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Washington, Tuesday, November 7, 1939

The President

PROCLAMATION OF A STATE OF WAR BETWEEN GERMANY AND FRANCE; POLAND; AND THE UNITED KINGDOM, INDIA, AUSTRALIA, CANADA, NEW ZEALAND AND THE UNION OF SOUTH AFRICA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows:

"That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war."

AND WHEREAS it is further provided by section 13 of the said joint resolution that

"The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of war unhappily exists between Germany and France; Poland; and the United Kingdom, India, Australia, Canada, New Zealand and the Union of South Africa, and that it is necessary to promote the security and

preserve the peace of the United States and to protect the lives of citizens of the United States.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

And I do hereby revoke my proclamations nos. 2349, 2354 and 2360 issued on September 5, 8, and 10, 1939, respectively, in regard to the export of arms, ammunition, and implements of war to France; Germany; Poland; and the United Kingdom, India, Australia, and New Zealand; to the Union of South Africa; and to Canada.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourth day of November, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth, at 12.04 p. m.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2374]

[F. R. Doc. 39-4090; Filed, November 4, 1939; 5:33 p. m.]

14 F.R. 3819, 3852, 3857 DL

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USE OF PORTS OR TERRITORIAL WATERS OF THE UNITED STATES BY SUBMARINES OF FOREIGN BELLIGERENT STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 11 of the Joint Resolution approved November 4, 1939, provides:

"Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation."

WHEREAS there exists a state of war between Germany and France; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa;

WHEREAS the United States of America is neutral in such war;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 11 of the Joint Resolution approved November 4, 1939, do by this proclamation find that special restrictions placed on the use of the ports and territorial waters

of the United States, exclusive of the Canal Zone, by the submarines of a foreign belligerent state, both commercial submarines and submarines which are ships of war, will serve to maintain peace between the United States and foreign states, to protect the commercial interests of the United States and its citizens, and to promote the security of the United States;

AND I do further declare and proclaim that it shall hereafter be unlawful for any submarine of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, or the Union of South Africa, to enter ports or territorial waters of the United States, exclusive of the Canal Zone, except submarines of the said belligerent states which are forced into such ports or territorial waters of the United States by force majeure; and in such cases of force majeure, only when such submarines enter ports or territorial waters of the United States while running on the surface with conning tower and superstructure above water and flying the flags of the foreign belligerent states of which they are vessels. Such submarines may depart from ports or territorial waters of the United States only while running on the surface with conning tower and superstructure above water and flying the flags of the foreign belligerent states of which they are vessels.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

AND I do hereby revoke my Proclamation No. 2371 issued by me on October 18, 1939,¹ in regard to the use of ports or territorial waters of the United States by submarines of foreign belligerent states.

This proclamation shall continue in full force and effect unless and until modified, revoked or otherwise terminated, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourth day of November, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth, at 12.04 p. m.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2375]

[F. R. Doc. 39-4091; Filed, November 4, 1939; 5:33 p. m.]

DEFINITION OF COMBAT AREAS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 3 of the joint resolution of Congress approved November 4, 1939, provides as follows:

"(a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), and he shall thereafter find that the protection of citizens of the United States so requires, he shall, by proclamation, define combat areas, and thereafter it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel to proceed into or through any such combat area. The combat areas so defined may be made to apply to surface vessels or aircraft, or both.

"(b) In case of the violation of any of the provisions of this section by any American vessel, or any owner or officer thereof, such vessel, owner, or officer shall be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the owner of such vessel be a corporation, organization, or association, each officer or director participating in the violation shall be liable to the penalty hereinabove prescribed. In case of the violation of this section by any citizen traveling as a passenger, such passenger may be fined not more than \$10,000 or imprisoned for not more than two years, or both.

"(c) The President may from time to time modify or extend any proclamation issued under the authority of this section, and when the conditions which shall have caused him to issue any such proclamation shall have ceased to exist he shall revoke such proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation."

AND WHEREAS it is further provided by section 13 of the said joint resolution that

"The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby find that the protection of citizens of the

United States requires that there be defined a combat area through or into which it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel, whether a surface vessel or an aircraft, to proceed. AND I do hereby define such combat area as follows:

All the navigable waters within the limits set forth hereafter.

Beginning at the intersection of the North Coast of Spain with the meridian of 2°45' longitude west of Greenwich;

Thence due north to a point in 43°54' north latitude;

Thence by rhumb line to a point in 45°00' north latitude; 20°00' west longitude;

Thence due north to 53°00' north latitude;

Thence by a rhumb line to latitude 62° north, longitude 2° east;

Thence by rhumb line to latitude 60° north, longitude 5° east;

Thence due east to the mainland of Norway;

Thence along the coastline of Norway, Sweden, the Baltic Sea and dependent waters thereof, Germany, Denmark, the Netherlands, Belgium, France and Spain to the point of beginning.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

AND I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourth day of November, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth, at 3 p. m.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2376]

[F. R. Doc. 39-4092; Filed, November 4, 1939; 5:33 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 499 (Supplement No. 1)]

ADMINISTRATIVE INSTRUCTIONS TO INSPECTORS ON THE TREATMENT OF NURSERY PRODUCTS, FRUITS, VEGETABLES, AND SOIL, FOR THE JAPANESE BEETLE

Experiments recently completed with methyl bromide have shown that all living larvae of the Japanese beetle will be killed in 12-inch pots or soil balls when the treatment, dosage, and temperature required in circular B.E.P.Q. 499¹ [(1) (5) (i)], issued June 9, 1939, are applied.

The paragraph headed "Preparation of plants" on page 14 of the above circular (mimeographed) is hereby amended to read as follows:

Preparation of plants. The treatment is to be applied only to plants with bare roots or in 12-inch pots, or smaller, or in soil balls not larger than 12 inches in diameter or thicker than 12 inches when not spherical. The soil should not be puddled or saturated. With wet material, drying for a period of 12 hours is advisable before treatment. The plants should be stacked on racks or separated so that the gas can have access to both top and bottom surfaces of pots or soil balls. While not essential that the balls be completely separated from each other, they should not be jammed tightly together.

(Issued under Sec. 301.48; B.E.P.Q. 499, Supplement No. 1, November 4, 1939.)

[SEAL] LEE A. STRONG,
Chief.

NOVEMBER 4, 1939.

[F. R. Doc. 39-4097; Filed, November 6, 1939; 10:04 a. m.]

FEDERAL SURPLUS COMMODITIES CORPORATION

DESIGNATION OF AREAS UNDER SURPLUS FOOD STAMP PROGRAM

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the following areas are hereby designated as areas in which food order stamps may be used and in which the agricultural commodities and products listed in Surplus Commodities Bulletin No. 3,² approved by the Sec-

¹ 4 F.R. 2358 DI.

² 4 F.R. 4195 DI.

retary of Agriculture, September 25, 1939, shall be considered surplus foods:

The area within the city limits of Madison, Wisconsin and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation.

The area within the county limits of Ramsey County, Minnesota.

The area within the city limits of Minneapolis, Minnesota and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation.

The posting of the definition of "the immediate environs" in the office of the local representative of the Federal Surplus Commodities Corporation for the respective areas shall constitute due notice thereof.

The effective dates for the above areas shall be announced by the local representative of the Federal Surplus Commodities Corporation for the respective areas in local newspapers of general circulation.

October 30, 1939.

[SEAL] MILO PERKINS,
President Federal Surplus
Commodities Corporation.

Attest:
EARL J. SMITH,
Secretary.

[F. R. Doc. 39-4088; Filed, November 4, 1939;
11:49 a. m.]

[ACP-1939-23]

AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 701—1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 23

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin,¹ as amended by Supplements 1 to 22, is hereby further amended as follows:

The first paragraph of Section 701.9 is hereby amended to read as follows:

"Payments computed for any farm under the provisions of section 701.8 shall be subject to all of the following deductions which are applicable to the farm: *Provided*, That in any case where, through error in a county or State office, the producer was officially notified in writing, prior to completion of planting, of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and was not notified of the finally approved acreage allotment until after planting was completed, and the county committee finds that the producer, acting solely upon information contained in

the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Done at Washington, D. C., this 4th day of November, 1939. Witness my hand and the seal of the Department of Agriculture.

