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Rules, Regulations, Orders

TITLE 7—AGRICULTURE
CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Cotton 431]

PART 722—REGULATIONS PERTAINING TO COTTON MARKETING QUOTAS FOR THE 1940-41 MARKETING YEAR¹

1940 COUNTY NORMAL COTTON YIELDS

Pursuant to the authority vested in the Secretary of Agriculture under the Agricultural Adjustment Act of 1938, as amended, I, Paul H. Appleby Acting, hereby establish the following county normal yields of lint cotton per acre in accordance with the provisions of section 301, subsection (b), paragraphs (13) (B) and (C) of said Act, for the purposes of the cotton marketing quota provisions (Part IV, Subtitle B, Title III) of said Act applicable with respect to the marketing year beginning August 1, 1940:

§ 722.204 1940 county normal yield of lint cotton per acre given in pounds.

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¹ 4 F.R. 4817.

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(Sec. 301, as amended, 52 Stat. 38, 41, 202; 7 U.S.C., Sup. IV, 1301)

Done at Washington, D. C., this 12th day of October 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 40-4315; Filed, October 12, 1940; 11:45 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment No. 76, Civil Air Regulations]

REDESIGNATION OF GREEN CIVIL AIRWAY NO. 3 AIRWAY TRAFFIC CONTROL AREAS AND CHANGE OF THE EFFECTIVE DATE OF AMENDMENT NO. 72

At a session of the Civil Aeronautics Board of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 11th day of October 1940.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 11, 1940, Part 60 of the Civil Air Regulations is amended as follows:

1. By amending § 60.2402 to read as follows:

§ 60.2402 *Green civil airway No. 3 airway traffic control areas (Los Angeles, Calif., to Philadelphia, Pa.)*. Those portions of green civil airway No. 3: From the Municipal Airport, Los Angeles, Calif., to a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Ashfork, Ariz., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles north-east of the Wichita, Kans., radio range station to a line extended at right angles across such airway through a point on the center line thereof 25 miles south-west of the Terre Haute, Ind., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Columbus, Ohio, radio range station to the Philadelphia, Pa., Municipal Airport.

2. By amending Amendment No. 72 by striking the phrase "Effective October 15, 1940, Part 60 of the Civil Air Regulations

is amended as follows:" and inserting in lieu thereof the phrase "Effective November 1, 1940, Part 60 of the Civil Air Regulations is amended as follows:"

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 40-4323; Filed, October 14, 1940; 9:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4071]

IN THE MATTER OF BADGER-BRODHEAD CHEESE COMPANY ET AL.

§ 3.27 (i) *Combining or conspiring—To restrict competition in buying*. In connection with the offering to purchase or the purchase, in commerce, etc., of Swiss or Limburger cheese sold or offered by producers or manufacturers thereof, or by an agent or representative of such a producer or manufacturer, fixing or maintaining, or attempting to fix or maintain, pursuant to agreement, understanding or combination between or among respondent dealer-purchasers of such cheese or their principal or parent corporations, or between or among any two or more of them, or between or among any one or more of them and any other competing corporation or corporations or any competing person or persons, the prices offered to be paid or paid for such cheese, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Badger-Brodhead Cheese Company et al., Docket 4071, October 1, 1940]

IN THE MATTER OF BADGER-BRODHEAD CHEESE COMPANY, KRAFT-PHENIX CHEESE CORPORATION, NATIONAL DAIRY PRODUCTS CORPORATION, THE BORDEN COMPANY, J. S. HOFFMAN AND COMPANY, AND TRIANGLE CHEESE COMPANY

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of October, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents and a stipulation as to the facts entered into between the respondents herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having

made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Badger-Brodhead Cheese Company, a corporation, Kraft Cheese Company (referred to in the complaint as Kraft-Phenix Cheese Corporation), a corporation, The Borden Company, a corporation, J. S. Hoffman Company (referred to in the complaint as J. S. Hoffman and Co.), a corporation, and Triangle Cheese Company (referred to in the complaint as Triangle Cheese Co.), a corporation, and their respective officers, directors, representatives, agents and employees, together with the successors or assigns of each of said respondents, directly, indirectly, through any corporate or other device or through or by means of any wholly or partially owned subsidiary, in connection with the offering to purchase or the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of Swiss or Limburger cheese, which is sold, or offered for sale, by the producers or manufacturers thereof or by an agent or representative of such a producer or manufacturer, forthwith cease and desist from fixing or maintaining, or attempting to fix or maintain, pursuant to agreement, understanding or combination between or among themselves, or between or among any two or more of them, or between or among any one or more of them and any other competing corporation or corporations or any competing person or persons, the prices offered to be paid, or paid, for such cheese.

It is further ordered, That the case growing out of the complaint herein be, and the same hereby is, closed as to the respondent, National Dairy Products Corporation, but without prejudice to the right of the Commission, should future facts so warrant, to reopen the same and resume prosecution thereof in accordance with its regular procedure.

It is further ordered, That the respondents, Badger-Brodhead Cheese Company, a corporation, Kraft Cheese Company (referred to in the complaint as Kraft-Phenix Cheese Corporation), a corporation, The Borden Company, a corporation, J. S. Hoffman Company (referred to in the complaint as J. S. Hoffman and Co.), a corporation, and Triangle Cheese Company (referred to in the complaint as Triangle Cheese Co.), a corporation, and each of them, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4325; Filed, October 14, 1940;
10:20 a. m.]

[Docket No. 3466]

IN THE MATTER OF ADOLPH KASTOR &
BROS., INC.

§ 3.6 (1) *Advertising falsely or misleadingly—Indorsements and testimonials: § 3.18 Claiming indorsements or testimonials falsely; § 3.66 (c) Misbranding or mislabeling—Indorsements or awards.* Marking or labeling, in connection with offer, etc., in commerce, of knives, said products or containers or coverings in which enclosed, or display cards to which attached or on which displayed, with words "Scout" or "Boy Scout" or "Scouting," or with any emblem or symbol adopted and used by the Boy Scouts of America to designate or symbolize such organization or activities of its members, or marking, designating or describing knives as "Scout" or "Boy Scout" or "Scouting" knives; or using, in said connection, etc., pictorial representations of outdoor life in which there appear boys in the uniform of the Boy Scouts of America or in uniforms simulating such uniform, or, in any manner, any mark, symbol or emblem adopted and used by said organization to represent or identify it or the activities of its members; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Adolph Kastor & Bros., Inc., Docket 3466, October 3, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of October, A. D. 1940.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence in support of the allegations of the complaint and in opposition thereto, briefs and oral argument by Joseph C. Fehr, counsel for the Commission, and by Sylvan Gotshal, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Adolph Kastor & Bros., Inc., its representatives, agents and employees, directly or indirectly or through any corporate or other device, in connection with the offering for sale, sale or distribution of knives in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

1. Marking or labeling said knives, or the containers or coverings in which they are enclosed, or display cards to which they are attached or on which they are displayed, with the words "Scout" or "Boy Scout" or "Scouting," or with any

¹ 4 FR. 94.

emblem or symbol adopted and used by the Boy Scouts of America to designate or symbolize that organization or the activities of its members; or

2. Marking designating or describing knives as "Scout" or "Boy Scout" or "Scouting" knives; or

3. Using pictorial representations of outdoor life in which there appear boys in the uniform of the Boy Scouts of America or in uniforms simulating such uniforms; or

4. Using, in any manner, any mark, symbol or emblem adopted and used by the Boy Scouts of America to represent or identify that organization or the activities of its members.

