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# FEDERAL REGISTER

VOLUME 3NUMBER 156

*Washington, Thursday, August 11, 1938*

*The President*

**EXECUTIVE ORDER**

**LIMITING THE IMPORTATION OF RED CEDAR SHINGLES FROM CANADA DURING THE LAST SIX MONTHS OF 1938**

WHEREAS Executive Order No. 7575 of March 13, 1937,<sup>1</sup> issued under and pursuant to section 811 of the Revenue Act of 1936 (49 Stat. 1746), limited the quantity of red cedar shingles imported from Canada which might be admitted to entry during the first six months of the calendar year 1937 to 1,048,262 squares, the equivalent of 25 percentum of the combined total of the shipments of red cedar shingles by producers in the United States and the imports of such shingles from Canada for the last six months of the calendar year 1936; and

WHEREAS the said section 811 of the Revenue Act of 1936 requires that the President shall issue a new order for each succeeding half-calendar year during the life of the reciprocal trade agreement entered into with the Dominion of Canada under date of November 15, 1935, limiting the imports of red cedar shingles from Canada for such half-calendar year to 25 percentum of the combined total of such shipments and imports of red cedar shingles for the preceding half-calendar year; and

WHEREAS I find from available statistics that the combined total of such shipments and imports of red cedar shingles during the first half of the calendar year 1938 is 3,459,523 squares:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the aforesaid section 811 of the Revenue Act of 1936 it is hereby ordered that the quantity of red cedar shingles im-

ported from Canada which may be admitted to entry during the last six months of the calendar year 1938 shall be limited to 864,881 squares.

FRANKLIN D ROOSEVELT  
THE WHITE HOUSE,  
August 9, 1938.

[No. 7946]

[F. R. Doc. 38-2328; Filed, August 10, 1938;  
11:45 a. m.]

**EXECUTIVE ORDER**

**DESIGNATING DEL BONITA, MONTANA, AS A CUSTOMS PORT OF ENTRY**

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, 38 Stat. 609, 623 (U. S. C., title 19, sec. 2), it is ordered that Del Bonita, Montana, be, and it is hereby, designated as a customs port of entry in Customs Collection District No. 33 (Montana and Idaho), with headquarters at Great Falls, Montana.

This order shall become effective thirty days from the date hereof.

FRANKLIN D ROOSEVELT  
THE WHITE HOUSE,  
Aug. 9, 1938.

[No. 7947]

[F. R. Doc. 38-2329; Filed, August 10, 1938;  
11:45 a. m.]

*Rules, Regulations, Orders*

**TITLE 7—AGRICULTURE**

**BUREAU OF AGRICULTURAL ECONOMICS**

[S. R. A. No. 153—Agricultural Economics]

**AMENDMENT NO. 1 OF THE REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE U. S. COTTON STANDARDS ACT**

Pursuant to authority vested in the Secretary of Agriculture by the United

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**THE PRESIDENT**

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<sup>1</sup>2 F. R. 531 (619 DI).



of the United States Department of Agriculture in the District of Columbia in a container marked "Original official cotton standards of the United States, Sea Island, Grade No. 2, effective August 10, 1939."

Grade No. 3 shall be Sea Island cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original official cotton standards of the United States, Sea Island, Grade No. 3, effective August 10, 1939."

Grade No. 4 shall be Sea Island cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original official cotton standards of the United States, Sea Island, Grade No. 4, effective August 10, 1939."

Grade No. 5 shall be Sea Island cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original official cotton standards of the United States, Sea Island, Grade No. 5, effective August 10, 1939."

Grade No. 6 shall be Sea Island cotton which in grade is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original official cotton standards of the United States, Sea Island, Grade No. 6, effective August 10, 1939."

Intermediate grades: Sea Island cotton which in grade is between any two adjoining grades shall be designated by the word "Grade" and the grade number of the higher of such two grades, followed by the fraction "1/2."

Below Grade No. 6: Sea Island cotton which in grade is inferior to Grade No. 6 shall be designated "Below Grade No. 6."

Extraneous matter: The grade assigned to Sea Island cotton which contains appreciable quantities of seed, seed kernels, or sand shall be that which most nearly approximates its grade value in terms of the respective grades herein defined. Until their effective date, August 10, 1939, the foregoing standards may be used as permissive standards in the purchase and sale of Sea Island cotton.

In testimony whereof I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington this 10th day of August 1938.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 38-2333; Filed, August 10, 1938; 11:54 a. m.]

FARM SECURITY ADMINISTRATION

[Administrative Order 152—Revision 1]

AUTHORITY TO REGIONAL DIRECTORS TO DESIGNATE ACTING REGIONAL DIRECTORS

AUGUST 9, 1938.

I. Effective August 9, 1938, each regional director is hereby authorized to designate a member of his staff to act for him during his temporary absence from the regional office. The regional director may delegate to such designee any or all rights, privileges, and powers, including the authority to execute documents concerned therewith, already vested in the regional director, with the exception of the authority to issue travel orders and approve purchase requisitions which will be exercised by the regional office manager or such other person as has already been designated to act as an alternate for authorities which require the filing of specimen signature cards, Treasury Form No. A-11, approved by the Secretary of Agriculture.

