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Washington, Saturday, March 11, 1939

The President

EXECUTIVE ORDER

DESIGNATING FAIRBANKS, ALASKA, AS A CUSTOMS PORT OF ENTRY, AND DISCONTINUING SEWARD, ALASKA, 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 as follows:

1. Fairbanks, Alaska, is hereby designated as a customs port of entry in Customs Collection District No. 31 (Alaska), with headquarters at Juneau, Alaska.

2. Seward, Alaska, is hereby discontinued as a customs port of entry in Customs Collection District No. 31 (Alaska).

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

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
March 9, 1939.

[No. 8064]

[F. R. Doc. 39-802; Filed, March 10, 1939; 11:34 a. m.]

Rules, Regulations, Orders

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 49813]

REGULATIONS PRESCRIBED UNDER THE INTERNAL REVENUE CODE

To Collectors of Customs and Others Concerned:

All regulations (including all Treasury decisions), prescribed by the Commissioner of Customs and approved by the Secretary of the Treasury, applicable under any provision of law on the date of the enactment of the Internal Revenue Code, to the extent such provision of law is superseded by said Internal

Revenue Code, are hereby prescribed under, and made applicable to, the provisions of said Internal Revenue Code corresponding to the provision of law so superseded, insofar as any such regulation is not inconsistent with said Internal Revenue Code.

These regulations are issued under authority of the provisions of section 251 of the Revised Statutes (U. S. C., title 19, sec. 66) and section 3791 of the Internal Revenue Code, and under such other provisions of said Internal Revenue Code as correspond to the several provisions of law under which any regulation or Treasury decision hereby prescribed and made applicable was issued.

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

Approved, March 4, 1939:

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 39-799; Filed, March 9, 1939; 4:15 p. m.]

TITLE 26—INTERNAL REVENUE

BUREAU OF INTERNAL REVENUE

[T. D. 4889]

PRESCRIBING REGULATIONS UNDER THE INTERNAL REVENUE CODE

To Collectors of Internal Revenue and Others Concerned:

All regulations (including all Treasury Decisions), prescribed jointly by the Commissioner of Internal Revenue and the Commissioner of Customs and approved by the Secretary of the Treasury, applicable under any provision of law on the date of the enactment of the Internal Revenue Code, to the extent such provision of law is superseded by the Code, are hereby prescribed under, and made applicable to, the provisions of the Code corresponding to the provision of law so superseded, insofar as any such regulation is not inconsistent with the Code.

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These regulations are issued under authority of the provisions of section 3791 of the Internal Revenue Code and under such other provisions of the Code as correspond with the several provisions of law under which any regulation or Treasury Decision hereby prescribed and made applicable was issued.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.
JAMES H. MOYLE,
Commissioner of Customs.

Approved, March 8, 1939.

JOHN W. HANES,
Acting Secretary of the Treasury.

[F. R. Doc. 39-803; Filed, March 10, 1939;
12:07 p. m.]

TITLE 47—TELECOMMUNICATION

FEDERAL COMMUNICATIONS COMMISSION

CHAPTER II. GENERAL SUBSTANTIVE RULES

PART 23. TECHNICAL REGULATIONS

The Commission amended Section 23.03 in the following particulars, to become effective immediately:

4730) 4732.5 kc.—Aviation
4735)

(Sec. 4 (1), 48 Stat. 1066; 47 U. S. C. 154 (1)) [Rule 229, as amended by the F. C. C. on March 6, 1939]

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-800; Filed, March 10, 1939;
10:36 a. m.]

Notices

TREASURY DEPARTMENT.

Office of the Secretary.

COMPANIES AUTHORIZED TO ACT AS ACCEPTABLE SURETIES ON BONDS IN FAVOR OF THE UNITED STATES

SAINT PAUL-MERCURY INDEMNITY COMPANY

MARCH 9, 1939.

To the heads of Departments and Independent Establishments of the Government, bond-approving officers, and others concerned:

You are hereby advised that on January 23, 1939, the "Saint Paul-Mercury Indemnity Company of Saint Paul," Saint Paul, Minnesota, a Delaware corporation, formally changed its name to that of "Saint Paul-Mercury Indemnity Company." A copy of the Certificate of Amendment of the Certificate of Incorporation of the "Saint Paul-Mercury Indemnity Company of Saint Paul," duly certified by the Secretary of State of the State of Delaware, has been received and filed in the Treasury.

