FEDERAL REGISTER

VOLUME 4 NUMBER 229

Washington, Tuesday, November 28, 1939

The President

EXECUTIVE ORDER

MAKING CERTAIN CHANGES IN THE FIELD ORGANIZATION OF THE CUSTOMS SERVICE IN THE STATE OF TEXAS

By virtue of the authority vested in me by section 1 of the act of August 1, 1914, 38 Stat. 609, 623 (U.S.C., title 19, sec. 2), it is ordered that the following changes be, and they are hereby, made in the field organization of the customs service in the State of Texas:

1. The headquarters of Customs Collection District No. 23 (San Antonio) are transferred from San Antonio, Texas, to Laredo, Texas.

2. The name of Customs Collection District No. 23 (San Antonio) is changed to "Laredo Customs Collection District."

3. The city of San Antonio, Texas, is retained as a customs port of entry in Customs Collection District No. 23 (Laredo).

4. The designation of Fort Worth, Texas, as a customs port of entry in Customs Collection District No. 23 is revoked.

5. Those portions of the Counties of Dallas, Aransas, and Refugio, State of Texas, lying west of 97° west longitude, and the Counties of Tarrant, San Patricio, and Nueces, State of Texas (including the customs port of entry of Corpus Christi, Texas, in the County of Nueces), are transferred from Customs Collection District No. 23 to Customs Collection District No. 22 (Galveston).

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

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 22, 1939.

[No. 8288]

[F. R. Doc. 39-4353; Filed, November 24, 1939; 1:33 p. m.]

EXECUTIVE ORDER

ESTABLISHING THE BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE—NEW MEXICO

By virtue of the authority vested in me as President of the United States and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the public lands, together with the lands acquired or to be acquired by the United States, in the following-described areas, comprising approximately 60,267 acres, in Socorro County, New Mexico, be, and they are hereby, reserved and set apart, subject to valid, existing rights, for the use of the Department of the Interior as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, that any private lands within the areas described shall become a part of the refuge hereby established upon the acquisition of title thereto or control thereof by the United States:

New Mexico Principal Meridian

All that part of T. 6 S., R. 1 W., unsurveyed, lying on the northwest side of the Bosque del Apache Grant between the boundaries of the Bosque del Apache Grant No. 35 and the Pedro Armendaris Grant No. 34;

All the Bosque del Apache Grant No. 35 lying in Tps. 5, 6, and 7 S., Rs. 1 W. and 1 E., and Tps. 5 and 6 S., R. 2 E.

This reservation shall be known as the Bosque del Apache National Wildlife Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 22, 1939.

[No. 8289]

[F. R. Doc. 39-4352; Filed, November 24, 1939; 1:33 p. m.]

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FEDERAL REGISTER

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[F.C.A. 151]

FEDERAL LAND BANK OF OMAHA

APPLICATION FEES

Section 28.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 28.1 *Application fees*—(a) *Appraisal fees; to accompany loan applications.* An appraisal fee of $10.00 will be charged where the amount applied for is $5,000 or less, regardless of acreage. Where the amount applied for exceeds $5,000 the appraisal fee will be as follows:

Security:	*Appraisal Fee*
1,920 acres or less	$10.00
Over 1,920 acres but not in excess of 6,400 acres	20.00
Over 6,400 acres but not in excess of 10,000 acres	30.00
Over 10,000 acres	40.00

(b) *Nonresident applicants.* In addition to the appraisal fee, a fee of $7.50 will be charged for each applicant who resides outside of, or has recently removed to, the Eighth Farm Credit District. This fee will be required to accompany the application.

(c) *Reappraisal.* A fee of $10.00 will be charged for each reappraisal at the request of the applicant, regardless of the amount applied for or the extent of the security. This fee is payable before the reappraisal will be made.

(Sec. 13 "Ninth", 39 Stat. 372, 12 U.S.C. 781 "Ninth"; Sec. 32, 48 Stat. 48, as amended, 12 U.S.C. 1016 (e); Sec. 33, 48 Stat. 49, as amended, 12 U.S.C. 1017; 6 CFR 13.4019)

(Res. Bd. Dir. September 20, 1939; Res. Bd. Dir. August 21, 1935; Res. Ex. Com. July 19, 1934)

[SEAL] THE FEDERAL LAND BANK OF OMAHA,
By CHAS. MCCUMSEY,
President.

[F. R. Doc. 39-4379; Filed, November 27, 1939; 11:59 a. m.]

[F.C.A. 152]

FEDERAL LAND BANK OF OMAHA

PARTIAL RELEASE OF SECURITY FEES

Section 28.3 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 28.3 *Partial release of security fees.* A fee of $10.00 will be charged on each application for partial release where an appraisal is required by the bank. Where an appraisal is not required by the bank, a fee of $2.50 will be charged. Fees need not be submitted with partial release applications.

(Sec. 13 "Ninth", 39 Stat. 372, 12 U.S.C. 781 "Ninth"; Sec. 32, 48 Stat. 48, as amended, 12 U.S.C. 1016; Sec. 1, 48 Stat. 344, 12 U.S.C. 1020; Sec. 2, 48 Stat. 345, 12 U.S.C. 1020a)

(Res. Bd. Dir. September 20, 1939)

[SEAL] THE FEDERAL LAND BANK OF OMAHA,
By CHAS. MCCUMSEY,
President.

[F. R. Doc. 39-4380; Filed, November 27, 1939; 11:59 a. m.]

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

ORDER DESIGNATING SOLICITOR TO PERFORM CERTAIN DUTIES SPECIFIED IN GENERAL REGULATIONS, AGRICULTURAL ADJUSTMENT ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE

Pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agri-

cultural Marketing Agreement Act of 1937, and in accordance with the regulations heretofore issued and promulgated thereunder by the Secretary, with the approval of the President of the United States, I, Henry A. Wallace, Secretary of Agriculture of the United States, hereby designate and authorize the Solicitor of the Department of Agriculture to perform the following acts:

1. To inform, in the manner prescribed by General Regulations, Series D, No. 1, Article II, Section 202, any handler of the insufficiency of any petition filed by him;

2. To propound written interrogatories to any handler filing a petition, and to cause service of such interrogatories to be made on such handler, all in the manner prescribed by General Regulations, Series D, No. 1, Article II, Section 203;

3. To issue citations and to cause service thereof to be made in the manner prescribed by General Regulations, Series E, No. 1, Article II, Sections 200 and 201;

4. To consolidate hearings on petitions in the manner prescribed by General Regulations, Series D, No. 1, Article III, Section 309;

5. To extend, in his discretion, upon application by any handler, the time within which such handler may file his answer to a citation in the manner prescribed by General Regulations, Series E, No. 1, Article II, Section 203;

6. To appoint the time and designate the place of hearing on any petition or citation, to cause written notice thereof to be served, and to give notice of hearing amending or superseding any prior notice thereof, all in the manner prescribed by General Regulations, Series D, No. 1, Article III, Sections 300 and 304, and General Regulations, Series E, No. 1, Article II, Sections 206 and 207;

7. To allow, in his discretion, upon application by any handler, amendments to any petition, answers to interrogatories or answer to citation filed by such handler, and to make amendments to citations and written interrogatories, all in the manner prescribed by General Regulations, Series D, No. 1, Article III, Section 311, and General Regulations, Series E, No. 1, Article II, Section 212; and

8. To reopen, in his discretion, on his own motion or upon application by any handler, any hearing, on petition or citation, for the purpose of taking additional evidence in the manner prescribed by General Regulations, Series D, No. 1, Article III, Section 312, and General Regulations, Series E, No. 1, Article II, Section 213.

The term "petition", as used in this order, means any petition purporting to be filed by any handler pursuant to section 8c (15) (A) of the act and to General Regulations, Series D, No. 1, Agricultural Adjustment Administration, United States Department of Agriculture. The term "citation", as used herein, means any citation issued pursuant to section 8a (7) of the act and to the General Regulations, Series E, No. 1, Agricultural Adjustment Administration, United States Department of Agriculture.

The Solicitor shall indicate, in connection with any act done by him pursuant to this authorization, that such act is performed by direction of the Secretary.

Done at Washington, D. C., this 25th 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. 39-4366; Filed, November 25, 1939; 12:10 p. m.]

[Cotton 331]

PART 722—1939 COUNTY NORMAL COTTON YIELDS

Pursuant to the authority vested in the Secretary of Agriculture under the Agricultural Adjustment Act of 1938, as amended, I, H. A. Wallace, hereby establish the following county normal yields of lint cotton per acre in accordance with the provisions of Section 301, subsection (b), paragraphs (13) (B) and (C) of said Act, for the purposes of the cotton marketing quota provisions (Part IV, Subtitle B, Title III) of said Act applicable with respect to the marketing year beginning August 1, 1939:

§ 722.104 *1939 county normal cotton yields.*

County—1939 normal yield of lint cotton per acre in pounds

ALABAMA

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VIRGINIA

Amelia, 270; Brunswick, 257; Charlotte, 260; Chesterfield, 259; Dinwiddie, 266; Fluvanna, 248; Greensville, 301; Halifax, 271; Isle of Wight, 289; Lunenburg, 279; Mecklenburg, 260; Nansemond, 330; New Kent, 288; Norfolk, 311; Nottoway, 273; Pittsylvania, 242; Prince Edward, 240; Prince George, 252; Princess Anne, 320; Southampton, 311; Surry, 282; and Sussex, 262.

Done at Washington, D. C., this 25th 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. 39-4365; Filed, November 25, 1939; 12:10 p. m.]

[ACP-1940-1]

PART 701—1940 AGRICULTURAL CONSERVATION PROGRAM

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, the 1940 Agricultural

Conservation Program[1] is amended as follows:

(1) Subparagraphs (1), (10), and (11) of paragraph (a), section 701.101, are amended to read as follows:

"(1) *National goal.* The 1940 national goal for corn is 88,000,000 to 90,000,000 acres.

"(10) *Payment.* 10 cents per bushel of the normal yield of corn for the farm for each acre in the corn acreage allotment.

"(11) *Deduction.* (i) (Farms in the commercial corn area, except non-corn-allotment farms) 50 cents per bushel of the normal yield for the farm for each acre planted to corn in excess of the corn acreage allotment.

"(ii) (Non-corn-allotment farms in the commercial corn area) 50 cents per bushel of the normal yield for the farm for each acre planted to corn in excess of 10 acres.

"(iii) (Farms in Area C for which a payment is computed with respect to a potato, tobacco, or wheat acreage allotment) $10.00 per acre for each acre of corn harvested for grain in excess of the larger of the usual acreage of corn for grain determined for the farm or 10 acres."

(2) Subparagraphs (1), (7), and (8) of paragraph (b), section 701.101, are amended to read as follows:

"(1) *National goal.* The 1940 national goal for cotton is 27,000,000 to 29,000,000 acres.

"(7) *Payment.* 1.6 cents per pound of the normal yield of cotton for the farm for each acre in its cotton acreage allotment.

"(8) *Deduction.* 4 cents per pound of the normal yield of cotton for the farm for each acre planted to cotton in excess of its cotton acreage allotment."

(3) Subparagraphs (1), (8), and (9) of paragraph (c), section 701.101, are amended to read as follows:

"(1) *National goal.* The 1940 national goal for peanuts is 1,550,000 to 1,600,000 acres.

"(8) *Payment.* $2.50 per ton of the normal yield of peanuts for the farm for each acre in its peanut acreage allotment.

"(9) *Deduction.* (For farms in commercial peanut area) $30.00 per ton of the normal yield for the farm for each acre of peanuts for market in excess of its peanut acreage allotment."

(4) Subparagraphs (1), (7), and (8) of paragraph (d), section 701.101, are amended to read as follows:

"(1) The 1940 national goal for potatoes is 3,100,000 to 3,300,000 acres.

"(7) *Payment.* 3 cents per bushel of the normal yield of potatoes for the farm for each acre in its potato allotment.

"(8) *Deduction.* (Farms in the commercial potato area) 30 cents per bushel of the normal yield for the farm for each acre planted to potatoes in excess of the larger of its potato acreage allotment or three acres, or, on farms for which no allotment is determined, in areas designated by the Agricultural Adjustment Administration where more than three acres of potatoes are grown for home use on a substantial number of farms, for each acre planted to potatoes for market in excess of three acres."

