



FEDERAL REGISTER

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Washington, Saturday, April 27, 1940

The President

PROCLAMATION OF A STATE OF WAR
BETWEEN GERMANY AND NORWAY

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

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

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

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

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

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of war unhappily exists between Germany and Norway, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

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

trial and punishment any offenders against the same.

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

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

DONE at the City of Washington this 25th day of April, in the year of our Lord nineteen hundred and forty, and [SEAL] 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. 23981]

[F. R. Doc. 40-1680; Filed, April 26, 1940; 12:01 p. m.]

PROCLAIMING THE NEUTRALITY OF THE
UNITED STATES IN THE WAR BETWEEN
GERMANY, ON THE ONE HAND, AND NOR-
WAY, ON THE OTHER HAND

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS a state of war unhappily exists between Germany, on the one hand, and Norway, on the other hand;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the

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THE PRESIDENT

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law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that all of the provisions of my proclamation of September 5, 1939, proclaiming the neutrality of the United States in a war between Germany and France; Poland; and the United Kingdom, India, Australia

and New Zealand apply equally in respect to Norway.

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

DONE at the City of Washington this 25th day of April, in the year of our Lord nineteen hundred and forty, [SEAL] 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. 2399]

[F. R. Doc. 40-1681; Filed, April 26, 1940; 12:01 p. m.]

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

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

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

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

WHEREAS there exists a state of war between Germany and Norway;

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

WHEREAS by my proclamation of November 4, 1939, issued pursuant to the provision of law quoted above, I placed special restrictions on the use of ports and territorial waters of the United States by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 11 of the Joint Resolution approved November 4, 1939, do by this proclamation declare and proclaim that the provisions of my proclamation of November 4, 1939, in regard to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, shall also apply to the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of Norway.

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

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

DONE at the City of Washington this 25th day of April, in the year of our Lord nineteen hundred and forty, and [SEAL] 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. 2400]

[F. R. Doc. 40-1682; Filed, April 26, 1940; 12:01 p. m.]

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE ENFORCEMENT OF THE NEUTRALITY OF THE UNITED STATES

WHEREAS, under the treaties of the United States and the law of nations it is the duty of the United States, in any war in which the United States is a neutral, not to permit the commission of unneutral acts within the jurisdiction of the United States;

AND WHEREAS, a proclamation was issued by me on the 25th day of April declaring the neutrality of the United States of America in the war now existing between Germany, on the one hand, and Norway, on the other hand:

NOW, THEREFORE, in order to make more effective the enforcement of the provisions of said treaties, law of nations, and proclamation, I hereby prescribe that the provisions of my Executive

Order No. 8233 of September 5, 1939, prescribing regulations governing the enforcement of the neutrality of the United States, apply equally in respect to Norway.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE

April 25, 1940

[No. 8398]

[F. R. Doc. 40-1683; Filed, April 26, 1940; 12:01 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IX—DIVISION OF MARKETING AND MARKETING AGREEMENTS

[Order No. 30, As Amended]

MARKETING ORDERS

PART 930—ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA*

Sec.	
930.0	Findings.
930.1	Definitions.
930.2	Market administrator.
930.3	Reports of handlers.
930.4	Classification of milk.
930.5	Minimum prices.
930.6	Determination and announcement of uniform prices to producers.
930.7	Payment for milk.
930.8	Expense of administration.
930.9	Marketing services.
930.10	Effective time, suspension, or termination.

Whereas, M. L. Wilson, Acting Secretary of Agriculture, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended (48 Stat. 31) and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), issued, effective September 16, 1938, an order regulating the handling of milk in the Toledo, Ohio, marketing area; and

Whereas, the Secretary, having reason to believe that the issuance of an order, as amended, with respect to the handling of milk in the Toledo, Ohio, marketing area, would tend to effectuate the declared policy of said act, gave, on the 25th day of November 1939, notice of a public hearing to be held at Toledo, Ohio, which hearing was held on the 2d day of December 1939 on said proposed order, as amended, and at said time and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on the proposed provisions of the order, as amended; and

Whereas, after such hearing handlers of more than fifty percent of the volume of milk covered by such proposed order,

as amended, which is marketed within the Toledo, Ohio, marketing area, failed or refused to sign a tentatively approved marketing agreement, as amended, regulating the handling of milk in said area in the same manner as the proposed order, as amended; and

Whereas, the provisions of section 8c (5) (B) (i) and of section 8c (9) of said act have been complied with; and

Whereas, the Secretary finds, upon the evidence introduced at the above-mentioned public hearing, said findings being in addition to the findings made upon the evidence introduced at the original hearings on said order and being in addition to the other findings made prior to or at the time of the original issuance of said order (all of which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings as hereinafter set forth):

§ 930.0 *Findings.* 1. That the prices calculated to give milk handled in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8c of said act, are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply of and demand for milk, and that the minimum prices set forth in this order, as amended, are such prices as will reflect such factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

2. That the order, as amended, regulates the handling of milk in the same manner as, and is applicable only to handlers specified in, a tentatively approved marketing agreement, as amended, upon which a hearing has been held; and

3. That the issuance of this order, as amended, and all of its terms and conditions will tend to effectuate the declared policy of the act:

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby orders that such handling of milk in the Toledo, Ohio, marketing area as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce, shall, from the effective date hereof, be in compliance with the following terms and conditions:

§ 930.1 *Definitions.*—(a) *Terms.* The following terms shall have the following meanings:

(1) The term "Secretary" means the Secretary of Agriculture of the United States.

(2) The term "Toledo, Ohio, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the city of Toledo and the towns and villages of Ottawa

Hills, Maumee, Sylvania, Harbor View, Rossford, and Trilby, in Lucas County, and the township of Ferrysburg in Wood County, all in the State of Ohio, and the village of Lakeside in Monroe County, Michigan.

(3) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(4) The term "producer" means any person who produces milk which is received at the plant of a handler from which milk is disposed of in the marketing area and any person reported by a handler pursuant to § 930.3 (a) (7): Provided, That if such producer has not regularly distributed milk in the marketing area or has not disposed of milk to a handler for a period of 30 days prior to September 16, 1938, but begins the regular delivery of milk to a handler, he shall be known as a "new producer" for a period beginning with the date of his first delivery of milk and including the first 2 full calendar months of regular delivery following the date of first delivery to a handler, after which he shall be known as a producer.