II. Designations as provided above should be made preferably to an assistant regional director; may cover any temporary absence of the regional director during a specified period or cover only a single absence; may cover all rights, privileges, and powers of the regional director or may be limited; must be made in writing, indicating the designee by name and title and specifying the period during which the designation will be effective; and may be revoked, in writing, by the regional director at any time. The following is a suggested form of general designation. If the delegation is to be limited, the regional director will substitute the description of the functions to which the delegation is limited for the phrase "all rights, privileges, and powers (including the authority to execute all instruments in connection therewith) vested in me" in this form.

Pursuant to the authority vested in me as Regional Director of the Farm Security Administration for Region \_\_\_\_\_ by Administration Order 152 (Rev. 1), dated August 9, 1938, I hereby designate \_\_\_\_\_

(Name) \_\_\_\_\_  
\_\_\_\_\_ to act as Regional Director  
(Title) \_\_\_\_\_  
during my absence from the regional office and I do hereby delegate to him all rights, privileges and powers (including the authority to execute all instruments in connection therewith) vested in me. This designation and delegation shall be effective as of \_\_\_\_\_, 19\_\_\_\_, and shall continue in effect until and including \_\_\_\_\_ 19\_\_\_\_.

(Signed) \_\_\_\_\_  
Regional Director.  
Region \_\_\_\_\_

III. The above-described form of designation and any revocation thereof will be prepared in at least an original and four copies for distribution; original to the designee, one copy to the regional FC manager, two copies to the Administrator, Washington, D. C., and one copy retained in the regional director's office. An additional copy will be prepared and trans-

mitted to the U. S. Treasury State Accounts office for the region when, after checking with the regional FC manager, such action is deemed appropriate.

IV. The designee will sign all documents under such an authorization with his own signature over his temporary title "Acting Regional Director."

V. Authority to sign documents which require the filing of specimen signature cards approved by the Secretary of Agriculture may not be redelegated but must be handled as an original authorization.

[SEAL] C. B. BALDWIN,  
Acting Administrator.

Approved:  
H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 38-2324; Filed, August 9, 1938; 1:04 p. m.]

TITLE 16—COMPETITIVE PRACTICES

FEDERAL TRADE COMMISSION

[Docket 2111]

IN THE MATTER OF NATIONAL SILVER COMPANY

Sec. 3.96 (a) (1) Using misleading name—Goods—Composition: Sec. 3.66 (a) Misbranding or mislabeling—Composition: Sec. 3.6 (c) Advertising falsely or misleadingly—Composition.—Using word "Stainless" as a trade name, brand, stamp, or label to designate or describe knives and flatware cutlery or to so advertise or represent the same, unless such products are made from an alloy as in the order specified, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Modified cease and desist order, National Silver Company, Docket 2111, July 29, 1938.]

Sec. 3.66 (h) Misbranding or mislabeling—Qualities or properties of product: Sec. 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product.—Marketing, branding, stamping, designating or advertising carbon steel chromium-plated knives and flatware cutlery as "Stainproof," or with similar words, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Modified cease and desist order, National Silver Company, Docket 2111, July 29, 1938.]

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 29th day of July, A. D. 1938.

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

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the motion of Brill, Bergenfeld & Brill, coun-

sel for the respondent, to modify and amend Paragraph Two of the findings as to the facts and Paragraphs 1 and 2 of the order to cease and desist as issued in this proceeding on February 17, 1937, and the Commission having considered said motion and the record herein, and being now fully advised in the premises:

*It is ordered,* That the motion to modify and amend Paragraph Two of the findings as to the facts and Paragraph 2 of the order to cease and desist issued herein on February 17, 1937, be, and the same hereby is, granted as prayed;

*It is further ordered,* That the motion to amend Paragraph 1 of said order be, and the same hereby is, denied, but that Paragraph 1 of said order be, and the same hereby is, amended to read as hereinafter set forth:

*It is further ordered,* That the order to cease and desist issued herein on February 17, 1937, be, and the same hereby is, modified so as to read as follows:

This proceeding having been heard by the Federal Trade Commission upon the original and amended and supplemental complaints of the Commission, the answers of respondent thereto, testimony and other evidence in support of the allegations of said complaints and in opposition thereto, taken before Edward M. Averill, an examiner of the Commission theretofore duly designated by it, briefs filed herein, and oral arguments by Marshall Morgan, counsel for the Commission, and by Abraham Brill, 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 National Silver Company, its officers, representatives, agents and employees, in connection with the offering for sale, sale and distribution of knives, cutlery and tableware in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

(1) Using the word "Stainless" as a trade name, brand, stamp, label or part thereof, or in any other way, upon or to designate or describe knives and flatware cutlery, or to advertise or represent the same, unless such knives and flatware cutlery are made from an alloy commonly known in the trade as stainless steel, produced from iron, chromium and carbon or other alloying elements, said alloy having the ability to resist corrosion, high temperatures, erosion and abrasion; and being either wholly or substantially immune to the action of most corrosive agents, including alkaline materials, fruit acids, nitric acids, dampness and water, salt air and salt water, and having the further ability to withstand exposure to the weather, including rain or snow, without corroding; and when hardened, or hardened and tempered, ground and polished, being practically untarnishable to the action of the before-mentioned corrosive agents.

(2) Marking, branding, stamping, designating or advertising carbon steel chromium plated knives and flatware cutlery with the word "Stainproof", or with a similar word or words indicating that such products are, in fact, stainproof.