(5) Subparagraphs (1), (5), and (6) of paragraph (e), section 701.101, are amended to read as follows:

"(1) The 1940 national goal for rice is 880,000 to 900,000 acres.

"(5) *Payment.* 6.5 cents per 100 pounds of the normal yield per acre of rice for the farm for each acre in its rice acreage allotment.

"(6) *Deduction.* 65 cents per 100 pounds of the normal yield for the farm for each acre planted to rice in excess of its rice acreage allotment."

(6) Subparagraphs (1), (5), and (6) of paragraph (f), section 701.101, are amended to read as follows:

"(1) *National goal.* The 1940 national goal for

Burley tobacco in 360,000 to 370,000 acres;

Flue-cured tobacco is 730,000 to 770,000 acres;

Fire-cured and dark air-cured tobacco is 155,000 to 165,000 acres;

Cigar filler and binder tobacco Type 41 is 30,000 to 31,000 acres;

Cigar filler and binder tobacco (other than Types 41 and 45) is 60,000 to 63,000 acres;

Georgia-Florida Type 62 tobacco is 2,500 to 3,000 acres.

"(5) *Payment.* The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in its tobacco acreage allotment for each of the following kinds of tobacco:

	Cents
Burley	1
Flue-cured	1
Fire-cured and dark air-cured	1.2
Cigar filler and binder Type 41	.6
Cigar filler and binder (except Types 41 and 45)	1
Georgia-Florida Type 62	1.2

"(6) *Deduction.* 8 cents per pound of the normal yield for the farm for each acre of tobacco harvested in excess of the applicable tobacco acreage allotment."

(7) Subparagraphs (3) and (4) of paragraph (g), section 701.101, are amended to read as follows:

"(3) *Commercial vegetables* means the acreage of annual vegetables or truck crops (including potatoes not in the commercial potato area, sweet potatoes other than for starch, tomatoes, sweet corn, cantaloupes, annual strawberries, commercial bulbs and flowers, but excluding peas for canning or freezing, and sweet corn for canning) of which the larger portion of the production is sold to persons not living on the farm: *Provided,* That in the Northeast Region perennial vegetables shall also be included: *And Provided further,* That in any county designated by the State committee, with the approval of the Agricultural Adjustment Administration, as a county in which substantially all tomatoes, cabbages, hot peppers, or pimientos grown are produced for canning and it is administratively practicable to distinguish between such crops for canning and for other purposes, tomatoes, cabbages, hot peppers, or pimientos, for canning shall not be classified as commercial vegetables.

"(4) *Payment.* $1.50 for each acre in the commercial vegetable acreage allotment determined for the farm."

(8) Subparagraphs (9) and (10) of paragraph (h), section 701.101, are amended to read as follows:

"(9) *Payment.* (Wheat allotment farms) 9 cents per bushel of the normal yield of wheat for the farm for each acre in its wheat acreage allotment.

"(10) *Deduction.* (i) (Wheat allotment farms) 50 cents per bushel of the normal yield for the farm for each acre planted to wheat in excess of its wheat acreage allotment.

"(ii) (Non-wheat-allotment farms) 50 cents per bushel of the normal yield for the farm for each acre of wheat harvested for grain or for any other purpose after reaching maturity in excess of its wheat acreage allotment or 10 acres, whichever is larger, in Area A, and in excess of the usual acreage of wheat for the farm or 10 acres, whichever is larger, in Area B and in Area C."

(9) Subparagraphs (1), (8), and (9) of paragraph (i), section 701.101, are amended to read as follows:

"(1) *National goal.* The 1940 national goal for total soil-depleting crops is 270,000,000 to 285,000,000 acres.

"(8) *Payment.* (Farms in Area A, except nongeneral-allotment farms) $1.10 per acre, adjusted for the productivity of the farm, for each acre in the total soil-depleting acreage allotment determined for the farm in excess of the sum of (i) the special crop acreage allotments with respect to which a payment is computed for the farm and (ii) the acreage of sugar beets planted for harvest in 1940 for the extraction of sugar.

"(9) *Deductions.* (i) (Farms in Area A, except non-general-allotment farms) $8.00 per acre, adjusted for the productivity of the farm, for each acre of the soil-depleting acreage in excess of the total soil-depleting acreage allotment determined for the farm plus the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section 701.101.

"(ii) (Non-general-allotment farms in Area A) $8.00 per acre, adjusted for the productivity of the farm, for each acre

[1] 4 F.R. 3867 DI.

of the soil-depleting acreage in excess of the sum of (1) 20 acres, (2) the cotton acreage allotment determined for the farm, and (3) the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section 701.101.

"(iii) (Farms in Area B for which a total soil-depleting acreage allotment is determined) $5.00 for each acre classified as soil-depleting in excess of the larger of (1) the total soil-depleting acreage allotment determined for the farm plus the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section 701.101, or (2) 20 acres plus the acreages on which cotton is planted or tobacco is harvested."

(10) Paragraph (k), section 701.101, is amended to read as follows:

"(K) MISCELLANEOUS

"(1) *Deduction for failure to prevent wind or water erosion.* $1.00 for each acre of land in an area designated by the Agricultural Adjustment Administration as subject to serious wind or water erosion hazards, with respect to which there are not adopted in 1940 methods recommended by the county committee and approved by the State committee for the prevention of wind or water erosion or both: *Provided,* That in counties designated by the Agricultural Adjustment Administration upon recommendation of the State committee the rate shall be 25 cents per acre for each time wind-erosion-control methods recommended by the county committee are not carried out in 1940 by the date specified by the committee.

"(2) *Deduction for breaking out native sod.* $3.00 for each acre of native sod or any other land on which a permanent vegetative cover has been established, broken out in any area designated by the Agricultural Adjustment Administration as an area subject to serious wind erosion or as an area containing large acreages unsuited to continuing production of cultivated crops, during the 1940 program year, less the acreage broken out with the approval of the county committee as a good farming practice for which an acreage of cropland other than restoration land is restored to permanent vegetative cover."

(11) The introductory sentence and subparagraphs (1), (2), (3) subdivision (i), (4), (5), and (6) of paragraph (d), section 701.102, are amended to read as follows:

"(d) *Payments.* The payments in connection with soil-building practices shall be the sum of the following: *Provided,* That for any farm with respect to which the sum of the maximum payments computed under section 701.101 and subparagraphs 1 to 7, inclusive, of this paragraph (d) is less than $20, the amount determined under this paragraph (d) shall be increased by the amount of the difference;

"(1) 55 cents per acre of cropland in the farm in excess of the total soil-depleting acreage allotment for the farm (applicable only to farms in Area A);

"(2) $2.00 per acre of commercial orchards and perennial vegetables on the farm January 1, 1940, except that in the Southern Region (where the commercial orchard and perennial vegetable acreage is not excluded from the acreage of cropland) the rate shall be $1.50 per acre;

"(3) (i) 2 cents per acre of noncrop open pasture land in the farm, plus $1.00 for each animal unit of grazing capacity (on a 12-month basis) of such pasture, in the North Central Region, Kansas, California, Oklahoma, and Texas: *Provided,* That for any county or group of counties where the grazing capacity of the noncrop open pasture land is reasonably uniform such payment may, upon approval of the Agricultural Adjustment Administration, be computed at a flat rate per acre of noncrop open pasture land, such rate to be not greater than the average amount of payment per acre of noncrop pasture land determined for such county or group of counties on the basis of the foregoing rate: *Provided further,* That the amounts computed under this subdivision shall not be less than 10 cents times the number of such acres or 640 acres, whichever is smaller; provided that in States or areas where the range conservation program is applicable and is not combined with the Agricultural Conservation Program all noncrop open pasture land shall be classified as range land upon recommendation of the State committee and approval of the Agricultural Adjustment Administration: *And Provided further,* That such payment may be computed at a flat rate for each farm in any county, which rate shall be determined for the farm by the county committee on the basis of the above rates; * * *

"(4) 70 cents per acre of cropland in excess of the sum of (1) the special crop acreage allotments with respect to which a payment is computed other than a commercial vegetable acreage allotment and (2) the acreage of sugar beets planted for harvest in 1940 for the extraction of sugar and sugarcane grown for harvest in 1940 for the extraction of sugar (applicable only to farms in Area B and Area C);

"(5) 70 cents for each acre in the commercial vegetable acreage allotment for the farm (applicable only to farms in the commercial vegetable area in Area A);

"(6) $1.10 per acre, adjusted for the productivity of the farm, for each acre in the total soil-depleting acreage allotment for the farm in excess of the sum of (1) the special crop acreage allotment with respect to which a payment is computed for the farm and (2) the acreage of sugar beets planted for harvest in 1940 for the extraction of sugar (applicable only to non-general-allotment farms in Area A)."

(12) Subparagraphs (6), (8), (9), (12), (14), (17), (18), and (46) of paragraph (g), section 701.102 are amended to read as follows:

"(6) Seeding alfalfa, 1 unit per acre.

"(8) Seeding annual lespedeza, annual ryegrass, annual sweet clover, biennial legumes, perennial legumes, perennial grasses (other than timothy or redtop), or mixtures (other than a mixture consisting solely of timothy and redtop) containing biennial legumes, perennial legumes, or perennial grasses (except any of such crops qualifying at higher rate of credit under any other practice listed in this paragraph (g), ½ unit per acre.

"(9) (a) Seeding winter legumes, 1 unit per acre.

"(b) Seeding lespedeza in the Southern Region, ⅔ unit per acre.

"(12) Seeding timothy or redtop or a mixture consisting solely of timothy and redtop, ¼ unit per acre.

"(14) Natural reseeding of noncrop open pasture by nongrazing during the normal pasture season on an acreage equal to two-thirds of the number of acres of such pasture required to carry one animal unit for a 12-month period, 1 unit.

"(17) Green manure crops of which a good stand and good growth is plowed or disced under on land not subject to erosion or if subject to erosion such crop is followed by a winter cover crop. Cover crops of which a good stand and good growth is left on land subject to erosion or in orchards or on commercial vegetable or potato land or on such other land as is designated by the Agricultural Adjustment Administration. Green manure crops and cover crops shall not include (1) lespedeza, (2) any crop for which credit is given in 1940 under any other practice, (3) wheat on non-irrigated land except in humid areas designated by the Agricultural Adjustment Administration, (4) any crop from which seed is harvested by mechanical means, and (5) such other crops as may be determined by the Agricultural Adjustment Administration as not qualifiable for any area.

"Summer non-legumes, except in orchards or on commercial vegetable or potato land, ½ unit per acre.

"Other green manure and cover crops, 1 unit per acre.

"(18) Summer legumes not classified as soil-depleting (interplanted or grown in combination with soil-depleting crops) of which a good stand and good growth is obtained and the forage is not harvested or seed removed by mechanical means, ¼ unit per acre.

"(46) Renovation of perennial grasses or perennial legumes or mixtures of perennial grasses and perennial legumes, ½ unit per acre."

(13) The first sentence of subparagraph (5) of paragraph (i), section 701.-101 is amended to read as follows:

"(5) *Productivity indexes.* The Secretary will establish for each county or portion of a county in Area A a county productivity index or per-acre rate of payment and deduction."

(14) Subparagraph (5) of paragraph (e), section 701.114, is amended to read as follows:

"(5) *Commercial orchards and perennial vegetables* means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards and excluding perennial vegetables in the Northeast Region), from which the major portion of the production is normally sold."

Done at Washington, D. C., this 25th day of November 1939. Witness the seal of the Department of Agriculture.

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

[F. R. Doc. 39-4367; Filed, November 25, 1939; 12:11 p. m.]

SUBCHAPTER B—COMMODITY MARKETING QUOTAS

PART 721—CORN

By the Secretary of Agriculture of the United States of America

A Proclamation

Whereas section 328 of the Agricultural Adjustment Act of 1938, as amended, provides in part as follows:

The acreage allotment of corn for any calendar year shall be that acreage in the commercial corn-producing area which, on the basis of the average yield for corn in such area during the ten calendar years immediately preceding such calendar year, adjusted for abnormal weather conditions and trends in yield, will produce an amount of corn in such area which the Secretary determines will, together with corn produced in the United States outside the commercial corn-producing areas, make available a supply for the marketing year beginning in such calendar year, equal to the reserve supply level. The Secretary shall proclaim such acreage allotment not later than February 1 of the calendar year for which such acreage allotment was determined. * * *

and

Whereas Subsection (c) of Section 301 of said Act provides as follows:

The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this Act.