(5) The term "handler" means any person who, on his own behalf or on behalf of others, purchases or receives milk from producers, new producers, associations of producers, or other handlers, all, or a portion, of which milk is disposed of as milk in the marketing area, and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

(6) The term "delivery period" means any calendar month.

(7) The term "market administrator" means the agency which is described in § 930.2 for the administration hereof.

(8) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(9) The term "market share" means the quantity of milk calculated for each producer pursuant to § 930.7 (e).

(10) The term "option A" means that option under which a producer choosing such option shall have an individual market share determined by the market administrator pursuant to § 930.7 (e).

(11) The term "option B" means that option under which those producers selling to the same handler and individually choosing such option shall have a combined market share equal to the sum of the individual market shares of such producers.

(12) The term "excess milk" means the quantity of milk remaining after the market-share deliveries of a producer have been subtracted from his total deliveries of milk during the delivery period.

(13) The term "cooperative association" means any cooperative association of producers which the Secretary deter-

*§ 930.0 to § 930.10, both inclusive, issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. § 601 et seq. (1934), 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. § 601 et seq. (Supp. IV 1938).

mines (a) to have its entire activities under the control of its members and (b) to have and to be exercising full authority in the sale of milk of its members.

§ 930.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

- (1) Administer the terms and provisions hereof; and
- (2) Report to the Secretary complaints of violation of the provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by § 930.8, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to § 930.3 or (b) made payments pursuant to § 930.7.

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 950.3 *Reports of handlers*—(a) *Submission of reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 5th day after the end of each delivery period (a) the receipts of milk from producers and new producers, (b) the receipts of milk from handlers, (c) the receipts of milk produced by him, if any, (d) the receipts of milk from any other source, (e) the utilization of all receipts of milk for the delivery period, and (f) the name and address of each new producer.

(2) Within 10 days after the market administrator's request with respect to any producer and new producer for whom such information is not in the

files of the market administrator and with respect to a period or periods of time designated by the market administrator (a) the name and address, (b) the total pounds of milk received, (c) the average butterfat test of milk received, and (d) the number of days upon which milk was received.

(3) On or before the 20th day after the end of each delivery period, his producer pay roll, which shall show for each producer and new producer (a) the total delivery of milk with the average butterfat test thereof, (b) the net amount of the payment to such producer and new producer made pursuant to § 930.7, and (c) the deductions and charges made by the handler. Such pay roll shall show also for each producer his total delivery of market-share milk and excess milk.

(4) On or before the 5th day after the end of each delivery period the sale or disposition of Class I milk outside the marketing area, as follows: (a) the amount and the utilization of such milk, (b) the butterfat test thereof, (c) the date of such sale or disposition, (d) the point of use, (e) the plant from which such milk was shipped, and (f) such other information with respect thereto as the market administrator may request.

(5) On or before the 5th day after the market administrator's request, a schedule which shall show the transportation rates which are charged and paid for the transportation of milk from the farm of each producer and new producer to such handler's plant.

(6) On or before the 5th day after any changes are made in the schedule filed in accordance with subparagraph (5) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule.

(7) On or before the 5th day after the end of each delivery period, a list showing the name and address of each person who produces milk and is under contract with such handler, either individually or through a cooperative association, to have his milk received and paid for as part of the handler's supply of milk for the marketing area, but whose milk may be received at a plant of such handler from which no milk is disposed of in the marketing area. Any such person who is not included on such a list, submitted on or before the 5th day after the end of the delivery period, shall not be deemed to be a producer for such delivery period.

(b) *Verification of reports.* Each handler shall make available to the market administrator or his agent (1) those records which are necessary for the verification of the information contained in the reports submitted in accordance with this section and § 930.4 (c), and (2) those facilities necessary for the check-weighing, testing, and sampling of milk and for determining the utilization of milk being made by the handler.

If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, it is necessary for the market administrator to examine records relating to milk and cream handled in a plant of the handler from which no milk is disposed of in the marketing area, such handler shall make such records available to the market administrator. If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, the market administrator finds that, subsequent to the delivery period for which the verification is being made, any milk of a producer or new producer received during such delivery period was used in a class other than that in which it was first disposed of, such milk shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such milk shall be made in the value of milk computed for such handler for the delivery period following such reclassification of milk.

§ 930.4 *Classification of milk*—(a) *Milk to be classified.* All milk, including milk produced by him, if any, received by each handler at a plant from which milk is disposed of in the marketing area and all milk of producers and new producers reported pursuant to § 930.3 (a) (7) shall be classified, subject to the provisions of paragraphs (c) and (d) of this section, by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk, whether plain or flavored, and all milk not accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all milk used to produce cream which is disposed of in the form of cream (for consumption as cream), creamed buttermilk, and creamed cottage cheese.

(3) Class III milk shall be all milk used to produce a milk product other than those specified in Class II milk, and all actually accounted for plant shrinkage up to but not exceeding 3 percent of the total receipts of milk from producers and new producers.

(c) *Interhandler and nonhandler sales.* Milk disposed of by a handler to another handler and milk disposed of by a handler to a person who is not a handler but who distributes milk or manufactures milk products shall be classified as Class I milk: *Provided*, That if a different classification is similarly reported to the market administrator by the selling handler and the person to whom such milk is disposed of, such milk shall be classified according to such reports, subject to verification by the market administrator: *And provided further*, That in no event shall the amount so reported in

any class be greater than the total amount of milk disposed of in such class by the person receiving such milk.

(d) *Computation of butterfat in each class.* For each delivery period, the market administrator shall compute for each handler the butterfat in each class of utilization of such handler, as follows:

(1) Determine the total pounds of butterfat received as follows: (a) multiply the weight of the milk received from producers and new producers by the average butterfat test thereof, (b) multiply the weight of the milk produced by him, if any, by the average butterfat test thereof, (c) multiply the weight of the milk received from handlers, if any, by the average butterfat test thereof, and (d) add together the resulting amounts.

(2) Determine the total pounds of butterfat in Class I milk as follows: (a) convert to quarts the quantity of milk disposed of in the form of milk, whether plain or flavored, and multiply by 2.15, (b) multiply the result by the average butterfat test of such milk.

(3) Determine the total pounds of butterfat in Class II milk as follows: (a) multiply the total pounds of each of the several products of Class II milk by its average butterfat test and (b) add together the resulting amounts.