It is further ordered, That the respondent, Adolph Kastor & Bros., Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4324; Filed, October 14, 1940;
10:20 a. m.]

[Docket No. 4080]

IN THE MATTER OF THE HOUSE OF CRANE

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, candy or any other merchandise so packed and assembled that sales of said candy, or any other merchandise, are to be, or may be, made by means of a lottery, gaming device or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The House of Crane, Docket 4080, October 4, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with push or pull cards, punch boards or other lottery devices, either with assortments of candy, or other merchandise, or separately, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing said candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The House of Crane, Docket 4080, October 4, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, any merchandise, by means of a game of chance, gift enterprise or lottery scheme,

prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The House of Crane, Docket 4080, October 4, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of October, A. D. 1940.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, and a stipulation in lieu of testimony in support of certain allegations in the complaint entered into by and between counsel for the Commission and counsel for respondent before Miles J. Furnas, an examiner of the Commission theretofore duly designated by it (respondent having offered no proof in opposition to said complaint and all intervening procedure having been waived) and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, The House of Crane, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing candy or any other merchandise so packed and assembled that sales of said candy, or any other merchandise, are to be made, or may be made by means of a lottery, gaming device or gift enterprise.

(2) Supplying to, or placing in the hands of others, push or pull cards, punch boards or other lottery devices, either with assortments of candy, or other merchandise, or separately, which said push or pull cards, punch boards or other lottery devices are to be used, or may be used in selling or distributing said candy, or other merchandise to the public.

(3) Selling, or otherwise distributing any merchandise, by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4326; Filed, October 14, 1940; 10:21 a. m.]

¹ 5 F.R. 1659.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER I—COMMODITY EXCHANGE ADMINISTRATION

PART I—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

ORDER AMENDING RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE COMMODITY EXCHANGE ACT, AS AMENDED

By virtue of the authority vested in me by section 4g of the Commodity Exchange Act, as amended (7 U.S.C., Sup. V, sec. 6g), I, Paul H. Appleby, Acting Secretary of Agriculture, hereby amend § 1.17, chapter I, title 17, Code of Federal Regulations [section 17 of article I of the Rules and Regulations promulgated by the Secretary of Agriculture on July 14, 1937, under the Commodity Exchange Act¹], so that, as amended, the said section shall read as follows:

§ 1.17. *Futures commission merchants to report annually on Form 150; reports on call.* Each futures commission merchant shall report annually as of June 30 to the Commodity Exchange Administration on Form 150. Such reports shall be prepared in accordance with the instructions appearing on Form 150 and shall be filed with the Commodity Exchange Administration, United States Department of Agriculture, Washington, D. C., not later than July 20 next following the year covered by the report: *Provided*, That, upon call from the Commodity Exchange Administration, each futures commission merchant shall file on Form 150, in accordance with the instructions contained in the call, the information described in subparagraphs (a) and (b) hereof covering the period specified in such call. Reports received by mail will be considered duly filed if postmarked not later than midnight of the date due. Annual reports on Form 150 shall show, by commodities and by markets:

(a) the total quantity of each commodity bought and the total quantity sold for future delivery by such futures commission merchant on or subject to the rules of each board of trade in the United States and elsewhere, during the year covered by the report; and

(b) the total amount of open futures contracts long and the total amount of open futures contracts short on the books of such futures commission merchant as of the close of business on the last business day of the year covered by the report, in each commodity, together with the number of accounts long and the number of accounts short in each commodity.

For the purpose of determining the number of long and short accounts to be reported under subparagraph (b) hereof, and for such purpose only, accounts of the same person in different futures

¹ 17 CFR 1.17, 2 F.R. 1224.

shall be regarded as separate accounts. (Sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U.S.C., Sup. V, sec. 6g)

Done at Washington, D. C., this 12th day of October 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 40-4316; Filed, October 12, 1940; 11:45 a. m.]

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

PART 32—VALIDATION AND ISSUANCE OF PASSPORTS DURING EXISTENCE OF WAR

ADDITIONAL REGULATIONS

§ 32.9 *Passport to contain name of each country citizen intends to visit and object of visit.* In view of the exigencies of international travel, particularly the spread of military operations, the increasing hazards and difficulties involved in foreign travel and residence, and the fact that after October 16, 1940, male citizens between the ages of twenty-one and thirty-five years will be required, before departing from the United States, to obtain a permit on Form 351 to leave this country, the Secretary of State has deemed it desirable to revert to the former policy of the Department of State of setting forth in each passport issued by it or under its authority the names of the countries which the citizen intends to visit and the object of the visit to each country named in the passport. This policy shall become effective at once and shall apply to passports heretofore issued and presently valid, as well as to passports which may hereafter be issued, with the exception of passports intended for use in countries of the Western Hemisphere. In consequence, no passport heretofore issued shall be valid for travel from the United States to any foreign country requiring such a document, except countries of the Western Hemisphere, unless it is first submitted to the Department of State for validation in the same manner as is provided for by §§ 32.1-32.8 issued September 4, 1939,¹ for the validation of passports for use in traveling from the United States to any country in Europe. In submitting a passport to the Department for validation for use elsewhere than in the countries of the Western Hemisphere, a person to whom such document was issued must also state the names of the countries in which he intends to travel, the reason for his intended travel to each country named and, if the reason for the proposed travel to each such country is susceptible of documentary corrobora-

¹ 4 F. R. 3892. These regulations have been codified since publication in the FEDERAL REGISTER.

tion, he should submit such documentary corroboration. The provisions of §§ 32.1-32.8 shall apply, so far as may be practicable, to travel elsewhere throughout the world except in countries of the Western Hemisphere, save that where an individual desires to travel to a country in which conditions are normal and the routes of travel thereto are reasonably safe, in applying the test of necessity for such travel a more lenient policy will be followed. (Sec. 1, 44 Stat. 887; 22 U.S.C. 211a; Proc. No. 7856, Mar. 31, 1938)

§ 32.10 *Previous regulations still effective.* However, nothing in §§ 32.9-32.10 shall be construed as rendering ineffective the provisions of the regulation of November 6, 1939,¹ under which an American citizen may not travel on a vessel of a belligerent country on or over the North Atlantic Ocean north of 35 degrees north latitude and east of 66 degrees west longitude except when specifically authorized to do so. The authorization may be granted by the Passport Division of the Department of State. American consular officers in the Dominion of Canada and in Newfoundland are authorized to endorse passports for travel on a vessel of a belligerent state in any case where the vessel begins its journey in a port in the Dominion of Canada or in Newfoundland, including Labrador, and ends at a port in any such place or the United States, provided the vessel is not scheduled to travel, between the beginning and ending of any such journey, in the waters above mentioned, except in the Gulf of St. Lawrence, Hudson Strait and the coastal or contiguous waters of the Dominion of Canada or Newfoundland, including Labrador, which are customarily navigated between points on these coasts. (Sec. 1, 44 Stat. 887; 22 U.S.C. 211a; Proc. No. 7856, Mar. 31, 1938)

[SEAL]

CORDELL HULL,
Secretary of State.

OCTOBER 11, 1940.