Now, therefore, be it known that I, H. A. Wallace, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby ascertain, determine, and proclaim under Section 328 of said Act:

§ 721.202 *Corn acreage allotment for the Commercial corn-producing area for 1940.* That the acreage allotment of corn for the commercial corn-producing area for the calendar year 1940 shall be 36,638,000 acres. (52 Stat. 52.202.)

Done at Washington, D. C., this 25th 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. 39-4374; Filed, November 27, 1939; 11:26 a. m.]

SUBCHAPTER B—COMMODITY MARKETING QUOTAS

PART 721—CORN

By the Secretary of Agriculture of the United States of America

A Proclamation

Whereas Sec. 327 of the Agricultural Adjustment Act of 1938, as amended, provides in part as follows:

Not later than February 1, the Secretary shall ascertain and proclaim the commercial corn-producing area.

And whereas subsection (b) of Sec. 301 of said act provides in part as follows:

(4) (A) "Commercial corn-producing area" shall include all counties in which the average production of corn (excluding corn used as silage) during the ten calendar years immediately preceding the calendar year for which such area is determined, after adjustment for abnormal weather conditions, is four hundred and fifty bushels or more per farm and four bushels or more for each acre of farm land in the county.

(B) Whenever prior to February 1 of any calendar year the Secretary has reason to believe that any county which is not included in the commercial corn-producing area determined pursuant to the provisions of subparagraph (A), but which borders upon one of the counties in such area, or that any minor civil division in a county bordering on such area, is producing (excluding corn used for silage) an average of at least four hundred and fifty bushels of corn per farm and an average of at least four bushels for each acre of farm land in the county or in the minor civil division, as the case may be, he shall cause immediate investigation to be made to determine such fact. If, upon the basis of such investigation, the Secretary finds that such county or minor civil division is likely to produce corn in such average amounts during such calendar year, he shall proclaim such determination, and, commencing with such calendar year, such county shall be included in the commercial corn-producing area.

And whereas subsection (c) of Sec. 301 of said Act provides:

The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this Act.

And whereas the Secretary of Agriculture, having had reason to believe that certain counties bordering on the commercial corn-producing area as determined under subparagraph (A) of Sec. 301 (b) (4) of said Act, and that certain minor civil divisions in certain counties bordering on such area are producing (excluding corn used for silage) an average of at least 450 bushels of corn per farm and an average of at least 4 bushels for each acre of farm land in the county or in the minor civil division, as the case may be, has caused reasonable investigation to be made to determine such facts with respect to such counties and minor civil divisions and to determine which, if any, of such counties or minor civil divisions are likely to produce corn in such average amounts during the calendar year 1940;

Now, therefore, be it known that I, H. A. Wallace, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as Amended, upon the basis of such investigation and the latest available statistics of the Federal Government, do hereby ascertain, determine, and proclaim under Sections 301 and 327 of said Act:

§ 721.201 *Commercial corn-producing area for the year 1940.* That the commercial corn-producing area for the year 1940 embraces the following counties of the States specified, the counties listed under the heading "A" being the counties determined pursuant to subparagraph (A), and the counties listed under the heading "B" being the counties determined pursuant to subparagraph (B), of Section 301 (b) (4) of said Act: [1]

ILLINOIS

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Adams, Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, DeKalb, DeWitt, Douglas, DuPage, Edgar, Edwards, Effingham, Fayette, Ford, Fulton, Gallatin, Greene, Grundy, Hancock, Henderson, Henry, Iroquois, Jackson, Jasper, Jersey, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lawrence, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Macoupin, Madison, Marshall, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Piatt, Pike, Pulaski, Putnam, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Vermilion, Wabash, Warren, White, Whiteside, Will, Winnebago, and Woodford.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Cook, Hamilton, Hardin, Johnson, Marion, Perry, Pope, Randolph, Union, Washington, and Wayne.

INDIANA

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Adams, Allen, Bartholomew, Benton, Blackford, Boone, Carroll, Cass, Clay, Clinton, Daviess, Decatur, DeKalb, Delaware, Dubois, Fayette, Fountain,

[1] Agricultural Adjustment Act of 1938, as Amended.

Franklin, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Johnson, Knox, Kosciusko, Lagrange, Lake, LaPorte, Madison, Marion, Marshall, Miami, Montgomery, Morgan, Newton, Noble, Parke, Porter, Posey, Pulaski, Putnam, Randolph, Rush, Saint Joseph, Shelby, Spencer, Starke, Steuben, Sullivan, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warren, Wayne, Wells, White, and Whitley.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Dearborn, Elkhart, Jennings, Lawrence, Martin, Monroe, Orange, Owen, Pike, Ripley, Scott, Warrick, and Washington.

IOWA

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Adair, Adams, Allamakee, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Woodbury, Worth, and Wright.

B. *County included in commercial corn area under paragraph 4 (B), section 301 (b).* Appanoose.

MICHIGAN

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Lenawee, Monroe, and St. Joseph.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Berrien, Branch, Calhoun, Cass, Hillsdale, Jackson, Kalamazoo, Washtenaw, and Wayne.

MINNESOTA

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Blue Earth, Brown, Carver, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Jackson, Kandiyohi, Lac Qui Parle, Le Sueur, Lincoln, Lyon, McLeod, Martin, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Redwood, Renville, Rice, Rock, Scott, Sibley, Steele, Stevens, Swift, Waseca, Watonwan, and Yellow Medicine.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Big Stone, Goodhue, Grant, Hennepin, Houston, Pope, Stearns, Traverse, Wabasha, Washington, Winona, and Wright.

MISSOURI

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Andrew, Atchison, Audrain, Buchanan, Caldwell, Carroll, Cass, Charlton, Clay, Clinton, Daviess, DeKalb, Dunklin, Gentry, Grundy, Harrison, Holt, Lafayette, Livingston, Marion, Mississippi, Monroe, New Madrid, Nodaway, Pettis, Pike, Platte, Ralls, Ray, St. Charles, Saline, Scott, Shelby, and Worth.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Adair, Bates, Benton, Boone, Callaway, Cape Girardeau, Clark, Cooper, Henry, Howard, Jackson, Johnson, Knox, Lewis, Lincoln, Linn, Macon, Mercer, Moniteau, Montgomery, Pemiscot, Perry, Putnam, Randolph, Saint Clair, Schuyler, Scotland, Stoddard, and Vernon.

NEBRASKA

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Adams, Antelope, Boone, Buffalo, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Dawson, Dixon, Dodge, Douglas, Fillmore, Franklin, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Howard, Jefferson, Johnson, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, and York.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Chase, Custer, Frontier, Hayes, Hitchcock, Kearney, Lincoln, Redwillow, and Sherman.

OHIO

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Allen, Auglaize, Butler, Champaign, Clark, Clinton, Crawford, Darke, Defiance, Delaware, Fairfield, Fayette, Franklin, Fulton, Greene, Hancock, Hardin, Henry, Highland, Huron, Knox, Licking, Logan, Madison, Marion, Mercer, Miami, Montgomery, Morrow, Paulding, Pickaway, Pike, Preble, Putnam, Ross, Sandusky, Seneca, Shelby, Union, Van Wert, Warren, Wayne, Williams, Wood, and Wyandot.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Adams, Ashland, Brown, Clermont, Coshocton, Erie, Hamilton, Holmes, Jackson, Lorain, Lucas, Medina, Muskingum, Ottawa, Perry, Richland, Scioto, and Stark.

SOUTH DAKOTA

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Bon Homme, Brookings, Clay, Lake, Lincoln, McCook, Minnehaha, Moody, Turner, Union, and Yankton.

B. *Counties included in commercial corn area under paragraph 4 (B), Section 301 (b).* Deuel, Grant, Hamlin, Hanson, Hutchinson, Kingsbury, and Roberts.

WISCONSIN

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Dane, Grant, Green, Lafayette, and Rock.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Columbia, Crawford, Iowa, Jefferson, Richland, Sauk, and Walworth.

KANSAS

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Atchison, Brown, Doniphan, Jackson, Jefferson, Marshall, Nemaha, Norton, Phillips, and Republic.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Anderson, Coffey, Douglas, Franklin, Jewell, Johnson, Leavenworth, Linn, Miami, Osage, Pottawatamie, Riley, Shawnee, Smith, and Washington.

KENTUCKY

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Fulton, Henderson, Hickman, and Union.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Ballard, Carlisle, Crittendon, Daviess, Hancock, Livingston, McLean, and Webster.

(52 Stat. 31.)

Done at Washington, D. C. this 25th day of November 1939. Witness my hand and seal of the Department of Agriculture.

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

[F. R. Doc. 39-4375; Filed, November 27, 1939; 11:26 a. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3190]

IN THE MATTER OF SUPERIOR TEXTILE MILLS

§ 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer—Manufacturer:* § 3.96 (b) (5) *Using misleading name—Vendor—Producer or laboratory status of dealer.* Representing, in connection with offer, etc., in commerce, of fabrics or wearing apparel, through the use of the

word "Mills" in respondent's trade name, or of the terms "direct from mills to wearer", or any words or terms of similar import or meaning, or through any other means or device, or in any manner, that said respondent is the manufacturer of the products sold by him, unless and until such respondent actually owns and operates or directly and absolutely controls the manufacturing plant wherein said products are manufactured by him, 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, Superior Textile Mills, Docket 3190, November 15, 1939]

§ 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods.* Representing, in connection with offer, etc., in commerce, of fabrics or wearing apparel, that any article regularly included in a combination offer with other articles is "free", or that the sale thereof constitutes a "free merchandise sale", or representing, designating or describing any article or articles delivered to purchasers of other articles as "free" until and unless the conditions under which such article or articles are delivered to such purchasers are stated in immediate connection or conjunction with the term "free" in words, letters and figures of equal conspicuousness and there is no deception as to the price, quality, character or any other feature of any of the items in the offer, 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, Superior Textile Mills, Docket 3190, November 15, 1939]

§ 3.6 (a) (10.5) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—History.* Representing, in connection with offer, etc., in commerce, of fabrics or wearing apparel, that respondent's business was established in 1905, or at any time other than the date of its actual establishment, 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, Superior Textile Mills, Docket 3190, November 15, 1939]

§ 3.6 (dd) *Advertising falsely or misleadingly—Special offers:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers.* Representing, in connection with offer, etc., in commerce, of fabrics or wearing apparel, that any offer of merchandise is limited as to time or otherwise unless such offer is in fact so limited, 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, Superior Textile Mills, Docket 3190, November 15, 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 15th day of November, A. D. 1939.

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

IN THE MATTER OF ABRAHAM STARR, AN INDIVIDUAL TRADING AS SUPERIOR TEXTILE MILLS

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission, upon complaint of the Commission, the answer of the respondent, testimony and other evidence taken before Edward E. Reardon, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint, and in opposition thereto, brief filed herein by S. Brogdyne Teu, II, counsel for the Commission (the respondent having filed no brief and not having requested oral argument) and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Abraham Starr, individually and trading as Superior Textile Mills, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of fabrics or wearing apparel in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, through the use of the word "Mills" in respondent's trade name or of the term "direct from mills to wearer", or any words or terms of similar import or meaning, or through any other means or device, or in any manner that said respondent is the manufacturer of the products sold by him unless and until such respondent actually owns and operates or directly and absolutely controls the manufacturing plant wherein said products are manufactured by him;

2. Representing that any article regularly included in a combination offer with other articles is "free" or that the sale thereof constitutes a "free merchandise sale";

3. Representing, designating or describing any article or articles delivered to purchasers of other articles as "free" until and unless the conditions under which such article or articles are delivered to such purchasers are stated in immediate connection or conjunction with the term "free" in words, letters and figures of equal conspicuousness and there is no deception as to the price, quality, character or any other feature of any of the items in the offer;

4. Representing that respondent's business was established in 1905, or at any time other than the date of its actual establishment;

5. Representing that any offer of merchandise is limited as to time or otherwise unless such offer is in fact so limited.