The change in the name of the company does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which the Saint Paul-Mercury Indemnity Company of Saint Paul may have undertaken, pursuant to its authority under the Act of August 13, 1894, as amended to qualify as sole surety on such obligations.

Hereafter the name of the company will appear as "Saint Paul-Mercury Indemnity Company" on Treasury Form No. 356, which shows a list of the companies authorized to act as acceptable sureties on bonds in favor of the United States.

JOHN W. HANES,
Acting Secretary of the Treasury.

[F. R. Doc. 39-804; Filed, March 10, 1939;
12:07 p. m.]

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[General Docket No. 15]

ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS

ORDER FOR AND NOTICE OF FINAL HEARING IN THE MATTER OF THE DETERMINATIONS OF THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF THE TONNAGE PRODUCED WITHIN MINIMUM PRICE AREAS 1, 2, 3, 4, 5, 6, 7, 9 AND 10

Whereas, The Commission, on the 25th day of May, 1938, caused this general proceeding in Docket No. 15 to be in-

stituted,¹ and thereafter, upon proper notice, held a hearing, as to Minimum Price Areas 6, 7, 9 and 10, in the Hearing Room of the Commission, Denver, Colorado, commencing on the 13th day of June, 1938, and, as to Minimum Price Area 1, held a hearing before the Commission in its Hearing Room, Washington, D. C., commencing on the 6th day of July, 1938, and as to Minimum Price Areas 2, 3, 4 and 5, held a hearing before the Commission in its Hearing Room, Washington, D. C., commencing on the 15th day of July, 1938, for the purposes of receiving evidence relating to the weighted average of the total costs, per net ton, of the tonnage produced within each of the several minimum price areas, at which hearings all interested parties were afforded an opportunity to be heard, and

Whereas, At said hearings certain composite reports were introduced and received in evidence, but due to certain litigation and injunctions, the individual cost reports of producers, upon which the said composite exhibits were based, were not made available for inspection by interested parties or for introduction in evidence, and

Whereas, There being no further evidence offered by any interested parties, the said hearings were closed, with the understanding that a further hearing would be held at a later date to afford interested parties an opportunity to offer further affirmative evidence, to cross-examine witnesses, and to object to any evidence received at said hearings, and

Whereas, Upon consideration of the evidence adduced at said hearings the Commission made determinations of the weighted average of the total costs, per net ton, of the tonnage produced within Minimum Price Areas 6, 7, 9 and 10 on the 30th day of July, 1938, and of the weighted average of the total costs per net ton of the tonnage produced within Minimum Price Area 1 on the 10th day of August, 1938, and of the weighted average of the total costs, per net ton, of the tonnage produced within each of Minimum Price Areas 2, 3, 4 and 5 on the 19th day of August, 1938, in conformity with Findings of Fact and Conclusions made by the Commission and issued and published on the dates of the respective determinations, and

Whereas, Thereafter, the Supreme Court of the United States having dissolved an injunction which prohibited the Commission from making the individual cost reports of producers available for inspection, the Commission thereupon caused said hearings to be reopened, and the said individual cost reports to be made available for inspection by interested parties from and after the 6th day of February, 1939, (which reports for all minimum price areas are now, and will continue to be available for inspection at the Offices

¹ 3 F. R. 1200, 1226 DI.

of the Commission in Washington, D. C.) for the purpose of affording all interested parties an opportunity to offer further affirmative evidence and to cross-examine any witness or witnesses, after opportunity had been afforded such interested parties to examine the evidence received at said prior hearing, and the Findings of Fact, Conclusions and Determinations of the Commission made thereon, and to inspect the said individual cost reports, and