(4) Determine the total pounds of butterfat in Class III milk as follows: (a) multiply the total pounds of each of the several products of Class III milk by its average butterfat test, add together the resulting amounts, and add to this sum the total pounds of butterfat reported as actual plant shrinkage up to but not exceeding 3 percent of the total receipts of butterfat by the handler from producers and new producers, (b) subtract from the total pounds of butterfat received, computed pursuant to subparagraph (1) of this paragraph, the sum total of the pounds of butterfat determined in subparagraph (2), subparagraph (3), and (a) of this subparagraph, and (c) add the resulting amount of butterfat, if any, to the amount of butterfat computed pursuant to subparagraph (2) of this paragraph.

(5) Determine the classification of the butterfat received from producers and new producers, as follows:

(i) Subtract from the total pounds of butterfat in each class the total pounds of butterfat received from other handlers and used in such class.

(ii) In the case of a handler who also distributes milk of his own production, subtract from the total pounds of butterfat in each class a further amount which shall be computed as follows: divide the total pounds of butterfat in said class by the total pounds of butterfat in all classes and multiply by the total pounds of butterfat produced by such handler.

(e) *Computation of milk in each class.* For each delivery period, the market ad-

ministrator shall compute for each handler the hundredweight of milk in each class received from producers and new producers by (a) dividing the total pounds of butterfat computed for each class in accordance with paragraph (d) (5) of this section by the average butterfat test of all milk received from producers and new producers by such handler, and (b) dividing the resulting amounts by 100.

§ 930.5 *Minimum prices*—(a) *Class prices.* Except as set forth in paragraph (b) of this section, each handler shall pay, at the time and in the manner set forth in § 930.7, not less than the following prices for milk of 3.5 percent butterfat content received at such handler's plant:

Class I milk—\$2.35 per hundredweight: *Provided,* That for Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be \$1.90 per hundredweight.

Class II milk—\$1.65 per hundredweight.

Class III milk—The price per hundredweight which results from the following computation by the market administrator: multiply by 3.5 the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 15 percent thereof.

(b) *Sales of milk outside the marketing area.* The price to be paid by a handler for milk received from producers and new producers and disposed of as Class I milk outside the marketing area, in lieu of the price otherwise applicable pursuant to paragraph (a) of this section, shall be, as ascertained by the market administrator, such price as is being paid, for milk of equivalent use, to dairy farmers supplying the market in which such milk was disposed of, subject to a reasonable allowance for the transportation of milk classified as Class I milk and moved from the handler's plant in the marketing area to the handler's plant outside the marketing area where such milk was loaded on wholesale and retail routes.

§ 930.6 *Determination and announcement of uniform prices to producers*—

(a) *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute for each handler the value of milk of producers and new producers received by such handler, as follows: (1) multiply the hundredweight of Class I milk disposed of in the marketing area by the Class I price set forth in § 930.5 (a), (2) multiply the hundredweight of Class I milk disposed of outside the marketing area by the price applicable pursuant to § 930.5 (b), (3) multiply the hundredweight of

Class II milk by the Class II price, (4) multiply the hundredweight of Class III milk by the Class III price, and (5) add together the resulting amounts.

(b) *Computation and announcement of the uniform price.* (1) For each delivery period, prior to August 1, 1940, the market administrator shall compute for each handler the uniform price per hundredweight of milk received by such handler as follows:

(i) Subtract from the sum computed pursuant to paragraph (a) of this section the total amount to be paid pursuant to § 930.7 (b) (2);

(ii) If, in the verification of the reports of such handler for previous delivery periods, the market administrator has discovered errors in such reports, there shall be added or subtracted, as the case may be, the amount necessary to correct such errors;

(iii) Divide by the hundredweight of milk received from producers other than the milk represented by the amount subtracted in subdivision (i) of this subparagraph;

(iv) Adjust the resulting figure to the nearest cent. This result shall be known as such handler's uniform price for such delivery period for milk of producers which contains 3.5 percent butterfat; and

(v) On or before the 12th day after the end of each delivery period, prior to August 1, 1940, the market administrator shall notify each handler of the uniform price computed for him pursuant to this subparagraph and of the price for Class III milk, and shall publicly announce such prices.

(2) For each delivery period, subsequent to July 31, 1940, the market administrator shall compute for each handler the uniform price per hundredweight for each producer's market share of milk received by such handler as follows:

(i) Subtract from the sum computed pursuant to paragraph (a) of this section the total amount to be paid pursuant to § 930.7 (c) (4);

(ii) Subtract from the resulting amount the value of excess milk received from producers, computed by multiplying the hundredweight of such milk by the Class III price;

(iii) If, in the verification of the reports of such handler for previous delivery periods, the market administrator has discovered errors in such reports, there shall be added or subtracted, as the case may be, the amount necessary to correct such errors;

(iv) Divide by the total hundredweight of market-share deliveries of all producers during the delivery period;

(v) Adjust the resulting figure to the nearest cent. This result shall be known as such handler's uniform price for such delivery period for market-share milk of producers which contains 3.5 percent butterfat; and

(vi) On or before the 12th day after the end of each delivery period, subsequent to July 31, 1940, the market administrator shall notify each handler of the uniform price of market-share milk computed for him pursuant to this paragraph and of the price of Class III milk, and shall publicly announce such prices.

§ 930.7 *Payment for milk*—(a) *Time and method of payment.* On or before the last day of each delivery period, each handler shall pay, with respect to all milk received during the first 15 days of such delivery period, \$1.50 per hundredweight to each producer and \$0.75 per hundredweight to each new producer.

(b) On or before the 15th day after the end of each delivery period, prior to August 1, 1940, each handler shall make payment, subject to the butterfat differential set forth in paragraph (d) of this section and less the payment made in accordance with paragraph (a) of this section, for each hundredweight of milk received from producers and new producers during such delivery period as follows:

(1) To producers, except as set forth in subparagraph (2) of this paragraph, at not less than such handler's uniform price; and

(2) To each new producer at the Class III price.

(c) On or before the 15th day after the end of each delivery period, subsequent to July 31, 1940, each handler shall make payment, subject to the butterfat differential set forth in paragraph (d) of this section and less the payment made in accordance with paragraph (a) of this section, for each hundredweight of milk received from producers and new producers during such delivery period as follows:

(1) To each producer choosing option A, at not less than such handler's uniform price for all milk received from such producer not in excess of his market share.