*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. 38-2326; Filed, August 10, 1938;  
11:00 a. m.]

[Docket 2872]

IN THE MATTER OF AMERICAN FIELD SEED COMPANY ET AL.

SEC. 3.6 (a) 10.1 *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—History:* Sec. 3.69 (a) 7.1 *Misrepresenting oneself and goods—Business status, advantages or connections—History.*—Representing time in business, as exceeding fact, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, American Field Seed Company et al., Docket 2872, July 29, 1938.]

SEC. 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.*—Misrepresenting agricultural seeds re freedom from weed seed, etc., cold resisting qualities, productivity, germination and purity percentage, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, American Field Seed Company et al., Docket 2872, July 29, 1938.]

SEC. 3.6 (d) .1 *Advertising falsely or misleadingly—Conditions of manufacture—In general.*—Falsely representing that all sellers' agricultural seed is cleaned with own cleaning equipment, and analyzed and tested by them in own testing laboratory, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, American Field Seed Company et al., Docket 2872, July 29, 1938.]

SEC. 3.6 (d) .2 *Advertising falsely or misleadingly—Conditions of manufacture—Law compliance.*—Falsely representing that all sellers' agricultural seed tagged and labeled in accordance with laws of State into which shipped, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, American Field Seed Company et al., Docket 2872, July 29, 1938.]

SEC. 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place.*—Falsely representing that sellers' agricultural seed originated in certain areas or certain States, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, American Field

Seed Company et al., Docket 2872, July 29, 1938.]

*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 29th day of July, A. D. 1938.

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

IN THE MATTER OF AMERICAN FIELD SEED COMPANY, A CORPORATION, ALSO DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF SUN-FIELD SEED SERVICE (UNINCORPORATED) AND STANDARD SEED COMPANY (UNINCORPORATED) AND ERNEST E. ELDER, AS PRESIDENT OF AMERICAN FIELD SEED COMPANY, AND INDIVIDUALLY, AND J. F. SINN, AS VICE-PRESIDENT AND TREASURER OF AMERICAN FIELD SEED COMPANY, AND INDIVIDUALLY

ORDER TO CEASE AND DESIST

This proceeding having been heard<sup>1</sup> by the Federal Trade Commission upon the complaint of the Commission, the answer thereto, testimony and other evidence taken before Robert S. Hall, an examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, briefs filed herein, and oral arguments before the Commission, and the Commission having made its findings as to the facts and its conclusions that said respondents have violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That respondents, American Field Seed Company, a corporation, also doing business under the firm name and style of Sun-Field Seed Service, and Standard Seed Company, its officers, representatives, agents and employees, and Ernest E. Elder, as President of American Field Seed Company and individually, and J. F. Sinn, as Vice-President and Treasurer of American Field Seed Company and individually, in connection with offering for sale, sale and distribution of agricultural seed, in interstate commerce, do forthwith cease and desist from representing, directly or by implication—

1. That respondent, American Field Seed Company was founded or engaged in business prior to the year it was incorporated under the laws of the State of Illinois;

2. (a) That respondents' seed is free from weed seed and other foreign matter; (b) That all of the seed is cleaned by respondents with their own seed cleaning equipment; (c) that all of the seed is analyzed and tested by respondents in their own seed testing laboratory; (d) That all of the seed is tagged and labeled in accordance with the laws of the state into which the seed is shipped; (e) That seed is cold-resisting or will survive cold temperatures; (f) That seed

<sup>1</sup> F. R. 2136.

will produce abundant or luxuriant growth of crops; (g) That seed originated in certain areas or certain states; when such are not the facts.

3. That seed has a higher percentage of germination and purity than the actual germination and purity of the seed, under recognized tests and within recognized tolerances or allowances.

*It is further ordered.* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a reply 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.

[P. R. Doc. 38-2325; Filed, August 10, 1938; 11:00 a. m.]

[Docket 3225]

IN THE MATTER OF ASKIN'S RETAIL STORES, INC.

SEC. 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* SEC. 3.72 (e) *Offering deceptive inducements to purchase—Free goods.*—Representing, in connection with sale of coats, suits, dresses, hats and other merchandise, that articles included with other merchandise being sold, are "free" or "gratis", when prices of other merchandise are greater than those at which it is ordinarily and usually sold by seller in regular course of trade, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Askin's Retail Stores, Inc., Docket 3225, July 29, 1938.]

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 29th day of July, A. D. 1938.

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

ORDER TO CEASE AND DESIST

This proceeding having been heard<sup>1</sup> by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony, stipulation, exhibits, and other evidence taken before Edward E. Reardon, an examiner for the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief filed herein by Carrel F. Rhodes, counsel for the Commission, and by Morton D. Grossman, of Heller and Grossman, counsel for the respondent, 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;

<sup>1</sup> 2 F. R. 2468 (2869 DI).

*It is ordered.* That the respondent corporation, Askin's Retail Stores, Inc., its officers, representatives, agents, and employees, in connection with the offering for sale, sale, and distribution of coats, suits, dresses, hats, and other merchandise in interstate commerce or in the District of Columbia, do forthwith cease and desist from representing in any manner:

That articles of merchandise included with other merchandise being sold are "free" or "gratis" when the prices for such other merchandise are greater than the prices at which such other merchandise is usually and ordinarily sold by respondent in the regular course of trade.

*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.