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

[F. R. Doc. 39-4096; Filed, November 6, 1939;
10:04 a. m.]

[40-Tob-12]

PART 724—PROCEDURE FOR THE DETERMINATION OF BURLEY TOBACCO ACREAGE ALLOTMENTS FOR 1940

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GENERAL

§ 724.211 *Definitions*. As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires:

(a) *Burley allotment procedure for 1940* means this Form 40-Tob-12.

(b) *Local committee* means the county and community committee utilized under the Act. "County Committee" or "Community Committee" shall have corresponding meanings in the connection in which they are used.

(c) *New farm* means a farm on which tobacco was not produced in any of the five years 1935 to 1939 but on which tobacco will be produced in 1940.

(d) *Old farm* means a farm on which tobacco was produced in one or more of the five years 1935 to 1939.

(e) *Operator* means the person who, as owner, landlord, or tenant, is in charge of the supervision and the con-

duct of the farming operations on the entire farm.

(f) *State committee* means the group of persons so designated within any State to assist in the administration in the State of the Act.

(g) *Tobacco* means tobacco classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture, as type 31 and known as Burley tobacco.

§ 724.212 *Extent of calculations and rule of fractions*. (a) All percentages shall be calculated to the nearest whole per cent. Fractions of more than fifty-hundredths of one per cent shall be rounded upward, and fractions of fifty-hundredths of one per cent or less shall be dropped. For example, 87.51% would become 88% and 87.50% would become 87%. (b) All acreage shall be calculated to the nearest one-tenth of an acre. Fractions of more than fifty-thousandths of an acre shall be rounded upward, and fifty-thousandths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0.

§ 724.213 *Instructions and forms*. The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and such forms as may be necessary or expedient for carrying out this procedure.

§ 724.214 *Applicability of procedure*. This Burley Allotment Procedure for 1940 shall relate to, and be effective for, the establishment of farm acreage allotments for Burley tobacco for the year 1940.

ESTABLISHMENT OF ALLOTMENTS FOR OLD FARMS

§ 724.215 *Acreage allotments for old farms*. The farm acreage allotment for an old farm shall be that percentage of the normal acreage for the farm which the State acreage allotment is of the normal acreages for all old farms in the State; *Provided*, That if the acreage allotment so determined for any farm (except a farm operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 per cent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco.

§ 724.216 *Determination of normal acreages for an old tobacco farm*. The normal acreage for an old tobacco farm shall be the adjusted 1939 normal acreage for the farm subject to such adjustment as the local committee determines is necessary to obtain a normal acreage for the farm which is fair and reasonable in relation to the adjusted 1939 normal acreage for other farms in the

¹ 3 F.R. 2715 DI.

county which are similar with respect to the following factors: (1) The total acreage of crop land in the farm suitable for tobacco production, (2) the number of farm workers regularly engaged in the production of tobacco on the farm in 1939, (3) the acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of tobacco for the farm, (4) the customary crop rotation practices carried out on the farm, and (5) the adaptability of the soil to the growing of tobacco. Such adjustment shall be subject to the following limitations:

(a) The adjusted 1939 normal acreage for a farm shall not be adjusted upward to more than the larger of twice the adjusted 1939 normal acreage for the farm or two acres;

(b) The adjusted 1939 normal acreage for a farm shall not be adjusted downward to less than 75 per cent thereof, except that, in cases where the harvested acreage of tobacco on a farm in 1939 was more than 50 per cent above the 1939 usual acreage, the adjusted 1939 normal acreage for the farm may be adjusted downward to the usual acreage.

(c) The total upward adjustments shall not exceed the downward adjustments, except as otherwise approved by the State committee;

(d) All adjustments shall be subject to approval by the State committee.

§ 724.217 *Determination of the adjusted 1939 normal acreage.* The adjusted 1939 normal acreage shall be the 1939 usual acreage decreased if larger and increased if smaller than the 1939 harvested and diverted acreage by one-fifth (1/5) the difference between such acreages.

(a) *Usual acreage.* The 1939 usual acreage for any farm shall be computed as follows:

| Size of 1939 tobacco acreage allotment: | 1939 usual acreage |
|---|--------------------|
| 2.1 acres or less..... | 125% of allotment |
| 2.2 acres or less..... | 2.9 acres |
| 2.3 acres or less..... | 3.1 acres |
| 2.4 acres or less..... | 3.3 acres |
| 2.5 acres or less..... | 3.7 acres |
| 2.6 acres and over..... | 150% of allotment |

(b) *1939 harvested acreage.* The 1939 harvested acreage shall be the number of acres actually harvested on the farm in 1939; except, that if the local committee determines that because of flood, drought, hail, bluemold or other tobacco plant diseases, such number of acres was less than the acreage which could have been produced with maximum payments under the 1939 Agricultural Conservation Program, the 1939 harvested acreage shall be adjusted upward to the 1939 tobacco acreage allotment.

(c) *1939 diverted acreage.* The 1939 diverted acreage shall be the number of acres obtained by subtracting the 1939 harvested acreage from the 1939 usual acreage; provided, that the diverted

acreage shall not exceed the number of acres by which the 1939 tobacco acreage allotment is less than the 1939 usual acreage.

(d) *Subdivided farm.* If land operated as a single farm in 1939 has since been subdivided into two or more tracts, the usual acreage, harvested acreage, and diverted acreage of tobacco for the farm shall be apportioned among the tracts in the proportion which the acres of cropland suitable for the production of tobacco on each such tract bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in 1939: *Provided,* That if the local committee finds that such apportionment would not be equitable in view of the intended production on the farms which include such tracts, it shall make such other apportionment as it determines to be fair and equitable.

§ 724.218 *Determination of normal yields.* The normal yield for any farm shall be that yield which the local committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1935-39, making due allowance for abnormal conditions of production; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county by the Secretary on the basis of county yields during the years 1935 to 1939, adjusted for abnormal conditions.

ESTABLISHMENT OF ALLOTMENTS FOR NEW FARMS

§ 724.219 *Determination of farm acreage allotment.* The acreage allotment for a new farm shall be that percentage of the normal acreage for the farm which the acreage available for allotments to all such farms in the United States is of the normal acreages of all such farms.

§ 724.220 *Determination of normal acreages for new farms.* The normal acreage for a new farm shall be that acreage which the local committee determines is fair and reasonable for the farm, taking into consideration each of the following factors:

(a) the average acreage of tobacco grown by the farm operator in the five years 1935 to 1939;

(b) the total acreage of crop land in the farm suitable for tobacco production;

(c) the number of farm workers on the farm available for tobacco production;

(d) the acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of tobacco for the farm;

(e) the customary crop rotation practices carried out on the farm; and

(f) the adaptability of the soil to the growing of tobacco: *Provided,* That the normal acreage so determined shall be subject to approval by the State committee and shall not exceed the smallest of—

(1) the acreage capacity of the barns which are located on the farm and which are in usable condition and available for the curing of tobacco for the farm;

(2) the average normal acreage for old farms in the county; or

(3) the average of (i) the average normal acreage for old farms in the county and

(ii) the average acreage of tobacco grown by the farm operator in the five years 1935 to 1939.

§ 724.221 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the local committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 724.222 *Time for filing application.* In order to obtain an allotment for a new tobacco farm in 1940, the operator of the farm shall file an application therefor on 40-Tob-15, prior to February 1, 1940.

Done at Washington, D. C., this 6th day of November 1939. Witness my hand and seal of the Department of Agriculture.