It is further ordered, That 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. 39-4369; Filed, November 25, 1939; 12:26 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933

I. ADOPTION OF FORM S-10 FOR OIL OR GAS INTERESTS OR RIGHTS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly Sections 7, 10, and 19 (a) thereof [C. 38, sec. 7, 48 Stat. 78; 15 U.S.C. 77g: C. 38, sec. 10, 48 Stat. 81; C. 404, sec. 205, 48 Stat. 906; 15 U.S.C., 77j: C. 38, sec. 19, 48 Stat. 85; C. 404, sec. 209, 48 Stat. 908; 15 U.S.C., 77s], and finding such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act, hereby adopts Form S-10 [1] [Sec. 239.S-10] to be used for registration under the Act of the classes of securities specified in the rule as to the use of the form.

The foregoing action shall be effective November 27, 1939, except that any registration statement filed with the Commission prior to January 15, 1940, may be filed on such form as would have been appropriate for use prior to the adoption of Form S-10 [Sec. 239.S-10].

II. AMENDMENT OF RULE S-300

The Securities and Exchange Commission, acting pursuant to the authority conferred upon it by the Securities Act of 1933, particularly Sections 3 (b) and 19 (a) thereof [C. 38, sec. 3, 48 Stat. 75; C. 404, sec. 202, 48 Stat. 906; C. 498, sec. 214, 49 Stat. 557; 15 U.S.C., 77c and Sup. III: C. 38 Sec. 19, 48 Stat. 85; C. 404, sec. 209, 48 Stat. 908; 15 U.S.C., 77s], and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act, hereby takes the following action:

Paragraphs (a) to (f), inclusive, of Rule S-300 [Sec. 230. S-300] are amended to read as follows:

[1] Filed as a part of the original document; requests for copies should be addressed to the Securities and Exchange Commission.

"(a) The term 'fractional undivided interests in oil or gas rights' includes landowners' royalty interests, overriding royalty interests, working interests, participating interests, and oil or gas payments, as defined in subdivisions (b) to (f), inclusive, of this rule.

"(b) The term 'landowners' royalty interests' means fractional undivided interests in the royalty reserved by a landowner or fee owner upon the creation of an oil or gas lease.

"(c) The term 'overriding royalty interests' means fractional undivided interests or rights of participation in the oil or gas, or in the proceeds from the sale of the oil or gas, produced from a specified tract, which are limited in duration to the terms of an existing lease and which are not subject to any portion of the expense of development, operation, or maintenance.

"(d) The term 'working interests' means fractional undivided interests in an oil or gas leasehold which are subject to any portion of the expense of development, operation, or maintenance.

"(e) The term 'participating interests' means fractional undivided interests or rights of participation in the oil or gas, or in the proceeds from the sale of oil or gas, produced from a specified tract, which are limited in duration to the terms of an existing lease and which are subject to any portion of the expense of development, operation, or maintenance.

"(f) The term 'oil or gas payments' means fractional undivided interests or rights of participation in the oil or gas, or in the proceeds from the sale of oil or gas, produced from a specified tract, and which are limited to a maximum amount fixed in barrels of oil, cubic feet of gas, or dollars."

Effective November 27, 1939.

III. REPEAL OF FORMS G–1 AND G–2 AND RULES S–837 AND S–838

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly Sections 7, 10, and 19 (a) thereof [C. 38, sec. 7, 48 Stat. 78; 15 U.S.C., 77g: C. 38, sec. 10, 48 Stat. 81; C. 404, sec. 205, 48 Stat. 906; 15 U.S.C., 77j: C. 38, sec. 19, 48 Stat. 85; C. 404, sec. 209, 48 Stat. 908; 15 U.S.C., 77s], and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act, hereby takes the following action:

(1) Forms G–1 [Sec. 239.G–1] and G–2 [Sec. 239.G–2] and the instructions thereto as presently in effect are repealed.

(2) Rules S–837 [Sec. 230.S–837] and S–838 [Sec. 230.S–838] as presently in effect are repealed.

Effective January 15, 1940.
By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39–4376; Filed, November 27, 1939; 11:54 a. m.]

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT NO. 6 TO THE INSTRUCTION BOOK FOR FORM 11; AMENDMENT NO. 3 TO THE INSTRUCTION BOOKS FOR FORMS 12 AND 12–A; AMENDMENT NO. 1 TO THE INSTRUCTION BOOKS FOR FORMS 13, 14, 16, 17, AND 19; AMENDMENT NO. 2 TO THE INSTRUCTION BOOK FOR FORM 15

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 12 and 23 (a) thereof [C. 404, sec. 12, 48 Stat. 892; C. 462, sec. 1, 49 Stat. 1375; 15 U.S.C., 781 and Sup. III: C. 404, sec. 23, 48 Stat. 901; C. 462, sec. 8, 49 Stat. 1379; 15 U.S.C., 78w and Sup. III], hereby amends the Instruction Books for Forms 11 [Sec. 249.11], 12 [Sec. 249.12], 12–A [Sec. 249.12–A], 13 [Sec. 249.13], 14 [Sec. 249.14], 15 [Sec. 249.15], 16 [Sec. 249.16], 17 [Sec. 249.17], and 19 [Sec. 249.19] as follows:

Instruction 3 of the "General Rules as to the Form" in the Instruction Books for Forms 11 [Sec. 249.11], 12 [Sec. 249.12], 13 [Sec. 249.13], 14 [Sec. 249.14], 15 [Sec. 249.15], and 17 [Sec. 249.17]; Instruction 3 of the "Rules as to Part I of the Form" in the Instruction Books for Forms 16 [Sec. 249.16] and 19 [Sec. 249.19]; and Instruction 4 to the general instructions in the Instruction Book for Form 12–A [Sec. 249.12–A] are amended by deleting the paragraphs set forth under such instructions and inserting in lieu thereof the following paragraph:

"Attention is called to Section 24 (b) [C. 404, sec. 24, 48 Stat. 901; 15 U.S.C., 78x] of the Act and to Rule X–24B–2 [Sec. 240.X–24B–2] of the General Rules and Regulations of the Commission concerning the right of the registrant to object to the public disclosure of material filed and the procedure to be followed in regard thereto."

Effective November 27, 1939.
By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39–4377; Filed, November 27, 1939; 11:54 a. m.]

TITLE 22—FOREIGN RELATIONS

DEPARTMENT OF STATE

REGULATIONS UNDER SECTION 2 (c) AND (i) OF THE JOINT RESOLUTION OF CONGRESS APPROVED NOVEMBER 4, 1939

NOVEMBER 25, 1939.

By virtue of the authority vested in him by the President's Proclamation of November 4, 1939,[1] to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out the provisions of section 2 (c) and (i) of the Joint Resolution of Congress approved November 4, 1939, as made effective by that proclamation, the Secretary of State hereby prescribes the following regulation supplementary to those prescribed on November 10, 1939:[2]

(5) "The shipper's declaration (oath) required by section 2 (c) of the Neutrality Act of 1939 must be filed with the Collector of the Port from or through which articles or materials are exported prior to the exportation from the United States of such articles or materials. If the required declarations (oaths) have not been filed with regard to all articles and materials on any vessel before clearance thereof, the vessel may nevertheless be cleared if, but only if, the Collector of Customs to whom request for clearance is made is satisfied that the transfer of right, title and interest required by section 2 (c) has been made as to all such articles and materials. All failures by shippers to file the declarations (oaths) as required by this regulation shall be referred to the United States Attorney having jurisdiction."

[SEAL] CORDELL HULL,
Secretary of State.

[F. R. Doc. 39–4371; Filed, November 25, 1939; 12:51 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 5]

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

Section 5.83[3] *Declaration as to Right, Title, and Interest in Articles or Materials*, is amended by the addition of a new subsection, (c), at the end thereof to read as follows:

"(c) If the required declarations (oaths) have not been filed with regard to all articles and materials on any vessel before clearance thereof, the vessel may nevertheless be cleared if, but only if, the collector of customs to whom request for clearance is made is satisfied that the transfer of right, title and interest required by section 2 (c) has been made as to all such articles and materials. The shipper's declaration (oath) required by section 2 (c) of the Neutrality Act of 1939 must be filed with the collector of the port from or through which articles or materials are exported prior to the exportation from the United States of such articles or materials. All failures by shippers to file the declarations (oaths) as required by this regulation shall be referred to the United States

[1] 4 F.R. 4493 DI.

[2] 4 F.R. 4598 DI.
[3] 4 F.R. 4499 DI.

attorney having jurisdiction. [Section 161 R.S.; 5 U.S.C. 22]"

[SEAL] SOUTH TRIMBLE, JR.,
Acting Secretary of Commerce.

NOVEMBER 25, 1939.

[F. R. Doc. 39-4372; Filed, November 25, 1939; 1:01 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-9]

ORDER IN THE MATTER OF FILING OF CONTRACTS BY CONTRACT CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-27]

CENTRAL TERRITORY CONTRACT CARRIER RATES

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 6th day of November, A. D. 1939.

It appearing, That by order entered in the above-entitled proceedings dated March 23, 1939, the Commission, after reciting the provisions of its order of June 8, 1937, in Ex Parte No. MC-9, the issues raised by the order of division 5 of August 1, 1938, in Ex Parte No. MC-27, and certain questions which had arisen in connection therewith, broadened the scope of these proceedings to the extent of making all contract carriers by motor vehicle subject to the provisions of the Motor Carrier Act, 1935, respondents therein, and required the said respondents to appear before it on May 3, 1939, and to show cause, if any they had, why the contracts for the transportation of property which said carriers had filed with the Commission pursuant to the said order of June 8, 1937, should not be opened to public inspection, and why such carriers should not be required, when it appears necessary and desirable in proceedings before the Commission, to furnish the same or similar information called for in a questionnaire attached to said order of March 23, 1939:

It further appearing, That all parties appearing pursuant to the said order of March 23, 1939, were fully heard by the Commission, that a full investigation of the matter and things involved has been made, and that the Commission, on the date hereof, has made and filed a report containing its findings of fact and conclusions thereon, which said report and the said orders of June 8, 1937, August 1, 1938, and March 23, 1939, are hereby referred to and made parts hereof:[1]

It is ordered, That the said order of June 8, 1937, as amended by the order of October 24, 1938, entered in connection with the report in *Contracts of Contract Carriers,* 11 M. C. C. 693, be, and it is hereby, further amended to provide that on and after April 1, 1940, all contracts filed pursuant thereto shall be placed in the public files of the Commission and made available for public inspection, and that in all other respects the said order of June 8, 1937, shall continue in force and effect until the further order of the Commission.

It is further ordered, That, except as provided in the next succeeding paragraph hereof and in the said order of October 24, 1938, all respondents in Ex Parte No. MC-27 under the said order of August 1, 1938, be, and they are hereby, notified and required to file with the Commission, at its office in Washington, D. C., on or before January 15, 1940, in duplicate, a true and verified return to the questionnaire made a part of this order and marked appendix.[1]

And it is further ordered, That the respondents in Ex Parte No. MC-27 under the said order of August 1, 1938, who are engaged exclusively in package deliveries or other strictly local services entirely within commercial areas, who do not therein interchange traffic with any other carrier or in any other manner participate in the through and continuous movement of property to or from points outside such areas, be, and they are hereby, notified and required to file with the Commission, at its office in Washington, D. C., on or before January 15, 1940, in duplicate, a true and verified return to questions 1 to 3, inclusive, of the questionnaire made a part of this order and marked Appendix, but that such respondents be, and they are hereby, exempted from filing any return to questions 4 to 12, inclusive, of said questionnaire.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 39-4360; Filed, November 25, 1939; 10:18 a. m.]

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

Notices

DEPARTMENT OF AGRICULTURE.

Division of Marketing and Marketing Agreements.

[Docket No. A-121, O-121]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND ORDER NO. 30, AND THE TENTATIVELY APPROVED MARKETING AGREEMENT, REGULATING THE HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA

Whereas, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary issued Order No. 30[1] regulating the handling of milk in the Toledo, Ohio, marketing area, effective September 16, 1938; and

Whereas, the Secretary, on July 30, 1938, tentatively approved a marketing agreement regulating the handling of milk in the Toledo, Ohio, marketing area; and

Whereas, the Northwestern Cooperative Sales Association, Inc., has proposed certain amendments to said Order No. 30 and to said tentatively approved marketing agreement; and

Whereas, the Secretary has reason to believe that the declared policy of said act will be effectuated by holding a hearing on a proposal to amend Order No. 30 and said tentatively approved marketing agreement; and

Whereas, under the aforesaid act, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended,[2] of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice of and opportunity for hearing upon amendments to marketing agreements and orders:

Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on a proposal to amend Order No. 30 and the tentatively approved marketing agreement regulating the handling of milk in the Toledo, Ohio, marketing area, beginning at 10:00 a.m., e. s. t., December 2, 1939, in the Hotel Waldorf, 310 Summit Street, Toledo, Ohio.