[P. R. Doc. 38-2327; Filed, August 10, 1938; 11:01 a. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

(T. D. 49669)

RATE OF EXTRA COMPENSATION FOR OVERTIME SERVICES OF CUSTOMS OFFICERS AND EMPLOYEES

CUSTOMS REGULATIONS OF 1937 AMENDED

To Collectors of Customs and Others Concerned:

The act of February 13, 1911, as amended (U. S. C., title 19, sec. 267), provides that "The Secretary of the Treasury shall fix a reasonable rate of extra compensation for overtime services of inspectors, storekeepers, weighters, and other customs officers and employees \* \* \*. The said extra compensation shall be paid by the master, owner, agent or consignee of such vessel or other conveyance \* \* \* to the collector of customs, who shall pay the same to the several customs officers and employees entitled thereto according to the rates fixed by the Secretary of the Treasury. \* \* \*"

In accordance therewith, and pursuant to the authority contained in section 161 of the Revised Statutes (U. S. C., title 5, sec. 22), article 1244 of the Customs Regulations of 1937<sup>1</sup> is hereby amended as follows:

A new paragraph, designated (a), reading as follows, is added:

(a) The daily rate of extra compensation for overtime services of customs officers and employees is fixed at the

<sup>1</sup> 2 F. R. 1719 (2013 DI).

gross daily rate of regular compensation payable by the customs service to a customs officer or employee except when such gross daily rate of regular compensation is less than \$5.00 or more than \$8.00, then the daily rate of extra compensation is fixed at a minimum of \$5.00 or a maximum of \$8.00, as the case may be.

The present paragraphs (a), (b), (c), (d) and (e) are redesignated (b), (c), (d), (e) and (f), respectively.

[SEAL] JAMES H. MOYLE,  
Commissioner of Customs.

Approved, August 4, 1938.

WAYNE C. TAYLOR,  
Acting Secretary  
of the Treasury.

[P. R. Doc. 38-2321; Filed August 9, 1938; 3:25 p. m.]

TITLE 26—INTERNAL REVENUE  
BUREAU OF INTERNAL REVENUE

(T. D. 4850)

REFUND OF TAXES PAID UNDER THE BANKHEAD COTTON ACT OF 1934, AS AMENDED, THE KERR TOBACCO ACT, AS AMENDED, AND THE POTATO ACT OF 1935

AUTHORIZED BY THE SECOND DEFICIENCY APPROPRIATION ACT, FISCAL YEAR 1938

To Collectors of Internal Revenue and Others Concerned:

PARAGRAPH A. The Second Deficiency Appropriation Act, fiscal year 1938, approved June 25, 1938, provides in part:

For the refunding, which is hereby authorized, in accordance with rules and regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, of all amounts collected by any collector of internal revenue as tax (including penalties and interest) under the Bankhead Cotton Act of 1934 (48 Stat. 598), as amended, the Kerr Tobacco Act (48 Stat. 1275), as amended, and the Potato Act of 1935 (49 Stat. 750), fiscal year 1939, so much of the appropriation in the immediately preceding paragraph as may be requisite is hereby made available for the purposes of and in accordance with the provisions of this paragraph: *Provided*, That no refund shall be made or allowed of any amount paid by or collected from any person as tax under such Acts, unless, after the date of the enactment of this Act, and prior to July 1, 1939, a claim for refund has been filed by such person: *Provided further*, That no refund shall be denied upon the ground that a proceeding to recover had become barred by the limitation provisions of such Acts, or by the provisions of section 3226, as amended, of the Revised Statutes, or by the provisions of section 608 of the Revenue Act of 1928: *Provided further*, That in the absence of fraud all findings of fact and conclusions of law of the Commissioner of Internal Revenue upon the merits of any such claim for refund, and the mathematical calculations made in connection therewith, shall not be subject to review by any court or by any other officer, employee, or agent of the United States: *Provided further*, That no refund of any tax shall be made under this paragraph unless liability for the payment of such tax was satisfied by the payment of money: *Provided further*, That no interest shall be allowed in connection with any refund made under the authority of this paragraph: *Provided further*,

That in the case of amounts paid as tax under the Bankhead Cotton Act of 1934 with respect to the ginning of cotton (a) refund shall be allowed to the ginner of the cotton only to the extent that the ginner has not shifted the burden of the tax by including it in any charge or fee for ginning, or by collecting it from the owner or owners of the cotton ginned, or in any manner whatsoever, and (b) refund shall be allowed to the owner or owners of the cotton at the time of ginning, to the extent that the amount of tax was shifted to such owner or owners by the cotton ginner and was not shifted by such owner or owners to other persons, and in such cases, but only for the purposes of this paragraph, the tax shall be considered to have been paid by the ginner to the United States for the account of such owner or owners. No part of the amount of any refund made under this paragraph in excess of 10 per centum of the amount of such refund shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such refund, and the same shall be unlawful, any contract to the contrary notwithstanding; and any person violating the provisions of this sentence shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Pursuant to the above-quoted provision of law, the following regulations are hereby prescribed:

**ARTICLE 1. General.**—(a) Refund under the above-quoted provision of law will be allowed, to the person entitled thereto, of all amounts collected as tax, penalty or interest by any internal revenue collector under the provisions of the Bankhead Cotton Act of 1934, as amended, the Kerr Tobacco Act, as amended, and the Potato Act of 1935. Refund will be allowed only to the extent that the tax, penalty or interest was paid in money. Satisfaction of tax liability by the surrender or use of tax exemption certificates, tax payment warrants or tax exemption stamps is not considered payment of tax in money.