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

[F. R. Doc. 39-4104; Filed, November 6, 1939; 12:31 p. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3823]

IN THE MATTER OF ARTHUR LONGFIELD

§ 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (k) (3) *Misbranding or mislabeling—Source or Origin—Maker:* § 3.87 (c) *Simulating competitor or his product—Name, containers or dress of goods of competitor's product.* Representing, in connection with offer, etc., in commerce, of Worcestershire Style Sauce, through the use of wrappers, containers or labels which simulate the distinctive wrappers, containers or labels used by Lea & Perrins, Inc., in marketing their Worcestershire sauce, or in any other manner, that respondent's Worcestershire sauce is manufactured and distributed by Lea & Perrins, Inc., or is the same as the Worcestershire sauce manufactured and distributed by Lea & Perrins, Inc., 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, Arthur Longfield, Docket 3823, October 24, 1939]

§ 3.66 (k) (3) *Misbranding or mislabeling—Source or origin—Maker:*
 § 3.87 (c) *Simulating competitor or his product—Name, containers or dress of goods of competitor's product.* Using, in connection with offer, etc., in commerce of Worcestershire Style Sauce, wrappers, containers or labels which simulate the distinctive wrappers, containers or labels used by Lea & Perrins, Inc., on its Worcestershire sauce, or any design or insignia on wrappers, containers, labels or in any other manner which simulate the design or insignia used by Lea & Perrins, Inc., in connection with their Worcestershire sauce, 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, Arthur Longfield, Docket 3823, October 24, 1939]

§ 3.66 (c20) *Misbranding or mislabeling—Manufacture:* § 3.69 (b) (7a) *Misrepresenting oneself and goods—Goods—Manufacture.* Representing, in connection with offer, etc., in commerce, of Worcestershire Style Sauce, that the recipe used in the manufacture of respondent's Worcestershire sauce has any foreign or special origin when such is not the fact, 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, Arthur Longfield, Docket 3823, October 24, 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 24th day of October, A. D. 1939.

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

ORDER TO CEASE AND DESIST

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in the complaint, and states that he waives all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Arthur Longfield, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of Worcestershire Style Sauce in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, through the use of wrappers, containers or labels which simulate the distinctive wrappers, containers

or labels used by Lea & Perrins, Inc., in marketing their Worcestershire sauce, or in any other manner, that respondent's Worcestershire sauce is manufactured and distributed by Lea & Perrins, Inc., or is the same as the Worcestershire sauce manufactured and distributed by Lea & Perrins, Inc.;

2. The use of wrappers, containers or labels which simulate the distinctive wrappers, containers or labels used by Lea & Perrins, Inc., on its Worcestershire sauce;

3. The use of any design or insignia on wrappers, containers, labels or in any other manner which simulate the design or insignia used by Lea & Perrins, Inc., in connection with their Worcestershire sauce.

4. Representing that the recipe used in the manufacture of respondent's Worcestershire sauce has any foreign or special origin when such is not the fact.

It is further ordered, That the respondent shall, within sixty (60) 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. 39-4085; Filed, November 4, 1939;
10:28 a. m.]

**TITLE 19—CUSTOMS DUTIES
BUREAU OF CUSTOMS**

[T. D. 50006]

NOTICE OF ADDITIONAL INFORMATION REQUIRED, ON INVOICES OF LUMBER IMPORTED INTO THE UNITED STATES FROM CERTAIN PLACES¹

To Collectors of Customs and Others Concerned:

With reference to article 274 (e) (2), Customs Regulations of 1937, as amended by (1938) T. D. 49426, [Sec. 6.1 (c)], customs invoices of lumber for which exemption is claimed from the import tax prescribed by the first sentence of I.R.C., Sec. 3424 (a), under the authority of the second sentence of that provision, are hereby required to set forth that the lumber is not Engelmann spruce lumber, in addition to all other information required by law and regulation.

This requirement shall be effective as to invoices certified after thirty days after publication of this document in the weekly Treasury Decisions. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10))

[SEAL] BASIL HARRIS,
Commissioner of Customs.

Approved, November 1, 1939.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 39-4110; Filed, November 6, 1939;
12:44 p. m.]

TITLE 24—HOUSING CREDIT

FEDERAL HOUSING ADMINISTRATION

AMENDMENT OF REGULATIONS ISSUED BY THE ADMINISTRATOR IN CONNECTION WITH PROPERTY IMPROVEMENT LOANS¹ UNDER TITLE I OF THE NATIONAL HOUSING ACT, AS AMENDED

Section 501.8 (Regulation No. 8) is hereby repealed.

The foregoing amendment is hereby declared to have the same force and effect as if included in and made a part of each contract of insurance and shall be effective as of the date hereof.

ABNER H. FERGUSON,
Acting Administrator.

NOVEMBER 1, 1939.

[F. R. Doc. 39-4094; Filed, November 6, 1939;
9:15 a. m.]

TITLE 25—INDIANS

OFFICE OF INDIAN AFFAIRS

CARSON NATIONAL FOREST

ORDER OF SEGREGATION

Pursuant to Section 4 of the Act of May 31, 1933 (48 Stat. 108), I hereby designate and segregate the following described lands within the Carson National Forest for the purpose of safeguarding the interests and welfare of the Indians of the Pueblo de Taos, which lands shall not be subject to entry under the land laws of the United States:

Beginning at the northeast corner of the Pueblo de Taos Grant, thence northeasterly along the divide between Rio Pueblo de Taos and Rio Lucero and along the divide between Rio Pueblo de Taos and Red River to a point a half mile east of Rio Pueblo de Taos; thence southwesterly on a line half mile east of Rio Pueblo de Taos and parallel thereto to the northwest corner of township 25 north, range 15 east; thence south on the west boundary of township 25 north, range 15 east, to the divide between Rio Pueblo de Taos and Rio Fernandez de Taos; thence westerly along the divide to the east boundary of the Pueblo de Taos grant; thence north to the point of beginning; containing approximately thirty thousand acres, more or less.

HARRY L. BROWN,
Acting Secretary of Agriculture.

AUGUST 1, 1939.

[F. R. Doc. 39-4095; Filed, November 6, 1939;
9:16 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

VETERANS' ADMINISTRATION

REVISION OF REGULATIONS

EFFECTIVE DATES OF REDUCTIONS AND DISCONTINUANCES OF DEATH PENSION AND COMPENSATION

§ 2.2586 (F) *Income limitations under Sec. 8.013 and Public No. 198, 76th Con-*

¹ 4 F.R. 3589 DI.

¹ This document affects 19 CFR 6.1 (c).

¹ 4 F.R. 3789, 4062 DI.

gress (act of July 19, 1939). (1) Whenever the annual income of any unmarried person in receipt of death pension under Sec. 8.013, or Section 1 (c) of Public No. 198, 76th Congress, exceeds \$1,000, or the annual income of any married person or any person with minor children in receipt of such pension exceeds \$2,500, the award of pension shall be discontinued from the date of last payment.

(2) A follow-up will be maintained with respect to questionnaires forwarded to payees for the purpose of determining the amount of annual income, as follows: If at the expiration of thirty days, or sixty days if payee resides without the continental limits of the United States, the questionnaire is not returned, another will be forwarded; if the questionnaire is not returned at the expiration of the second thirty days, or sixty days if the payee resides without the continental limits of the United States, the award will be discontinued as of the date of last payment and the payee notified as to the reason for discontinuance. (Sec. 8.01) See also Secs. 2.1228, 2.1293, 2.2163 and 2.2164 and currently effective adjudication procedure. (November 3, 1939) (Sec. 4, 48 Stat. 9; 38 U.S.C. 704 and Pub. No. 198, 76th Congress)

RECOMMENCEMENT OF DEATH PENSION OR COMPENSATION

§ 2.2588 Death pension or compensation previously discontinued will be recommenced as follows:

(C) *Recommencement after discontinuance because of income.* (1) In any case where a widow's award has been discontinued because of income and title is reestablished by reason of the school attendance or helplessness of a child, the effective date of recommencement of benefits to the widow will be governed by the rules prescribed by Sec. 2.2598 or Sec. 2.2586 (D), as the case may be.

(2) In any case where a widow's, or child's award has been discontinued because of income and title is reestablished by reason of reduction in income, the effective date of recommencement will be governed by Sec. 2.1228.

(E) *Recommencement after discontinuance because of failure to file annual income questionnaire.* See Sec. 2.1228 (D). (November 3, 1939) (Sec. 9, 48 Stat. 10; 38 U.S.C. 709)

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 39-4081; Filed, November 3, 1939; 3:22 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR
DIVISION OF GRAZING

COLORADO GRAZING DISTRICT No. 3
MODIFICATION

OCTOBER 4, 1939.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat.

