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Washington, Wednesday, December 27, 1939

The President

REMOVING SUSPENSION OF TITLE II OF THE SUGAR ACT OF 1937

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 509 of the Sugar Act of 1937 provides, in part:

"Whenever the President finds and proclaims that a national economic or other emergency exists with respect to sugar or liquid sugar, he shall by proclamation suspend the operation of title II or III above, which he determines, on the basis of such findings, should be suspended, and, thereafter, the operation of any such title shall continue in suspense until the President finds and proclaims that the facts which occasioned such suspension no longer exist. * * *"; and

WHEREAS by proclamation issued September 11, 1939, I found and proclaimed that a national economic emergency existed with respect to sugar and suspended the operation of title II of that Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of the Sugar Act of 1937, do hereby find and proclaim that the facts which occasioned such suspension no longer exist and do by this proclamation remove the suspension of the operation of title II of that Act with respect to the calendar year 1940.

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

14 F.R. 3889 DI.

DONE at the City of Washington this 26th day of December in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2378]

[F. R. Doc. 39-4797; Filed, December 26, 1939; 1:34 p. m.]

EXECUTIVE ORDER

MAKING CERTAIN CHANGES IN CUSTOMS COLLECTION DISTRICT NO. 38

MICHIGAN

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 Customs Collection District No. 38 (Michigan):

1. The designation of Grand Haven, Michigan, as a customs port of entry is revoked.

2. The city of Muskegon, Michigan, is designated as a customs port of entry.

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

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
December 22, 1939.

[No. 8315]

[F. R. Doc. 39-4782; Filed December 26, 1939; 10:24 a. m.]

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Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT CHAPTER I—FARM CREDIT ADMINISTRATION

[FCA 160]

CHARGES IN CONNECTION WITH REAMORTIZATIONS OF COMMISSIONER LOANS

DECEMBER 26, 1939.

Section 19.4045 of Title 6, Code of Federal Regulations, is revoked and section 19.4043 of Title 6, Code of Federal Regulations, is amended to read as follows:

"§ 19.4043 *Charges in connection with reamortizations of Commissioner loans.* Applicants for reamortizations of either first mortgage or second mortgage Commissioner loans should be required to pay such out-of-pocket costs as abstract charges, recording fees and other incidental items. (Sec. 6, 47 Stat. 14, secs. 32, 33, 48 Stat. 48, 49, as amended, secs. 1, 2, 48 Stat. 344, 345, sec. 4 (b), 48 Stat. 346, as amended; 12 U.S.C. 665, 1016, 1017, 1020, 1020a, 1020d, and Sup.) [Min. Bd. Dir., FPMC, Sept. 27, 1939, Revision No. 94, Manual for Federal Land Banks, December 26, 1939]"

[SEAL] GERALD E. LYONS,
Acting Governor.

[F. R. Doc. 39-4791; Filed, December 26, 1939; 12:01 p. m.]

[FCA 161]

THE FEDERAL LAND BANK OF SAINT PAUL CHARGES FOR REAMORTIZATION, FEDERAL LAND BANK LOANS

Section 27.7 of Title 6, Code of Federal Regulations is amended to read as follows:

"§ 27.7 *Charges for reamortization, Federal land bank loans.* For each loan reamortized the applicant therefor shall

pay \$3.00, said sum representing the average cash outlay in connection with each such reamortization for abstract of title charges and recording fees. (Sec. 13 'Thirteenth', as added by sec. 4, 47 Stat. 1548; 12 U.S.C. 781 'Thirteenth') [Res. Bd. Dir., October 24, 1939]"

[SEAL] THE FEDERAL LAND BANK
OF SAINT PAUL.
By F. W. PECK, President.

[F. R. Doc. 39-4792; Filed, December 26, 1939; 12:01 p. m.]

[FCA 162]

THE FEDERAL LAND BANK OF SAINT PAUL CHARGES FOR REAMORTIZATION, LAND BANK COMMISSIONER LOANS

Section 27.8 of Title 6, Code of Federal Regulations is amended to read as follows:

"§ 27.8 *Charges for reamortization, Land Bank Commissioner loans.* For each loan reamortized the applicant therefor shall pay \$3.00, said sum representing the average cash outlay in connection with each such reamortization for abstract of title charges and recording fees. In the case of a joint loan, where both the Federal land bank and the Land Bank Commissioner loans are reamortized simultaneously, a charge of \$2.00 in addition to the foregoing is made. (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; 6 CFR 19.4043).

"[Res. Bd. Dir., October 24, 1939]"

[SEAL] THE FEDERAL LAND BANK
OF SAINT PAUL,
By F. W. PECK, President.

[F. R. Doc. 39-4793; Filed, December 26, 1939; 12:01 p. m.]

TITLE 7—AGRICULTURE

CHAPTER V—FEDERAL SURPLUS COMMODITIES CORPORATION

AMENDMENT TO (1) REGULATIONS AND CONDITIONS GOVERNING THE ISSUANCE OF FOOD ORDER STAMPS, ESTABLISHING THE ELIGIBILITY OF THE HOLDERS THEREOF TO RECEIVE AGRICULTURAL COMMODITIES OR THE PRODUCTS THEREOF AND PROVIDING FOR THE PAYMENT OF CLAIMS MADE BY RETAILERS OF SUCH COMMODITIES OR PRODUCTS, AS AMENDED, AND (2) REGULATIONS AND CONDITIONS GOVERNING THE ISSUANCE OF FOOD ORDER STAMPS TO PERSONS IN LOW INCOME GROUPS IN SHAWNEE, OKLAHOMA, ESTABLISHING THE ELIGIBILITY OF THE HOLDERS THEREOF TO RECEIVE AGRICULTURAL COMMODITIES OR THE PRODUCTS THEREOF, AND PROVIDING FOR THE PAYMENT OF CLAIMS MADE BY RETAILERS OF SUCH COMMODITIES AND PRODUCTS

"Regulations and Conditions Governing the Issuance of Food Order Stamps,

Establishing the Eligibility of the Holders Thereof to Receive Agricultural Commodities or the Products Thereof and Providing for the Payment of Claims Made by Retailers of Such Commodities or Products" made and prescribed by the Secretary of Agriculture on April 21, 1939, as amended,¹ and "Regulations and Conditions Governing the Issuance of Food Order Stamps to Persons in Low Income Groups in Shawnee, Oklahoma, Establishing the Eligibility of the Holders Thereof to Receive Agricultural Commodities or the Products Thereof and Providing for the Payment of Claims Made by Retailers of Such Commodities and Products" made and prescribed by the Acting Secretary of Agriculture on October 14, 1939,² are hereby amended by inserting as section 208 of the former and section 307 of the latter the following:

"Violations of conditions. Whenever the President or the Acting President of the Corporation shall determine that any person has violated, or is violating, the conditions herein contained, or any amendment thereto, he may issue an order denying to such person, indefinitely or for such period as he may determine, the privilege of further participation in any matter or respect concerning orange colored or blue colored surplus food order stamps or the food distribution plan based thereon. For this purpose the President or the Acting President of the Corporation may adopt and promulgate, and from time to time modify or amend, such practice and procedure as he may deem necessary, not inconsistent with the provisions of these regulations and conditions. The President or the Acting President of the Corporation may suspend alleged violators from the privilege referred to above at any time prior to or pending final determination as provided above; and may, as to the issuance of any order denying participation or as to any suspension as provided herein, take such action as to any such order or suspension which shall to him seem reasonably designed to make effective the terms thereof."