(2) To each producer choosing option A, at not less than the Class III price for all milk received from such producer in excess of his market share.

(3) To each producer choosing option B, at not less than a price for all milk determined as follows:

(i) Add together the market shares of all producers choosing option B from whom such handler received milk;

(ii) Multiply the sum computed in subdivision (i) of this subparagraph by such handler's uniform price;

(iii) Multiply the total quantity of excess milk of all such producers choosing option B by the Class III price;

(iv) Add together the values computed pursuant to subdivisions (ii) and (iii) of this subparagraph and divide the resulting sum by the total hundredweight of milk received by such handler during the

delivery period from all such producers choosing option B; and

(v) Adjust the resulting figure to the nearest cent.

(4) To each new producer at the Class III price.

(d) *Butterfat differential.* If a handler has received from a producer or new producer, during any delivery period, milk having an average butterfat content other than 3.5 percent, such handler, in making payments pursuant to paragraphs (b) and (c) of this section, shall add to the price to be paid each producer or new producer, for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct from such price, for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent not more than, an amount per hundredweight as follows:

Three cents, if the average butter price used in § 930.5 (a) is 30 cents or less; or

Four cents, if the average butter price used in § 930.5 (a) is more than 30 cents.

(e) *Delivery period market share.* For each delivery period the market share of each producer shall be a quantity of milk calculated by multiplying the daily market share computed pursuant to paragraph (f) of this section by the number of days on which milk was received from such producer during the delivery period.

(f) *Determination of daily market share.* The market administrator shall determine the daily market share of each producer as follows:

(1) Effective for each delivery period from August 1 through December 31, 1940, subject to the adjustment provided in subparagraph (3) of this paragraph, divide such producer's total pounds of milk delivered in bulk to a handler during the 12-month period immediately preceding December 1, 1939, by the number of days upon which deliveries were made and take such a percentage of the result as will make the sum of all figures so determined for producers from whom such handler received milk equal to 115 percent of the daily average Class I and Class II milk disposed of by such handler during the last calendar quarter of 1939: *Provided,* That if a producer cannot show to the satisfaction of the market administrator deliveries to a handler during a full 12-month period immediately preceding December 1, 1939, compute for such producer a figure in the manner provided for new producers pursuant to subparagraph (4) of this paragraph, and immediately after a record of deliveries of such producer to a handler for a 12-month period becomes available, compute a new figure by dividing the total pounds of milk delivered by him in bulk to a handler during such 12-month period by the

number of days upon which deliveries were made and multiplying the result by the most recent percentage figure used pursuant to subparagraph (3) of this paragraph in the computation of market shares of producers of the handler who receives the milk of such producer.

(2) Effective for each calendar year following 1940, subject to the adjustment provided in subparagraph (3) of this paragraph, compute such producer's daily average market-share deliveries for all delivery periods during the calendar year immediately preceding: *Provided,* That for each delivery period of such preceding calendar year during which any handler received from producers and new producers a quantity of milk greater than 115 percent of his Class I milk and Class II milk, each producer from whom such handler received full market-share deliveries for 7 or more delivery periods of such preceding year shall be given credit for having delivered his market share during such delivery period.

(3) At the beginning of each calendar quarter the figure computed pursuant to this paragraph for each producer from whom a handler receives milk shall be adjusted by that percentage which will make the sum of all such figures equal to 115 percent of the Class I and Class II milk of such handler during the calendar quarter immediately preceding.

(4) Effective for each delivery period, subsequent to July 31, 1940, for each producer who has been a new producer, compute a figure equal to the daily average of such producer's pounds of milk delivered in bulk to a handler for the period during which he was a new producer, subject to the adjustment provided in subparagraph (3) of this paragraph; and immediately after a record of milk deliveries of such producer to a handler for a 12-month period becomes available, compute a new figure by dividing the total pounds of milk delivered by him in bulk to a handler during such 12-month period by the number of days upon which deliveries were made and multiplying the result by the most recent percentage figure used pursuant to subparagraph (3) of this paragraph in the computation of market shares of producers of the handler who receives the milk of such producer.

(5) The following rules shall be observed by the market administrator in the allotment and adjustment of market shares:

(1) Each producer who chooses option A by writing to the market administrator prior to August 15, 1940, will deliver his milk under the provisions of option A. Each producer who chooses option B by writing to the market administrator and each producer who makes no choice of options prior to August 15, 1940, will deliver his milk under the provisions of option B. Each new producer, upon becoming a producer, shall be given 15 days

to make a choice of option A or option B. Each producer shall be notified as to his daily market share.

(ii) During the year 1940, any producer may change from option B to option A at the beginning of any delivery period. After December 31, 1940, no producer may change from option B to option A except at the beginning of a calendar year. No producer may change from option A to option B except at the beginning of a calendar year. A producer who chooses to change options shall apply in writing to the market administrator for such change at least 30 days prior to the date upon which such changed option is to become effective.

(iii) The daily market share of a producer who elects to change from option B to option A shall be the daily average of such producer's pounds of milk delivered in bulk to a handler for that part of the period from September 15, 1938, up to the date of his application for such change in options during which his milk has been received by a handler, subject to the adjustment provided in subparagraph (3) of this paragraph. After September 15, 1941, the daily market share of each such producer shall be the daily average of such producer's pounds of milk delivered in bulk to a handler for that part of the 36-month period immediately preceding the date of his application for a change in options during which his milk has been received by a handler, subject to the adjustment provided in subparagraph (3) of this paragraph.

(iv) Any producer who, as the result of official testing for tuberculosis or Bang's disease or testing for mastitis by a recognized veterinarian (documentary evidence of such losses, satisfactory to the market administrator, must be supplied), loses 20 percent or more of the cows in his herd, shall be given 12 months to replace the cows lost through such testing, without any reduction at the beginning of the next calendar year in his daily market share, except as adjustments are made pursuant to subparagraph (3) of this paragraph.