1269), as amended June 26, 1936 (49 Stat. 1976), the Departmental order of April 8, 1935, establishing Colorado Grazing District No. 3, is hereby revoked as far as it affects the following-described lands, such revocation to be effective upon the inclusion of the lands within the Black Canyon of the Gunnison National Monument:

COLORADO

New Mexico Principal Meridian

- T. 49 N., R. 7 W.,
sec. 2, SW $\frac{1}{4}$;
sec. 3, lots 1, 2, 7, and 8;
sec. 5, lots 4, 5, and 12;
sec. 6, lots 1, 2, 7, 8, 9, and 10;
- T. 50 N., R. 7 W.,
sec. 19, SW $\frac{1}{4}$ NE $\frac{1}{4}$;
sec. 31, SE $\frac{1}{4}$;
- T. 50 N., R. 8 W.,
sec. 8, all;
sec. 9, W $\frac{1}{2}$;
sec. 14, S $\frac{1}{2}$ SW $\frac{1}{4}$;
sec. 15, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
sec. 16, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
sec. 22, N $\frac{1}{2}$ NE $\frac{1}{4}$;
sec. 23, NW $\frac{1}{4}$;
sec. 35, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$.

E. K. BURLEW,

Acting Secretary of the Interior.

[F. R. Doc. 39-4093; Filed, November 6, 1939; 9:15 a. m.]

TITLE 46—SHIPPING

BUREAU OF MARINE INSPECTION
AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

Part V. *Foreign clearances* is amended by the addition of ten new sections numbered 5.80 to 5.89 inclusive, to read as follows:

§ 5.80 *Vessel statement.* No clearance shall be granted to any vessel (watercraft or aircraft) which is required by subsection (i) of section 2 of the Neutrality Act of 1939 to file a sworn statement with a collector of customs, until a Vessel Statement (Commerce Form 1374 A¹) sworn to by the master of the said vessel has been filed with the collector of customs at or nearest to the port or place of departure of such vessel.

§ 5.81 *Vessels required to file vessel statement.* The following vessels (watercraft or aircraft) are required by subsection (i) of section 2 of the Neutrality Act of 1939 to file the sworn statement:

(a) Every American vessel (other than aircraft) transporting mail, passengers, or any articles or materials to any port of a belligerent state located in any of the following areas:

(1) In the Western Hemisphere south of thirty-five degrees north latitude.

¹ Filed as a part of the original document; requests for copies should be addressed to the Bureau of Marine Inspection and Navigation.

(2) In the Western Hemisphere north of thirty-five degrees north latitude and west of sixty-six degrees west longitude.

(3) On the Pacific or Indian Oceans, including the China Sea, the Tasman Sea, the Bay of Bengal, and the Arabian Sea and any other dependent waters of either of such oceans, seas, or bays.

(4) On the Atlantic Ocean or its dependent waters south of thirty degrees north latitude.

(b) Every American aircraft transporting mail, passengers, or any articles or materials to any port of a belligerent state located in any of the following areas:

(1) In the Western Hemisphere.

(2) On the Pacific or Indian Oceans, including the China Sea, the Tasman Sea, the Bay of Bengal, and the Arabian Sea, and any other dependent waters of either of such oceans, seas, or bays.

(c) Every vessel (watercraft or aircraft) of a neutral foreign state transporting any articles or materials other than arms, ammunition, or implements of war to any port of a belligerent state located in any of the areas listed in subsection (a) of this section, so long as such port is not included within a combat area.

§ 5.82 *American vessels denied clearance to belligerent states.* No clearance shall be granted to any American vessel (watercraft or aircraft) carrying passengers or any articles or materials to any belligerent state, with the following exceptions:

(a) Where such American vessel (other than aircraft) proceeds on lakes, rivers, and inland waters bordering on the United States.

(b) Where such American aircraft proceeds on or over lakes, rivers, inland waters and lands bordering on the United States.

(c) Where such American vessel (other than aircraft) carrying mail, passengers or any articles or materials (except arms, ammunition, or implements of war, unless such arms, ammunition, or implements of war are to be used exclusively by American vessels (watercraft or aircraft) or other American vehicles in connection with their operation and maintenance) is bound to any port of a belligerent state which is located within any of the areas mentioned in 46 CFR 5.81 (a), except to such a port which is included within a combat area.

(d) Where such American aircraft carrying mail, passengers, or any articles or materials (except arms, ammunition, or implements of war, unless such arms, ammunition, or implements of war are to be used exclusively by American vessels (watercraft or aircraft) or other American vehicles in connection with their operation and maintenance) is bound to any port of a belligerent state which is located within any of the areas mentioned in 46 CFR 5.81 (b), except to such a port which is included within a combat area.

(e) Where such American vessel (watercraft or aircraft) is under charter or other direction and control of the American Red Cross, and while carrying officers and American Red Cross personnel, medical personnel, and medical supplies, food, and clothing for the relief of human suffering, proceeds under safe conduct granted by belligerent states.

§ 5.83 *Declaration as to right, title, and interest in articles or materials.* No clearance shall be granted to any vessel (watercraft or aircraft) bound for a port in a belligerent state until all of the declarations required by section 2 (c) of the Neutrality Act of 1939 have been filed with the collector, with the following exceptions:

(a) Any American vessel (watercraft or aircraft) referred to in 46 CFR 5.82 (a), (b), (c), or (d), when transporting only articles and materials other than arms, ammunition, or implements of war, (unless such arms, ammunition, or implements of war are to be used exclusively by American vessels (watercraft or aircraft) or other American vehicles in connection with their operation and maintenance).

(b) Any vessel (watercraft or aircraft) of a neutral foreign state, when transporting only articles or materials other than arms, ammunition, or implements of war, when bound to any port referred to in 46 CFR 5.81 (a), so long as such port is not included within a combat area.

§ 5.84 *Combat areas.* (a) No clearance shall be granted to any American vessel (watercraft or aircraft) bound to any foreign port, if such vessel, during the course of its voyage, will proceed into or through any combat area, unless such voyage is authorized by rules and regulations prescribed under authority of the Neutrality Act of 1939.

(b) No clearance shall be granted to any foreign vessel (watercraft or aircraft) bound to a foreign port, while having on board any American citizen, whether as a passenger or member of the crew, if such vessel (watercraft or aircraft) during the course of its voyage, will proceed into or through any combat area, unless such voyage is authorized by rules and regulations prescribed under authority of the Neutrality Act of 1939.

(c) Clearance shall not be granted to any foreign vessel (watercraft or aircraft), bound to a foreign port, in a combat area, or proceeding into or through any such area, until the master has filed with the collector a list of all of the members of the crew of the vessel, together with the nationality of each member, which list shall be sworn to by the master.

§ 5.85 *Belligerent vessels carrying American citizens as passengers.* No clearance shall be granted to any vessel

(watercraft or aircraft) of a belligerent state while having on board any citizen of the United States as a passenger, except in accordance with rules and regulations prescribed under authority of the Neutrality Act of 1939.

§ 5.86 *Armed American vessels.* No clearance shall be granted to any American vessel (watercraft or aircraft), bound for any foreign port or place, if such vessel is armed, except with small arms and ammunition therefor, which the President may deem necessary and shall publicly designate for the preservation of discipline aboard any such vessel.

§ 5.87 *Improper use of American flag by foreign vessel.* No clearance shall be granted to any foreign vessel (watercraft or aircraft) using the flag of the United States or any distinctive signs or markings, indicating that the vessel is an American vessel.

§ 5.88 *Violations of Neutrality Act of 1939.* No clearance shall be granted to any vessel (watercraft or aircraft), the departure or proposed voyage of which is in violation of any provision of the Neutrality Act of 1939, or of any rules or regulations issued under authority of that Act.

§ 5.89 *Definitions.* Where used in 46 CFR 5.80 to 5.89 inclusive:

(a) The term "vessel (watercraft or aircraft)" means every description of watercraft and aircraft capable of being used as a means of transportation on, under, or over water.

(b) The term "vessel (other than aircraft)" means every description of watercraft used as a means of transportation on or under water.

(c) The term "American vessel" means any vessel documented under the laws of the United States, and any aircraft registered or licensed under the laws of the United States.

(d) The term "belligerent state" means any nation, government, or country, named in a proclamation of the President issued under authority of section 1 (a) of the Neutrality Act of 1939.

(e) The term "combat area" means any area which the President, by proclamation, has defined as such.

(f) The term "citizen" shall include any individual owing allegiance to the United States, a partnership, company or association composed in whole or in part of citizens of the United States, and any corporation organized and existing under the laws of the United States.