This public hearing is for the purpose of receiving evidence as to whether or not the declared policy of said act will be effectuated by (1) eliminating certain towns and villages from the definition of "marketing area"; (2) changing the delivery period from a semi-monthly to a monthly period; (3) including a special price for Class I milk disposed of under any relief program which the Secretary might approve for the Toledo, Ohio, area; (4) revising the method of pricing Class I milk sold outside the marketing area so as to provide that Class I milk so sold shall be priced at the level of prevailing prices in the market where sold, such prices to be ascertained by the market administrator; (5) including a "market-sharing" (base-rating) plan of distributing to producers the proceeds from the sale of their milk; and (6) increasing the producer marketing service deduction from 2 cents to 4 cents per hundredweight of milk.

Copies of said proposal prepared as a basis for the public hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

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

Dated, November 25, 1939.

[F. R. Doc. 39-4368; Filed, November 25, 1939; 12:11 p. m.]

[1] 3 F.R. 2169 DI.

[2] 1 F.R. 155.

Rural Electrification Administration.

[Administrative Order No. 412]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 16, 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*
Georgia 8081B1 Towns	$45,000
Mississippi 0049A1 Lee	51,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-4357; Filed, November 24, 1939; 3:11 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 4 FOR THE HAT INDUSTRY

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to Section 5 (b) of the Fair Labor Standards Act of 1938, on March 7, 1939, by Administrative Order No. 16,[1] appointed Industry Committee No. 4 for the Hat Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas, Industry Committee No. 4, on September 6, 1939, recommended minimum wage rates for the Hat Industry and has thereafter duly adopted a report containing said recommendations and reasons therefor and has filed such report with the Administrator on November 25, 1939, pursuant to Section 8 (d) of the Act and Section 511.19 of the Regulations issued under the Act; and

Whereas, the Administrator is required by Section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendations of Industry Committee No. 4 if he finds that the recommendations are made in accordance with law and are supported by the evidence adduced at the hearing before him, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendations;

Now, therefore, notice is hereby given that:

[1] 4 F.R. 1186 DI.

I. The recommendations of Industry Committee No. 4 are as follows:

(1) Every employer shall pay not less than 40 cents per hour to each of his employees who is engaged in the production of (a) fur-felt or wool-felt headwear for men or boys or (b) felt hat bodies from fur or wool for men's, boys', women's or children's hats.

(2) Every employer shall pay not less than 40 cents per hour to each of his employees who is engaged in the production of hatters' furs.

(3) Every employer shall pay not less than 40 cents per hour to each of his employees who is engaged in the production of silk and opera hats.

(4) Every employer shall pay not less than 35 cents per hour to each of his employees who is engaged in the production of men's or boys' straw [2] or harvest hats. This recommendation does not apply to Puerto Rico.

(5) Every employer shall pay not less than 30 cents per hour to each of his employees who is engaged in the production, in Puerto Rico, of men's or boys' straw [2] or harvest hats.

II. The definition of the Hat Industry, as set forth in Administrative Order No. 16, issued March 7, 1939, and amended by Administrative Order No. 22, dated May 6, 1939, is as follows:

(a) The manufacture from any material of headwear for men or boys, except caps and cloth hats,

(b) The manufacture of felt hat bodies from fur or wool for men's, boys', and women's or children's hats,

(c) The manufacture or processing of hatters' furs.

III. The full text of the report and recommendations of Industry Committee No. 4 is available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, 120 Boylston Street.

New York, New York, 412 Federal Building, 641 Washington Street.

Philadelphia, Pennsylvania, 1630 Widener Building.

Pittsburgh, Pennsylvania, 216 Old Post Office Building.

Newark, New Jersey, 1004 Kinney Building, 790 Broad Street.

Cleveland, Ohio, 728 Standard Building, 1370 Ontario Avenue.

Cincinnati, Ohio, 421 Keith Building, 525 Walnut Street.

Detroit, Michigan, 358 Federal Building.

Chicago, Illinois, 955 Merchandise Mart.

Indianapolis, Indiana, 708 Railway Exchange Building.

[2] The term "straw" is used in the trade sense and is not confined to materials made from natural fibers.

Richmond, Virginia, 215 Richmond Trust Building.

Baltimore, Maryland, Snow Building, 6th Floor, Calvert and Lombard Streets.

Washington, District of Columbia, Department of Labor, 5th Floor.

Atlanta, Georgia, 314 Witt Building, 249 Peachtree Street.

Birmingham, Alabama, 818 Comer Building.

Jacksonville, Florida, 225 Post Office Building.

Charlotte, North Carolina, 409 Johnston Building, 212 South Tryon Street.

Nashville, Tennessee, 119 Seventh Avenue, North.

St. Louis, Missouri, 314 Old Custom House Building, 815 Olive Street.

Kansas City, Missouri, 504 Title and Trust Building.

Minneapolis, Minnesota, 406 New Post Office Building.

Denver, Colorado, 106 Old Custom House Building.

Dallas, Texas, 618–621 Wilson Building.

San Antonio, Texas, 716 Maverick Building.

New Orleans, Louisiana, 516 Carondelet Building.

San Francisco, California, 785 Market Street.

Los Angeles, California, H. W. Hellman Building, 354 S. Spring Street.

Seattle, Washington, 206 Hartford Building.

San Juan, Puerto Rico, Box 1431 Post Office.

Juneau, Alaska, B. D. Stewart, Commissioner of Mines.

Copies of the Committee's report and recommendations may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendations of Industry Committee No. 4 shall be approved or disapproved pursuant to Section 8 of the Act will be held on December 18, 1939, at 10:00 a. m. in the Raleigh Hotel, Washington, D. C., before a presiding officer to be designated prior to such hearing by the Administrator of the Wage and Hour Division, United States Department of Labor.

V. Any interested person, supporting or opposing the recommendations of Industry Committee No. 4, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person; provided, that not later than December 14, 1939, such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and

address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendations of Industry Committee No. 4.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the presiding officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter.

2. In order to maintain orderly and expeditious procedure each person filing a Notice to Appear will be notified of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. The Industry Committee will be represented at the hearing by its counsel who will open and close the proceeding.

5. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

6. All evidence must be presented under oath or affirmation.

7. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

8. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

9. Subpoenas requiring the attendance of witnesses or the presentation of documents from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

10. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the Courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

11. The rules of evidence prevailing in courts of law or equity shall not be controlling.

12. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding officer.

13. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the requests, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

14. Briefs may be submitted to the Administrator, following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs and the rules and regulations as to the contents and manner of presentation thereof, shall be given by the Administrator in such manner as shall be deemed suitable by him.

15. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

16. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 25th day of November 1939.

HAROLD D. JACOBS,
Acting Administrator.

[F. R. Doc. 39-4381; Filed, November 27, 1939; 12:51 p. m.]

APPLICATION OF THE COTTON TEXTILE INSTITUTE AND SUNDRY OTHER PARTIES FOR PERMISSION TO EMPLOY LEARNERS IN THE TEXTILE INDUSTRY AT WAGE RATES LESS THAN THE APPLICABLE MINIMUM SPECIFIED

NOTICE OF REOPENED HEARING

Whereas the original applications made by the Cotton Textile Institute and sundry other parties pursuant to Section 14 of the Fair Labor Standards Act of 1938 and regulations (Part 522—Regulations Applicable to Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act of 1938—Title 29, Labor, Chapter V—Wage and Hour Division) issued by the Administrator thereunder, for permission to employ learners in the Textile Industry at wages less than the minimum applicable under Section 6 of the Act were withdrawn after a public hearing was held upon said applications in Washington, D. C., on November 28, 29, and 30, 1938[1] before Merle D. Vincent, a representative of the Administrator duly authorized to conduct said hearing; and

Whereas the Cotton Textile Institute and sundry other parties made application for a reconvening of the said hearing under said Act and regulations and for permission to employ learners in the Cotton Textile Industry at wages lower than the minimum wage applicable under Section 6 of the Act by virtue of the Textile Wage Order; and

Whereas after due notice a reconvened public hearing was held on these applications in Washington, D. C., on October 12, 1939, before Merle D. Vincent, authorized representative of the Adminis-

[1] 4 F.R. 4175 DI.

trator, who was duly designated to preside at the hearing and to determine:

(a) What, if any, occupation or occupations in the Textile Industry require a learning period; and

(b) The factors which may have a bearing upon curtailment of opportunities for employment within the Textile Industry, or branch thereof; and

(c) Under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued to employers in the Textile Industry, or branch thereof, for whatever occupation, or occupations, if any, are found to require a learning period; and

Whereas the said Merle D. Vincent duly made findings of fact, copies of which were filed in the office of the Acting Administrator on November 4, 1939, and which contained the following determination and order:

1. On or after October 31, 1939, special certificates shall be issued permitting employment of learners in the Textile Industry at subminimum rates in the textile occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, except that no certificate shall be deemed to apply to any employees performing functions similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, time keepers, machine cleaners, janitors, and truckers. In the tufted bedspread branch of the industry, certificates shall be issued for the occupations of punchwork operation and chenille operation, and only such occupations. In the curtain branch of the industry, certificates shall be issued for the operation of sewing machines, but for no other occupation.

All such special certificates shall be issued, upon the following terms, to all plants in the industry making application therefor representing that experienced workers are not available to the plant, unless experienced workers are found to be available:

(a) Learners employed under the certificate shall be paid at a rate of not less than 25 cents an hour; *Provided,* That in all plants where experienced operators are paid on a piece-work rate, learners in the same occupations shall be paid at least the same piece-work rate and shall receive earnings paid on this rate, if in excess of the above-stated minimum.

(b) No learner shall be employed under the certificate longer than 6 weeks; *Provided,* That in the tufted bedspread branch of the industry no learner shall be employed longer than 8 weeks as a chenille operator, and not longer than 16 weeks as a punchwork operator, and not longer than one 8-week retraining period for chenille operators learning punchwork; *Provided, further,* That in the curtain branch of the industry no learner shall be employed under the certificate longer than 8 weeks.

(c) Learners employed under the certificate shall not exceed 3 percent of the total number of persons in the learner occupations, provided that in the tufted bedspread branch of the industry learners shall not exceed 5 percent of the total number of chenille and punchwork operators; provided further that, in the curtain branch of the industry, learners shall not exceed 5 percent of the total number of sewing-machine operators; and provided finally that the employment of as many as 3 learners may be authorized by any certificate except that in the tufted bedspread and curtain branches of the industry as many as 5 learners may be authorized by any certificate. In cases of plant expansion or new plants, certificates may be issued under Part 522 of the Regulations for a larger number of learners if need therefor is found.

(d) Only learners shall be employed at a subminimum wage under the certificate, and no learner shall be employed under the certificate unless hired when an experienced worker was not available.

(e) No learner shall be employed at a subminimum wage under the certificate until and unless a copy of this certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

2. Any special certificate issued pursuant to this order may be cancelled as of the date of issue if it is found that such certificate was issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that skilled workers have become available. No certificate issued pursuant to this order shall be valid after October 24, 1940, subject to modification or extension on or before that time following an appropriate reconsideration of this Order.

3. In this Order the term "learner" shall mean a person who has had less than 6 weeks' experience in the aggregate in any of the learner occupations in any branch of the Textile Industry except tufted bedspreads and curtains. In the tufted bedspread branch of the industry the term "learner" shall mean a person who has had less than 8 weeks' experience as a chenille operator, or 16 weeks' experience as a punchwork operator, or less than 8 weeks' experience as a chenille operator plus 8 weeks retraining as a punchwork operator. In the curtain branch of the industry, the term "learner" shall mean a person who has had less than 8 weeks' experience as a sewing-machine operator. If any worker has partially completed the applicable learning period, as prescribed above, the time thus served shall be deducted from the learning period authorized by special certificate upon any subsequent employment.