(v) Upon the transfer of a producer from one handler to another, no adjustment shall be made in the daily market share of such producer computed pursuant to this paragraph, except that if the addition of such daily market share to the total of all daily market shares, computed pursuant to this paragraph for producers of the handler to whom such producer transfers, results in a sum greater than 118 percent of the daily average Class I and Class II milk of such handler during the calendar quarter immediately preceding, the daily market shares of all producers of such handler shall be adjusted by a percentage which will make their total equal to 115 percent of such daily average Class I and Class II milk; and no adjustment shall be made in the daily market shares computed pur-

suant to this paragraph for producers of the handler from whom a producer transfers, except that if the transfer of the producer results in a sum of such daily market shares less than 112 percent of the daily average Class I and Class II milk of such handler during the calendar quarter immediately preceding, all such daily market shares shall be adjusted by a percentage which will make their total equal to 115 percent of such daily average Class I and Class II milk.

(vi) Market shares allotted to producers pursuant to this paragraph shall not be transferable: *Provided*, That market shares allotted under a tenant and landlord relationship shall be combined and shall be divided in the manner provided in subdivision (x) of this subparagraph when, and only when, such relationship is terminated.

(vii) As soon as daily market shares are allotted to producers pursuant to this paragraph, the market administrator shall notify each handler of the daily market shares of producers from whom such handler receives milk.

(viii) Any producer who ceases to market milk to a handler for a period of more than 45 consecutive days shall forfeit his daily market share. In the event that he thereafter commences to market milk to a handler, he shall receive a market share computed in the manner provided in subparagraph (4) of this paragraph for the allotment of market shares to producers who are new producers, and shall be treated for the purposes of this section as if he were a new producer.

(ix) A producer, whether landlord or tenant of a farm, may retain his daily market share when moving his entire herd of cows from one farm to another farm.

(x) A landlord who rents on a crop-share basis shall be entitled to the entire daily market share to the exclusion of the tenant, if the landlord owns the entire herd. Likewise, the tenant who rents on a crop-share basis shall be entitled to the entire daily market share to the exclusion of the landlord, if the tenant owns the entire herd. If the cattle are jointly owned by tenant and landlord, the daily market share shall be divided between the joint owners according to the ownership of the cattle, if and when such joint owners terminate the tenant and landlord relationship.

(xi) In the case of a producer who distributes the milk he produces and who disposes of all or a part of his delivery routes to a handler, the market administrator shall determine a daily market share equal to the daily average Class I and Class II milk produced and disposed of during the previous 3 months on the delivery routes of such producer, which such producer and such handler jointly report as involved in the transaction, subject to verification by the market administrator. Any daily market share so

determined shall be effective from its determination until the end of the then current calendar year, subject to the adjustment provided by subparagraph (3) of this paragraph, and thereafter shall be superseded by a daily market share determined pursuant to subparagraph (1) or (2) of this paragraph.

(g) *Additional payments.* Any handler may make payments for milk in addition to the payments to be made pursuant to paragraph (b) (1) and paragraph (c) (1), (2), and (3) of § 930.7: *Provided*, That such additional payments shall be made on a uniform basis to all producers for milk of like grade and quality received by such handler.

(h) *Errors in payments.* Whenever verification by the market administrator of the payment by a handler to any producer or new producer discloses a payment to such producer or new producer that is less than that required by this section, the handler shall make up such payment to the producer or new producer not later than the time of making payment to producers and new producers next following such disclosure.

§ 930.8 Expense of administration—

(a) *Payment of handlers.* As his pro rata share of the expense of administration hereof, each handler, with respect to all milk received from producers, an association of producers, new producers, or produced by him during the delivery period, shall pay to the market administrator on or before the 10th day after the end of the delivery period an amount per hundredweight not to exceed 2 cents, the exact amount to be determined by the market administrator, subject to review by the Secretary.

§ 930.9 *Marketing services—*(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the Secretary) from the payments made direct to producers and new producers pursuant to § 930.7, with respect to all milk received by such handler during the delivery period from producers and new producers, and shall pay such deductions to the market administrator on or before the 10th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk of said producers and new producers and to provide them with market information; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Payment to an association.* In the case of producers and new producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Con-

gress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made pursuant to § 930.7 as may be authorized by such producers and new producers, and pay over, on or before the 15th day after the end of each delivery period, such deductions to the association rendering such services.

§ 930.10 *Effective time, suspension, or termination*—(a) *Effective time*. The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination*. The Secretary may suspend or terminate this order, as amended, whenever he finds that this order, as amended, obstructs or does not tend to effectuate the declared policy of the act. This order, as amended, shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator*. If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (a) continue in such capacity until removed by the Secretary, (b) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct, and (c) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination*. Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims

for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Now, therefore, H. A. Wallace, Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, for the purposes and within the limitations therein contained and not otherwise, hereby executes and issues in duplicate this order, as amended, under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 25th day of April 1940, and declares this order, as amended, to be effective on and after the 1st day of May 1940.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.[F. R. Doc. 40-1675; Filed, April 26, 1940;
11:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE
COMMISSION

[Docket No. 3744]

IN THE MATTER OF JOHN B. CANEPA
COMPANY

§ 3.6 (b) (2) *Advertising falsely or misleadingly—Competitors and their products—Competitors' products*: § 3.6 (y) (10) *Advertising falsely or misleadingly—Scientific or other relevant facts*: § 3.48 (b) (4) *Disparaging competitors and their products—Goods—Nature*: § 3.48 (b) (7) *Disparaging competitors and their products—Goods—Quality*: § 3.66 (a) (4) *Misbranding or mislabeling—Competitive products*: § 3.66 (j) (20) *Misbranding or mislabeling—Scientific or other relevant facts*. Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of macaroni or spaghetti products, which advertisements represent, directly or through implication, that the lengths in which macaroni or spaghetti products are manufactured or sold by the respondent, or any of its competitors, are in any way indicative of the genuineness or quality of such products, 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, John B. Canepa Company, Docket 3744, April 16, 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 16th day of April, 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 taken before Randolph Preston, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, 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, John B. Canepa Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of macaroni or spaghetti products, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said products, which advertisements represent, directly or through implication:

That the lengths in which macaroni or spaghetti products are manufactured or sold by the respondent, or any of its competitors, are in any way indicative of the genuineness or quality of such products.

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. 40-1671; Filed, April 26, 1940;
11:35 a. m.]