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed hereto, in the City of Washington, this 26th day of December, 1939.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-4796; Filed, December 26, 1939; 12:36 p. m.]

¹ 4 F.R. 1716 DI.

² 4 F.R. 4255 DI.

TITLE 24—HOUSING CREDIT

CHAPTER II—FEDERAL SAVINGS AND LOAN SYSTEM

AMENDMENT TO RULES AND REGULATIONS FOR THE FEDERAL SAVINGS AND LOAN SYSTEM

RELATING TO THE MANNER IN WHICH INVOLUNTARY REPURCHASES OF FEDERAL INVESTMENTS WILL BE HANDLED

Be it resolved, That Section 203.8 of the Rules and Regulations for the Federal Savings and Loan System is amended, effective December 22, 1939, by adding at the end thereof the following new subsections:

"(e) *Retirement of investments upon request by the Secretary of the Treasury or the Home Owners' Loan Corporation.* The basis for computing the amount of repurchases which the Secretary of the Treasury or the Home Owners' Loan Corporation may at any time request shall be the original amount of separate investments made five years or more prior to the date of each such request, and the original amount of each such separate investment shall be included in the said basis until such time as the investment would have been fully retired had separate requests been made for the retirement of the investment and had the repurchases been applied accordingly. Repurchases shall be applied toward the retirement of the investment first made by the Secretary of the Treasury or the Home Owners' Loan Corporation and not previously retired.

"(f) *Return of receipt, certificate or other evidence of investment.* The receipt, certificate or other evidence of investment by the Secretary of the Treasury or the Home Owners' Loan Corporation will be returned upon repurchase of the investment in full; partial repurchases will be evidenced by appropriate endorsement on the receipt, certificate or other evidence of the investment." (Sec. 5 (a) of H.O.L.A. of 1933, 48 Stat. 132, Sec. 5 (j) of H.O.L.A. of 1933, as added by Sec. 5, 48 Stat. 645, Sec. 4 (n) of H.O.L.A. of 1933, as added by Sec. 17 (a), 49 Stat. 297; 12 U.S.C. 1464 (a), (j), 12 U.S.C., Sup. 1463 (n))

Be it further resolved, That this amendment is deemed to be of an emergency character within the provisions of subsection (c) of Section 201.2 of the Rules and Regulations for the Federal Savings and Loan System.

Adopted by the Federal Home Loan Bank Board on December 22, 1939.

[SEAL]

J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 39-4771; Filed, December 22, 1939; 2:44 p. m.]

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

PART 401—RESOLUTION

AMENDING PART 401 OF CHAPTER IV, TITLE 24 OF THE CODE OF FEDERAL REGULATIONS

Retirement of Investments Upon Request by the Home Owners' Loan Corporation; Return of Receipt, Certificate or Other Evidence of Investment

Section 401.58 is amended by the addition of the following new subsections (Effective December 22, 1939):

"(c) *Retirement of investments upon request by the Home Owners' Loan Corporation.* The basis for computing the amount of repurchases which the Home Owners' Loan Corporation may at any time request shall be the original amount of separate investments made five years or more prior to the date of each such request, and the original amount of each such separate investment shall be included in the said basis until such time as the investment would have been fully retired had separate requests been made for the retirement of the investment and had the repurchases been applied accordingly. Repurchases shall be applied toward the retirement of the investment first made by the Home Owners' Loan Corporation and not previously retired.

"(d) *Return of receipt, certificate or other evidence of investment.* The receipt, certificate or other evidence of investment by the Home Owners' Loan Corporation will be returned upon repurchase of the investment in full; partial repurchases will be evidenced by appropriate endorsement on the receipt, certificate or other evidence of the investment, provided that a new certificate shall be issued for the unretired portion of each investment which is a creditor obligation." (Sec. 4 (k) of H.O.L.A. of 1933, 48 Stat. 132, Sec. 4 (n) of H.O.L.A. of 1933, as added by Sec. 17 (a), 49 Stat. 297; Sec. 5 (j) of H.O.L.A. of 1933, as added by Sec. 5, 48 Stat. 645; 12 U.S.C. 1463 (k), 1464 (j), 12 U.S.C., Sup., 1463 (n))

Adopted by the Federal Home Loan Bank Board on December 22, 1939.

[SEAL]

J. FRANCIS MOORE,
Acting Secretary.

[F. R. Doc. 39-4770; Filed, December 22, 1939; 2:44 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 10]

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

DECEMBER 22, 1939.

Section 1.23 is amended to read as follows:

§ 1.23 *Evidence of citizenship of owners and officers.* In addition to the oaths

of citizenship specified, a collector of customs may require the production of such further evidence as may be necessary to satisfy him that the person is a citizen of the United States and the proper notation of the evidence produced should be made on the papers retained in the collector's office, such as the number, date and office of issue of an officer's license or a seaman's passport or a citizen's passport, or the same data as to birth certificate or a naturalization certificate, or a continuous discharge book, or certificate of identification, etc. Acceptable evidence of citizenship is described below in the order of its desirability:

(1) Birth certificate or certified copy.
(2) Naturalized citizens must present a Certificate of Naturalization.

(3) Baptismal certificate or Parish record recorded within one year after birth.

(4) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing date on which it occurred.

(5) State Department Passport.

(6) A commission in the United States Army, Reserve Corps, Navy, Naval Reserve, or Coast Guard.

(7) A license as master, mate, or engineer or pilot issued by the Bureau of Marine Inspection and Navigation when such license shows on the back thereof that satisfactory evidence of citizenship has been submitted.

(8) A continuous discharge book or certificate of identification issued by the Bureau of Marine Inspection and Navigation which shows that the holder is an American citizen, if records of Bureau indicate that he presented satisfactory proof of citizenship.

(9) Seaman's protection certificate, if records of issuing officer indicate that holder presented satisfactory proof of citizenship.

(10) If no one of the foregoing requirements can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the following character:

(1) Report of the Census Bureau showing the *earliest record* of age or birth available. Request for such information should be addressed to the Director of the Census, Washington, D. C. In making such request, definite information must be furnished the Census Bureau as to the place when the first census was taken after the birth of the applicant, giving the name of the street and number of the house, or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district, if residing in the country; also the names of parents, or

the names of other persons with whom residing on the dates specified.

NOTE: A census was taken in the following years: June 1, 1860, 1870, 1880 and 1900; April 15, 1910; January 1, 1920; and April 1, 1930. (Records for 1890 are not available.)

(2) Affidavits of parents, or relatives; or affidavits by two or more responsible citizens of the United States stating facts of which they have knowledge tending to establish applicant's citizenship; school records; immigration records; or insurance policies.

For the convenience of applicants there is listed below the State custodians of records of vital statistics. This is not a complete list of offices from which birth certificates may be secured, but is confined to such offices established by State governments. In many States, birth records are maintained also by county clerks, clerks of county courts, and/or city clerks or town clerks. If a State record is not available, inquiry should be made of the county, city or town clerk. The year below at the right indicates the date of the earliest available record.

Alabama: State Registrar, Bureau of Vital Statistics, Montgomery, Ala., 1908.

Alaska: Auditor of Alaska, Juneau, Alaska, 1913.

Arizona: State Registrar of Vital Statistics, Phoenix, Ariz., 1909.

Arkansas: State Registrar, (State Health Officer), Little Rock, Ark., 1914.