(b) No refund will be denied upon the ground that a proceeding to recover had become barred by the limitation provisions of the Bankhead Cotton Act of 1934, as amended, the Kerr Tobacco Act, as amended, or the Potato Act of 1935, or by the provisions of section 3226, as amended, of the Revised Statutes, or by the provisions of section 608 of the Revenue Act of 1928, provided the person entitled to such refund files a claim in accordance with the provision of law quoted above and these regulations and within the period of limitations prescribed.

**ART. 2. (a) Claim forms prescribed.—Where to file.**—Claims for refund of amounts paid as tax, penalty or interest under the Bankhead Cotton Act of 1934, as amended, shall be filed on G. T. Form 111. Claims for refund of amounts paid as tax, penalty or interest under the Kerr Tobacco Act, as amended, shall be filed on T. A. Form 116. Claims for refund of amounts paid as tax, penalty or interest under the Potato Act of 1935 shall be filed on Form 843. Such claims shall be prepared in accordance with the instructions contained on the forms and in accordance with the provisions of these regulations. Claims shall be filed

with the collector of internal revenue for the district in which the tax was paid. Where the tax was paid by means of stamps, the collection district in which the tax was paid shall be the district in which the sale of the tobacco or potatoes took place and in which a report of the sale was filed with the collector of internal revenue.

(b) *Certificate as to agent's or attorney's fees—Where to file.*—The claimant shall file with the collector of internal revenue for the district in which his claim of refund is filed a certificate as to attorney's or agent's fees on Form No. 971. This certificate shall be made in accordance with the instructions on the reverse side thereof. Form No. 971 reads as follows:

## FORM NO. 971

*Certificate as to Attorney's or Agent's Fees*

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The Second Deficiency Appropriation Act, fiscal year 1938, approved June 25, 1938, provides in part:

"For the refunding \* \* \* in accordance with rules and regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, of \* \* \* amounts collected \* \* \* under the Bankhead Cotton Act of 1934 \* \* \*, the Kerr Tobacco Act \* \* \*, and the Potato Act of 1935 \* \* \*: Provided, \* \* \*. No part of the amount of any refund made under this paragraph in excess of 10 per centum of the amount of such refund shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such refund, and the same shall be unlawful, any contract to the contrary notwithstanding; and any person violating the provisions of this sentence shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

In filing the claim for refund of \$..... under the paragraph of the Second Deficiency Appropriation Act, fiscal year 1938, partly quoted above, the undersigned hereby certifies that all the following statements are true, to the best of his/its knowledge, intention, and belief:

(1) The undersigned has read the portion of the statute quoted above.

(2) The undersigned has not directly or indirectly paid or delivered and will not directly or indirectly pay or deliver to any attorney or agent on account of services rendered or to be rendered in connection with such refund more than 10 per centum (one-tenth) of the amount of such refund.

(3) It is understood by the undersigned that the statute makes it unlawful for more than 10 per centum (one-tenth) of the amount of such refund to be paid or delivered to or received by such agent or attorney for such services even if he has a contract with the undersigned providing for a larger fee than 10 per centum, and that any person convicted of violating this provision is subject to a fine not exceeding \$1,000.

[CORPORATE SEAL]

(Name of Claimant)

(Address of Claimant)

(See reverse side for instructions)

The instructions on the reverse side of Form No. 971 read as follows:

## INSTRUCTIONS

1. This certificate must be read and signed in duplicate by the claimant, and the original delivered to the Collector when the claim for refund is filed, the copy being retained by the claimant.

2. If the claim for refund was filed after June 25, 1938, and prior to the time this certificate was required to be filed or the form for it was made available to claimants, the Collector will mail this form to such claimant in duplicate, and within thirty days of the date of such mailing the claimant shall sign and deliver the original to the Collector and sign and retain the copy.

3. If the claimant is an individual or a partnership, the individual or one of the partners must personally sign the certificate unless the Collector is satisfied that this is impossible, in which event it may be signed by a duly authorized agent, and the Collector will then send a copy of the signed certificate to the claimant by registered mail.

4. If the claimant is a corporation, the certificate must be signed with the corporate name, followed by the signature and title of at least one of its responsible officers having authority to sign, or by its receiver or trustee in bankruptcy if the corporation's property or business is operated by such receiver or trustee, and the seal of the corporation must be attached.

5. If the claimant is an executor, administrator, guardian, trustee, receiver, or other fiduciary, such fiduciary shall sign the certificate, and shall attach satisfactory evidence of his authority to act.

Collectors should note that under the circumstances mentioned in paragraphs 2 and 3 of the instructions, it is necessary to mail copies of the form to claimant.

**ART. 3. Period during which claims must be filed.**—No refund shall be made or allowed of any amount paid by or collected from any person as tax under the Bankhead Cotton Act of 1934 as amended, the Kerr Tobacco Act, as amended, or the Potato Act of 1935, unless, subsequent to June 25, 1938, and prior to July 1, 1939, a claim for refund is filed by the person entitled thereto, or his duly authorized agent or representative. In accordance with the requirements of the above-quoted provision of law claims filed on or before June 25, 1938, may not receive favorable consideration by the Commissioner. A person who has filed, on or before June 25, 1938, a claim for refund of any such tax, penalty or interest, must, nevertheless, to secure refund, file a new claim on the prescribed form subsequent to June 25, 1938, and prior to July 1, 1939.