[Docket No. 4002]

IN THE MATTER OF PROGRESSIVE MEDICAL
COMPANY, ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product*: § 3.6 (x) *Advertising falsely or misleadingly—Results*: § 3.6 (y) *Ad-*

¹ 4 F.R. 3771.

vertising falsely or misleadingly—Safety. Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's Ladies' Aid No. 2, Ordinary Strength, and Ladies' Aid No. 3, Extra Strength, or other similar medicinal preparations, which advertisements represent that said preparations constitute safe, competent, efficient or specific treatments for delayed menstruation or that their use will have no ill effect upon the human body, and which advertisements fail to reveal that said preparations, when taken under the conditions prescribed in said advertisements or under such conditions as are customary or usual, may result in serious or irreparable injury to health, 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, Progressive Medical Company, etc., Docket 4002, April 15, 1940]

[Docket No. 4002]

IN THE MATTER OF BLANCHE KAPLAN, AN INDIVIDUAL TRADING AS PROGRESSIVE MEDICAL COMPANY AND AS LADIES AID 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 15th day of April, A. D. 1940.

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

It is ordered, That the respondent, Blanch Kaplan, an individual trading as Progressive Medical Company and as Ladies Aid Company, or trading under any other name or names, her agents, servants, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails, or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of medicinal preparations known as Ladies' Aid No. 2 Ordinary Strength, and Ladies' Aid No. 3, Extra Strength, or any other medicinal preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under any other name or

names, or disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said medicinal preparations in commerce, as commerce is defined in the Federal Trade Commission Act, and which advertisements represent that said preparations constitute safe, competent, efficient or specific treatments for delayed menstruation or that their use will have no ill effect upon the human body, and which advertisements fail to reveal that said preparations, when taken under the conditions prescribed in said advertisements or under such conditions as are customary or usual, may result in serious or irreparable injury to health.

It is further ordered, That the respondent shall, within ten (10) days after the service upon her of this order, file with the Commission an interim report in writing, stating whether she intends to comply with this order, and if so, the manner and form in which she intends to comply; and that within sixty (60) days after the service upon her of this order said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1670; Filed, April 26, 1940; 11:49 a.m.]

TITLE 24—HOUSING CREDIT
CHAPTER VI—UNITED STATES
HOUSING AUTHORITY
PART 642—DEFINITION OF TERMS

- Sec.
642.0 Scope and content.
642.1 Projects.
642.2 Rooms.
642.3 Rents and rental values.
642.4 USHA annual contributions, local contributions, and capital donations.
642.5 Density and coverage.

§ 642.0 *Scope and content.* This Part sets forth certain definitions for use in connection with the USHA-aided program. The definitions relate to projects; rooms; rents and rental values; USHA annual contributions, local contributions, and capital donations; and density and coverage. The list of definitions contained in this Part is, of course, not all inclusive. Certain other definitions have been adopted for special aspects of the program. These special definitions appear in the Parts dealing with such special features of the program. This Part contains merely the definitions of more general application.*† [Introduction]

* §§ 642.0 to 642.5, inclusive, issued under the authority contained in sec. 8, 59 Stat. 691, 42 U.S.C., Supp. IV, 1403.

† The source of §§ 642.0 to 642.5, inclusive, is Bulletin No. 17, revised January 31, 1939.

§ 642.1 *Projects.* (a) The term "USHA-aided project" means a project initiated under the United States Housing Act of 1937 (Wagner-Steagall Housing Act).

(b) The term "PWA Housing Division project" means a public housing project constructed by the Housing Division of the PWA and transferred by Executive Order No. 7732 to the USHA, whether or not such public housing project has been subsequently leased by the USHA to a local housing authority. (This term must not be used for a project constructed by a limited dividend corporation with the aid of a loan or loans from the PWA.)

(c) The term "PWA Limited Dividend project" means a housing project constructed by a limited dividend corporation with the aid of a loan or loans from the PWA.

(d) The term "project" (when referring to a "USHA-aided project" as defined in subparagraph (a) above) means that portion of a local housing authority's low-rent housing undertaking to which the USHA has assigned a separate project number. (Ordinarily, this portion will be a development on one site. Each project will, in general, also have a name or geographic designation chosen by the local authority. Names such as "White Project," "Negro Project," or "Latin American Project" should never be used.)

(e) The term "statutory project" means a project or group of projects covered by one Loan or Annual Contributions Contract.

(f) The term "useful life of a project" means the period of physical usefulness of a project for the purpose of providing dwelling accommodations, but in no event less than the number of years during which any of the obligations issued to aid in financing the development of the project remain outstanding.*† [Par. 1]

§ 642.2 *Rooms.* (a) The term "room" means a space containing a window opening to the outside air and having at least the following area for the use designated:

Living room—150 square feet.

Kitchen—50 square feet, containing equipment adequate for cooking purposes.

Principal bedroom—120 square feet.

Two-person bedroom—100 square feet.

One-person bedroom—65 square feet.

(b) The term "half-room" means: (1) A space added to the living room, to the kitchen, or distributed between them, which is arranged so as to be useful for dining purposes and which makes the total aggregate net area of living room and kitchen not less than 260 square feet.

(2) A space added to another room and having kitchen equipment adequate for cooking purposes and a floor area in addition to the minimum required area of the room to which such space is added. (Such space is sometimes designated as a "kitchenette.")

(c) The term "room count" means the total of all rooms and half-rooms, half-rooms being counted as one-half each. Bathrooms, halls, closets, laundries, utility rooms, storage rooms, and community or recreation rooms are not counted as rooms.*† [Par. II]

§ 642.3 *Rents and rental values.* (a) The term "shelter rent" means the charge established (or estimated) for the use of a dwelling unit excluding the furnishing of any utilities (i. e., water, heat, heating of water, light, cooking fuel, or refrigeration energy).

(b) The term "shelter rent plus utilities" means "shelter rent" (as defined in subparagraph (a) above) plus the charge established (or estimated) for the furnishing of such utilities (i. e., water, heat, heating of water, light, cooking fuel, or refrigeration energy) as are supplied by the project and which are included in the stipulated periodic payments by the tenant. (In the case of specific projects and in all tabulations, care must be taken to show what utilities are included in "shelter rent plus utilities.")

(c) The term "statutory rental value" means "shelter rent plus utilities" less any charge included therein for refrigeration energy, plus the value or cost to the tenant of any of the following which are not included in "shelter rent plus utilities": Water, heat, heating of water, light, and cooking fuel. (Statutory rental values will be established for all dwelling units, and will serve in determining the statutory upper limit of income for tenant admission as provided in sec. 2 (1) of the Act. They do not include the value or cost of refrigeration energy.) *† [Par. III]

§ 642.4 *USHA annual contributions, local contributions, and capital donations.*

(a) The term "USHA annual contributions" means annual grants made by the USHA to a local housing authority to assist it in achieving and maintaining the low-rent character of a housing project, in accordance with the terms of the annual contributions contract entered into between the USHA and the local housing authority.