California: State Registrar of Vital Statistics, Sacramento, Calif., 1905.

Canal Zone: Chief, Bureau of Statistics, Panama Canal, Balboa Heights, C. Z., 1904.

Colorado: Secretary, State Board of Health, Denver, Colo., 1900.

Connecticut: State Commissioner Health, State Dept. Health, Hartford, Conn., 1897.

Delaware: State Registrar, State Board of Health, Dover, Del., 1861.

Dist. Columbia: Health Officer, District of Columbia, Washington, D. C., 1872.

Florida: Director, Bureau Vital Statistics, Board Health, Jacksonville, Fla., 1865.

Georgia: Registrar, State Board Health, Bureau Vital Statistics, Atlanta, Ga., 1919.

Hawaii: Registrar General, Bureau Vital Statistics, Honolulu, T. H., 1896.¹

Idaho: Department of Public Welfare, Boise, Idaho, 1911.

Illinois: Director, Department Public Health, Springfield, Ill., 1916.

Indiana: State Health Commissioner, Indianapolis, Ind., 1907.

Iowa: Secretary, State Board of Health, Des Moines, Iowa, 1880.

Kansas: State Registrar, Topeka, Kansas, 1911.

Kentucky: State Registrar of Vital Statistics, Louisville, Ky., 1911.

¹Some records are available prior to this date.

Louisiana: State Registrar, Bureau Vital Statistics, New Orleans, La., 1898.
Maine: State Health Commissioner, Augusta, Maine, 1892.

Maryland: State Registrar of Vital Statistics, Baltimore, Md., 1898.

Massachusetts: State Registrar of Vital Statistics, State House, Boston, Mass., 1841.

Michigan: State Department of Health, Lansing, Mich., 1867.

Minnesota: State Board of Health, St. Paul, Minn., 1900.

Mississippi: Director, Bureau of Vital Statistics, Jackson, Miss., 1913.

Missouri: State Board of Health, Department Vital Statistics, Jefferson City, Mo., 1910.

Montana: Secretary, State Board of Health, Helena, Mont., 1907.

Nebraska: Chief, Bureau of Health, Lincoln, Nebr., 1905.

Nevada: Secretary, State Board of Health, Carson City, Nev., 1911.

New Hampshire: State Registrar, Department Vital Statistics, Concord, N. H., 1640.

New Jersey: Registrar, Bureau of Vital Statistics Trenton, N. J., 1848.

New Mexico: State Director, Bureau of Public Health, Santa Fe, New Mexico, 1919.

New York: State Department of Health, Div. of Vital Statistics, Albany, N. Y., 1880.²

North Carolina: State Registrar of Vital Statistics, Raleigh, N. C., 1913.

North Dakota: State Health Officer, Bismarck, N. D., 1907.

Ohio: Director, Department of Health, Columbus, Ohio, 1908.

Oklahoma: Commissioner of Health, Oklahoma City, Okla., 1907.

Oregon: State Board of Health, Portland, Ore., 1903.

Pennsylvania: State Registrar, Harrisburg, Pa., 1906.

Rhode Island: State Registrar and Director, Public Health Commission, Providence, R. I., 1853.

South Carolina: Secretary, State Board of Health, Columbia, S. C., 1915.

South Dakota: Director of Vital Statistics, Department of Health, Waubay, S. D., 1905.

Tennessee: Registrar of Vital Statistics, Department Public Health, Nashville, Tenn., 1914.

Texas: Registrar of Vital Statistics, Department Public Health, Austin, Texas, 1903.

Utah: Secretary, State Board of Health, Salt Lake City, Utah, 1906.

Vermont: Secretary of State, Montpelier, Vt., 1787.

Virginia: State Registrar, Richmond, Va.³

²For records of births occurring in New York City, address respective borough departments of health. The main office address of the New York City Department of Health is 138 Center Street, New York City.

³Records are available from 1853 to 1896, and from 1912 to date.

Washington: Director of Health, Alaska Building, Seattle, Wash., 1907.

West Virginia: State Commissioner of Health, Charleston, W. Va., 1917.

Wisconsin: State Health Officer, Madison, Wisc., 1860.

Wyoming: Secretary, State Board of Health, Cheyenne, Wyo., 1909.

Collectors and deputy collectors of customs must be satisfied that the evidence presented is authentic and may reject any evidence that they have reason to believe is not based on facts.

[Sec. 161 R.S. (5 U.S.C. 22); Sec. 2 of the Act of July 5, 1884 (23 Stat. 118) (46 U.S.C. 2)]

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

[F. R. Doc. 39-4773; Filed, December 22, 1939; 4:38 p. m.]

[Order No. 11]

SUBCHAPTER K—SEAMEN

DECEMBER 22, 1939.

Subsection (a) of Section 139.3, *Evidence of American Citizenship*, is amended to read as follows:

(a) The applicant shall furnish proof that he is an American citizen. Acceptable evidence of citizenship is described below in the order of its desirability:

(1) Birth certificate or certified copy.
(2) Naturalized citizens must present a Certificate of Naturalization.
(3) Baptismal certificate or Parish record recorded within one year after birth.

(4) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing date on which it occurred.

(5) State Department Passport.

(6) A commission in the United States Army, Reserve Corps, Navy, Naval Reserve or Coast Guard.

(7) A license as master, mate or engineer or pilot issued by the Bureau of Marine Inspection and Navigation when such license shows on the back thereof that satisfactory evidence of citizenship has been submitted.

(8) A continuous discharge book or certificate of identification issued by the Bureau of Marine Inspection and Navigation which shows that the holder is an American citizen, if records of Bureau indicate that he presented satisfactory proof of citizenship.

(9) If no one of the foregoing requirements can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship he may submit for consideration data of the following character:

(1) Report of the Census Bureau showing the earliest record of age or birth available. Request for such information should be addressed to the Director of Census, Washington, D. C. In making such request, definite information

must be furnished the Census Bureau as to the place when the first census was taken after the birth of the applicant, giving the name of the street and number of the house, or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district, if residing in the country; also the names of parents, or the names of other persons with whom residing on the dates specified.

Note: A census was taken in the following years: June 1, 1860, 1870, 1880, and 1900; April 15, 1910; January 1, 1920; and April 1, 1930. (Records for 1890 are not available.)

(2) Affidavits of parents, or relatives; or affidavits by two or more responsible citizens of the United States, stating facts of which they have knowledge tending to establish applicant's citizenship; school records; immigration records; or insurance policies.

For the convenience of applicants there is listed below the State custodians of records of vital statistics. This is not a complete list of officers from which birth certificates may be secured, but is confined to such offices established by State governments. In many States, birth records are maintained also by county clerks, clerks of county courts, and/or city clerks or town clerks. If a State record is not available, inquiry should be made of the county, city or town clerk. The year below at the right indicates the date of the earliest available record.

Alabama: State Registrar, Bu. of Vital Statistics, Montgomery, Ala., 1908.

Alaska: Auditor of Alaska, Juneau, Alaska, 1913.

Arizona: State Registrar of Vital Statistics, Phoenix, Arizona, 1909.

Arkansas: State Registrar (State Health Officer), Little Rock, Ark., 1914.

California: State Registrar of Vital Statistics, Sacramento, Calif., 1905.

Canal Zone: Chief, Bu. Statistics, Panama Canal, Balboa Heights, C. Z., 1904.

Colorado: Secretary, State Board of Health, Denver, Colo., 1900.