[F. R. Doc. 40-4322; Filed, October 12, 1940;
1:32 p. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 541—DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, OR LOCAL RETAILING CAPACITY, OR IN THE CAPACITY OF OUTSIDE SALESMAN"²

The following Regulations—Part 541, §§ 541.1 to 541.6, Regulations Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, Professional, or

¹ 4 F.R. 4509.
² 3 F.R. 2518.

Local Retailing Capacity, or in the Capacity of Outside Salesman", Pursuant to section 13 (a) (1) of the Fair Labor Standards Act, are hereby issued. These regulations repeal and supersede all regulations previously issued defining and delimiting the terms "any employee employed in a bona fide executive, administrative, professional, or local retailing capacity, or in the capacity of outside salesman," and shall become effective on October 24, 1940, and shall continue in force and effect until hereafter modified.

Signed at Washington, D. C., this 12th day of October, 1940.

PHILIP B. FLEMING,
Administrator.

§ 541.1 *Executive.* The term "employee employed in a bona fide executive * * * capacity" in section 13 (a) (1) of the Act shall mean any employee

(a) whose primary duty consists of the management of the establishment in which he is employed or of a customarily recognized department or subdivision thereof, and

(b) who customarily and regularly directs the work of other employees therein, and

(c) who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight, and

(d) who customarily and regularly exercises discretionary powers, and

(e) who is compensated for his services on a salary basis at not less than \$30 per week (exclusive of board, lodging, or other facilities), and

(f) whose hours of work of the same nature as that performed by nonexempt employees do not exceed twenty percent of the number of hours worked in the workweek by the nonexempt employees under his direction; provided that this subsection (f) shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment.

§ 541.2 *Administrative.* The term "employee employed in a bona fide * * * administrative * * * capacity" in section 13 (a) (1) of the Act shall mean any employee

(a) who is compensated for his services on a salary or fee basis at a rate of not less than \$200 per month (exclusive of board, lodging, or other facilities), and

(b) (1) who regularly and directly assists an employee employed in a bona fide executive or administrative capacity (as such terms are defined in these regulations), where such assistance is nonmanual in nature and requires the

exercise of discretion and independent judgment; or

(2) who performs under only general supervision, responsible nonmanual office or field work, directly related to management policies or general business operations, along specialized or technical lines requiring special training, experience, or knowledge, and which requires the exercise of discretion and independent judgment; or

(3) whose work involves the execution under only general supervision of special nonmanual assignments and tasks directly related to management policies or general business operations involving the exercise of discretion and independent judgment.

§ 541.3 *Professional.* The term "employee employed in a bona fide * * * professional * * * capacity" in section 13 (a) (1) of the Act shall mean any employee who is—

(a) engaged in work—

(1) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work, and

(2) requiring the consistent exercise of discretion and judgment in its performance, and

(3) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time, and

(4) whose hours of work of the same nature as that performed by nonexempt employees do not exceed twenty percent of the hours worked in the workweek by the nonexempt employees; provided that where such nonprofessional work is an essential part of and necessarily incident to work of a professional nature, such essential and incidental work shall not be counted as nonexempt work; and

(5) (i) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes; or

(ii) predominantly original and creative in character in a recognized field of artistic endeavor as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training, and the result of which depends primarily on the invention, imagination or talent of the employee, and

(b) compensated for his services on a salary or fee basis at a rate of not less than \$200 per month (exclusive of board, lodging, or other facilities): *Provided,* That this subsection (b) shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medi-

cine or any of their branches and who is actually engaged in the practice thereof.

§ 541.4 *Local retailing capacity.* The term "employee employed in a bona fide * * * local retailing capacity" in section 13 (a) (1) of the Act shall mean any employee—

(a) who customarily and regularly is engaged in—

(1) making retail sales the greater part of which are in intrastate commerce; or

(2) performing work immediately incidental thereto, such as the wrapping or delivery of packages, and

(b) whose hours of work of the same nature as that performed by nonexempt employees do not exceed twenty percent of the number of hours worked in the workweek by such nonexempt employees.

§ 541.5 *Outside salesman.* The term "employee employed * * * in the capacity of outside salesman" in section 13 (a) (1) of the Act shall mean any employee

(a) who is employed for the purpose of and who is customarily and regularly engaged away from his employer's place or places of business in

(1) making sales within the meaning of section 3 (k) of the Act; or

(2) obtaining orders or contracts for the use of facilities for which a consideration will be paid by the client or customer, and

(b) whose hours of work of the same nature as that performed by nonexempt employees do not exceed twenty percent of the number of hours worked in the workweek by such nonexempt employees; provided that work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including incidental deliveries and collections, shall not be regarded as non-exempt work.

§ 541.6 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of the foregoing regulations may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes. In determining such future regulations, separate treatment for different industries and for different classes of employees may be given consideration.

[F. R. Doc. 40-4331; Filed, October 14, 1940; 11:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD

[General Order No. 2]

PART 6—ANCHORAGE REGULATIONS

ENFORCEMENT OF REGULATIONS RELATING TO ANCHORAGES AND MOVEMENTS OF VESSELS

OCTOBER 8, 1940.

1. Paragraphs 2 and 3 of the regulations issued by the Secretary of the Treasury, with the approval of the President, on June 27, 1940,¹ pursuant to section 1 of Title II of the Act of Congress approved June 15, 1917 (U.S.C. title 50, sec. 191), and the President's Proclamation No. 2412, dated June 27, 1940,² provides that the rules and regulations governing anchorages and movements of vessels shall be enforced by the captain of the port, or where the port has no such officer, by an officer of the Coast Guard or the Customs Service designated by the Secretary of the Treasury.

2. At ports or places where no captains of the port have been designated, enforcement of the rules and regulations governing anchorages and movements of vessels within their respective districts shall be performed by district commanders, acting through Coast Guard personnel and facilities stationed within their districts. In those instances where district commanders have been designated captains of particular ports or places, they shall continue to act in that capacity in addition to the other duties herein prescribed.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 40-4321; Filed, October 12, 1940; 12:07 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 57]

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

PART 5—FOREIGN CLEARANCE

OCTOBER 14, 1940.

Subsection 1³ of § 5.82 *American vessels denied clearance to belligerent states* is amended by the addition of a new paragraph (f) at the end thereof, reading as follows:

(f) Where such American vessel (watercraft or aircraft) is in ballast, unarmed, and not under convoy, and is proceeding to any belligerent state for the purpose of transporting refugee children, under 16 years of age, from war zones, or combat areas, together with

¹ 5 F.R. 2442.

² 5 F.R. 2419.

³ 4 F.R. 4886.

such necessary American citizen adult personnel in charge as may be approved by the Secretary of State, subject to the provisions of the immigration laws, if such vessel is proceeding under safe conduct granted by all of the belligerent states, and if such vessel has painted on a large scale prominently, distinctly, and unmistakably on each side thereof and upon the superstructure thereof plainly visible from the air an American flag and a statement to the effect that such vessel is a refugee-child rescue ship of the United States or under United States registry.