**ART. 4. Interest.**—No interest shall be allowed with respect to any refund of tax, penalty or interest made or allowed under the above-quoted provision of law.

**ART. 5. Refund of tax paid under the Bankhead Cotton Act of 1934.**—(a) Refund of amounts paid as tax, penalty or interest under the Bankhead Cotton Act of 1934, as amended, will be allowed to the ginner of the cotton who paid the tax to the collector of internal revenue, but only to the extent that such ginner has not shifted the burden of the tax by including it in any charge or fee for ginning, by collecting it from the owner or owners of the cotton ginned or in any manner whatsoever.

(b) If the amount of tax, penalty or interest was shifted by the ginner of the cotton to the owner or owners of the cotton at the time of ginning, then to the extent that such tax, penalty or interest was shifted to such owner or own-

ers, and was not shifted by them to other persons, refund will be allowed to such owner or owners. In such case the tax will be considered to have been paid by the ginner to the United States for the account of such owner or owners.

**ART. 6. Certification of tax payment by collector.**—The collector of internal revenue will fill in the certificate of tax payment on the claim in cases where such certification is necessary. In the case of each claim filed on T. A. Form 116 the collector will attach to the claim the tax returns filed by the taxpayer on T. A. Form 113 and the memorandums of sale on T. A. Form 112 which are applicable to the tax payments with respect to which the claim is filed. For this purpose T. A. Form 112 may be detached from the returns on T. A. Form 111 of which they were a part. (See Articles 3, 4 and 5 of T. D. 4452, approved July 23, 1934.) The Collector will then forward the claim to the Commissioner for appropriate action.

**ART. 7. Affidavit of person authorized to receive check.**—The check in payment of the amount of the refund allowed will be drawn only in the name of the claimant. If the claimant, in connection with any such claim for refund, files, or causes to be filed, a power of attorney specifically authorizing another person to receive the check in payment of the refund, the power of attorney should be accompanied by an affidavit of such other person that, for services rendered or to be rendered in connection with the refund, he has not received and will not receive or accept, directly or indirectly, as compensation for such services, more than 10 per centum of the amount of the refund allowed.

This Treasury Decision is prescribed under the authority contained in the above-quoted provision of the Second Deficiency Appropriation Act, fiscal year 1938.

[SEAL] MILTON E. CARTER,  
Acting Commissioner of  
Internal Revenue.

Approved, August 8, 1938.

ROSWELL MAGILL,  
Acting Secretary of  
the Treasury.

[F. R. Doc. 38-2322; Filed, August 9, 1938;  
3:25 p. m.]

TITLE 45—SECURITIES AND  
EXCHANGES

SECURITIES AND EXCHANGE  
COMMISSION

PUBLIC UTILITY HOLDING COMPANY ACT OF  
1935

ADOPTION OF RULE U-3D-13

Acting pursuant to the Public Utility  
Holding Company Act of 1935, particu-

larly Section 3 (d) thereof, the Securities and Exchange Commission, finding it necessary and appropriate in the public interest and for the protection of investors and consumers and not contrary to the purposes of the Act, hereby adopts Rule U-3D-13 to read as follows:

**SEC. 15. U-3D-13 (Rule U-3D-13). Exemption of public utility subsidiaries from Section 9 (a) (1) with respect to limited acquisition of utility assets.**—Any public utility subsidiary company of a registered holding company shall be exempt from every obligation, duty and liability imposed upon such company as a subsidiary company by the provisions of Section 9 (a) (1) of the Act with respect to an acquisition of utility assets provided that the following conditions are met:

(a) In the event that the acquiring company is an electric utility company, the utility assets to be acquired are, or are to be, physically interconnected with utility assets already owned and operated by the acquiring company.

(b) In the event that the acquiring company is a gas utility company, the utility assets to be acquired are located in or adjacent to the same service area as that in which utility assets already owned and operated by the acquiring company are located.

(c) The total consideration paid for such utility assets and for all other utility assets acquired by such company during the same fiscal year and pursuant to the exemption granted by this rule does not exceed \$100,000 or 5% of the gross annual revenues of the acquiring company derived from its operations as a public utility company during the preceding fiscal year, whichever is the lesser.

(d) No fees or commissions are to be paid to any person or company in connection with the acquisition of such utility assets except to a person or company subject to the rules of the Commission adopted under Section 13 of the Act or to a person or company not affiliated with the acquiring company.

(e) Within ten days after an acquisition made pursuant to this rule without approval by order of the Commission, the acquiring company shall file with the Commission a Notification of Acquisition on Form U-3D-13 [Sec. 17, U-3D-13] containing the information specified therein. (C. 687, sec. 3, 49 Stat. 810; 15 U. S. C. Sup. III, 79c) [Rules and Regs., Rule U-3D-13, effective August 15, 1938].  
By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-2337; Filed, August 10, 1938;  
12:37 p. m.]

<sup>1</sup> C. 687, sec. 9, 49 Stat. 817; 15 U. S. C., Sup. III, 79l.

<sup>2</sup> C. 687, sec. 13, 49 Stat. 825; 15 U. S. C., Sup. III, 79m.