4. In this Order the term "Textile Industry" is defined as under the Textile Wage Order as follows:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs) from cotton, silk, flax, jute or any synthetic fibre, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in the establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding or filling and the processing of waste from the fibers enumerated in clause (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics (except carpets and rugs) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze, bath mats and related articles; bedspreads; blankets, diapers; dishcloths, scrubbing cloths and wash-cloths; sheets and pillow cases; tablecloths, luncheloths and napkins; towels; and windowcurtains;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn;

(g) The manufacturing or processing of yarn or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in clause (a), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (a), with a margin of tolerance of 2 percent to meet the exigencies of manufacture.

This definition shall not be deemed to include the Wool Industry, and the operations of said industry are excluded from this Determination and Order, and

Whereas, a notice of opportunity to petition for review of said Determination and Order was published in the FEDERAL REGISTER on November 8, 1939 (4 F.R. 4531 DI), and

Whereas, prior to the said hearing on October 12, 1939, the Curtain Manufacturer's Guild, Incorporated, had expressed itself as opposed to the granting of special certificates for the employment of learners at subminimum rates in the curtain branch of the textile industry, and,

Whereas, it appears that the Curtain Manufacturer's Guild, Incorporated, represents a substantial part of the curtain industry and that said Curtain Manu-

facturer's Guild, Incorporated, did not have actual notice of the said hearing on October 12, 1939, and, therefore, did not appear or present evidence at said hearing, and

Whereas, equity and fairness would appear to require that the said hearing be re-opened to permit the introduction of further evidence relevant to the necessity for the issuance of special certificates for the employment of learners at subminimum rates in the curtain branch of the textile industry,

Now, therefore, notice is hereby given that the aforesaid hearing will be reopened on December 13, 1939, at 10 a. m. in Room 301, 939 D Street NW., Washington, D. C., and Merle D. Vincent is hereby designated as presiding officer to conduct the said hearing to take further testimony for the purpose of redetermining and to redetermine:

(a) What, if any, occupation or occupations in the curtain branch of the textile industry require a learning period, and,

(b) The factors which may have a bearing upon curtailment of opportunities for employment within the curtain branch of the textile industry, and

(c) Under what limitations, as to wages, time, number, proportion, and length of service, special certificates may be issued to employers in the curtain branch of the textile industry for whatever occupation or occupations, if any, are found to require a learning period.

At this re-opened hearing, opportunity to present evidence relevant to the above questions will be afforded any interested person, provided the presiding officer, Merle D. Vincent, shall have received from such person prior to noon, December 12, 1939, a notice of intention to appear, setting forth his name and address and the approximate length of such presentation.

Signed at Washington, D. C., this 27th day of November, 1939.

HAROLD D. JACOBS,
Acting Administrator.

[F. R. Doc. 39-4382; Filed, November 27, 1939; 12:51 p. m.]

NOTICE OF REVIEW OF DETERMINATION AND ORDER RELATIVE TO EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY AT WAGES LOWER THAN THE MINIMUM WAGE APPLICABLE UNDER SECTION 6 OF THE FAIR LABOR STANDARDS ACT OF 1938

Whereas, the National Knitted Outerwear Association, the Underwear Institute, and sundry other parties having made application under Section 14 of the Fair Labor Standards Act of 1938 and regulations (Part 522—Regulations Applicable to Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act of 1938—Title 29, Labor, Chapter V—Wage and Hour Division) issued by the Administrator thereunder for permission to employ learners in the Knitted Wear Industry at wages lower than the minimum wage applicable under Section 6 of the Act, and

Whereas, after due notice a hearing was held on these applications before Merle D. Vincent, authorized representative of the Administrator, who was duly designated to preside at the hearing and to determine:

(a) What, if any, occupation or occupations in the Knitted Wear and Hosiery Industry require a learning period, and

(b) Whether it is necessary, in order to prevent curtailment of opportunities for employment, to provide for the employment of persons in occupations requiring a learning period at wage rates lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and

(c) If such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6 such employment of learners shall be permitted, and with what limitations as to time, number, proportion and length of service; and

Whereas, following such hearing, the said Merle D. Vincent duly made findings of fact, determination and order, and filed same with the Acting Administrator on October 20, 1939, and

Whereas, on October 24, 1939, the Acting Administrator caused to be published in the FEDERAL REGISTER a notice which set forth in full the determination and order of the presiding officer and stated that, pursuant to the provisions of Section 522.13 of the aforesaid Regulations, as amended, within fifteen days after October 24, 1939, persons aggrieved by the said determination and order might file petitions for review of the action of the said representative, and

Whereas, petitions for review, copies of which are on file in Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties, have been duly filed by the National Knitted Outerwear Association and the Underwear Institute;

Now, therefore, the petitions for review are hereby granted and notice is hereby given that the Administrator, for the purpose of reviewing the action of the aforementioned presiding officer, and to make a final determination of the questions set forth in the second paragraph of this notice with respect to the knitted wear industry, will receive briefs from interested parties either in support of or in opposition to the aforementioned determination and order, provided that original briefs are filed with the Administrator, Wage and Hour Division, prior to the close of business December 21, 1939, and provided that rebuttal briefs are filed with the Administrator prior to the close of business December 30, 1939. All briefs will be available for inspection by interested parties in Room 5144, U. S. Department of Labor Building, Washington, D. C.

Signed at Washington, D. C., this 27th day of November 1939.

HAROLD D. JACOBS,
Acting Administrator.

[F. R. Doc. 39-4383; Filed, November 27, 1939; 12:52 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 28, 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

Middletown Hosiery Mills, Middletown, Delaware.

LeReine Hosiery Mills, Inc., Zeeland, Michigan.

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 28th day of November 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4384; Filed, November 27, 1939; 12:57 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 28, 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 cancelled as of the date of its issue if found that experienced workers were available when the Certificate was issued and shall be cancelled 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 subminimum 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 otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Dick's Dress Company, Rutland, Vermont (5 learners), dresses.

Alperin Strauss Company, Seymour, Indiana, dress shirts.

Hershey Garment Company, Paradise, Pennsylvania, undergarments and negligees.

Jay Gee Manufacturing Co., Perkasie, Pennsylvania (5 learners), children's sportswear.

Lexington Shirt Corporation, Lexington, North Carolina, dress shirts.

Piedmont Shirt Company, Greenville, South Carolina, shirts.

Reliance Manufacturing Company, Mitchell, Indiana (5 learners), work shirts and jackets.

H. Bomze and Brother, Laurel, Delaware (5 learners), house dresses.

Ely & Walker Dry Goods Co., 8th & Hickory Streets, St. Louis, Missouri, dresses.

Ely & Walker Dry Goods Co., 16th & Locust Streets, St. Louis, Missouri, men's lounging robes.

The "Sel-Mor" Garment Co., Inc., 923 Washington Avenue, St. Louis, Missouri, ladies' rayon underwear.

Signed at Washington, D. C., this 27th day of November 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4385; Filed, November 27, 1939; 12:58 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 to the employers listed below effective November 28, 1939, until March 26, 1940 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 they are 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 subminimum 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 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.

Name and address of firm	Product	Number of learners
Jay Gee Manufacturing Company, Perkasie, Pennsylvania.	Children's Sportswear.	15

Signed at Washington, D. C., this 27th day of November 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4386; Filed, November 27, 1939; 12:58 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear 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 28, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

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

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sew-

ing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour; *Provided, however*, That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

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

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of the terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum 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 sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Puritan Knitting Mills Corp., Altoona, Pennsylvania, sportswear.

Signed at Washington, D. C., this 27th day of November 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4390; Filed, November 27, 1939; 12:59 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are isued 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 28, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile 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 (8) weeks' experience as a chenille operator or less than sixteen (16) weeks' experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learners may be paid at a rate less than 25¢ an hour: *Provided, however*, That if experienced workers are paid on a piecework rate learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour, and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight (8) weeks re-training period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available and no learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(4) These Certificates expire October 24, 1940, and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be cancelled as of the date of issue if it is found that it was issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Lindley Mfg. Co., Powder Springs, Georgia (4 learners), bedspreads.

G. H. Rauschenberg Co., Dalton, Georgia, bedspreads.

Signed at Washington, D. C., this 27th day of November 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4388; Filed, November 27, 1939; 12:59 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective November 28, 1939, until May 28, 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 Tufted Bedspread Branch of the Textile 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 (8) weeks' experience as a chenille operator or less than sixteen (16) weeks' experience as a punch work operator or less than eight (8) weeks' experience as a chenille operator plus eight (8) weeks' re-training as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learner may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piecework rate learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight (8) weeks' re-training period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available and no learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(4) These Special Certificates are issued on representations by the employers that (a) experienced 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.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of the Regulations Part 522, as amended, and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates may be cancelled as of the date of their issuance. If it is found upon objection duly filed within fifteen (15) days following the publication of their issuance that the issuance of these Certificates was not necessary to prevent curtailment of opportunities for employment, they may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the Employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

Name and address of firm	Product	Number of learners
Lindley Company, Powder Springs, Georgia.	Bedspreads.....	6

Signed at Washington, D. C., this 27th day of November, 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4389; Filed, November 27, 1939; 12:59 p. m.]

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

Notice is hereby given that Special Certificates for the employment of learners in the Textile 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 28, 1939 until October 24, 1940 subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile 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 six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available and no learner may be employed under this Certificate until and unless a copy of it is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Certificates expire October 24, 1940 and are subject to cancellation sooner by the Administrator or his authorized representative by the employers that experienced workers are not available and may be cancelled as of the date of issue if it is found that it was issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) per cent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated herein below opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

Valdese Manufacturing Co. Inc., Valdese, North Carolina, cotton yarns.

Dixie Mercerizing Company, Chattanooga, Tennessee, cotton yarns.

Dupont Textile Mills, Inc., Avoca, Pennsylvania, silk throw.

Abbot Worsted Company, Forge Village, Massachusetts, mohair and worsted yarns.

R. & G. Silk Throwing Co. Inc., Bloomsburg, Pennsylvania, silk and rayon throwing.

Signed at Washington, D. C., this 28th day of November 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4387; Filed, November 27, 1939; 12:58 p. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 28-401-E-1]

IN THE MATTER OF THE APPLICATION OF URABA, MEDELLIN AND CENTRAL AIRWAYS, INC., FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

At the request of counsel for the applicant, and with the concurrence of counsel for the Authority, public hearing in the above-entitled proceeding, being the application of Uraba, Medellin and Central Airways, Inc., for a permanent certificate of public convenience and necessity authorizing air transportation between Cristobal, Canal Zone, and Medellin, Colombia, with intermediate stops at Balboa, Canal Zone, and at Turbo, Colombia, now assigned for November 27, 1939,[1] is hereby postponed to a date to be hereafter assigned.

Dated Washington, D. C., November 21, 1939.

[SEAL] F. A. LAW, Jr.,
Examiner.

[F. R. Doc. 39-4358; Filed, November 25, 1939; 9:28 a. m.]

[Docket No. 264]

IN THE MATTER OF CERTAIN CONTRACTS AND OTHER TRANSACTIONS BETWEEN MARQUETTE AIRLINES, INC., AND AMERICAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

At the request of counsel for the Authority, public hearing in the above-entitled proceeding, being an investigation instituted by orders of the Authority dated June 27, 1939, and October 18, 1939, (1) to determine whether or not any contracts, agreements, and transactions by and between Marquette Airlines, Inc., and American Airlines, Inc., are adverse to the public interest, are in violation of any provisions of said Act, or constitute acts prohibited by any of the provisions of said Act; (2) to determine whether or not any of the foregoing matters require any further action by the Authority pursuant to the provisions of said Act; and (3) to determine whether or not there exist any relations between, or common control of, Marquette Airlines, Inc., and American Airlines, Inc., directly, or indirectly through third persons, in violation of any of the provisions of said Act, now assigned for November 27, 1939, is hereby postponed to November 29, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Roosevelt Hotel, New York, N. Y., before Examiner Frank A. Law, Jr.

All subpoenas, personal or *duces tecum*, heretofore issued and returnable on November 27, 1939, at 10 o'clock a. m., are by this notice made returnable instead

[1] 4 F.R. 4552 DI.

on November 29, 1939, at the postponed hearing as aforesaid.

[SEAL] FRANK A. LAW, Jr.,
Examiner.

NOVEMBER 25, 1939.