Section 5.84 *Combat areas* is amended by the addition of a new subsection (d) at the end thereof, reading as follows:

Nothing contained in this section shall prohibit the clearance of any American vessel, in ballast, unarmed, and not under convoy, for the purpose of transporting refugee children, under 16 years of age, from war zones, or combat areas, and shall not prohibit such vessel from entering into such war zones, or combat areas for this purpose, together with such necessary American citizen adult personnel in charge as may be approved by the Secretary of State, subject to the provisions of the immigration laws, if such vessel is proceeding under safe conduct granted by all of the belligerent states, and if such vessel has painted on a large scale prominently, distinctly, and unmistakably on each side thereof and upon the superstructure thereof plainly visible from the air an American flag and a statement to the effect that such vessel is a refugee-child rescue ship of the United States or under United States registry. (Sec. 161 R.S.; 5 U.S.C. 22)

[SEAL] JESSE H. JONES,
Secretary of Commerce.

[F. R. Doc. 40-4338; Filed, October 14, 1940; 11:59 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. A-42, A-49, A-51, A-29, A-72]

IN THE MATTER OF THE PETITIONS OF DISTRICT BOARD NO. 10, DISTRICT BOARD NO. 11, AND SAINT LOUIS AND O'FALLON COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

Original petitions, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed by District Board No. 10, District Board No. 11, and Saint Louis and O'Fallon Coal Company, a Code member in District No. 10, with the Bituminous Coal Division of the Department of the Interior:

It is ordered, That the above entitled matters be consolidated for hearing, said

hearing to be held on November 12, 1940, at 10 a. m. at a hearing room of the Bituminous Coal Division, 734 Fifteen Street NW., Washington, D. C. On such day the Chief of the Record Section in Room 502 will advise as to the room where such hearing will be held.

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

Notice of such hearing is hereby given to such petitioners and to any other party herein and to such persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 7, 1940.

The matter concerned herewith is in regard to: Docket No. A-42. (1) The matter of the modification of minimum prices for mines with Index Nos. 32 and 33, in District No. 10, on shipments of railroad locomotive fuel to the Belt Line Railroads, (2) The matter of the establishment of a provision permitting absorption of the division of freight rate applicable on shipments of railroad locomotive fuel from the mine with Index No. 75, in District No. 10, to the Illinois Central Railroad, (3) The matter of the establishment of a provision permitting absorption of the division of freight rate applicable on shipments of railroad locomotive fuel from the mine with Index No. 29, in District No. 10, to the Alton Railroad, (4) The matter of the establishment of a provision permitting the absorption of the applicable switching charge on off-line shipments of railroad locomotive fuel from the mine with Index No. 9, in District No. 10, to the Missouri Pacific Railroad, (5) The matter of the modification of railroad locomotive fuel Price Exception No. 47 in order to provide for the absorption of the division of

freight rates applicable on railroad locomotive fuel when billed to Sankoty, Illinois, for the Chicago, Rock Island & Pacific Railroad, and (6) The matter of the establishment of a provision permitting absorption of the division of freight rate applicable on shipments of railroad locomotive fuel from the mine with Index No. 95, in District No. 10, to the Chicago & Northwestern Railroad; Docket No. A-49. The matter of the modification of minimum prices for District No. 10 coals on shipments of railroad locomotive fuel to the Grand Trunk Western Railway and Canadian National Railways; Docket No. A-51. The matter of the establishment of a provision permitting the absorption of the applicable division of freight rate on shipments from the mine with Index No. 101, in District No. 10, to the New York Central Railroad; Docket No. A-29. The matter of the modification of minimum prices for code members in District No. 11 on shipments of railroad locomotive fuel to the Grand Trunk Western Railroad; Docket No. A-72. The matter of the modification of effective minimum prices from the mine with Index No. 11, in District No. 10, on shipments of railroad locomotive fuel to certain off-line railroads.

All persons are hereby notified that the hearing in the above entitled matters and orders entered therein, may concern, in addition to the matters specifically alleged in the petitions of District Board No. 10, District Board No. 11 and Saint Louis and O'Fallon Coal Company, other matters incidental and related thereto, whether raised by amendment of the petitions, petitions of intervention or otherwise, and all persons are cautioned to be guided in their actions accordingly. Dated October 10, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-4310; Filed, October 11, 1940; 3:54 p. m.]

Bureau of Reclamation.

FIRST FORM RECLAMATION WITHDRAWAL
WEBSTER PARK RESERVOIR SITE, ARKANSAS
VALLEY INVESTIGATIONS

JULY 15, 1940.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form as provided in Section 3, Act of June 17, 1902 (32 Stat. 388).

WEBSTER PARK RESERVOIR SITE, COLORADO
6TH PRINCIPAL MERIDIAN

- T. 18 S., R. 71 W.,
- Sec. 33, E $\frac{1}{2}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$;
- T. 19 S., R. 71 W.,
- Sec. 3, N $\frac{1}{2}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
- Sec. 4, NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$;
- Sec. 5, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
- Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$, and S $\frac{1}{2}$;

Sec. 9, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 15, all;
Sec. 17, all;
Sec. 21, all.

Respectfully,

JOHN C. PAGE,
Commissioner.

I concur August 8, 1940.

FRED W. JOHNSON,
Commissioner of the General Land
Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

A. J. WIRTZ,
Acting Under Secretary.

OCTOBER 8, 1940.

[F. R. Doc. 40-4313; Filed, October 12, 1940; 10:02 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CANCELATION OF A SPECIAL
LEARNER CERTIFICATE FOR THE EMPLOY-
MENT OF LEARNERS IN THE HOSIERY
INDUSTRY

Notice is hereby given that a Special Certificate for the employment of learners issued to the Doylestown Finishing Company, Doylestown, Pennsylvania, effective October 6, 1939, is ordered canceled as of its effective date. The Certificate is canceled pursuant to its terms which provide among other things that it is subject to cancellation or modification by the Administrator or his authorized representative for cause at any time. The cause here present is that persons have been employed at learner rates or less in occupations other than those given in the Certificate, and for a period longer than that designated in the Certificate. Additionally, experienced persons have been employed as learners and the Certificate was not posted in the plant where learners have been employed thereunder.

This Order of cancellation shall not become effective until after the expiration of a fifteen-day period following the publication of this Notice in the FEDERAL REGISTER during which time petition for reconsideration or review may be filed under § 522.13¹ of the Regulations. If a petition is properly filed, the effective date of the Order shall be postponed until final action is taken on such petition, and the Order shall then be effective only if the cancellation is sustained.

Signed at Washington, D. C. this 9th day of October 1940.

ALEX G. NORDHOLM,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-4335; Filed, October 14, 1940; 11:50 a. m.]

¹ 5 F. R. 2863.

NOTICE OF CLOSING DATE FOR SUBMISSION OF WRITTEN BRIEFS IN THE MATTER OF MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 12 FOR THE CARPET AND RUG INDUSTRY

Notice is hereby given that the Administrator of the Wage and Hour Division will receive at his office in the Department of Labor Building, Washington, D. C., from persons who appeared at the hearing of October 2, 1940, on the Recommendations of Industry Committee No. 12 concerning minimum wage rates for the Carpet and Rug Industry, written briefs bearing on the issues which are before him in this matter, provided that at least twelve copies of each such brief shall be submitted to him before 4:30 p. m., Thursday, October 31, 1940.

Signed at Washington, D. C., this 9th day of October 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-4333; Filed, October 14, 1940; 11:49 a. m.]