(g) Prior to the revocation of Proclamation No. 2237 of the President, the term "arms, ammunition, or implements of war" means all articles or materials defined as "arms, ammunition and implements of war" in that Proclamation. After the revocation of Proclamation 2237 the term "arms, ammunition, or implements of war" means "arms, ammunition and implements of war" as de-

finied by a Proclamation issued under authority of the Neutrality Act of 1939.

(Sec. 161 R.S.; 5 U.S.C. 22)

[SEAL] J. M. JOHNSON,
Acting Secretary of Commerce.

NOVEMBER 6, 1939.

[F. R. Doc. 39-4098; Filed, November 6, 1939;
10:44 a. m.]

GENERAL RULES AND REGULATIONS

EQUIPMENT APPROVALS

Pursuant to the authority of Section 4405 of the Revised Statutes, an executive committee of the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, Department of Commerce, consisting of R. S. Field, Director; George Fried, Supervising Inspector, Second District; and Chester W. Willett, Supervising Inspector, Sixth District; met in the office of the Supervising Inspector of the Second District, 45 Broadway, New York City, on October 10 and 11, 1939.

The following equipment was passed by the executive committee for use on inspected vessels and was approved by the Secretary of Commerce:

Lifeboats

4467. 135-person metallic hand-propelled lifeboat and 105-person metallic motor lifeboat with built-in air tanks, manufactured by Welin Davit & Boat Corporation, Newark, N. J.

4506. Scow type metallic lifeboat, manufactured by Campbell Bros., Jeffersonville, Indiana.

4530. Scow type wooden lifeboat, manufactured by the Dubuque Boat and Boiler Works, Dubuque, Iowa.

4299. Standard type, double-ended, metallic lifeboat; standard type, double-ended metallic motor lifeboat; standard type, double-ended, wooden lifeboat; and nesting type, double-ended metallic lifeboat, manufactured by C. C. Galbraith & Son, Inc., New York, N. Y.

Hand-Propelling Gear for Lifeboats

4467. Hand-propelling device, manufactured by Welin Davit & Boat Corporation, Newark, N. J. (Final approval)

Lifeboat-Disengaging Apparatus

4467. Disengaging apparatus and releasing sheave, manufactured by Welin Davit & Boat Corporation, Newark, N. J.

Lifeboat Davits

3160. Schat SS davit, submitted by Marine Safety Devices, Inc., New York, N. Y.

3160. Schat PHA davit, submitted by Marine Safety Devices, Inc., New York, N. Y.

Lifeboat Winches

4522. Welin-Maclachlan winches, types BWD and CWB, manufactured by

Welin Davit & Boat Corporation, Newark, N. J.

Buoyant Apparatus

3182. 15-person spruce buoyant apparatus with copper tanks, submitted by Welin Davit & Boat Corporation, Newark, N. J.

Life Preservers

4347. Child's balsa wood, and child's cork life preservers, manufactured by The Rose Company, Brooklyn, New York.

Gas Masks

4443. Ammonia gas mask #4, manufactured by Acme Protection Equipment Company, Pittsburgh, Pennsylvania. (For use against ammonia vapors only.)

Flashlights

2700-III. Eveready Model #2672 (modified) flashlight for lifeboat use, manufactured by National Carbon Company, Inc., Cleveland, Ohio.

Hand Distress Lights

4519. "Marine Signal" hand distress light, manufactured by Hitt Fireworks Co., Seattle, Washington.

[SEAL] R. S. FIELD, Director.
GEORGE FRIED,
Supervising Inspector,
Second District.
CHESTER W. WILLETT,
Supervising Inspector,
Sixth District.

Approved, November 6, 1939.

J. M. JOHNSON,
Acting Secretary of Commerce.

[F. R. Doc. 39-4105; Filed, November 6, 1939; 12:34 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT

ORDER FOR AND NOTICE OF HEARING

The National Bituminous Coal Commission, pursuant to notice dated March 12, 1938, having held a hearing in the above-entitled matters, and having continued that phase of the hearing relating to the prescribing of due and reasonable maximum discounts or price allowances that may be made by code members to

"distributors", to be resumed upon further notice, and

Said Commission, on March 24, 1939, June 6, 1939 and June 20, 1939 having promulgated rules and regulations for the maintenance and observance by distributors in the resale of coal, of the prices and marketing rules and regulations prescribed pursuant to Section 4 of the Act, and the Bituminous Coal Producers Board for District No. 23, having filed a petition for rehearing, reargument, and reconsideration of the order promulgating such rules and regulations relating, among other things, to the inclusion of the phrase "without physically handling such coal" in the definition of "distributors" as prescribed by the Commission:

It is ordered, That a hearing be held on November 27, 1939 at 10:00 o'clock in the forenoon of that date at a hearing room of the Bituminous Coal Division, the Rose Room, Washington Hotel, Washington, D. C. for the purposes hereinafter stated.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiries, to continue said hearing from time to time and to prepare and submit to the Director proposed Findings of Fact and Conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to any person who may have an interest in such proceeding. All interested persons will be afforded an opportunity to be heard at such hearing as to any matters properly within the scope of such hearing, as hereinafter set forth, provided, however, that any person desiring to offer affirmative evidence at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before November 25, 1939, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

Notice is further given that at that phase of the hearing relating to the establishment of rules and regulations for the maintenance and observance by distributors in the resale of coal, of the prices and marketing rules and regulations provided for by Section 4 of the Bituminous Coal Act of 1937, the reception of evidence shall be limited to evidence in support of or in opposition to amendments to the definitions of the terms "distributor" and "carload lot",

in Subsections 1 and 2, respectively, of Section I of the "Rules and Regulations for Registration of Distributors", as amended June 20, 1939, in Docket No. 12.

It is proposed that said subsections be amended to read as follows:

1. A "Distributor" is a person who purchases coal f. o. b. the mine for resale and resells it in not less than cargo or railroad carload lots, without physically handling such coal: *Provided, however,* That where a dock or inland storage yard is used by such person as a facility in the delivery of coal to his vendee, and such transaction is recognized by custom to be definitely wholesale in character, the fact that he physically handles such coal shall not preclude such person from being a distributor. [New proposed matter italics.]

2. "Carload lot" is a quantity of coal equivalent in tonnage to not less than the minimum carload weight specified for the loading of bituminous coal, at carload rates, in the official effective tariffs of rail carriers at the point of origin or at the rail shipping point nearest the mine where the coal is produced, and shipped to a single vendee to one unloading point; *Provided, however,* That on coal reshipped overland from docks or inland storage yards the minimum weight per carload lot shall be not less than the minimum carload as prescribed in effective tariffs of railroads applicable from such reshipping points: *Provided, further,* That when coal is delivered in such lots in vehicles of insufficient capacity to transport an entire carload-lot quantity in one transaction, the distributor's vendee must accept delivery of an entire carload-lot quantity, as if the delivery were to be made in a single vehicle, but in no event shall delivery be continued over a period longer than is actually necessary to accomplish such delivery in a continuous flow. [New proposed matter italics.]

Notice is further given that at that phase of the hearing relating to the prescribing of due and reasonable maximum discounts or price allowances that may be made by code members to distributors evidence will be received in conformity with the terms of the Orders and Notices entered herein on March 12, 1938 and March 22, 1939, except that in lieu of the proposals set forth in Schedule "A" of said Order and Notice dated March 22, 1939, the tentative proposals attached hereto as "Schedule B" will be considered.

Dated, November 3, 1939.

[SEAL] H. A. GRAY,
Director.

