of America—Before the
Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of April 1939.

IN THE MATTER OF WALSTON & Co., VERNON C. WALSTON, WILLIAM SHERMAN HOELSCHER, CHARLES DE Y. ELKUS AND CLIFFORD P. HOFFMAN, 265 MONTGOMERY STREET, SAN FRANCISCO, CALIFORNIA

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING ON THE QUESTION OF REVOCATION AND/OR SUSPENSION OF REGISTRATION AND ON THE QUESTION OF SUSPENSION AND/OR EXPULSION FROM NATIONAL SECURITIES EXCHANGES

Walston & Co., a partnership, and hereinafter sometimes called Registrant, being registered under Section 15 of the Securities Exchange Act of 1934 as an over-the-counter broker and dealer in securities, and within the meaning of Section 3 (a) (3) of said Act being a member of the New York Stock Exchange, the San Francisco Stock Exchange and the Board of Trade of the City of Chicago, all national securities exchanges registered as such pursuant to Section 6 of said Act; and

Vernon C. Walston, William Sherran Hoelscher, Charles de Y. Elkus and Clifford P. Hoffman, being represented to be partners of Registrant, and hereinafter called partners, and as such being members of said national securities exchanges within the meaning of Section 3 (a) (3) of said Act; and

The Commission having reasonable grounds to believe that Registrant and said partners, in violation of Section 15 of said Act and the rules adopted pursuant thereto, wilfully made statements in Registrant's application for registration as an over-the-counter broker and dealer which were false and misleading with respect to material facts, and the Commission having further reasonable grounds to believe that Registrant and said partners have wilfully violated the provisions of Rule X-15B-2 adopted by the Commission under Sections 15 (b), 17 (a) and 23 (a) of said Act, by having wilfully failed to report and correct, by means of a supplemental statement, the inaccuracy of the information furnished in such application, in that Registrant represented:

(1) Under Item 5 of such application that Vernon C. Walston, William Sherman Hoelscher, Charles de Y. Elkus, Clifford P. Hoffman and Charles J. Smith, at the time, were the only partners of Registrant, and that said Charles

de Y. Elkus, at the time, was the only limited partner thereof, when in truth and in fact, as Registrant and said partners well knew, Virgil D. Giannini and other persons at present unknown to the Commission, were also partners thereof, and as Registrant and said partners further well knew, said Charles de Y. Elkus has never contributed any capital to, or shared in any of the profits or losses of, or received for his own account any interest on capital from said Registrant, but at all times mentioned herein prior to the death of said Virgil D. Giannini on April 28, 1938 served as a mere nominee or representative of said Virgil D. Giannini and said other persons, and thereafter served in the same capacity on behalf of Mrs. Claire Giannini Hoffman and said other persons, who acquired the interest of said Virgil D. Giannini upon his death, by exercising an option thereon which was granted to L. Mario Giannini on or about December 17, 1932 and assigned to Mrs. Claire Giannini Hoffman and said other persons by said L. Mario Giannini on or about May 31, 1938, and Registrant has failed to file a supplementary statement setting forth any of the facts hereinabove alleged; and

(2) Under Item 8 of such application that no person other than the persons thereinbefore disclosed controlled the business of Registrant, whereas in truth and in fact, as Registrant and said partners well knew, the business of Registrant was at the time controlled by said Virgil D. Giannini and said other persons who were not thereinbefore disclosed and who contributed over 90 per cent of the capital originally employed in the business of said Registrant, and from the date of organization up to April 28, 1938 received from 55 per cent to 90 per cent of the total net profits thereof, and whereas in truth and in fact as Registrant and said partners well knew, as of April 28, 1938 to the date hereof, the business of Registrant was controlled by Mrs. Claire Giannini Hoffman and other persons at present unknown to the Commission, and the Registrant has failed to file a supplementary statement setting forth any of the facts hereinabove alleged; and

The Commission having reasonable grounds to believe that it is in the public interest and necessary and appropriate for the protection of investors to revoke and/or suspend the registration of Registrant as an over-the-counter broker and dealer, and to expel, or suspend for a period not exceeding twelve months, Registrant and said partners thereof from membership on the national securi-

ties exchanges hereinabove referred to; and

The Commission being of the opinion that it is necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted for the purposes below provided:

It is ordered, That proceedings be held to determine whether the registration of Walston & Co. as an over-the-counter broker and dealer should be revoked and/or suspended, pursuant to the provisions of Section 15 (b) of the Securities Exchange Act of 1934, as amended, and further to determine whether Walston & Co. and any or all of the partners thereof should be expelled, or suspended for a period not exceeding twelve months, from membership on said New York Stock Exchange, said San Francisco Stock Exchange and said Board of Trade of the City of Chicago.

It is further ordered, That a hearing for the purpose of taking testimony be held at 10:00 A. M. on May 8th, 1939 at the San Francisco Regional Office, Securities and Exchange Commission, 625 Market Street, San Francisco, California, and that the said hearing be continued at such other time or place as the Commission or the officer conducting said hearing may determine; that for the purpose of said hearing Henry Fitts be and he is hereby designated as the officer of the Commission to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, require the production of books, papers, correspondence, memoranda and any and all other records deemed relevant or material to the matters in issue at said hearing, and to perform all other duties in connection therewith as authorized by law.

It is further ordered, That this order and notice be served on the said Registrant personally or by registered mail, not less than seven (7) days prior to the time of the hearing, or in the event of failure to serve Registrant personally or by registered mail, that this order and notice be published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to conclude said hearing, make his report to the Commission, and transmit same with a record of this hearing to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1437; Filed, April 27, 1939; 12:24 p. m.]