NOTICE OF CLOSING DATE FOR SUBMISSION OF WRITTEN BRIEFS IN THE MATTER OF MINIMUM WAGE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 15 FOR THE EMBROIDERIES INDUSTRY

Notice is hereby given that the Administrator of the Wage and Hour Division will receive at his office in the Department of Labor Building, Washington, D. C., from persons who appeared at the hearing of September 30, 1940, on the recommendations of Industry Committee No. 15 concerning minimum wage rates for the Embroideries Industry, written briefs bearing on the issues which are before him in this matter, provided that at least twelve copies of each such brief shall be submitted to him before 4:30 p. m., Monday, October 21, 1940.

Signed at Washington, D. C., this 11th day of October 1940.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 40-4332; Filed, October 14, 1940; 11:49 a. m.]

NOTICE OF CANCELANON OF A SPECIAL LEARNER CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that a Special Certificate for the employment of learners issued to the Lewes Hosiery Company, Lewes, Delaware, effective September 26, 1939, is ordered canceled as of the first date of violation shown on the payroll records of the company. The Certificate is canceled pursuant to its terms which provide among other things that it is subject to cancelation or modification by the Administrator or his authorized representative for cause at any time. The cause here present is that learners have been employed under the Certificate at subminimum rates in a number in excess of the number authorized and learners have been employed at a subminimum

rate after the expiration date of the Certificate.

This Order of cancelation shall not become effective until after the expiration of a fifteen day period following the publication of this Notice in the FEDERAL REGISTER during which time petitions for reconsideration or review may be filed under § 522.13¹ of the Regulations. If a petition is properly filed, the effective date of the order shall be postponed until final action is taken on such petition, and the order shall then be effective only if the cancelation is sustained.

Signed at Washington, D. C., this 10th day of October 1940.

ALEX G. NORDHOLM,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-4337; Filed, October 14, 1940; 11:50 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Millinery Learner Regulations, Custom Made, August 29, 1940 (5 F.R. 3392).

Millinery Learner Regulations, Popular Priced, August 29, 1940 (5 F.R. 3393).

Knitted Wear Order, October 24, 1939 (4 F.R. 4351).

Textile Order, November 8, 1939 (4 F.R. 4531) as amended, April 27, 1940 (5 F.R. 1586).

Glove Order, February 20, 1940 (5 F.R. 714).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 15, 1940. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Betterson Knitting Mills, Fort Atkinson, Wisconsin; Hosiery; Seamless &

¹ 5 F.R. 2863.

Full-Fashioned; 5 learners; October 15, 1941.

Brownhill & Kramer, Inc., Coudersport, Potter County, Pennsylvania; Hosiery; Full-Fashioned; 25 learners; June 15, 1941.

Brownhill & Kramer, Inc., Coudersport, Potter County, Pennsylvania; Hosiery; Full-Fashioned; 5 percent; October 15, 1941.

Chalfont Hosiery Mills, Chalfont, Pennsylvania; Hosiery; Full-Fashioned; 5 learners; June 15, 1941.

Chalfont Hosiery Mills, Chalfont, Pennsylvania; Hosiery; Full-Fashioned; 5 percent; October 15, 1941.

Clayson Knitting Company, Star, North Carolina; Hosiery; Seamless; 5 learners; October 15, 1941.

Cooper, Wells & Company, St. Joseph, Michigan; Hosiery; Full-Fashioned & seamless; 5 percent; October 15, 1941.

Currie Hosiery Mills, Inc., Carthage, North Carolina; Hosiery; Seamless; 5 learners; October 15, 1941.

Fayetteville Knitting Mills, Inc., Fayetteville, North Carolina; Hosiery; Full-Fashioned; 5 learners; October 15, 1941.

G. & H. Hosiery Company, Inc., Hickory, North Carolina; Hosiery; Seamless; 5 percent; October 15, 1941.

Gray Line Hosiery Mills, Eddington, Pennsylvania; Hosiery; Full-Fashioned; 5 learners; October 15, 1941.

Hayward Hosiery Company, Ipswich, Massachusetts; Hosiery; Full-Fashioned; 5 percent; October 15, 1941.

Hiwassee Hosiery Mills, Inc., 3118 Edwards Street, Cleveland, Tennessee; Hosiery; Seamless; 5 learners; October 15, 1941.

Interwoven Stocking Company, Chambersburg, Pennsylvania; Hosiery; Seamless; 5 percent; October 15, 1941.

Interwoven Stocking Company, Hagerstown, Maryland; Hosiery; Seamless; 5 percent; October 15, 1941.

Interwoven Stocking Company, Morristown, Tennessee; Hosiery; Seamless; 11 learners; June 15, 1941.

Interwoven Stocking Company, Morristown, Tennessee; Hosiery; Seamless; 5 percent; October 15, 1941.

Martinat Hosiery Mills, Valdese, North Carolina; Hosiery; Seamless; 5 percent; October 15, 1941.

Owen Osborne, Inc., Gainesville, Georgia; Hosiery; Full-Fashioned; 100 learners; June 15, 1941.

Owen Osborne, Inc., Gainesville, Georgia; Hosiery; Full-Fashioned; 5 percent; October 15, 1941.

Pilot Full Fashion Mills Inc., Valdese, North Carolina; Hosiery; Full-Fashioned; 5 percent; October 15, 1941.

Ridgeview Hosiery Mill Company, Newton, North Carolina; Hosiery; Seamless & Full-Fashioned; 5 percent; October 15, 1941.

Rockford Mitten & Hosiery Company, Rockford, Illinois; Hosiery; Seamless; 5 percent; October 15, 1941.

Selinsgrove Knitting Mill, Inc., Selinsgrove, Pennsylvania; Hosiery; Full-Fashioned; 5 percent; October 15, 1941.

Slatedale Knitting Mills, Slatedale, Pennsylvania; Hosiery; Seamless; 50 learners; June 15, 1941.

Van Raalte Company, Boonton, New Jersey; Hosiery; Full-Fashioned; 5 percent; October 15, 1941.

Veitel Hosiery Company, Le Roy, New York; Hosiery; Full-Fashioned; 5 learners; October 15, 1941.

Viewmont Hosiery Mills, Fairground Road, Hickory, North Carolina; Hosiery; Seamless; 5 learners; October 15, 1941.

The Winsted Hosiery Company, Winsted, Connecticut; Hosiery; Seamless; 5 percent; October 15, 1941.

Archer Rubber Company, 213 Central Street, Milford, Massachusetts; Apparel; Raincoats, Ponchos; 50 learners (75% of the applicable hourly minimum wage); February 11, 1941.

Barson and Bishop, Franklin Street, Weissport, Pennsylvania; Apparel; Sportswear, Blouses; 5 percent (75% of the applicable hourly minimum wage); October 15, 1941.

Cluett, Peabody and Company, Inc., First Street, Leominster, Massachusetts; Apparel; Shirts; 5 percent (75% of the applicable hourly minimum wage); October 15, 1941.

Davis Sportswear, Inc., One Johnston Avenue, Trenton, New Jersey; Apparel; Sport Jackets; 5 percent (75% of the applicable hourly minimum wage); October 15, 1941.

J. S. Elichman and Company, 250 W. Cambria Street, Philadelphia, Pennsylvania; Apparel; Dresses; 4 learners (75% of the applicable hourly minimum wage); October 15, 1941.