Connecticut: State Commr. Health, State Dept. Health, Hartford, Conn., 1897.

Delaware: State Registrar, State Board of Health, Dover, Del., 1861.

Dist. Columbia: Health Officer, District of Columbia, Washington, D. C., 1872.

Florida: Director, Bu. Vital Statistics, Bd. Health, Jacksonville, Fla., 1865.

Georgia: Registrar, State Bd. Health, Bu. Vital Statistics, Atlanta, Ga., 1919.

Hawaii: Registrar General, Bu. Vital Statistics, Honolulu, T. H., 1896.¹

Idaho: Department of Public Welfare, Boise, Idaho, 1911.

Illinois: Director, Dept. Public Health, Springfield, Ill., 1916.

Indiana: State Health Commissioner, Indianapolis, Ind., 1907.

¹ Some records are available prior to this date.

Iowa: Secretary, State Board of Health, Des Moines, Iowa, 1880.

Kansas: State Registrar, Topeka, Kans., 1911.

Kentucky: State Registrar of Vital Statistics, Louisville, Ky., 1911.

Louisiana: State Registrar, Bu. Vital Statistics, New Orleans, La., 1898.

Maine: State Health Commissioner, Augusta, Maine, 1892.

Maryland: State Registrar of Vital Statistics, Baltimore, Md., 1898.

Massachusetts: State Registrar of Vital Statistics, State House, Boston, Mass., 1841.

Michigan: State Department of Health, Lansing, Mich., 1867.

Minnesota: State Board of Health, St. Paul, Minn., 1900.

Mississippi: Director, Bureau of Vital Statistics, Jackson, Miss., 1913.

Missouri: State Bd. Health Dept. Vital Statistics, Jefferson City, Mo., 1910.

Montana: Secretary, State Bd. of Health, Helena, Mont., 1907.

Nebraska: Chief, Bureau of Health, Lincoln, Nebr., 1905.

Nevada: Secretary, State Board of Health, Carson City, Nev., 1911.

New Hampshire: State Registrar, Dept. Vital Statistics, Concord, N. H., 1640.

New Jersey: Registrar, Bureau of Vital Statistics, Trenton, N. J., 1848.

New Mexico: State Director, Bu. of Pub. Health, Santa Fe, New Mexico, 1919.

New York: State Dept. of Health, Div. of Vital Statistics, Albany, N. Y., 1880.²

North Carolina: State Registrar of Vital Statistics, Raleigh, N. C., 1913.

North Dakota: State Health Officer, Bismarck, N. D., 1907.

Ohio: Director, Dept. Health, Columbus, Ohio, 1908.

Oklahoma: Commissioner of Health, Oklahoma City, Okla., 1907.

Oregon: State Board of Health, Portland, Ore., 1903.

Pennsylvania: State Registrar, Harrisburg, Pa., 1906.

Rhode Island: State Registrar and Director, Pub. Health Comm., Providence, R. I., 1853.

South Carolina: Secretary, State Board of Health, Columbia, S. C., 1915.

South Dakota: Director of Vital Statistics, Dept. Health, Waubay, S. D., 1905.

Tennessee: Registrar of Vital Statistics, Dept. Pub. Health, Nashville, Tenn., 1914.

Texas: Registrar of Vital Statistics, State Bd. Health, Austin, Texas, 1903.

Utah: Sec'y, State Bd. of Health, Salt Lake City, Utah, 1906.

Vermont: Secretary of State, Montpelier, Vt., 1787.

Virginia: State Registrar, Richmond, Va.³

Washington: Director of Health, Alaska Building, Seattle, Wash., 1907.

² For records of births occurring in New York City, address respective borough departments of health. The main office address of the New York City Department of Health is 138 Center Street, New York City.

³ Records are available from 1853 to 1896 and from 1912 to date.

West Virginia: State Commissioner of Health, Charleston, W. Va., 1917.

Wisconsin: State Health Officer, Madison, Wis., 1860.

Wyoming: Secretary, State Board of Health, Cheyenne, Wyo., 1909.

Collectors and deputy collectors of customs must be satisfied that the evidence presented is authentic and may reject any evidence that they have reason to believe is not based on facts.

Section 161 R.S. (5 U.S.C. 22); Section 2 of the Act of July 5, 1884 (23 Stat. 118) (46 U.S.C. 2)

[SEAL]

J. M. JOHNSON,
Acting Secretary of Commerce.

[F. R. Doc. 39-4774; Filed, December 22, 1939;
4:39 p. m.]

[Order No. 12]

SUBCHAPTER K—SEAMEN

DECEMBER 22, 1939.

Subsection (k) of Section 138.1, *General*, is amended to read as follows:

(k) An applicant claiming to be a citizen of the United States shall furnish satisfactory evidence of such citizenship to the issuing officer. Acceptable evidence of citizenship is described below in the order of its desirability:

(1) Birth certificate or certified copy.
(2) Naturalized citizens must present a Certificate of Naturalization.

(3) Baptismal certificate or Parish record recorded within one year after birth.

(4) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing the date on which it occurred.

(5) State Department Passport.

(6) A commission in the United States Army, Reserve Corps, Navy, Naval Reserve, or Coast Guard.

(7) A license as master, mate or engineer or pilot issued by the Bureau of Marine Inspection and Navigation when such license shows on the back thereof that satisfactory evidence of citizenship has been submitted.

(8) Seaman's protection certificate, if records of issuing officer indicate that holder presented satisfactory proof of citizenship.

(9) If no one of the foregoing requirements can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the following character:

(1) Report of the Census Bureau showing the earliest record of age or birth available. Request for such information should be addressed to the Director of the Census, Washington, D. C. In making such request, definite information must be furnished the Census Bureau as to the place when the first census was taken after the birth of the applicant, giving the name of the street and number of the house, or the names of the cross streets between which the house was located if residing in a city; or the

name of the town, township, precinct, magisterial district, militia district, beat or election district, if residing in the country; also the names of parents, or the names of other persons with whom residing on the dates specified.

NOTE: A census was taken in the following years: June 1, 1860, 1870, 1880, and 1900; April 15, 1910; January 1, 1920; and April 1, 1930. (Records for 1890 are not available)

(2) Affidavits of parents, or relatives; or affidavits by two or more responsible citizens of the United States stating facts of which they have knowledge tending to establish applicant's citizenship; school records; immigration records; or insurance policies.

For the convenience of applicants there is listed below the State custodians of records of vital statistics. This is not a complete list of offices from which birth certificates may be secured, but is confined to such offices established by State governments. In many States, birth records are maintained also by county clerks, clerks of county courts, and/or city clerks or town clerks. If a State record is not available, inquiry should be made of the county, city or town clerk. The year below at the right indicates the date of the earliest available record.

Alabama: State Registrar, Bu. of Vital Statistics, Montgomery, Ala., 1908.

Alaska: Auditor of Alaska, Juneau, Alaska, 1913.

Arizona: State Registrar of Vital Statistics, Phoenix, Arizona, 1909.

Arkansas: State Registrar (State Health Officer), Little Rock, Ark., 1914.

California: State Registrar of Vital Statistics, Sacramento, Calif., 1905.

Canal Zone: Chief, Bu. Statistics, Panama Canal, Balboa Heights, C. Z., 1904.

Colorado: Secretary, State Board of Health, Denver, Colo., 1900.

Connecticut: State Commr. Health, State Dept. Health, Hartford, Conn., 1897.

Delaware: State Registrar, State Board of Health, Dover, Del., 1861.