Whereas, Said reopened hearing, as to Minimum Price Areas 4, 6, 7, 9 and 10, was resumed before the Commission in Denver, Colorado on the 23rd day of February, 1939, which hearing, after the cross-examination of all witnesses requested to be cross-examined and after the introduction of all further affirmative evidence offered therein, was concluded on the 23rd day of February, 1939, and the reopened hearing, as to Minimum Price Areas 1, 2, 3 and 5, was resumed before the Commission in its Hearing Room in Washington, D. C., on the 6th day of March, 1939, during the course of which certain interested parties represented that they were not adequately prepared to enter upon a final hearing of this matter at this time, stating that they believed this hearing was not intended to be the final hearing in the matter of the determinations of the weighted average of the total costs of the tonnage produced within each of the several minimum price areas, but represented that it was their understanding that after the conclusion of this hearing a subsequent final hearing would be held:

Now, therefore, Pursuant to the provisions of the Bituminous Coal Act of 1937, and notwithstanding the terms of any Order or Notice heretofore issued, or any statement heretofore made on behalf of the commission at any of the prior hearings in this proceeding, the National Bituminous Coal Commission hereby orders and directs:

1. That Notice be and the same is hereby given to all interested parties that a Final Hearing in the above-entitled matter will be held before the Commission commencing on the 27th day of March, 1939 at 10:00 o'clock a. m. in the Hearing Room of the Commission, Washington, D. C. for the purpose of receiving evidence relating to the determinations of the Commission of the weighted average of the total costs, per net ton, of the tonnage produced within each of Minimum Price Areas 1, 2, 3, 4, 5, 6, 7, 9 and 10.

2. That at said hearing the Commission will entertain any motions to strike from the record any of the evidence heretofore introduced at the prior hearings in this matter, the transcripts of testimony of which are now and have

been for more than six months last past available for inspection in each of the Statistical Bureaus of the Commission within the respective minimum price areas and, together with the exhibits introduced at the hearings, at the Office of the Secretary of the Commission in Washington, D. C.; all interested parties will be afforded an opportunity to cross-examine any witness or witnesses as to the aforesaid evidence, and will be afforded opportunity to offer further affirmative evidence relating to the weighted average of the total costs, per net ton, of the tonnage produced within any of the said minimum price areas, and will be permitted to otherwise raise any proper objection or exception to any portion or portions of the Findings of Fact, Conclusions and Determinations of the Commission heretofore made in this matter; provided, however, that any party desiring to avail himself of any of the aforesaid opportunities shall, on or before the 22nd day of March, 1939, file at the Office of the Secretary of the Commission, Washington, D. C., a written statement setting forth therein the nature of such party's interest and the name or names of any witnesses whom he desires to be available for cross-examination.

3. That upon the conclusion of said hearing, the Commission will, upon consideration of all of the evidence in General Docket No. 15 relating to the weighted average of the total costs of the tonnage, produced within the several minimum price areas, issue Findings of Fact and Conclusions, with respect to the determinations of the weighted average of the total costs of the tonnage produced within each of Minimum Price Areas 1, 2, 3, 4, 5, 6, 7, 9 and 10.

4. That the Secretary be and he is hereby directed to cause a copy of this Notice of and Order for Hearing to be published forthwith in the FEDERAL REGISTER and in two consecutive issues of a newspaper of general circulation in each of the districts within the aforesaid minimum price areas, and shall cause copies hereof to be mailed to each code member, to the Consumers' Counsel, to the Secretary of each District Board and to all parties who have entered their appearances in this matter, and shall cause copies hereof to be made available for inspection by interested parties at the Office of the Secretary of the Commission, Washington, D. C., and at each of the Statistical Bureaus of the Commission.

By order of the Commission.

Dated this 9th day of March, 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 39-805; Filed, March 10, 1939; 12:43 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 office in the City of Washington, D. C., on the 10 day of March, A. D. 1939.

[File No. 31-375]

IN THE MATTER OF MIDDLE WEST UTILITIES COMPANY OF CANADA LIMITED

NOTICE OF AND ORDER FOR HEARING

An application pursuant to sections 3 (a) (5) and 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 March 28, 1939, at 9:45 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, Charles S. Lobingier, 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 proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 23, 1939.

The matter concerned herewith is in regard to an application for an extension of the time during which an order granting exemption from certain Sections of the Public Utility Holding Company Act of 1935 heretofore granted by the Commission to the above-named company and its subsidiaries shall be effective.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-801; Filed, March 10, 1939; 11:27 a. m.]