Kimmell-Wolf Corporation, Nyack, New York; Apparel; Purses; 1 learner; (75% of the applicable hourly minimum wage); October 15, 1941.

Morris Freezer and Company, Inc., W. Main Street, Wytheville, Virginia; Apparel; Boy's Cotton Shirts; 5 percent (75% of the applicable hourly minimum wage); October 15, 1941.

Greenbaum Brothers & Company, Inc., Philadelphia, Pennsylvania; Apparel; Boy's Shirts and Pajamas; 5 percent (75% of the applicable hourly minimum wage); October 15, 1941.

Hershey Garment Company, Paradise, Pennsylvania; Apparel; Slips, Nightgowns; 5 percent (75% of the applicable hourly minimum wage); October 15, 1941.

Hillsdale Manufacturing Company, Hillsdale, Michigan; Apparel; Pants; 5 percent (75% of the applicable hourly minimum wage); October 15, 1941.

Louis Kazon, Marble Street, N. Rutland, Vermont; Apparel; Dresses, Bathrobes; 5 percent (75% of the applicable hourly minimum wage); October 15, 1941.

Lansdale Clothing Company, 160 E. Main Street, Lansdale, Pennsylvania; Apparel; Pants; 5 learners (75% of the applicable hourly minimum wage); October 15, 1941.

Joseph Malouf Company, 755 Market Street, San Francisco, California; Ap-

parel; Ladies' Slips; 5 learners (75% of the applicable hourly minimum wage); October 15, 1941.

Middendorf Brothers, 925 Filbert Street Philadelphia, Pennsylvania; Apparel; Ladies' Underwear; 2 learners (75% of the applicable hourly minimum wage); October 15, 1941.

Monroe County Waist Company, Inc., Crystal Street, E. Stroudsburg, Pennsylvania; Apparel; Ladies' Blouses, Cotton Dresses; 25 learners (75% of the applicable hourly minimum wage); February 11, 1941.

Pollack-McKey Company, 523 E. Wall Street, Fort Scott, Kansas; Apparel; Overalls, Work Shirts, and Work Pants; 5 learners (75% of the applicable hourly minimum wage); October 15, 1941.

Rosa Lee Manufacturing Company, 224 E. 11 Street, Los Angeles, California; Apparel; Aprons; 5 learners (75% of the applicable hourly minimum wage); October 15, 1941.

Royal Chenille Products, 45 Fulton Street, Paterson, New Jersey; Apparel; Robes; 20 learners (75% of the applicable hourly minimum wage); February 11, 1941.

The Undergarment Manufacturing Company, 624 W. Washington Blvd., Fort Wayne, Indiana; Apparel; Woven and Knitted Rayon Slips, Gowns, Pajamas, Panties, Dance-sets, Bed-jackets; 10 learners (75% of the applicable hourly minimum wage); February 11, 1941.

Wertheimer and Company, 2200 Arch Street, Philadelphia, Pennsylvania; Apparel; Ladies' Blouses; 37 learners (75% of the applicable hourly minimum wage); February 11, 1941.

Doylestown Finishing Company, Doylestown, Pennsylvania; Hosiery; Full-Fashioned; 28 learners; June 15, 1941.

Garfunkel Makers, Inc., 711 Fifth Avenue, New York, New York; Millinery; Custom-Made; 5 learners; October 15, 1941.

Narragansett Hats, Inc., 110 Chase Street, Fall River, Massachusetts; Millinery; Popular-Priced; 1 learner; April 15, 1941.

Gibbs Underwear Company, Indiana Avenue & A Street, Philadelphia, Pennsylvania; Knitted Wear; Knit Underwear and Sportswear; 20 learners; February 11, 1941.

Gibbs Underwear Company, Indiana Avenue & A, Street, Philadelphia, Pennsylvania; Knitted Wear; Knit Underwear and Sportswear; 5 percent; October 15, 1941.

Cabin Crafts, East Morris Street, Dalton, Georgia; Textile; Bedspreads, Drapes, Rugs; 20 learners; February 11, 1941.

The Maples Company, Scottsboro, Alabama; Textile; Tufted Rugs, Bathsets, and Bedspreads; 25 learners; April 29, 1941.

Royal Chenille Products, 45 Fulton Street, Paterson, New Jersey; Textile; Bedspreads; 20 learners; March 4, 1941.

Johanson Glove Company, Inc., Brooklyn, New York; Glove; Knit Fabric Gloves; 5 learners; October 15, 1941.

The Superb Glove Company, Johnstown, New York; Glove; Leather Dress Gloves; 3 learners; October 15, 1941.

Martindale Garment Company, Martindale, Pennsylvania; Apparel; Ladies' Undergarments; 5 learners (75% of the applicable hourly minimum wage); October 11, 1941. (Inadvertently omitted from REGISTER of October 11.)

Signed at Washington, D. C., this 14th day of October 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-4334; Filed, October 14, 1940; 11:50 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under Section 14 thereof and part 522.5b of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective October 15, 1940.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be canceled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Beach Manufacturing Company, Montrose, Pennsylvania; Miscellaneous; Woodworking Machinery; 5 learners; 12 weeks for any one learner; 25 cents per hour; Drill Press Operator, Lathe Operator, Planer Operator, Milling Machine Operator, Shaper Operator, Grinder, Tool Grinder; April 29, 1941.

Del-Mar-Va Dental Laboratories, 125 Main Street, Salisbury, Maryland; Miscellaneous; Artificial Plates for the Dental Profession; 1 learner; 12 weeks for any one learner; 25 cents per hour; Dental Mechanic; January 21, 1941.

Hamilton Fur Company, 1616 Stout Street, Denver Colorado; Miscellaneous; Fur Coats; 1 learner; 12 weeks for any

one learner; 25 cents per hour; Fur Re-pairer; April 29, 1941.

The Verplex Company, Essex, Con-necticut; Miscellaneous; Lamp Shades; 10 learners; 8 weeks for any one learner; 25 cents per hour; Binding, Assembling, Trimming, Silk Sewing; December 24, 1940.

Signed at Washington, D. C., this 14th day of October 1940.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-4336; Filed, October 14, 1940;
11:50 a. m.]

FEDERAL COMMUNICATIONS COM- MISSION.

[Docket No. 5915]

IN RE APPLICATION OF CLIFTON A. TOLBOE,
TRADING AS CITIZENS VOICE AND AIR
SHOW (ASSIGNOR) (KOVO)

Dated March 27, 1940, for voluntary as-
signment of license to KOVO Broad-
casting Co. (Assignee); Class of service,
broadcast; Class of station, broadcast;
location, Provo, Utah; present assign-
ment: Frequency, 1210 kc.; power, 250
w.; hours of operation, unlimited

[File No. B5-AL-278]

NOTICE OF HEARING

You are hereby notified that the Com-
mission has examined the above described
application and has designated the mat-
ter for hearing for the following reasons:

1. To determine whether assignor's
proposal to assign his license separately
from the physical assets of Station KOVO
in return for 20,000 shares of stock in
KOVO Broadcasting Company is con-
trary to the provisions of Sections 301
and 309 (b) (1) of the Communications
Act of 1934, as amended.

2. To determine the ability of KOVO
Broadcasting Company to sell shares of
its stock to persons other than Clifton A.
Tolboe, as proposed, and to obtain full
information concerning such proposed
sale of additional shares, including in-
formation as to the parties to whom, the
time when, and the amounts for which
the shares will be issued.