District of Columbia: Health Officer, District of Columbia, Washington, D. C., 1872.

Florida: Director, Bu. Vital Statistics, Bd. Health, Jacksonville, Fla., 1865.

Georgia: Registrar, State Bd. Health, Bu. Vital Statistics, Atlanta, Ga., 1919.

Hawaii: Registrar General, Bu. Vital Statistics, Honolulu, T. H., 1896.¹

Idaho: Department of Public Welfare, Boise, Idaho, 1911.

Illinois: Director, Dept. Public Health, Springfield, Ill., 1916.

Indiana: State Health Commissioner, Indianapolis, Ind., 1907.

Iowa: Secretary, State Board of Health, Des Moines, Iowa, 1880.

Kansas: State Registrar, Topeka, Kans., 1911.

Kentucky: State Registrar of Vital Statistics, Louisville, Ky., 1911.

Louisiana: State Registrar, Bu. Vital Statistics, New Orleans, La., 1898.

¹Some records are available prior to this date.

Maine: State Health Commissioner, Augusta, Maine, 1892.

Maryland: State Registrar of Vital Statistics, Baltimore, Md., 1898.

Massachusetts: State Registrar of Vital Statistics, State House, Boston, Mass., 1841.

Michigan: State Department of Health, Lansing, Michigan, 1867.

Minnesota: State Board of Health, St. Paul, Minn., 1900.

Mississippi: Director, Bureau of Vital Statistics, Jackson, Miss., 1913.

Missouri: State Bd. Health, Dept. Vital Statistics, Jefferson City, Mo., 1910.

Montana: Secretary, State Bd. of Health, Helena, Mont., 1907.

Nebraska: Chief, Bureau of Health, Lincoln, Nebraska, 1905.

Nevada: Secretary, State Board of Health, Carson City, Nev., 1911.

New Hampshire: State Registrar, Dept. Vital Statistics, Concord, N. H., 1640.

New Jersey: Registrar, Bureau of Vital Statistics, Trenton, N. J., 1848.

New Mexico: State Director, Bu. of Pub. Health, Santa Fe, New Mexico, 1919.

New York: State Dept. of Health, Div. of Vital Statistics, Albany, N. Y., 1880.²

North Carolina: State Registrar of Vital Statistics, Raleigh, N. C., 1913.

North Dakota: State Health Officer, Bismarck, N. D., 1907.

Ohio: Director, Dept. Health, Columbus, Ohio, 1908.

Oklahoma: Commissioner of Health, Oklahoma City, Okla., 1907.

Oregon: State Board of Health, Portland, Ore., 1903.

Pennsylvania: State Registrar, Harrisburg, Pa., 1906.

Rhode Island: State Registrar and Director, Pub. Health Comm., Providence, R. I., 1853.

South Carolina: Secretary, State Board of Health, Columbia, South Carolina, 1915.

South Dakota: Director of Vital Statistics, Dept. Health, Waubay, S. D., 1905.

Tennessee: Registrar of Vital Statistics, Dept. Public Health, Nashville, Tenn., 1914.

Texas: Registrar of Vital Statistics, State Bd. Health, Austin, Tex., 1903.

Utah: Sec'y. State Bd. of Health, Salt Lake City, Utah, 1906.

Vermont: Secretary of State, Montpelier, Vt., 1787.

Virginia: State Registrar, Richmond, Va.³

Washington: Director of Health, Alaska Building, Seattle, Wash., 1907.

West Virginia: State Commissioner of Health, Charleston, West Virginia, 1917.

Wisconsin: State Health Officer, Madison, Wis., 1860.

Wyoming: Secretary, State Board of Health, Cheyenne, Wyo., 1909.

²For records of births occurring in New York City, address respective borough departments of health. The main office address of the New York Department of Health is 138 Center Street, New York City.

³Records are available from 1853 to 1896, and from 1912 to date.

United States shipping commissioners, collectors and deputy collectors of customs, and United States local inspectors must be satisfied that the evidence presented is authentic and may reject any evidence that they have reason to believe is not based on facts. If the seaman is unable to present such proof, a question mark shall be placed opposite nationality in the continuous discharge book or on the certificate of identification until such time as he is able to present proof of citizenship, at which time the United States shipping commissioner or at ports where no shipping commissioner has been appointed, the collector or deputy collector of customs or United States local inspector to whom such proof is presented shall draw a line through the question mark and note his citizenship status in the space provided therefor attesting the change.

[Section 7, Act of June 25, 1936 (46 U.S.C. 689); Section 4551 (j) of the Revised Statutes, as amended, 46 U.S.C. Sup. IV 643 (j).]

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

[F. R. Doc. 39-4775; Filed, December 22, 1939; 4:38 p. m.]

[Order No. 13]

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

DECEMBER 26, 1939.

Subsection (c) of Section 5.84,¹ *Combat Areas*, of Part V, *Foreign Clearances*, has been amended to read as follows:

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

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

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

[F. R. Doc. 39-4787; Filed, December 26, 1939; 11:16 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 34-FD]

IN THE MATTER OF THE APPLICATION OF
PENNSYLVANIA ELECTRIC COMPANY FOR
RENEWAL OF EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

Pennsylvania Electric Company, Applicant herein, having on June 14, 1937, filed with the National Bituminous Coal Com-

mission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by the Applicant to itself for consumption by it in the business of producing electrical energy and heat for sale and distribution to the public; and

The Commission having, on August 31, 1938, entered an order pursuant to such application in Docket No. 34-FD ordering that the provisions of Section 4, Part II, (1) do apply to the bituminous coal produced by Applicant at its mines located in Clearfield, Somerset, Center and Indiana Counties, Pennsylvania, and consumed by it in the business of producing electrical energy and heat in its plant at Johnstown, Pennsylvania, for sale and distribution to the public, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering the Applicant to apply annually thereafter, and at such other times as the Commission may require for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant having on October 14, 1939, filed with the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantities of coal produced by Applicant for the year preceding the date of filing its application for renewal at its mines located in Clearfield, Somerset, Center and Indiana Counties, Pennsylvania, and consumed by Applicant in its business of producing electrical energy and heat in its plant at Johnstown, Pennsylvania, for sale and distribution to the public, and which application also contains a statement that the facts set forth in the application dated June 14, 1937, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order dated August 31, 1938, continue to exist;

It is ordered, That the application filed by the Applicant for renewal of said order dated August 31, 1938, be and the same is hereby granted;

Provided, however, That the said order dated August 31, 1938, and the exemption granted thereby, shall automatically terminate and expire:

1. Unless the Applicant on or before November 22, 1940, files an application for renewal of said order;

2. Unless the Applicant, on or before July 22, 1940, files with the Director a verified report for the six month period ending June 22, 1940, containing the following information which the Director hereby finds necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name

and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by Applicant and the nature and purpose of such consumption;

3. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mines from which the coal in question was produced or in the ownership of the plants or factories or other facilities at which the coal was consumed; and

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order;

It is further ordered, That the Director, at any time upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of August 31, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, December 22, 1939.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 39-4785; Filed, December 26, 1939; 11:06 a. m.]

[Docket No. 684-FD]

IN THE MATTER OF THE APPLICATION OF THE
LOCK HAVEN TRUST COMPANY, TRUSTEE
UNDER THE LAST WILL AND TESTAMENT
OF HARRY J. BATSCHELET, FOR EXEMPTION

ORDER CONSENTING TO WITHDRAWAL OF
APPLICATION

Upon the request of the applicant, the Director consents to the withdrawal of the application of the above-named applicant upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which may otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect.