<sup>3</sup> C. 687, sec. 3, 49 Stat. 810; 15 U. S. C., Sup. III, 79c. [Form U-3D-13, adopted August 10, 1938.]

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

WAGE RATES AND PRICES—1939 CROP OF SUGAR BEETS

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in Sections 301 (b) and (d) and 511 of the Sugar Act of 1937 (Public, No. 414, 75th Congress),

Notice is hereby given, That public hearings will be held as follows:

For northern California, at Sacramento, California, in the Auditorium of the Chamber of Commerce Building, 917 Seventh Street, on August 22, 1938, at 9:30 a. m.

For southern California, at Los Angeles, California, in the Assembly Room of the California State Building, on August 25, 1938, at 9:30 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, (1) pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1939 crop of sugar beets on farms with respect to which applications for payments under the act are made, and, (2) pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for the 1939 crop of sugar beets to be paid, under either purchase or toll agreements, by processors who as producers apply for payments under the said act; and to receive evidence likely to be of assistance to the Secretary of Agriculture in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugar beets.

Either of such hearings, after being called to order at the time and place mentioned above, may for convenience be adjourned to such other place in the same city as the presiding officer may designate, and may be continued from day to day within the discretion of the presiding officer.

John C. Bagwell, William T. Ham, and Charles M. Nicholson are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearings.

Done at Washington, D. C., this 10th day of August 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 38-2330; Filed, August 10, 1938;  
11:53 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 5th day of August, A. D. 1938.

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

[Docket No. 3019]

## IN THE MATTER OF CARD CLOTHING MANUFACTURERS' ASSOCIATION, ET AL.

## 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 J. Keenan, 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, August 15, 1938, in Room 500, 45 Broadway, New York, New York, at nine o'clock in the forenoon of that day (eastern standard time).

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. 38-2323; Filed, August 9, 1938;  
3:29 p. m.]

## INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. MC 27]

## CENTRAL TERRITORY CONTRACT CARRIER RATES

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 1st day of August, A. D. 1938.

It appearing, That income statements of Class I contract carriers of property by motor vehicle (carriers which have gross revenues of \$100,000.00 or over annually from both intrastate and interstate motor carrier operations), which are made respondents in this proceeding,<sup>1</sup> are desirable to aid the Commission in the determination of the above-entitled matter:

It is ordered, That each Class I contract carrier of property by motor vehicle which is a respondent in this proceeding

submit to the Commission at its offices in Washington, D. C., on or before September 19, 1938, income statements for the year 1937 and for the six months ended June 30, 1938, or for the first six periods in 1938 instead of the six months ended June 30, 1938, in the case of those carriers which keep their accounts on a four-week period basis;

It is further ordered, That said income statements shall be submitted under oath on the form herewith enclosed, which form is hereby made a part of this order;<sup>2</sup>

And it is further ordered, That any respondent in this proceeding receiving this order, which respondent is not a Class I carrier, as above defined, shall return the blank form of income statement to the Commission at its offices in Washington, D. C., on or before September 19, 1938, accompanied by a statement that this order is not applicable to its operations.

By the Commission, division 5.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 38-2334; Filed, August 10, 1938;  
12:20 p. 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 offices in the City of Washington, D. C., on the 4th day of August, A. D. 1938.

[File No. 32-97]

## IN THE MATTER OF INDIANAPOLIS POWER &amp; LIGHT COMPANY

## ORDER EXEMPTING ISSUE AND SALE OF SECURITIES

Indianapolis Power & Light Company, a subsidiary of Utilities Power & Light Corporation, a registered holding company, having duly filed an application with this Commission pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of the Act regarding the issue and sale of \$32,000,000 principal amount of First Mortgage Bonds, 3% Series due 1968, maturing August 1, 1968, and the issue and sale of \$5,500,000 principal amount of Serial Notes all dated August 1, 1938 with annual serial maturities from August 1, 1939 to August 1, 1948, inclusive;

Hearings on such matter having been held after appropriate notice;<sup>1</sup> the record in this matter having been examined; the Commission having made and filed its findings herein;

<sup>1</sup> Filed as a part of the original document with the Division of the Federal Register, The National Archives; requests for copies should be addressed to the Interstate Commerce Commission.

<sup>2</sup> 3 F. R. 1775 DL.

It is ordered, That the issue and sale of the aforesaid securities in accordance with the terms and conditions set forth, and for the purposes represented by said application, be and the same hereby are exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935; upon condition, however, that if the express authorization of the issue and sale of such securities by the Public Service Commission of the State of Indiana shall be revoked, or shall otherwise terminate, this exemption shall immediately terminate without further order of this Commission; and upon the further condition that within ten days after the issue and sale of the proposed bonds, the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-2336; Filed, August 10, 1938;  
12:37 p. 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 fifth day of August, A. D. 1938.

[File No. 52-9]

## IN THE MATTER OF UTILITIES POWER &amp; LIGHT CORPORATION

## ORDER POSTPONING HEARING

An order dated July 19, 1938,<sup>1</sup> having been entered by this Commission directing that a hearing be held on August 3, 1938, on the application filed by Atlas Corporation pursuant to Section 11 (f) of the Public Utility Holding Company Act of 1935 for approval of a plan of reorganization of Utilities Power & Light Corporation proposed as an amendment of and as a substitute for an amended plan of reorganization dated October 23, 1937, previously proposed; and

It appearing to the Commission that such hearing should be postponed;

It is ordered, That such hearing be postponed to August 29, 1938, at ten o'clock in the forenoon of that day, at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., 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.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-2339; Filed, August 10, 1938;  
12:38 p. m.]