3. To determine whether the proposed
assignee is legally, financially and other-
wise qualified to be the licensee and oper-
ator of Station KOVO, as proposed.

The application involved herein will
not be granted by the Commission
unless the issues listed above are deter-
mined in favor of the applicant on the
basis of a record duly and properly
made by means of a formal hearing.

The applicant is hereby given the
opportunity to obtain a hearing on such
issues by filing a written appearance in
accordance with the provisions of § 1.382

(b) of the Commission's Rules of Prac-
tice and Procedure. Persons other than
the applicant who desire to be heard
must file a petition to intervene in
accordance with the provisions of § 1.102
of the Commission's Rules of Practice
and Procedure.

The applicants' addresses are:

Clifton A. Tolboe, trading as
Citizens Voice and Air Show (as-
signor),
Radio Station KOVO,
Farmers and Merchants Bank
Building,
Provo, Utah.

KOVO Broadcasting Company (as-
signee),
108 West Center Street,
Provo, Utah.

Dated at Washington, D. C., October
11, 1940.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 40-4317; Filed, October 12, 1940;
11:45 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5651]

IN THE MATTER OF MONTANA-DAKOTA
UTILITIES CO.

NOTICE OF APPLICATION

Notice is hereby given that on Oc-
tober 12, 1940, an application was filed
with the Federal Power Commission,
pursuant to Section 204 of the Federal
Power Act, by Montana-Dakota Utilities
Co., a corporation organized under the
laws of the State of Delaware and car-
rying on electric and gas utility business
in the States of Montana, North Dakota,
South Dakota and a gas utility business
in the State of Wyoming, with its prin-
cipal business office at Minneapolis,
Minnesota, seeking an order authorizing
the issuance of \$3,900,000 in principal
amount of unsecured Serial Notes to be
dated December 1, 1940 to be due \$390,-
000 on March 15th in each of the years
1941 to 1950, inclusive, and to bear in-
terest at rates varying from 1½% to
3½% per annum according to maturity;
all as more fully appears in the applica-
tion on file with the Commission.

Any person desiring to be heard or to
make any protest in reference to said
application should, on or before the 21st
day of October 1940, file with the Fed-
eral Power Commission a petition or
protest in accordance with the Commis-
sion's Rules and Practice and Regula-
tions.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc 40-4328; Filed, October 14, 1940;
11:36 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-11]

PUBLIC HEARING FOR THE PURPOSE OF RE-
CEIVING EVIDENCE UPON THE BASIS OF
WHICH REGULATIONS MAY BE PROMUL-
GATED FIXING AND ESTABLISHING DEFINI-
TIONS AND STANDARDS OF IDENTITY FOR
(A) CHEDDAR CHEESE, (B) WASHED CURD
CHEESE, AND (C) COLBY CHEESE

Upon the application of the Kraft
Phoenix Cheese Corporation, and for
good cause shown:

It is ordered, That the time to file ex-
ceptions to the proposed order for (A)
Cheddar Cheese, (B) Washed Curd
Cheese, and (C) Colby Cheese (sections
19.500; 19.505, and 19.510, 5 F.R. 3881),
by any interested person whose appear-
ance was filed at the hearing, be and
hereby is extended ten days from October
8, 1940.

WAYNE COY,
Acting Federal Security
Administrator.

WASHINGTON, D. C.,
October 10, 1940.

[F. R. Doc. 40-4311; Filed, October 12, 1940;
9:32 a. m.]

[Docket No. FDC 12]

PUBLIC HEARING FOR THE PURPOSE OF RE-
CEIVING EVIDENCE UPON THE BASIS OF
WHICH REGULATIONS MAY BE PROMUL-
GATED FIXING AND ESTABLISHING A DEFINI-
TION AND STANDARD OF IDENTITY FOR
CREAM CHEESE

Upon the application of the Kraft
Phoenix Cheese Corporation, and for
good cause shown:

It is ordered, That the time to file ex-
ceptions to the proposed order for Cream
Cheese (section 19.515, 5 F.R. 3883), by
any interested person whose appearance
was filed at the hearing, be and hereby is
extended ten days from October 8, 1940.

WAYNE COY,
Acting Federal Security
Administrator.

WASHINGTON, D. C.,
October 10, 1940.

[F. R. Doc. 40-4312; Filed, October 12, 1940;
9:32 a. m.]

Social Security Board.

CERTIFICATION TO THE UNEMPLOYMENT
COMPENSATION COMMISSION OF THE
STATE OF MICHIGAN

The Unemployment Compensation
Commission of the State of Michigan
having duly submitted to the Social
Security Board, pursuant to the provi-
sions of section 1602 (b) (3) of the In-
ternal Revenue Code, as amended, the

Michigan unemployment compensation law; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Unemployment Compensation Commission of the State of Michigan.

SOCIAL SECURITY BOARD,

[SEAL] A. J. ALTMAYER,

Chairman.

October 8, 1940.

Approved:

PAUL V. McNUTT,
Administrator.

OCTOBER 9, 1940.

[F. R. Doc. 40-4314; Filed, October 12, 1940; 11:09 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4344]

IN THE MATTER OF VONNEGUT HARDWARE COMPANY, A CORPORATION

COMPLAINT

The Federal Trade Commission, having reason to believe that the Vonnegut Hardware Company, a corporation, is violating, and since June 19, 1936, has violated the provisions of section 2 (a) of the Clayton Act as amended by the Robinson-Patman Act (U.S.C. Title 15, Section 13), hereby issues its complaint, stating its charges with respect thereto as follows.

PARAGRAPH 1. Vonnegut Hardware Company, respondent herein, is a corporation organized and existing under the laws of the State of Indiana, with its principal office located at 120 East Washington Street, Indianapolis, Indiana. Respondent operates a number of retail hardware stores in Indianapolis, Indiana, and also is engaged in the manufacture of self-releasing fire exit devices and in the distribution and sale thereof. The manufacturing part of respondent's business is conducted under the name "Von Duprin".

PAR. 2. Said respondent causes the Von Duprin devices to be transported for distribution and sale from its manufacturing plant located in Indianapolis,

Indiana, into and through the various states of the United States to the purchasers thereof located in other states of the United States and in the District of Columbia, and there is, and has been at all times herein mentioned a continuous current of trade and commerce in said Von Duprin devices sold and distributed by respondent between the State of Indiana and various other states of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of its business, as aforesaid, respondent is, and during the time herein mentioned has been, in substantial competition with other corporations, individuals, partnerships and firms engaged in the business of selling and distributing fire exit latches and devices between and among the various states of the United States and in the District of Columbia.

PAR. 4. In the course and conduct of its business, as aforesaid, since June 19, 1936, respondent has been, and is now, discriminating in price between different purchasers buying such products of like grade and quality by selling its products to some of such purchasers at lower prices than it sells its products of like grade and quality to other of such purchasers who are competitively engaged one with the other in the sale of said products within the United States.

The said discriminations in price are brought about by the respondent granting a 40% discount to some of such customers and a 50% discount to other of such customers from uniform list prices of such devices.

PAR. 5. The effect of the discriminations in price herein mentioned has been and may be substantially to injure, destroy or prevent competition with respondent and also with those purchasers receiving the benefit of said discriminatory prices.