Schedule B—Proposed Maximum Discounts, in Cents Per Net Ton, That May Be Made to Registered Distributors on Coal Which They Purchase for Resale and Resell in Not Less Than Cargo or Railroad Carload Lots

The following discounts by districts apply when coal is purchased for resale by a Registered Distributor:

| | Discount according to destination | | |
|--|-----------------------------------|------------------|------------------|
| | (A) ¹ | (B) ² | (C) ³ |
| Districts Nos. 1, 2, 3, 4, 6, 7 or 8: All coal, except Cannel Coal, re-sold to any purchaser other than a Retail Coal Dealer. For resale to a Retail Coal Dealer: All lump sizes larger than 3" and all double-screened coal with a bottom size 2" or larger..... | 10 | 10 | 10 |
| All Other Sizes..... | 15 | 20 | 25 |
| Cannel Coal: All Lump Sizes..... | 15 | 15 | 20 |
| All Double-Screened Sizes and Chips..... | 50 | 50 | 50 |
| All Other Sizes..... | 35 | 35 | 35 |
| | 20 | 20 | 20 |

¹ (A) Destinations in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia, the District of Columbia and Canada East of Sault Ste. Marie.
² (B) Destinations in the States of Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan (Lower Peninsula), Mississippi, North Carolina, South Carolina, Tennessee and Virginia.
³ (C) Destinations not listed in (A) or (B) above; also those in Canada West of and including Sault Ste. Marie; also those in Michigan (Upper Peninsula).

| | When re-sold for any use except railroad locomotive fuel | When re-sold for railroad locomotive fuel use |
|---|--|---|
| District No. 5: All Lump Coal..... | 25 | 10 |
| All Double-Screened Coal..... | 20 | 10 |
| All Other Sizes..... | 10 | 10 |
| Districts Nos. 9, 10 or 11: Lump sizes 2" or larger and double-screened sizes with bottom size 3" or larger..... | 20 | 10 |
| Lump sizes under 2" but not under 1 1/4" and double-screened coals with a top size under 3" and a bottom size 2" or larger..... | 15 | 10 |
| All other sizes..... | 10 | 10 |
| Districts Nos. 12 or 13: All coal with a bottom size 2" or larger..... | 25 | 10 |
| All other sizes..... | 10 | 10 |
| Districts Nos. 14 and 15: All Lump sizes; also double-screened sizes with a bottom size 3" or larger..... | (A) ¹ (B) ² 50 30 | 10 |
| Double-Screened sizes with a bottom size under 3"..... | 40 | 20 |
| All other sizes..... | 25 | 10 |
| District No. 16: All Lump sizes and all double-screened coals with a top size over 2 1/2" and a bottom size over 1 3/4"..... | 25 | 10 |
| Mine Run and all double-screened coals with a top size 2 1/2" and under..... | 15 | 10 |
| All other sizes..... | 10 | 10 |
| District No. 17: All Lump sizes; also double-screened sizes with a bottom size 3" or larger..... | (A) ¹ (B) ² 50 40 | 10 |
| Double-screened sizes with a bottom size under 3"..... | 40 | 30 |
| All other sizes..... | 25 | 15 |
| District No. 18: All Lump sizes; also double-screened sizes with a bottom size 3" or larger..... | (A) ¹ (B) ² 50 40 | 10 |
| Double-screened sizes with a bottom size under 3"..... | 40 | 30 |
| All other sizes..... | 25 | 15 |

¹ (A) Destinations in the State of Oklahoma or Texas.
² (B) All Destinations not included.
³ (A) Destinations in the States of California, Nevada, Texas, Oklahoma and those destinations which are west of the Cascade Mountain Range in the States of Oregon and Washington.
⁴ (B) All destinations not included in (A) above.
NOTE: ¹(A) Destinations in the States of California, Nevada, Texas, and Oklahoma.
NOTE: ²(B) All destinations not included in (A) above.

| | When re-sold for any use except railroad locomotive fuel | When re-sold for railroad locomotive fuel use |
|---|---|---|
| District No. 19: All Lump sizes; also double-screened sizes with a bottom size 3" or larger..... | (A) ¹ (B) ² (C) ³ 50 40 25 | 10 |
| Double-screened sizes with a bottom size under 3"..... | 40 30 15 | 10 |
| All other sizes..... | 25 15 10 | 10 |
| District No. 20: All Lump sizes; also double-screened sizes with a bottom size 3" or larger..... | (A) ¹⁰ (B) ¹¹ (C) ¹² 50 40 25 | 10 |
| Double-screened sizes with a bottom size under 3"..... | 40 30 15 | 10 |
| All other sizes..... | 25 15 10 | 10 |
| District No. 22: All Lump sizes; also double-screened sizes with a bottom size 3" or larger..... | (A) ¹³ (B) ¹⁴ (C) ¹⁵ 50 40 25 | 10 |
| Double-screened sizes with a bottom size under 3"..... | 40 30 15 | 10 |
| All other sizes..... | 25 10 10 | 10 |
| District No. 23: All Lump sizes; also double-screened sizes with a bottom size 3" or larger..... | 50 | 10 |
| Double-screened sizes with a bottom size under 3"..... | 40 | 10 |
| All other sizes..... | 25 | 10 |

¹ (A) Destinations in the States of California, Nevada, and those which are west of the Cascade Mountain Range in the States of Oregon and Washington.
² (B) Destinations which are East of the Cascade Mountain Range in the States of Oregon and Washington (including Pendleton, Oregon); also those which are in the Panhandle Section of Idaho (North of and including Grangeville, Idaho).
³ (C) All destinations not included in (A) and (B) above.
¹⁰ (A) Destinations in the States of California, Nevada, Texas, Oklahoma, and those which are west of the Cascade Mountain Range in the States of Oregon and Washington.
¹¹ (B) Destinations in the States of Colorado, Kansas, Montana, Nebraska, Nevada, South Dakota and those which are East of The Cascade Mountain Range in the States of Oregon and Washington (including Pendleton, Oregon) also destinations which are in the Panhandle Section of Idaho (North of and including Grangeville, Idaho).
¹² (C) All destinations not included in (A) and (B) above.
¹³ (A) Destinations in the States of California, Nevada and those which are West of the Cascade Mountain Range in the States of Oregon and Washington.
¹⁴ (B) Destinations in the State of Idaho and those which are East of the Cascade Mountain Range in the States of Oregon and Washington.
¹⁵ (C) All destinations not included in (A) and (B) above.

[F. R. Doc. 39-4100; Filed, November 6, 1939; 11:08 a. m.]

[Docket No. 1106-FD]

IN THE MATTER OF THE APPLICATION OF WHITACRE-GREER FIREPROOFING COMPANY FOR EXEMPTION

NOTICE OF AND ORDER FOR HEARING

An application, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by the above-named party;

It is ordered, That a hearing on such matter be held on November 14th 1939, at 10 o'clock, in the forenoon of that day at a hearing room of the Bituminous Coal Division, at Steubenville, Ohio in the Ft. Steuben Hotel

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by

the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such applicant and to any other person who may have an interest in such proceeding. 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 Bituminous Coal Division on or before November 12, 1939.

The matter concerned herewith is in regard to the application filed by the above-named party seeking exemption pursuant to Section 4-II-(1) of the Act for all coal mined at the Zito mine located in Carroll County, Ohio. The applicant alleges that it is the producer of said coal and that all of the coal is consumed by it in the manufacture of ceramics at its plant located in Waynesburg, Ohio.

Dated, November 3, 1939.

[SEAL] H. A. GRAY, Director.

[F. R. Doc. 39-4099; Filed, November 6, 1939; 11:08 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 404]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 26, 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 |
|--------------------------------|----------|
| Vermont 7008G1 Washington..... | \$25,000 |

[SEAL] HARRY SLATTERY, Administrator.

[F. R. Doc. 39-4082; Filed, November 4, 1939; 9:55 a. m.]

[Administrative Order No. 405]

AMENDMENT OF PRIOR ALLOCATIONS

OCTOBER 26, 1939.

I hereby amend Administrative Order No. 338, dated April 18, 1939, by changing the project designation "Nebraska

R9053W2 Buffalo" therein appearing, to read "Nebraska R9053U1 Buffalo."

I hereby amend Administrative Order No. 322, dated February 20, 1939, by changing the project designation "New Mexico R9004W2 Eddy" therein appearing, to read "New Mexico R9004U1 Eddy."

I hereby amend Administrative Order No. 331, dated March 31, 1937, by changing the project designation "Texas R9047W2 Deaf Smith" therein appearing, to read "Texas R9047U1 Deaf Smith."

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-4083; Filed, November 4, 1939; 9:56 a. m.]

[Administrative Order No. 406]

AMENDMENT OF PRIOR ALLOCATIONS

OCTOBER 26, 1939.

I hereby amend Administrative Order No. 328, dated March 22, 1939, by reducing the allocation of \$65,000 therein made for Louisiana R9014A1 L. I. & E. by \$15,000, so that the reduced allocation shall be \$50,000.