It is so ordered.

Dated, December 22, 1939.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 39-4786; Filed, December 26, 1939; 11:06 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 418]

AMENDMENT OF PRIOR ALLOCATIONS OF
FUNDS FOR LOANS

DECEMBER 18, 1939.

I hereby amend Administrative Order No. 378, dated August 1, 1939, by chang-

¹ 4 F.R. 4628 DI.

ing the project designation "South Dakota 0008A1 Brookings" appearing therein to read: "South Dakota 0012A1 Minnehaha".

I hereby amend Administrative Order No. 393, dated September 27, 1939, by changing the project designation "South Dakota 0009A1 Moody" appearing therein to read: "South Dakota 0012B1 Minnehaha".

I hereby amend Administrative Order No. 378, dated August 1, 1939, by changing the project designation "South Dakota 0010A1 Minnehaha" appearing therein to read: "South Dakota 0012C1 Minnehaha".

I hereby amend Administrative Order No. 389, dated September 11, 1939, by changing the project designation "South Dakota 0008W1 Brookings" appearing therein to read: "South Dakota 0012W1 Minnehaha".

I hereby amend Administrative Order No. 394, dated September 27, 1939, by changing the project designation "South Dakota 0010W1 Minnehaha" appearing therein to read: "South Dakota 0012W2 Minnehaha".

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-4772; Filed, December 22, 1939;
2:54 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COM- MITTEE NO. 7 FOR THE KNITTED OUTER- WEAR 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 September 18, 1939, by Administrative Order No. 29, appointed Industry Committee No. 7 for the Knitted Outerwear 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. 7, on October 26, 1939, recommended a minimum wage rate for the Knitted Outerwear Industry and duly adopted a report containing said recommendation and reasons therefor and has filed such report with the Administrator on October 27, 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 recom-

mendation of Industry Committee No. 7 if he finds that the recommendation is made in accordance with law and is 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 recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 7 is as follows:

Thirty-five cents (35¢) per hour shall be the minimum wage rate to be paid all employees in the Knitted Outerwear Industry defined by Administrative Order No. 29 dated September 18, 1939, as follows:

The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; provided that the manufacturing, dyeing or other finishing of the following shall not be included:

(a) Knitted fabric, as distinguished from garment sections or garments, for sale as such.

(b) Fulleed suitings, coatings, topcoatings, and overcoatings.

(c) Garments or garment accessories made from purchased fabric.

(d) Gloves or mittens.

(e) Hosiery.

(f) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

(g) Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

(h) Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer; provided that this exception shall not be construed to exclude from the knitted outerwear industry the manufacturing, dyeing or other finishing of knitted shirts made in the same establishment as that where the knitting process is performed, if such shirts are made wholly or in part of fibers other than those specified in this clause, or if such shirts of any fiber are knit on machinery coarser than 10-cut.

II. The full text of the report and recommendation of Industry Committee No. 7 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.

Richmond, Virginia, 215 Richmond Trust Building.

Baltimore, Maryland, Snow Building, 6th Floor, Calvert & 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 & 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 recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

III. A public hearing for the purpose of taking evidence on the question of whether the recommendation of Industry Committee No. 7 shall be approved or disapproved pursuant to Section 8 of the Act will be held on January 22, 1940, 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.

IV. Any interested person, supporting or opposing the recommendation of Industry Committee No. 7, 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 January 18, 1940, 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 recommendation of Industry Committee No. 7.
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.

V. 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, if practicable, 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 reason 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 re-

quests 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 request, 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 26 day of December 1939.

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 39-4784; Filed, December 26, 1939; 10:26 a. m.]

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 8 FOR THE KNITTED UNDERWEAR AND COMMERCIAL KNITTING 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 September 18, 1939, by Administrative Order No. 30,¹ appointed Industry Committee No. 8 for the Knitted Underwear and Commercial Knitting 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. 8, on November 1, 1939, recommended a minimum wage rate for the Knitted Underwear and Commercial Knitting Industry and duly adopted a report containing said recommendation and reasons therefor

¹ 4 F. R. 4018 DI.

and has filed such report with the Administrator on November 2, 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 recommendation of Industry Committee No. 8 if he finds that the recommendation is made in accordance with law and is 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:

I. The recommendation of Industry Committee No. 8 is as follows:

Wages at a rate of not less than 33½ cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Knitted Underwear and Commercial Knitting Industry who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Knitted Underwear and Commercial Knitting Industry, as set forth in Administrative Order No. 30, issued September 18, 1939, is as follows:

a. The manufacturing, dyeing or other finishing of any knitted fabric made from any yarn or mixture of yarns, except:

1. The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed: *Provided*, That this exception shall not be construed to apply to the garments or garment accessories designated in clause (b) of this definition.

2. Fulleed suitings, coatings, topcoatings, or overcoatings containing more than 25 percent, by weight, of wool or animal fiber other than silk.

3. Hosiery.

b. The manufacturing, dyeing or other finishing, from any yarn or mixture of yarns, or from purchased knitted fabric, of any of the following products:

1. Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

2. Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

3. Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers

which have been knit on machinery of 10-cut or finer in the same establishment as that where the knitting process is performed.

4. Knitted towels or cloths.

III. The full text of the report and recommendation of Industry Committee No. 8 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.

Richmond, Virginia, 215 Richmond Trust Building.

Baltimore, Maryland, Snow Building, 6th Floor, Calvert & 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 & 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 recommendation may be obtained by any person upon request addressed to the Ad-

ministrator 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 recommendation of Industry Committee No. 8 shall be approved or disapproved pursuant to Section 8 of the Act will be held on January 16, 1940, 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 recommendation of Industry Committee No. 8, 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 January 11, 1940, 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 recommendation of Industry Committee No. 8.

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, if practicable, 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 request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, 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 26 day of December 1939.

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 39-4783; Filed, December 26, 1939;
10:26 a. m.]

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE 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

December 27, 1939, until April 23, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

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

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

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

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

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

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate 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
Cinnett Peabody & Co., Inc., Corinth, New York.	Men's shirts.	30

Signed at Washington, D. C., this 26th day of December 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4794; Filed, December 26, 1939;
12:22 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 December 27, 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 may be canceled as of the date of its issue 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 its terms have been violated or that skilled workers have become available.

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

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Aronson-Caplin Company, Inc., Easton, Pennsylvania, ladies' lingerie.

Ashley Shirt Company, Branford, Connecticut, men's shirts.

Eastern Isles Importing Co., Clinton, Massachusetts, ladies' underwear.

B. Kirschbaum Mfg. Co., Inc., Richmond, Kentucky (5 learners), boys' cotton and wool suits.

David H. Smith, Inc., Lynn, Massachusetts, ladies' cotton dresses.

Smith-Levin-Harris, Inc., Lopez, Pennsylvania, men's pajamas.

Signed at Washington, D. C., this 26th day of December 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4795; Filed, December 26, 1939; 12:22 p. 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 21st day of December 1939.

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

[Docket No. 3747]

IN THE MATTER OF PROGRESS TAILORING COMPANY, A CORPORATION, TRADING UNDER ITS OWN NAME AND ALSO AS J. C. FIELD & SON; STONE-FIELD CORPORATION, A CORPORATION; W. Z. GIBSON, INC., A CORPORATION; PIONEER TAILORING COMPANY, A CORPORATION; AND CERTIFIED TAILORING COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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

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

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, January 11, 1940, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

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. 39-4776; Filed, December 26, 1939; 9:37 a. 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 20th day of December 1939.