(b) The term "local contributions" means aids given by the State, city, county, or other political subdivision in which a housing project is situated, to a local housing authority to assist it in achieving and maintaining the low-rent character of the project, and made in any of the following forms:

(1) Tax exemption. Complete exemption from taxes will be considered as providing a local contribution of a value equal to the total amount of all taxes which would otherwise be levied against the project by all taxing agencies, less the amount of payments in lieu of taxes, if any, made by the local authority.

(2) Remission of general or special taxes.

(3) Cash payments.

Aids in any of the above three forms made to a project before its physical com-

pletion will be allowed as a local contribution; if admitted as part of the development cost of the project, they will also be counted as "capital donations" (see definition in subparagraph (c) below).

The Act requires (sec. 10 (a)) as a condition for the making of USHA annual contributions that local contributions be received in an amount equal to at least 20 per centum of the USHA annual contribution.

Though the above are the only forms of local aid which are defined as "local contributions" and which count toward the requirement of local contributions equal to 20 per centum of the USHA annual contributions, it should be noted that there are many other forms of local aid (including "capital donations") which will be of great value in reducing rents and which should be secured whenever possible. For a full discussion of these, see Part 631.

(c) The term "capital donations" means outright aids of monetary value (other than capital grants made by the USHA pursuant to Sec. 11 of the Act) given to a local housing authority and which are admitted as part of the development cost of a project.

"Capital donations" to development cost may include such item as:

(1) Cash payments.

(2) Remission of taxes or special assessments levied on property to be included in the project and which are delinquent or unpaid at the time of its acquisition.

(3) Waiver of building permit, inspection or other similar fees.

(4) Technical, professional, or administrative services in the development of a project furnished without cost.

(5) Land other than the net areas obtained by the vacating of streets and alleys.

(6) New improvements (such as grading, street paving, sidewalks, sewers, water mains, landscaping, and the like) furnished without cost to a project other than improvements, if any, which are (or customarily would be) furnished to private property owners without cost to them.

Capital donations in the form of items (1) and (2) when made by the State, city, county, or other political subdivision in which a project is situated, may also be counted as local contributions.*† [Par. IV]

§ 642.5 *Density and coverage.* (a) The term "gross density" means the number of dwelling units per acre of gross area of land. The gross area shall be the area of the project within property lines (to be used for immediate development) plus the area of all streets which traverse the site, plus the area to the center line (not measured beyond 40 feet) of all boundary streets and one-quarter the area of all boundary intersections (not figured over 1,600 square feet), plus the area, to a maximum dis-

tance of 40 feet, of any adjoining public park, playground, or any other adjoining open or unbuilt-on area which may reasonably be assumed to be permanently open. Where the project abuts property other than a public park, permanent open space, or streets, no area beyond the property lines shall be included. Gross area shall not include the area of land reserved for future development nor the area of streets traversing such land, nor any area of streets or other open areas adjoining such land.

(b) The term "net density" means the number of dwelling units per acre of net area of land. The net area shall be the area within property lines (to be used for immediate development) including narrow service drives, small play spaces, setting-out areas, laundry drying yards, and automobile parking areas, but *excluding* all public boundary streets and public streets which traverse the site (whether existing or to be dedicated), land reserved for future development, unbuildable land, major recreation or park areas or major automobile parking spaces which are additional to the over-all project pattern of open spaces, and the land covered by and immediately associated with community buildings, central or group heating plants, commercial buildings, and other nonresidential structures.

(c) The term "net coverage" means the ratio of the ground area of dwelling structures to the net area of land (as defined in connection with "net density" in subparagraph (b) above). The ground area of dwelling structures shall be the area at grade level of all dwelling buildings, including bays, chimneys, and enclosed porches to the outside surfaces of exterior walls. Outside stoops, steps, terraces, and footings shall not be included.*† [Par. V]

NATHAN STRAUS,
Administrator.

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PART 645—DESIGN OF LOW-RENT HOUSING PROJECTS; THE STRUCTURE

Sec.

- 645.0 Scope and content.
- 645.1 General.
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- 645.3 Exterior superstructure walls.
- 645.4 Interior walls and partitions.
- 645.5 Floor constructions.
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§ 645.0 *Scope and content.* This Part attempts to set down the experience and knowledge of those in the United States Housing Authority familiar with structural design and related matters for the guidance of architects and engineers concerned with designing and specifying for low-rent housing projects. It is, in no sense, a set of rules and requirements but rather recommendations on good practice in the design of the structural elements of residential buildings—foundations, walls, floors, roofs, and related

parts. It is not the intention to cover matters which are common knowledge among architects and engineers, but rather to warn them about difficulties which may arise and faults which have occurred, and to suggest ways of overcoming them; to remind them of things sometimes overlooked; and to suggest methods which have been found economical or particularly adapted to low-rent housing design. The recommendations of the United States Housing Authority in no way relieve the actual designers of housing projects from the responsibility for relating these recommendations to local building codes and practices, the availability of materials, the quality of manufacture and the character and extent of local labor, and above all, local climatic conditions. That this be done is, in fact, the first and most important recommendation of this Part. The second is to remind the designer that a useful life of at least sixty years is contemplated for housing projects currently being financed by the United States Housing Authority, and that within this qualification economy is paramount. By economy is meant both economy in first and in maintenance cost, and a sound relation between them. A high first cost will reduce the number of dwelling units which can be built—in other words, the number of low-income families for whom good livable housing can be provided. A high maintenance cost will increase the rent which, at best, is a burden for the low-income family for which United States Housing Authority projects are intended.*† [Introduction]

§ 645.1 *General.* (a) *Building codes.* The United States Housing Authority cannot waive compliance with local building codes. However, it urges that, where local codes impose arbitrary restrictions which increase costs beyond what could be obtained with sound practices, every effort be made to obtain code changes or waivers of restrictive requirements.