I hereby amend Administrative Order No. 338, dated April 18, 1939, by reducing the allocation of \$75,000 therein made for Nebraska R9053U1 Buffalo by \$25,000, so that the reduced allocation shall be \$50,000.

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-4084; Filed, November 4, 1939; 9:56 a. m.]

[Administrative Order No. 407]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 27, 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 |
|---------------------------------|----------|
| New Hampshire 0004A1 Merrimack. | \$30,863 |
| New Hampshire 9004A2 Merrimack. | \$21,137 |
| New Hampshire 7004G1 Merrimack. | \$30,000 |

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-4087; Filed, November 4, 1939; 11:49 a. m.]

DEPARTMENT OF LABOR.
Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage ap-

plicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective November 7, 1939, until March 1, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates, or any of them, may be cancelled as of the date of their issuance and, if so cancelled, reimbursement of all persons employed under such Certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 6th day of November 1939.

MERLE D. VINCENT,
Chief, Hearings and
Exemptions Section.

[F. R. Doc. 39-4106; Filed, November 6, 1939; 12:43 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective November 7, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates shall be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued, and shall be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless

| Name and address of firm | Products | Number of learners |
|--|---------------------|--------------------|
| Clearfield Mills, Inc., Clearfield, Pennsylvania, until March 6, 1940. | Shorts and slacks. | 25 |
| Glix-Brand Company, Inc., Pittsfield, Massachusetts. | Pajamas..... | 24 |
| Danbury Manufacturing Corporation, Danbury, Connecticut. | Shirts and waists.. | 15 |

otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Alperin Strauss Co., Inc., Loogootee, Indiana, Shirts.
 Baltz & Sons, C. A., Kingston, New York, Pajamas.
 Baybrook Manufacturing Co., 210 South Cross Street, Robinson, Illinois (5 learners), Boys' & Men's Neckwear.
 Beacon Company, Kingston, New York (3 learners), Dresses.
 Bernstein & Sons Shirt Co., Main Street, Terre Hill, Pennsylvania (2 learners), Shirts.
 Biberman Bros., Inc., Haas Avenue, Sunbury, Pennsylvania, Dresses.
 Biberman Bros., Inc., Wilmington, Delaware (5 learners), Dresses.
 Danbury Mfg. Corporation, 9 Montgomery Street, Danbury, Connecticut, Shirts and Waists.
 E. H. South Company, 117 West Plane Street, Bethel, Ohio (2 learners), Pants.
 Hillsdale Manufacturing Company, Hillsdale, Michigan, Boys' Knickers & Long Pants.
 Kelray Knitting Mills, Reading, Pennsylvania (5 learners), Underwear.
 Lemonde Corset Company, 902 Lapeer Street, Saginaw, Michigan (5 learners), Corsets, Girdles & Brassieres.
 Lesnow Bros. Manufacturing Co., Easthampton, Massachusetts, Shirts.
 Martin Manufacturing Mills, Inc., 121 East 2nd Street, Flora, Illinois, Athletic Shorts.
 Natures Rival Company, 802 East King Street, Garrett, Indiana, Foundation Garments.
 Outdoor Frocks, Inc., Philmont, New York (5 learners), Dresses.
 Pollak Bros., Inc., 227 West Main Street, Fort Wayne, Indiana, Dresses.
 Pollock McKay Co., Inc., 201 South Main Street, Fort Scott, Kansas (5 learners), Overalls and cotton pants.
 Royal Garment Company, Ansonia, Ohio (5 learners), Dresses.
 Reliance Manufacturing Co., Lincoln and 16th Streets, Tyrone, Pennsylvania, Shirts and Pants.
 Rice-Stix Factory #3, Blytheville, Arkansas, Shirts and Pajamas.
 Rice-Stix Factory #5, St. James, Missouri (5 learners), Dresses.
 Rice-Stix Factory #10, Bonne Terre, Missouri, Shirts.
 Rice-Stix Factory #25, Farmington, Missouri, Shirts.
 Tropical Garment Mfg. Corp., Jefferson & Plymouth Streets, Tampa, Florida, Work Clothing.
 Wachusett Shirt Company, Summer and Water Streets, Leominster, Massachusetts, Shirts and Pajamas.
 Clearfield Mills, Inc., Clearfield, Pennsylvania, Shorts and Slacks.
 F. Jacobson and Sons, Inc., Kingston, New York, Shirts.

Signed at Washington, D. C., this 6th day of November 1939.

MERLE D. VINCENT,
 Chief, Hearings and
 Exemptions Section.

[F. R. Doc. 39-4107; Filed, November 6, 1939; 12:43 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective November 7, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Belmont Hosiery Company, Belmont, New Hampshire (1 learner).
 Caswell Knitting Mills, Inc., Yanceyville, North Carolina (5 learners).
 Diana Knitting Mills, Philadelphia, Pennsylvania (4 learners).
 Gouverneur Hosiery Mills, Gouverneur, New York (5 learners).
 Grenada Industries, Inc., Hoffa Street, Grenada, Mississippi.
 Marlow Hosiery Mill, Hickory, North Carolina (2 learners).
 Scott Hosiery Mills, Inc., Newtown, Pennsylvania (1 learner).
 Spinks Hosiery Mills, Dallas, Georgia (4 learners).
 Townhouse Hosiery Mills, Inc., Chilhowie, Virginia.
 Traylor Corporation, New Braunfels, Texas (5 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as

provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 6th day of November 1939.

MERLE D. VINCENT,
 Chief, Hearings and
 Exemptions Section.

[F. R. Doc. 39-4108; Filed, November 6, 1939; 12:43 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective November 7, 1939, to July 7, 1940, unless otherwise indicated opposite the employer's name, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

| Name and address of firm | Number of learners | Expiration date |
|--|--------------------|-----------------|
| Caswell Knitting Mills, Inc., Yanceyville, North Carolina. | 24 | |
| Townhouse Hosiery Mills, Inc., Chilhowie, Virginia. | 38 | Apr. 1, 1940 |

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 6th day of November 1939.

MERLE D. VINCENT,
Chief, Hearings and
Exemptions Section.

[F. R. Doc. 39-4109; Filed, November 6, 1939;
12:44 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 253]

IN THE MATTER OF THE APPLICATION OF BRANIFF AIRWAYS, INC., UNDER SECTION 405 (e) OF THE CIVIL AERONAUTICS ACT OF 1938 FOR REVIEW OF CERTAIN ACTIONS OF THE POSTMASTER GENERAL AND ITS COMPLAINT, UNDER SECTION 411 OF SAID ACT, AGAINST CERTAIN UNFAIR PRACTICES AND METHODS OF COMPETITION OF AMERICAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

Upon request of the parties, public hearing in the above-entitled proceeding, now assigned for November 15, 1939, is hereby postponed to December 6, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before an Examiner of the Authority.

Dated Washington, D. C., November 3, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-4086; Filed, November 4, 1939;
10:52 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 3rd day of November, A. D. 1939.

[File No. 32-150]

IN THE MATTER OF NATIONAL GAS & ELECTRIC CORPORATION, PUBLIC GAS & COKE COMPANY, NATIONAL UTILITIES COMPANY OF MICHIGAN, MICHIGAN FUEL AND LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

Applications and declarations pursuant to sections 6 (b), 7 and 10 and Rules U-12C-1, U-12D-1 and U-12F-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter be held on December 7, 1939, at ten 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-

¹ 4 F. R. 4289 DL.

room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice 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 December 1, 1939.

The matter concerned herewith is in regard to applications and declarations to effectuate a plan of reorganization of Public Gas & Coke Company, a registered holding company, and Michigan Fuel and Light Company, a subsidiary thereof. Under the terms of the plan the publicly held securities of these two companies would be exchanged for \$808,530 principal amount of First Lien Collateral Trust Bonds of National Gas & Electric Corporation (a registered holding company), with interest thereon from February 1, 1936; not more than 139,708.63 shares of the common stock of said company; and \$18,996 in cash; except that the holders of certain of said publicly held securities may elect to receive cash in place of common stock of National Gas & Electric Corporation.