<sup>1</sup> 3 F. R. 1958 DL.

<sup>1</sup> 3 F. R. 1803 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 fifth day of August, A. D. 1938.

[File No. 52-10]

**IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION**

**ORDER POSTPONING HEARING**

An order dated July 22, 1938,<sup>1</sup> having been entered by this Commission directing that a hearing be held on August 8, 1938, on the application filed by Associated Investing Corporation and Associated Utilities Corporation pursuant to Section 11 (f) of the Public Utility Holding Company Act of 1935 and Rule U-11F-1 for approval of a plan of reorganization of Utilities Power & Light Corporation; and

It appearing to the Commission that such hearing should be postponed;

*It is ordered*, That such hearing be postponed to August 29, 1938, at ten o'clock in the forenoon of that day, at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., 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.

By the Commission.

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

[F. R. Doc. 38-2340; Filed, August 10, 1938;  
12:38 p. 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 fifth day of August, A. D. 1938.

[File No. 59-1]

**IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION AND CHARLES TRUE ADAMS, TRUSTEE**

**ORDER POSTPONING HEARING**

An order dated July 20, 1938,<sup>2</sup> having been entered by this Commission directing that a hearing be held on August 8, 1938, to determine the manner and extent to which the properties and businesses of Utilities Power & Light Corporation holding company system shall be confined to those necessary or appropriate to the operation of an integrated public utility system, and to determine the action which Utilities Power & Light Corporation, Charles True Adams, Trustee, and their successors, and each subsidiary company thereof, shall be required to take by order of the Commission to limit the operations of said Utilities Power &

Light Corporation holding company system to a single integrated public utility system, and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operation of such integrated public utility system; and to determine whether Utilities Power & Light Corporation, Debtor, said Trustee, and their successors may continue to control one or more additional integrated public utility systems if it shall be established that such additional integrated public utility systems meet the conditions specified in clauses (A), (B), and (C) of section 11 (b) (1) of the Public Utility Holding Company Act of 1935; and

It appearing to the Commission that such hearing should be postponed;

*It is ordered*, That such hearing be postponed to August 29, 1938, at ten o'clock in the forenoon of that day, at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., 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.

By the Commission.

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

[F. R. Doc. 38-2341; Filed, August 10, 1938;  
12:38 p. 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 9th day of August, A. D. 1938.

[File No. 32-98]

**IN THE MATTER OF THE TOLEDO EDISON COMPANY**

**ORDER EXEMPTING THE ISSUE AND SALE OF BONDS AND DEBENTURES**

The Toledo Edison Company, a subsidiary of Toledo Light and Power Company, which is in turn a subsidiary of Cities Service Light & Power Company, a registered holding company, having duly filed an application and amendments thereto with this Commission, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of the Act regarding the issue and sale of the principal amount of \$30,000,000 of First Mortgage Bonds, 3½% Series due in 1968, and the principal amount of \$6,500,000 of 4% Sinking Fund Debentures due 1948, such issue and sale having been expressly authorized by the Public Utilities Commission of Ohio;

Hearings on such matter having been held after appropriate notice;<sup>3</sup> the record in this matter having been examined; and the Commission having made and filed its findings herein:

*It is ordered*, That the issue and sale

<sup>3</sup> F. R. 1854 DL.

of the aforesaid bonds and debentures in accordance with the terms and conditions set forth in, and for the purposes represented by said application, as amended, be and the same hereby are exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935, subject, however, to the following conditions: (a) that, so long as any of such bonds or debentures shall be outstanding, no charges shall be made to the depreciation reserve at any time other than in connection with the retirement of the applicant's property except as may otherwise be authorized by rule, regulation or order of any regulatory authority having jurisdiction of the applicant and of such matters; (b) that if the express authorization of the issue and sale of such securities by the Public Utilities Commission of the State of Ohio shall be revoked, or shall otherwise terminate, this exemption shall immediately terminate without further order of this Commission, and (c) that within ten days after the issue and sale of such securities the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by said application, as amended.

By the Commission.

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

[F. R. Doc. 38-2338; Filed August 10, 1938;  
12:37 p. 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 10th day of August, A. D. 1938.

[File No. 43-149]

**IN THE MATTER OF PUBLIC SERVICE COMPANY OF OKLAHOMA**

**NOTICE OF AND ORDER FOR HEARING**

A declaration pursuant to section 7 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 August 26, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing

<sup>1</sup> 3 F. R. 1855 DL.

<sup>2</sup> 3 F. R. 1831 DL.

is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors

or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission or on before August 20, 1938.

The matter concerned herewith is in regard to a proposed issue by declarant of 5,000 shares of Common Stock, par value \$100 per share, as a stock dividend to the holders of declarant's outstanding

Common Stock of the same class. Declarant states that said issue is for the purpose of capitalizing \$500,000 of undistributed earnings in order to finance a portion of the cost of additional generating capacity now being installed.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,

Secretary.

[F. R. Doc. 38-2335; Filed, August 10, 1938;  
12:37 p. m.]