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

[Docket No. 3793]

IN THE MATTER OF PRINCESS PAT, LTD., AND GORDON-GORDON, LTD.

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 Randolph Preston, 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, January 15, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

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. 39-4777; Filed, December 26, 1939; 9:37 a. 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 December 1939.

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

[Docket No. 3813]

IN THE MATTER OF ACTINO LABORATORIES, INC., A CORPORATION, AND CARL LOEB, AN INDIVIDUAL

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 Randolph Preston, 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 Wednesday, January 17, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

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. 39-4778; Filed, December 26, 1939;
9:37 a. 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 December, A. D. 1939.

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

[Docket No. 3816]

IN THE MATTER OF GUILD ANESTHETIC LABORATORIES, A CORPORATION

*ORDER APPOINTING EXAMINER AND FIXING
TIME AND PLACE FOR TAKING TESTIMONY*

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

It is ordered, That Randolph Preston, 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, January 8, 1940, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

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. 39-4779; Filed, December 26, 1939;
9:37 a. 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 20th day of December, A. D. 1939.

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

[Docket No. 3852]

*IN THE MATTER OF L. B. PATTERSON, AN
INDIVIDUAL, TRADING AS NU-WAY MANU-
FACTURING 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 Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, January 4, 1940, at nine o'clock in the forenoon of that day (central standard time) in Room 307, Federal Office Building, Des Moines, Iowa.

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. 39-4780; Filed, December 26, 1939;
9:38 a. 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 December 1939.

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

[Docket No. 3856]

*IN THE MATTER OF EARL ARONBERG, AN
INDIVIDUAL TRADING AS POSITIVE PRO-
DUCTS COMPANY AND REX PRODUCTS COM-
PANY*

*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 Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, January 19, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

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. 39-4781; Filed, December 26, 1939;
9:38 a. m.]

*SECURITIES AND EXCHANGE COM-
MISSION.*

*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 20th day of December, A. D. 1939.

[File No. 31-360]

*IN THE MATTER OF AMERICAN & FOREIGN
POWER COMPANY INC.*

EXEMPTION ORDER

American & Foreign Power Company Inc., having filed an application, and amendments thereto, pursuant to the provisions of Section 3 (a) (5) of the Public Utility Holding Company Act of 1935, for an order exempting it and all companies directly or indirectly subsidiary to it, which are or may be holding companies as defined in Section 2 (a) (7) of said Act, as holding companies, and pursuant to Section 3 (b) for an order exempting it and all companies directly or indirectly subsidiary to it from certain provisions of said Act which may be applicable to them as subsidiary companies of Electric Bond and Share Company, a registered holding company;

A public hearing having been held after appropriate notice¹ and the Commission having considered the record in this matter and having made and filed its findings and opinion herein;

It is ordered, That American & Foreign Power Company Inc. be, and it hereby is, exempted, as such, to the extent hereinafter specified, from certain provisions of the Act applicable to it be-

¹ 4 F.R. 4057 DI.

cause of its directly or indirectly owning, controlling, or holding with power to vote, ten per centum or more of the outstanding voting securities of any public-utility company, as follows:

(a) Sections 5 (b) and 5 (c) of the Act;

(b) Section 6 of the Act, but only with respect to—

(1) The issue of its common stock pursuant to the provisions of its presently outstanding option warrants;

(2) The guaranty of any security issued by any company directly or indirectly subsidiary to American & Foreign Power Company Inc. to finance the acquisition of tangible personal property, machinery or equipment or to facilitate or obtain funds for the transfer of exchange from countries where any such subsidiary operates or has funds; and

(3) The sale or offering for sale or causing to be sold or offered for sale from house to house without the United States, or causing an officer or any employee of any company directly or indirectly subsidiary to Electric Bond and Share Company or American & Foreign Power Company Inc. to sell or cause to be sold, without the United States, securities of Electric Bond and Share Company or American & Foreign Power Company Inc.;

(c) Section 9 of the Act, except with respect to the acquisition of any utility assets located within the United States or to the acquisition of any interest in the business of, or securities issued or guaranteed by, any public-utility or holding company which directly or indirectly owns or controls utility assets located within the United States;

(d) Subsection (a) of Section 12 of the Act;

(e) Subsection (b) of Section 12 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions thereof shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States, except that this exemption shall not apply to extensions of credit to or indemnifications of associate companies other than those directly or indirectly subsidiary to American & Foreign Power Company Inc.;

(f) Subsection (c) of Section 12 of the Act, but only with respect to the acquisition, retirement or redemption of its Second Preferred Stock, Series A (\$7) and Option Warrants in accordance with the provisions of such Option Warrants presently outstanding;

(g) Subsection (d) of Section 12 of the Act, but only with respect to the sale of any security of a public-utility company which is not, and which has no subsidiary which is, a public-utility company operating in the United States and to the sale of any utility assets not located within the United States;

(h) Subsection (g) of Section 11 and Subsection (e) of Section 12 of the Act,

but only in connection with any solicitation regarding any securities of American & Foreign Power Company Inc. held outside the United States at the time of any such solicitation and not made in connection with a reorganization of said company;

(i) Subsection (f) of Section 12 of the Act, except with respect to the provisions of Rule U-12F-2 and to such future rules, regulations or orders promulgated by the Commission pursuant to the provisions of such subsection as shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States;

(j) Subdivision (2) of Subsection (h) of Section 12 of the Act, except with respect to contributions to or in support of any political party within the United States or any committee or agency thereof;

(k) Section 13 of the Act, except with respect to the performing of services or construction work for, or the sale of goods to, any public-utility or holding company which directly or indirectly owns or controls utility assets located within the United States;

(l) Section 14 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions thereof shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States; and

(m) Section 15 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions thereof shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States.

It is further ordered, That all companies which are or may be directly or indirectly subsidiary to American & Foreign Power Company Inc., which are or may be holding companies as defined in Section 2 (a) (7) of the Public Utility Holding Company Act of 1935, be, and they hereby are, exempted, as such, from all those provisions of said Act which would require them to register thereunder because of their directly or indirectly owning, controlling, or holding with power to vote, ten per centum or more of the outstanding voting securities of any public-utility company, or of any company which is a holding company by virtue of such ownership, control or holding, which does not own or operate properties within the United States, used for the generation, transmission, or distribution of electric energy for sale, or for the distribution at retail of natural or manufactured gas.