[F. R. Doc. 39-4373; Filed, November 27, 1939; 10:17 a. m.]

IN THE MATTER OF CERTAIN CONTRACTS AND OTHER TRANSACTIONS BETWEEN MARQUETTE AIRLINES, INC., AND AMERICAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, being an investigation instituted by orders of the Authority dated June 27, 1939 and October 18, 1939, (1) to determine whether or not any contracts, agreements, and transactions by and between Marquette Airlines, Inc., and American Airlines, Inc., are adverse to the public interest, are in violation of any provisions of said Act, or constitute acts prohibited by any of the provisions of said Act; (2) to determine whether or not any of the foregoing matters require any further action by the Authority pursuant to the provisions of said Act; and (3) to determine whether or not there exist any relations between, or common control of, Marquette Airlines, Inc., and American Airlines, Inc., directly, or indirectly through third persons, in violation of any of the provisions of said Act, now assigned for November 22, 1939, is hereby postponed to November 27, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Roosevelt Hotel, New York, N. Y., before Examiner Frank A. Law, Jr.

Dated Washington, D. C., November 21, 1939.

[SEAL] FRANK A. LAW, Jr.,
Examiner.

[F. R. Doc. 39-4359; Filed, November 25, 1939; 9:28 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

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

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

[Docket No. 3702]

IN THE MATTER OF MATHEW W. M. DEVITT, ROY D. SCHLEGEL, AND ROBERT E. SARGENT, TRADING AS AUTOGROOM COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 4, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 2301, United States Court House, Foley Square, New York, New York.

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

By the Commissioner.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-4355; Filed, November 24, 1939; 2:36 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of November, A. D. 1939.

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

[Docket No. 3790]

IN THE MATTER OF BUFORD & OWENS COLLEGE, A CORPORATION, GUSSIE BUFORD, MARY OWENS BOONE WELLINGHAM AND GEORGE BUFORD, INDIVIDUALLY AND AS OFFICERS OF BUFORD & OWENS COLLEGE

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 4, 1939, at ten o'clock in the forenoon of that day (central standard time) in the ninth floor Court Room, Federal Building, Oklahoma City, Oklahoma.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3790; Filed, November 24, 1939; 2:37 p. m.]

United States of America—Before Federal Trade Commission

[Docket No. 3955]

IN THE MATTER OF JASPER W. EFIRD, AN INDIVIDUAL; CHARLOTTE MERCANTILE COMPANY, A CORPORATION; EFIRD'S DEPARTMENT STORE OF CHARLOTTE, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF WILMINGTON, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF RALEIGH, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE, INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF SALISBURY, N. C., INC., A CORPORATION; THE EFIRD MERCANTILE CO., A CORPORATION; EFIRD'S DEPT. STORE OF HIGH POINT, INC., A CORPORATION; EFIRD CO., A CORPORATION; EFIRD'S DEPARTMENT STORE OF LUMBERTON, N. C., INC., A CORPORATION; EFIRD-DAVIS CO., INC., A CORPORATION; EFIRD'S DEPT. STORE OF GOLDSBORO, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF MONROE, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF LEXINGTON, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF BURLINGTON, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF WILSON, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF SHELBY, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF STATESVILLE, N. C., INC., A CORPORATION; FOREST CITY MERCANTILE CO., A CORPORATION; JOHN E. EFIRD AND SONS, INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF LENOIR, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF LAURINBURG, INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF LINCOLNTON, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF GREENSBORO, INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF KANNAPOLIS, N. C., INNCORPORATED, A CORPORATION; EFIRD'S DEPARTMENT STORE OF HICKORY, INCORPORATED, A CORPORATION; EFIRD'S DEPARTMENT STORE OF KINSTON, N. C., INCORPORATED, A CORPORATION; EFIRD'S DEPARTMENT STORE OF GREENVILLE, N. C., INCORPORATED, A CORPORATION; EFIRD BROS. COMPANY OF COLUMBIA, S. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF ANDERSON, S. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF GREENVILLE, S. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF SPARTANBURG, S. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF GREENWOOD, S. C., INC., A CORPORATION; EFIRD'S DEPARTMENT

STORE OF ROCK HILL, S. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF SUMTER, S. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF GREER, S. C., INC., A CORPORATION; EFIRD BROS. COMPANY OF CHESTER, S. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF DANVILLE, VIRGINIA, INCORPORATED, A CORPORATION

COMPLAINT

The Federal Trade Commission having reason to believe that the parties named in the caption hereof and hereinafter more particularly designated and described, have since June 19, 1936, violated and are violating the provisions of subsection (c), Section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Sec. 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Jasper W. Efird is an individual maintaining an office at 200 West 34th Street, New York City, New York, under the name of J. W. Efird, Efird Department Stores.

PAR. 2. Respondent Charlotte Mercantile Company is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business at 111 College Street, Charlotte, North Carolina, and is engaged in the business of operating one or more retail department stores located in North and South Carolina.

Respondent Efird's Department Store of Charlotte, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business at 111 College Street, Charlotte, North Carolina, and is engaged in the business of operating one or more retail department stores in the States of North Carolina, South Carolina and Virginia.

Respondent Efird's Department Store of Wilmington, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 222 North Front Street, Wilmington, North Carolina, and is engaged in the business of operating a retail department store in Wilmington, North Carolina.

Respondent Efird's Department Store of Raleigh, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 208 Fayetteville Avenue, Raleigh, North Carolina, and is engaged in the business of operating a retail department store in Raleigh, North Carolina.

Respondent Efird's Department Store, Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 131 West 4th Street, Winston Salem, North Carolina, and is engaged in the business of operating a retail department store in Winston Salem, North Carolina.

Respondent Efird's Department Store of Salisbury, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 226 South Main Street, Salisbury, North Carolina, and is engaged in the business of operating a retail department store in Salisbury, North Carolina.

Respondent The Efird Mercantile Co., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 307 West Main Street, Durham, North Carolina, and is engaged in the business of operating a retail department store in Durham, North Carolina.

Respondent Efird's Dept. Store of High Point, Inc., is a corporation organized and existing under and by virtue of the laws of the state of North Carolina, with its principal office and place of business located at 142 South Main Street, High Point, North Carolina, and is engaged in the business of operating a retail department store in High Point, North Carolina.

Respondent Efird Co., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 146 West Main Street, Gastonia, North Carolina, and is engaged in the business of operating a retail department store in Gastonia, North Carolina.

Respondent Efird's Department Store of Lumberton, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at Lumberton, North Carolina, and is engaged in the business of operating a retail department store in Lumberton, North Carolina.

Respondent Efird-Davis Co., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 212 South Main Street, Rocky Mount, North Carolina, and is engaged in the business of operating a retail department store in Rocky Mount, North Carolina.

Respondent Efird's Dept. Store of Goldsboro, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at West Walnut Street, Goldsboro, North Carolina, and is engaged in the business of operating a retail department store in Goldsboro, North Carolina.

Respondent Efird's Department Store of Monroe, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at Main and Jefferson Streets, Monroe, North Carolina, and is engaged in the business of operating a retail department store in Monroe, North Carolina.

Respondent Efird's Department Store of Lexington, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at Lexington, North Carolina, and is engaged in the business of operating a retail department store in Lexington, North Carolina.

Respondent Efird's Department Store of Burlington, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at First Floor, East Davis Street, Burlington, North Carolina, and is engaged in the business of operating a retail department store in Burlington, North Carolina.

Respondent Efird's Department Store of Wilson, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 229–231 East Nash Street, Wilson, North Carolina, and is engaged in the business of operating a retail department store in Wilson, North Carolina.

Respondent Efird's Department Store of Shelby, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at Shelby, North Carolina, and is engaged in the business of operating a retail department store in Shelby, North Carolina.

Respondent Efird's Department Store of Statesville, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 104 South Center Street, Statesville, North Carolina, and is engaged in the business of operating a retail department store in Statesville, North Carolina.

Respondent Forest City Mercantile Co., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 4 East Main Street, Forest City, North Carolina, and is engaged in the business of operating a retail department store in Forest City, North Carolina.

Respondent John E. Efird and Sons, Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 145–49 West Main Street, Albemarle, North Carolina, and is engaged in the business of operating a retail department store in Albemarle, North Carolina.

Respondent Efird's Department Store of Lenoir, N. C., Inc., is a corporation

organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 119 West Avenue, Lenoir, North Carolina, and is engaged in the business of operating a retail department store in Lenoir, North Carolina.

Respondent Efird's Department Store of Laurinburg, Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at Laurinburg, North Carolina, and is engaged in the business of operating a retail department store in Laurinburg, North Carolina.

Respondent Efird's Department Store of Lincolnton, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at East Main Street, Lincolnton, North Carolina, and is engaged in the business of operating a retail department store in Lincolnton, North Carolina.

Respondent Efird's Department Store of Greensboro, Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 230 South Elm Street, Greensboro, North Carolina, and is engaged in the business of operating a retail department store in Greensboro, North Carolina.

Respondent Efird's Department Store of Kannapolis, N. C., Incorporated, is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at Kannapolis, North Carolina, and is engaged in the business of operating a retail department store in Kannapolis, North Carolina.

Respondent Efird's Department Store of Hickory, Incorporated, is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at Hickory, North Carolina, and is engaged in the business of operating a retail department store in Hickory, North Carolina.

Respondent Efird's Department Store of Kinston, N. C., Incorporated, is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 113 North Queen Street, Kinston, North Carolina, and is engaged in the business of operating a retail department store in Kinston, North Carolina.

Respondent Efird's Department Store of Greenville, N. C., Incorporated, is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 430 Evans Street, Greenville, North Carolina, and is engaged in the business of operating a retail department store in Greenville, North Carolina.

Respondent Efird Bros. Company of Columbia, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at 1601 Main Street, Columbia, South Carolina, and is engaged in the business of operating a retail department store in Columbia, South Carolina.

Respondent Efird's Department Store of Anderson, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at 104 South Main Street, Anderson, South Carolina, and is engaged in the business of operating a retail department store in Anderson, South Carolina.

Respondent Efird's Department Store of Greenville, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at 14 South Main Street, Greenville, South Carolina, and is engaged in the business of operating a retail department store in Greenville, South Carolina.

Respondent Efird's Department Store of Spartanburg, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at 129 East Main Street, Spartanburg, South Carolina, and is engaged in the business of operating a retail department store in Spartanburg, South Carolina.

Respondent Efird's Department Store of Greenwood, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at Main Street, Greenwood, South Carolina, and is engaged in the business of operating a retail department store in Greenwood, South Carolina.

Respondent Efird's Department Store of Rock Hill, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at 116–118 East Main Street, Rock Hill, South Carolina, and is engaged in the business of operating a retail department store in Rock Hill, South Carolina.

Respondent Efird's Department Store of Sumter, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at 102 South Main Street, Sumter, South Carolina, and is engaged in the business of operating a retail department store in Sumter, South Carolina.

Respondent Efird's Department Store of Greer, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at 33 Trade Street, Greer, South Carolina, and is engaged in the business of operating a retail department store in Greer, South Carolina.

Respondent Efird Bros. Company of Chester, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at 169 Gadsden Street, Chester, South Carolina, and is engaged in the business of operating a retail department store in Chester, South Carolina.

Respondent Efird's Department Store of Danville, Virginia, Incorporated, is a corporation organized and existing under and by virtue of the laws of the State of Virginia, with its principal office and place of business at 411 Main Street, Danville, Virginia, and is engaged in the business of operating a retail department store in the City of Danville, Virginia.

All of the above corporate respondents purchase their merchandise requirements in interstate commerce as hereinafter more particularly set out.

All of said corporate respondents herein named and described will hereinafter be referred to as buyer respondents.

PAR. 3. Respondent Jasper W. Efird is a stockholder and a director in all of said buyer respondent corporations. He is employed by each of them as vice president to act in the capacity of buyer or purchasing agent for them. Said purchasing services are rendered by said respondent Jasper W. Efird, from the office located at 200 West 34th Street, New York City, New York, which office is listed as J. W. Efird, Efird Department Stores, and which office is held out to the public as the buying office of the said buyer respondents. Orders for merchandise to be purchased and shipped to them are sent by said buyer respondents to respondent Jasper W. Efird at said office and all of the requirements of each of said buyer respondents are thus purchased by or through said respondent Jasper W. Efird, or only after his approval first had and obtained. Merchandise so ordered is bought by respondent Jasper W. Efird from various sellers and is then shipped by various sellers thereof from New York City, New York, and elsewhere, into and through the various states of the United States to said buyer respondents located as hereinabove set out in the states of North Carolina, South Carolina and Virginia.