The plan also provides for a merger of Michigan Fuel and Light Company and National Utilities Company of Michigan, a subsidiary of National Gas & Electric Corporation. National Utilities Company of Michigan would assume the first mortgage indebtedness of Michigan Fuel and Light Company in the principal amount of \$2,402,500, as well as the unsecured indebtedness of Michigan Fuel and Light Company (all of which would then be owned by National Gas & Electric Corporation). The lien on said first mortgage bonds of Michigan Fuel and Light Company would be lifted, and \$800,000 principal amount thereof would be refunded with a like principal amount of National Utilities Company of Michigan First Mortgage 5% Bonds.

The merger of National Utilities Company of Michigan and Michigan Fuel and Light Company is subject to the approval of the Public Utilities Commission of Michigan, which approval has not yet been obtained. The reorganization plan of Public Gas & Coke Company and

Michigan Fuel and Light Company in its present form has not yet been approved by the United States District Court for the Western District of Michigan, the Court in which the reorganization proceedings are pending. In the event that the Public Utilities Commission of Michigan has not approved the merger, or the District Court the plan, by December 2, 1939, the hearing will be adjourned.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4089; Filed, November 4, 1939;
12:27 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 3rd day of November, A. D. 1939.

[File No. 55-62]

IN THE MATTER OF THOS. W. DELZELL AND R. L. CLARK, INDEPENDENT TRUSTEES OF PORTLAND ELECTRIC POWER COMPANY, AND RALPH H. KING, ATTORNEY FOR SAID INDEPENDENT TRUSTEES

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter be held on November 20, 1939, at 10 o'clock in the forenoon of that day in Room 510, United States Courthouse Building, 620 S. W. Main Street, Portland, Oregon.

It is further ordered, That Day Karr 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 November 15, 1939.

The matter concerned herewith is in regard to applications filed pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935, and rule U-11F-2 promulgated thereunder, by Thos. W. Delzell, R. L. Clark, independent trustees of Portland Electric Power Company, and Ralph H. King, attorney for said independent trustees, in regard to approval of the maximum amounts

that may be paid as interim allowances to such applicants. Said Portland Electric Power Company is a registered holding company and a debtor in reorganization, pursuant to Chapter X of the Bankruptcy Act, in the United States District Court for the District of Oregon.

It is stated that Thos. W. Delzell was appointed an independent trustee of Portland Electric Power Company by said Court on May 1, 1939; that R. L. Clark was likewise appointed an independent trustee on August 2, 1939; that Ralph H. King was employed as attorney for said independent trustees on August 7, 1939, and that such employment was approved by said court on August 25, 1939; and that said applicants have so acted since.

Thos. W. Delzell requests approval of the sum of \$2,250 as an interim allowance to be paid by the debtor on account of services of applicant during the period from May 1, 1939 to and including August 1, 1939, and approval of monthly interim allowance of the sum of \$750 to be paid by the debtor for services during each calendar month commencing with August, 1939. R. L. Clark requests approval of payment by the debtor of a monthly interim allowance of the sum of \$750 for services during each calendar month commencing with the month of August, 1939. Ralph H. King requests approval of the sum of \$500 to be paid by the debtor as an interim allowance on account of services during the month of August, 1939, and approval of the sum of \$1,000 to be paid by the debtor for services during each calendar month commencing with the month of September, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4080; Filed, November 3, 1939;
1:09 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 2nd day of November, A. D. 1939.

[File No. 43-253]

IN THE MATTER OF NEPSCO APPLIANCE
FINANCE CORPORATION

ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

Nepsco Appliance Finance Corporation, a subsidiary of New England Public Service Company, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issuance to commercial banks and trust companies of declarant's unsecured promissory notes not to exceed in the aggregate \$1,200,000 outstanding at any one time:

It is ordered, That said declaration be and become effective forthwith subject, however, to the following conditions:

1. That the issue of the notes be in the manner and for the purposes represented by the declaration;

2. That, within ten days after the issuance of any such note, declarant shall file with this Commission a certificate of notification giving the name of the bank which is payee of the note, the amount and maturity of the note, the rate of interest thereon and whether there were any discounts or fees incurred in connection with such issue; and

3. That this Commission reserves jurisdiction to revoke this order (as to notes not issued prior to such revocation), after notice and opportunity for hearing to declarant, if it appears that the continued effectiveness of the declaration is detrimental to the interest of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4102; Filed, November 6, 1939;
11:22 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 2nd day of November, A. D. 1939.

[File No. 51-23]

IN THE MATTER OF SECURITIES CORPORA-
TION GENERAL

ORDER APPROVING APPLICATION

Securities Corporation General, a subsidiary of International Utilities Corporation, a registered holding company, having filed an application pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-12C-2 adopted thereunder, for approval of the declaration and payment out of capital or unearned surplus (a) of a regular quarterly dividend at the rate of \$1.75 per share on its Cumulative Preferred Stock, \$7.00 Series, and (b) of a regular quarterly dividend at the rate of \$1.50 per share on its Cumulative Preferred Stock, \$6.00 Series; and

A public hearing having been held upon said application after appropriate notice; the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

It is ordered, That said application be and hereby is approved subject to the following conditions:

(1) That the payment of the proposed dividends on the Cumulative Preferred Stock, \$7.00 Series, and on the Cumulative Preferred Stock, \$6.00 Series, shall be charged to capital surplus, and that the amount of such dividends so charged shall be restored to capital

surplus from the first available net income after December 31, 1938; and

(2) That the applicant shall, at the time such dividends are paid, notify the holders of the Cumulative Preferred Stock, \$7.00 Series, and the holders of the Cumulative Preferred Stock, \$6.00 Series, respectively, that the dividend payment is made subject to the above condition; and

(3) That the applicant within ten days after the payment of such dividends, file with the Commission a certificate of notification showing that such dividends were declared and paid in accordance with the terms and conditions and for the purposes represented by said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4103; Filed, November 6, 1939;
11:22 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 4th day of November, A. D. 1939.

[File No. 31-466]

IN THE MATTER OF UNITED UTILITIES,
INCORPORATED

NOTICE OF AND ORDER FOR HEARING

An application pursuant to sections 3 (a) (1), 3 (a) (2), 3 (a) (3), 3 (a) (4) 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 November 29, 1939, at ten 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 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 November 24, 1939.

The matter concerned herewith is in regard to an application by United Utilities, Incorporated, pursuant to Sections 3 (a) (1), 3 (a) (2), 3 (a) (3) and 3 (a) (4) of the Public Utility Holding Company Act of 1935, for an order exempting it and each and all of its subsidiaries as such, from the provisions of that Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4101; Filed, November 6, 1939;
11:22 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 4th day of November, A. D. 1939.

[File No. 32-184]

IN THE MATTER OF CALIFORNIA PUBLIC
SERVICE COMPANY, PEOPLES LIGHT AND
POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration and applications pursuant to sections 6 (b), 7, and 10 of the Public Utility Holding Company Act of 1935, having been duly filed with this

Commission by the above-named parties;

It is ordered. That a hearing on such matter be held on November 20, 1939, 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 Charles S. Moore 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 November 15, 1939.

The matter concerned herewith is in regard to the proposed issuance and sale by California Public Service Company, a

wholly-owned subsidiary of Peoples Light and Power Company, a registered holding company, of \$500,000 principal amount of the First Mortgage Bonds, Series B, 4¼%, due 1964 of the California Public Service Company; the proceeds from said sale will be used for the retirement of \$400,000 principal amount of said company's First Mortgage Bonds, Series A, 5%, due 1961, the partial payment of an open account indebtedness owing to the Peoples Light and Power Company in the amount of \$113,000, and the balance for construction purposes; the proposed reclassification of the authorized Capital Stock of California Public Service Company into an authorized issue of 16,480 shares of \$25 par value common stock all of which will be issued to Peoples Light and Power Company in consideration of the stock presently owned by it, payment of the balance of the open account indebtedness and as payment of a \$50,000 stock dividend; the proposed pledge of all of said stock under the Indenture securing the Collateral Lien Bonds, Series A, due 1961, of Peoples Light and Power Company; the proposed deposit with the Trustee under said Indenture by Peoples Light and Power Company of \$400,000 for the purpose of retiring outstanding bonds on tenders or in the open market in accordance with the terms of said Indenture.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4111; Filed, November 6, 1939;
12:48 p. m.]