PAR. 6. The foregoing acts and practices of said respondent are violations of section 2 (a) of the Clayton Act as amended by the Robinson-Patman Act (U. S. C. Title 15, Section 13).

Wherefore, the premises considered, the Federal Trade Commission on this 10th day of October, A. D. 1940, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, Vonnegut Hardware Company, a corporation, respondent herein, that the 15th day of November, A. D. 1940, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

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

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

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

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

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 10th day of October, A. D. 1940.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-4327; Filed, October 14, 1940; 10:21 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-138]

IN THE MATTER OF HOME GAS COMPANY
ORDER PERMITTING WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of October, A. D. 1940.

Home Gas Company having filed with this Commission a request for the withdrawal of the following described application filed August 14, 1940 pursuant to Section 10 of the Public Utility Holding Company Act of 1935:

An application by Home Gas Company to acquire all the assets, except cash, of Eastern Pipe Line Company for \$262,801.79, both companies being wholly-owned subsidiaries of Columbia Gas & Electric Corporation, which was to advance the purchase money to Home Gas Company on open account:

It is ordered, That permission for the withdrawal of said application by Home Gas Company be, and the same hereby is, granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.[F. R. Doc. 40-4318; Filed, October 12, 1940;
11:48 a. m.]

[File Nos. 43-237, 46-162]

IN THE MATTERS OF COPPER DISTRICT
POWER COMPANY AND THE MIDDLE WEST
CORPORATIONORDER CONSENTING TO WITHDRAWAL OF AP-
PLICATION AND DECLARATION PURSUANT TO
THE PUBLIC UTILITY HOLDING COMPANY
ACT OF 1935

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1940.

The applicant and declarant in the above matters having requested the consent of the Commission to the withdrawal of the supplemental application and declaration filed herein, advancing as reasons therefor the payment and satisfaction of the notes in the principal amount of \$78,500 by the Copper District Power Company, the extension of which was the subject of such application and declaration; and the Commission finding that such consent should be granted;

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.[F. R. Doc. 40-4320; Filed, October 12, 1940;
11:48 a. m.]

[File No. 59-15]

IN THE MATTER OF NORTHERN NEW EN-
GLAND COMPANY, NEW ENGLAND PUBLIC
SERVICE COMPANY RESPONDENTS

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1940.

The Securities and Exchange Commission having on the 11th day of September, 1940, issued an order pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 wherein Northern New England Company and New England Public Service Company were made respondents; and

Said order having set the matter down for hearing on the 14th day of October, 1940; and

Said respondents having applied for a postponement of said hearing to a date not earlier than December 10, 1940; and

The Commission having considered said application and the allegations therein contained:

It is ordered, That the hearing in the foregoing matter be postponed until November 7, 1940, at 10:00 in the forenoon.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.[F. R. Doc. 40-4319; Filed, October 12, 1940;
11:48 a. m.]

[File No. 70-163]

IN THE MATTER OF MICHIGAN CONSOLI-
DATED GAS COMPANY

ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of October, A. D. 1940.

A declaration or application (or both) having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named person or persons, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-8 under said Act; and

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration or application (or both) and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

* 5 F.R. 3735.

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission thereunder be held on October 24, 1940, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 19 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application or declaration particular attention will be directed at said hearing to the following matters and questions:

The application in question is for the approval of the acquisition of a certain gas field in Mecosta County, Michigan, known as the Austin field, from W. C. Taggart et al. for a proposed cash consideration of approximately \$800,000. The applicant states that the primary reason for acquiring title to this gas field is to use it to store natural gas.

The proposed acquisition of the property is stated to be the first step in a general program which the Company believes will enable it to continue complete natural gas service to its customers in all the districts now served by it.

Applicant states that it would be economically practicable to purchase gas from Panhandle Eastern Pipeline Company during the summer months, for use during the fall and winter months in the Detroit, Grand Rapids and Muskegon districts. For that purpose the construction of a pipe line from the Detroit area to the Austin gas field would be necessary.

Applicant is at present purchasing natural gas, originating in the Austin field, for use in the Muskegon service area under contracts which entitle applicant to purchase all of the natural gas down to a rock pressure of 50 pounds per square inch.

At said hearing particular attention will be directed to the following matters and questions:

(1) Whether the consideration proposed to be paid for such acquisition is reasonable and bears a fair relation to the sums invested in or the earning capacity of the property to be acquired.

(2) Whether applicant has a precise and comprehensive program for intercon-

necting the Austin gas field with its service areas in Detroit, Ann Arbor, Grand Rapids and Muskegon and whether it intends to commence the immediate construction of the necessary facilities therefor.

(3) Whether the proposed acquisition will tend towards the economical and efficient development of an integrated public utility system and whether it is detrimental to the carrying out of the provisions of Section 11.

(4) Whether the proposed acquisition will tend toward the concentration of control of public utility companies.

(5) Whether the proposed acquisition is detrimental to the public interest, the interest of investors or consumers, or the proper functioning of the United Light and Power Company holding-company system.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4330; Filed, October 14, 1940;
11:40 a. m.]

[File No. 70-91]

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

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities
and Exchange Commission held at its

office in the City of Washington, D. C.,
on the 12th day of October, A. D. 1940.

Applications pursuant to the Public
Utility Holding Company Act of 1935,
having been duly filed with this Com-
mission by the above-named parties;

It is ordered, That a hearing on such
matter under the applicable provisions
of said Act and the rules of the Com-
mission thereunder be held on October
29, 1940, at 10:00 o'clock in the forenoon
of that day, at the Securities and Ex-
change Building, 1778 Pennsylvania
Avenue NW., Washington, D. C. On
such day the hearing-room clerk in
room 1102 will advise as to the room
where such hearing will be held. At
such hearing, if in respect of any dec-
laration, cause shall be shown why such
declaration shall become effective.

It is further ordered, That Charles S.
Lobingier or any other officer or officers
of the Commission designated by it for
that purpose shall preside at the hear-
ings in such matter. The officer so de-
signated to preside at any such hearing
is hereby authorized to exercise all pow-
ers granted to the Commission under
section 18 (c) of said Act and to a trial
examiner under the Commission's Rules
of Practice.

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

person desiring to be heard or to be
admitted as a party to such proceeding
shall file a notice to that effect with the
Commission on or before October 24,
1940.

The matter concerned herewith is in
regard to the acquisition by California
Public Service Company of all of the
electric and water properties of Central
Mendocino County Power Company lo-
cated in and around Willets, California
for the sum of \$235,000 which sum will
be raised by the private sale of \$140,000
principal amount First Mortgage Bonds,
Series "B", 4¼%, due 1964, to the sole
holder of all presently outstanding bonds
of said issues and by the sale of 3,800
shares of common stock for \$95,000 (the
par value thereof) to Peoples Light and
Power Company, a registered holding
company owning all of the presently
outstanding common stock. Said com-
mon stock will be pledged under the In-
denture securing Peoples Light and
Power Company's Collateral Lien Bonds.
Applicant has designated sections 6 (b)
and 10 and Rule U-12D-1 as applicable.

On July 9, 1940 the Commission ordered
a hearing to be held in this matter on
July 25, 1940; said hearing was post-
poned until further order of the Com-
mission by an order dated July 24, 1940;

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-4329; Filed, October 14, 1940;
11:40 a. m.]