PAR. 4. In the course and conduct of the purchasing transactions above outlined, sellers of merchandise have since June 19, 1936, transmitted, paid and delivered and do transmit, pay and deliver to said respondent Jasper W. Efird, brokerage fees or commissions, the same being a percentage of the sales prices agreed upon between each of the various sellers and the buyer respondents through

their agent, officer and employee, respondent Jasper W. Efird, and said sellers have likewise transmitted, paid and delivered and do transmit, pay and deliver to said respondent Jasper W. Efird, payments or allowances in lieu of brokerage and said respondent Jasper W. Efird has since June 19, 1936, received and accepted and is receiving and accepting such brokerage fees and commissions and also payments and allowances in lieu thereof upon purchases of merchandise made through him by said buyer respondents.

PAR. 5. In all of the purchasing transactions hereinabove described, said respondent Jasper W. Efird has been and is subject to the direct control and has been and is acting in fact for and in behalf of said buyer respondents.

PAR. 6. In all of the purchasing transactions hereinabove described in connection with which the said brokerage fees and commissions and payments and allowances in lieu thereof have been and are being paid and transmitted by said sellers and have been and are being accepted and received by said respondent Jasper W. Efird, no services whatsoever in connection with said purchases have been rendered or are now being rendered to, for or on behalf of any of said sellers by said respondent Jasper W. Efird.

PAR. 7. The said brokerage fees or commissions and payments and allowances in lieu thereof so received and accepted by respondent Jasper W. Efird as hereinabove described, have been used and expended by him as an officer and employee of said buyer respondents in the payment of rent, salaries, wages, traveling expenses and other maintenance costs of the said buyer respondents' New York City office at 200 West 34th Street, and for other similar purposes solely for the benefit of said buyer respondents.

PAR. 8. The transmission and payment of said brokerage fees or commissions and the payments and allowances in lieu thereof by the said sellers to and the receipt and acceptance thereof by respondent Jasper W. Efird and said buyer respondents in the manner and under the circumstances hereinabove set forth, is in violation of the provisions of Section 2 (c) of the above-mentioned Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, (the Clayton Act), as amended by the Act of Congress entitled "An Act to amend Section 2 of an Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (U.S.C. Title 15, Sec. 13) and for other purposes", approved June 19, 1936 (the Robinson-Patman Act).

Wherefore, the premises considered, the Federal Trade Commission on this 21st day of November, A. D. 1939, issues its complaint against said respondents.

NOTICE

Notice is hereby given you, Jasper W. Efird, an individual; Charlotte Mercantile Company, a corporation; Efird's Department Store of Charlotte, N. C., Inc., a corporation; Efird's Department Store of Wilmington, N. C., Inc., a corporation; Efird's Department Store of Raleigh, N. C., Inc., a corporation; Efird's Department Store, Inc., a corporation; Efird's Department Store of Salisbury, N. C., Inc., a corporation; The Efird Mercantile Co., a corporation; Efird's Dept. Store of High Point, Inc., a corporation; Efird Co., a corporation; Efird's Department Store of Lumberton, N. C., Inc., a corporation; Efird-Davis Co., Inc., a corporation; Efird's Dept. Store of Goldsboro, N. C., Inc., a corporation; Efird's Department Store of Monroe, N. C., Inc., a corporation; Efird's Department Store of Lexington, N. C., Inc., a corporation; Efird's Department Store of Burlington, N. C., Inc., a corporation; Efird's Department Store of Wilson, N. C., Inc., a corporation; Efird's Department Store of Shelby, N. C., Inc., a corporation; Efird's Department Store of Statesville, N. C., Inc., a corporation; Forest City Mercantile Co., a corporation; John E. Efird and Sons, Inc., a corporation; Efird's Department Store of Lenoir, N. C., Inc., a corporation; Efird's Department Store of Laurinburg, Inc., a corporation; Efird's Department Store of Lincolnton, N. C., Inc., a corporation; Efird's Department Store of Greensboro, Inc., a corporation; Efird's Department Store of Kannapolis, N. C., Incorporated, a corporation; Efird's Department Store of Hickory, Incorporated, a corporation; Efird's Department Store of Kinston, N. C., Incorporated, a corporation; Efird's Department Store of Greenville, N. C., Incorporated, a corporation; Efird Bros. Company of Columbia, S. C., Inc., a corporation; Efird's Department Store of Anderson, S. C., Inc., a corporation; Efird's Department Store of Greenville, S. C., Inc., a corporation; Efird's Department Store of Spartanburg, S. C., Inc., a corporation; Efird's Department Store of Greenwood, S. C., Inc., a corporation; Efird's Department Store of Rock Hill, S. C., Inc., a corporation; Efird's Department Store of Sumter, S. C., Inc., a corporation; Efird's Department Store of Greer, S. C., Inc., a corporation; Efird Bros. Company of Chester, S. C., Inc., a corporation; Efird's Department Store of Danville, Virginia, Incorporated, a corporation, respondents herein, that the 29th day of December, A. D., 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondents shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondents shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondents are without knowledge, in which case respondents shall so state.

* * * * *

Failure of the respondents to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondents, to proceed in regular course on the charges set forth in the complaint.

If respondents desire to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondents admit all the material allegations of fact charged in the complaint to be true. Respondents by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondents, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 21st day of November, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-4354; Filed, November 24, 1939; 2:36 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1939.

[File No. 54–15]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY

ORDER APPROVING PLAN OF SIMPLIFICATION, ETC.

Community Power and Light Company, a Delaware Corporation and a registered holding company, having filed (a) an application pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan for the simplification of its corporate structure, which plan is more fully described in the Findings and Opinion hereinafter referred to, including therein a request for the approval by the Commission of such other action as may be necessary to consummate such proposed plan; (b) an application for a report of the Commission, pursuant to Section 11 (g) of said Act on said plan for the simplification of its corporate structure; and (c) a declaration pursuant to Rule U–12E–5 with respect to the solicitation of authorization of such matters by the stockholders of said Company; and

A hearing on the said application and related matters having been held before an officer of the Commission after appropriate notice,[1] which included notice by mail to all Preferred and Common stockholders of record of Community Power and Light Company and to all holders of Assignments and Agreements issued by said Company, and said notice having been mailed, postage prepaid, 17 days prior to the date of the aforesaid hearing, and included also notice by publication in the FEDERAL REGISTER; opportunity for hearing having been given to said Community Power and Light Company, to all of said Preferred and Common stockholders thereof, to all holders of Assignments and Agreements issued by said Company, and to any other persons desiring to be heard at said hearing; no security holders or other persons having appeared at said hearing in opposition to said application; a trial examiner's report, submission of requested findings of fact to the Commission, proposed findings of fact by counsel for the Commission, briefs and oral argument having been waived; the record in this matter having been examined by the Commission, and the Commission having made and filed its Findings and Opinion herein, attached hereto and made a part hereof as if fully incorporated herein; and

[1] 4 F.R. 3563 DI.

The Commission having found that said plan of corporate simplification, as submitted, is necessary to effectuate the provisions of subsection (b) of Section 11 of said Public Utility Holding Company Act of 1935 and fair and equitable to the persons affected by such plan, and the Commission having made and filed herein its report upon said plan, in the form hereto attached and made a part of this order;

It is ordered, Pursuant to said Act and Section 11 (e) thereof, that said plan of corporate simplification be and the same is hereby approved; and

It is further ordered, Pursuant to Section 11 (g) of said Act, that said report be and the same hereby is approved and adopted as the report made by the Commission herein, and as the form of a copy of said report to be used by said Company in making solicitations in respect of the matters therein referred to pursuant to the provisions of Section 11 (g), and in substantial compliance with the terms and conditions of, and for the purposes represented by, said application; and

It is further ordered, That said declaration, as amended, with respect to such solicitation shall be and become effective forthwith; and

It is further ordered, That with respect to the approval of said plan this order be subject to the condition, as required by the terms of said plan, that said plan be approved, and the action of the Board of Directors of the Company, in causing it to be submitted to this Commission, be ratified, by the holders of at least two-thirds in amount of the outstanding First Preferred Stock and a majority in amount of the outstanding Common Stock of said Company; compliance with the said condition may be evidenced by the filing, as part of the record in this proceeding, of a statement executed by the proper corporate officers of Community Power and Light Company, setting forth that such approval has been given as required by the terms of said plan, and summarizing the results of the action of the Preferred and Common stockholders at a special stockholders meeting or otherwise at which such approval may be given; and

It is further ordered, That the Commission hereby reserves jurisdiction to entertain such further proceedings, to make such other findings, and to take such other action as may be appropriate in the premises in connection with such plan, in connection with the various steps required to carry out such plan, or as may be appropriate if the condition specified in the foregoing paragraph is not met with reasonable promptness.

By the Commission.

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

[F. R. Doc. 39–4363; Filed, November 25, 1939; 11:25 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 24th day of November 1939.

[File No. 1–629]

IN THE MATTER OF FEDERAL SCREW WORKS COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X–12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of Federal Screw Works; and

After appropriate notice,[1] a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of business on December 4, 1939.

By the Commission.

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

[F. R. Doc. 39–4364; Filed, November 25, 1939; 11:25 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 24th day of November 1939.

[File No. 7–436]

IN THE MATTER OF BRYANT PARK BUILDING, INC.

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the New York Real Estate Securities Exchange, Inc., in the 6½% First Mortgage Leasehold Sinking Fund Gold Bonds, due July 1, 1945, of Bryant Park Building, Inc., having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X–12F–2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

[1] 4 F.R. 4193 DI.

The Commission having considered the matter;

It is ordered, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X–12F–2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39–4361; Filed, November 25, 1939; 11:24 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 24th day of November 1939.

[File No. 7–446]

IN THE MATTER OF STECHER TRAUNG LITHOGRAPH CORPORATION 5% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the San Francisco Stock Exchange in the 7½% Cumulative Preferred Stock, $100 Par Value, of Stecher Traung Lithograph Corporation, having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X–12F–2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

It is ordered, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X–12F–2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F.R. Doc. 39–4362; Filed, November 25, 1939; 11:24 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 22nd day of November, A. D. 1939.

[File No. 1–609]

IN THE MATTER OF CALLAHAN ZINC-LEAD COMPANY COMMON STOCK, $1 PAR VALUE

ORDER DISMISSING PROCEEDINGS

The Commission having instituted a proceeding pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether registration on the New York Stock Exchange of the Common Stock, $1 par value, of Callahan Zinc-Lead Company shall be suspended or withdrawn; and

After appropriate notice,[1] a hearing having been held in this matter before a trial examiner; the trial examiner having filed his advisory report herein; counsel for Callahan Zinc-Lead Company having filed exceptions thereto; the record in this matter having been duly considered; and the Commission having this day filed its findings of fact and opinion;

It is ordered, That the proceeding heretofore instituted in this matter pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, be and the same hereby is dismissed without prejudice to future proceedings on any proper grounds including those of the present case.

By order of the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39–4370; Filed, November 25, 1939; 12:33 p. m.]

[1] 4 F.R. 1020 DI.

United States of America—Before the Securities and Exchange Commission

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

[File No. 43–255]

IN THE MATTER OF NORTH AMERICAN LIGHT AND POWER COMPANY

ORDER PERMITTING INTERVENTION

John W. Walters having filed with this Commission an application to intervene in the above-entitled proceeding, and having filed therewith an affidavit pursuant to Rule XVII of this Commission from which it appears, among other things, that said John W. Walters is the owner of certain shares of North American Light and Power Company, the applicant in this proceeding, and in his own right and as representative of other holders of preferred stock of said corporation is the party plaintiff in a certain cause now pending in the United States District Court for the Southern District of New York involving matters and questions also involved in this proceeding, and that said Walters has an interest in this proceeding, and that said application for intervention is proper to be granted;

It is hereby ordered, That said John W. Walters be, and is hereby permitted to intervene and to become a party in and to the above-entitled proceeding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39–4378; Filed, November 27, 1939; 11:54 a. m.]