It is further ordered, That American & Foreign Power Company Inc., a subsidiary of Electric Bond and Share Company, a registered holding company, be, and it hereby is, exempted, as such, to the ex-

tent hereinafter specified, from certain provisions of the Act applicable to it as a subsidiary company of Electric Bond and Share Company, as follows:

(a) Section 6 of the Act, but only with respect to—

(1) The issue of its common stock pursuant to the provisions of its presently outstanding option warrants;

(2) The guaranty of any security issued by any company directly or indirectly subsidiary to American & Foreign Power Company Inc. to finance the acquisition of tangible personal property, machinery or equipment or to facilitate or obtain funds for the transfer of exchange from countries where any such subsidiary operates or has funds; and

(3) The sale or offering for sale or causing to be sold or offered for sale from house to house without the United States, or causing an officer or any employee of any company directly or indirectly subsidiary to Electric Bond and Share Company or American & Foreign Power Company Inc. to sell or cause to be sold, without the United States, securities of Electric Bond and Share Company or American & Foreign Power Company Inc.;

(b) Section 9 of the Act, except with respect to the acquisition of any utility assets located within the United States or to the acquisition of any interest in the business of, or securities issued or guaranteed by, any public-utility or holding company which directly or indirectly owns or controls utility assets located within the United States;

(c) Subsection (b) of Section 12 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions thereof shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States, except that this exemption shall not apply to extensions of credit to or indemnifications of associate companies other than those directly or indirectly subsidiary to American & Foreign Power Company Inc.;

(d) Subsection (c) of Section 12 of the Act, but only with respect to the acquisition, retirement or redemption of its Second Preferred Stock, Series A (\$7) and Option Warrants in accordance with the provisions of such Option Warrants presently outstanding;

(e) Subsection (g) of Section 11 and Subsection (e) of Section 12 of the Act, but only in connection with any solicitation regarding any securities of American & Foreign Power Company Inc. held outside the United States at the time of any such solicitation and not made in connection with a reorganization of said company;

(f) Subsection (f) of Section 12 of the Act, except with respect to the provisions of Rule U-12F-2 and to such future rules, regulations or orders promulgated by the Commission pursuant

to the provisions of such subsection as shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States;

(g) Subdivision (2) of Subsection (h) of Section 12 of the Act, except with respect to contributions to or in support of any political party within the United States or any committee or agency thereof;

(h) Section 13 of the Act, except with respect to the performing of services or construction work for, or the sale of goods to, any public-utility or holding company which directly or indirectly owns or controls utility assets located within the United States; and

(i) Section 15 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions thereof shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States.

It is further ordered, That all companies which are or may be, directly or indirectly, subsidiary to American & Foreign Power Company Inc. be, and they hereby are, exempted, as such, to the extent hereinafter specified, from certain provisions of the Act applicable to them as subsidiary companies of Electric Bond and Share Company, a registered holding company, and American & Foreign Power Company Inc., as follows:

(a) Section 6 of the Act, *Provided, however,* That this exemption shall not apply to—

(1) The issue and sale of any security within the United States, except (i) the issue and sale of any security to American & Foreign Power Company Inc. or to any company directly or indirectly subsidiary to it; or (ii) the exchange of any security, whether alone or together with other consideration, for any presently outstanding security (or for any security exchanged therefor directly or indirectly under the exemption contained in any subdivision of this paragraph (a)) of any company directly or indirectly subsidiary to American & Foreign Power Company Inc.; or (iii) the issue and sale of any security issued to finance the acquisition of tangible personal property, machinery or equipment or to facilitate or obtain funds for the transfer of exchange from countries where any such subsidiary operates or has funds, or of any guaranty of any such security by a direct or indirect parent company of the issuer thereof; or (iv) the issue and sale of any shares issued in payment of dividends on capital stock;

(2) The exercise of any privilege or right to alter the priorities, preferences, voting power or any other rights of any holder of any security then held within

the United States, except (i) any security held by American & Foreign Power Company Inc. or any company directly or indirectly subsidiary to it, or (ii) any security presently outstanding (or any security exchanged directly or indirectly therefor under the exemption contained in any subdivision of this paragraph (a));

(3) The sale or offering for sale or the causing to be sold or offered for sale, within the United States, from house to house, or causing any officer or employee of any subsidiary company of Electric Bond and Share Company or American & Foreign Power Company Inc. to sell or cause to be sold, within the United States, securities of Electric Bond and Share Company or American & Foreign Power Company Inc.;

(b) Section 9 of the Act, except with respect to the acquisition of any utility assets located within the United States or to the acquisition of any interest in the business of, or securities issued or guaranteed by, any public-utility or holding company which directly or indirectly owns, or controls utility assets located within the United States;

(c) Subsections (f) and (g) of Section 11 of the Act;

(d) Subsection (b) of Section 12 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions thereof shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States, except that this exemption shall not apply to extensions of credit to or indemnifications of associate companies other than those directly or indirectly subsidiary to American & Foreign Power Company Inc.;

(e) Subsections (c) and (e) of Section 12 of the Act;

(f) Subsection (f) of Section 12 of the Act, except with respect to the provisions of Rule U-12F-2 and to such future rules, regulations or orders promulgated by the Commission pursuant to the provisions of such subsection as shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary company which is, a public-utility company operating in the United States;

(g) Subdivision (2) of Subsection (h) of Section 12 of the Act, except with respect to contributions to or in support of any political party within the United States or any committee or agency thereof;

(h) Section 13 of the Act, except with respect to the performing of services or construction work for, or the sale of goods to, any public-utility or holding company which directly or indirectly owns or controls utility assets located within the United States;

(i) Section 15 of the Act, unless rules, regulations or orders promulgated by the

Commission pursuant to the provisions thereof shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States; and

(j) Section 17 (c) of the Act.

It is further ordered, That the exemption herein granted shall be in force until such time as the Commission finds that the circumstances which gave rise to the issuance of this order no longer exist.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4789; Filed, December 26, 1939; 11:30 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 20th day of December, A. D. 1939.

[File No. 43-282]

IN THE MATTER OF LEXINGTON UTILITIES COMPANY AND KENTUCKY UTILITIES COMPANY

ORDER RELATIVE TO EFFECTIVENESS OF DECLARATION

Lexington Utilities Company, a subsidiary of Kentucky Utilities Company, and Kentucky Utilities Company, a subsidiary of The Middle West Corporation, a registered holding company, having filed a joint declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale by Lexington Utilities Company to The Chase National Bank of the City of New York of 3½% secured notes due two years after date thereof in the maximum principal amount of \$4,000,000, and the pledge of Lexington Utilities Company Bonds 5% Series due 1952 in the maximum principal amount of \$4,000,000, and the conditional pledge of Lexington Utilities Company Bonds 5% Series due 1951 in the maximum principal amount of \$4,000,000 as security therefor and the guaranty of such notes by Kentucky Utilities Company and the pledge by such company of \$989,408 of its bonds (6% Series) to secure the performance of its guaranty and the payment of said notes;

A public hearing having been held on said joint declaration as amended after appropriate notice;¹ the record in this matter having been considered, and the Commission having filed its findings herein;

It is ordered, That such joint declaration be and becomes effective forthwith subject, however, to the following conditions:

¹ 4 F.R. 4831 DI.

1. That such issue, sale and guaranty shall be issued in accordance with the terms and conditions of, and for the purposes represented by, said declaration;

2. That such issue, sale and guaranty be completed within thirty days after issuance of the Order of the Commission.

3. That within ten days after the completion of such issue, sale and guaranty the declarants will file a certificate of notification with the Commission showing that such issue, sale and guaranty have been effected in accordance with the terms and conditions of, and for the purposes represented by, said declaration.

It is further ordered, That the order of this Commission of December 1, 1939 (Holding Company Act Release #1821) shall extend to the securities which may be issued by Lexington Utilities Company under authority of this order.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4788; Filed, December 26, 1939;
11:30 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 December 1939.

[File No. 1-1170]

IN THE MATTER OF THE MEXICO-OHIO OIL COMPANY COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Mexico-Ohio Oil Company, 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 the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the New York Curb Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which

all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Tuesday, January 23, 1940, at the office of the Securities & Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That James C. Gruener, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4790; Filed, December 26, 1939;
11:30 a. m.]