(b) *Insurance rates.* Particular attention must be given to building types and items which affect the cost of insurance—fire, tornado or wind damage, earthquake, public liability and other types of insurance. The cost of insurance will be an appreciable item in the rent. Before the design proceeds too far it is recommended that the question of insurance rates be investigated so as to ascertain how various alternate types of construction affect the rent. The United States Housing Authority is in frequent consultation with rating bureaus, working toward low rates for certain standard construction details for housing projects, and will be glad to furnish advice and assistance in this connection.

*§§ 645.0 to 645.6, inclusive, issued under the authority contained in sec. 8, 50 Stat. 891, 42 U.S.C., Sup. IV, 1408.

†The source of §§ 645.0 to 645.6, inclusive, is Bulletin No. 21, dated March 8, 1939.

(c) *Use of salvaged materials.* Some materials may not be seriously affected by age or use and may be re-used. Some such materials are brick, slate and copper roofing, wrought iron fences and gates, and granite curbing. When it seems that economical and appropriate use can be found for such materials which can be salvaged from demolition on the site, provision should be made in the demolition contract for their recovery.*† [Par. I]

§ 645.2 *Foundations.*—(a) *Sub-surface exploration.*¹ Even if adjacent buildings or neighborhood records indicate desirable load-bearing soil, adequate boring or pit explorations and load tests should be made early in the program to establish sub-surface soil conditions, ground water levels, and bearing capacity of soils, in order to determine if any important variations from normal conditions require special precautions. It is especially important to ascertain if there is any preponderance of abandoned cesspools, underground tanks, cisterns, tunnels, vaults, and the like, which, if discovered during excavation, may result in extra costs, and if undiscovered, may cause serious structural defects. Studies of soil conditions, together with comprehensive comparative cost estimates, will indicate what foundation construction is proper.

(b) *Foundation walls.*—(1) *Type and thickness.* In general, minimum thickness for walls should be 12 inches. In structures 2 stories or less having walls of less than 12 inches thickness, the foundation walls may not need to be thicker than the walls above, except that in no case shall they be less than 8 inches. Selection of the thickness and type of foundation walls will be influenced by such factors as the lateral pressure of the earth, the presence of moisture, and the thickness and type of superstructure walls. Walls built of brick or masonry units should not be used over soils having a safe bearing value of less than 3,000 pounds per square foot unless adequately reinforced, as unequal settlement may result in the cracking or failure of such walls. When concrete walls are placed over such soils, continuous reinforcing bars should be used at the top and bottom to make the walls act as beams, increasing their resistance to unequal soil pressures and uneven settlement. When full height doors or large windows occur in such walls, their effect on local distribution should be considered and reinforcing modified accordingly. All concrete foundation walls should be poured between forms on two sides. Masonry below grade should be set in Portland cement mortar containing not more than 10 per cent lime by volume. When conditions indicate the possible need of special foundations, a competent consulting engineer should be engaged.

¹For detailed suggestions as to sub-surface soil investigation see Part C47.

(2) *Provisions for resisting water penetration.* Where brick or masonry units are used for *basement walls*, the exterior faces below grade should have Portland cement pargeing and dampproofing. Walls of this type should not be used where a constant head of water will occur above the footing or where the wall supports earth fill more than five feet high. Where ground water is likely to occur above basement floor levels, walls, floor and joints must be made watertight, and drainage facilities provided outside of footings. If the walls are subject to a constant head of water, walls and floor should be reinforced for the hydrostatic pressure, and the joint between them should be caulked. Concrete walls are preferred where a constant head of water will occur above the footing. There are three methods commonly employed to produce impermeable concrete: production of dense, high quality concrete; addition of integral water-proofing compounds; and application of an impermeable coating to the surface. Concrete as ordinarily produced for structural purposes may or may not be water permeable, depending upon the mix, character of aggregates, placing, and the like. Comparatively water-tight concrete may be produced with the usual materials if proper precautions are taken. The most important considerations are: proportioning the mix, including the amount of water; grading the aggregate; mixing; placing; and curing. Proper control of these will result in finished concrete of high density and low porosity, which is the essential requirement for impermeability. Water-tightness and strength under given job conditions are governed largely by the net quantity of mixing water used per sack of cement. Experience has shown that the net amount of mixing water should not exceed six gallons per sack of cement for watertight walls. Over-wet mixes segregate in handling and produce voids, and those that are too dry cannot be properly compacted. The best proportions for the mix can only be determined by making test batches of the particular cement and aggregate available on each job. A long mixing period makes concrete more uniform and workable, and, thereby, increases its strength and impermeability. The mixing period should be not less than 1½ minutes after all ingredients, including the water, are in the mixer. The placing should be done in such a manner to prevent segregation of the materials. The concrete should be placed in horizontal layers in as continuous an operation as possible. Accumulation of water on the surface must be avoided. At the end of a day's work the surface should be leveled off and roughened. In deep layers the accumulation of water may be avoided by using drier batches near the top. On resuming work, remove any laitance, porous concrete or loose material, and wet the top surface. A 1:2 grout of cement and sand ½ inch deep

should be spread over the entire top surface, followed at once with the next layer of concrete. Favorable curing conditions are very important. The finished concrete should be protected from direct hot rays of the sun, drying winds, and low temperatures, and kept continually moist for at least seven days. The moisture should be applied soon enough to prevent the surface from drying out and shrinking before the concrete has hardened. The curing time should be increased during periods of low temperature. Covering to prevent evaporation should be applied the same day concrete is poured. Very few integral waterproofing compounds have proven beneficial. However, finely divided inert materials in small quantities may improve the workability of the mix so that it will flow readily, thus facilitating placing, and giving concrete of high density. The application of a water impermeable coating, such as a bituminous membrane, is effective when properly carried out.*† [Par. II]

§ 645.3 *Exterior superstructure walls—*

(a) *Factors affecting selection.* Essential factors which influence the choice and design of exterior walls and the material and type of construction to be used are listed below. These cannot be listed in the order of their relative importance as they will differ for each project and locality, but proper evaluation of them is very important. The factors are as follows:

- (1) Appearance, including applied finish.
- (2) Climate.
- (3) Related interior construction (loads, and the like).
- (4) Materials and labor available locally.
- (5) First cost.
- (6) Maintenance cost.
- (7) Resistance to wind, water, frost and heat.
- (8) Thermal conductance.
- (9) Building codes (considered in the light of possible waivers to specific requirements not considered essential to the proposed construction).
- (10) Fire resistance and insurance ratings.

(b) *Materials and types.* Commonly used exterior superstructure walls are believed to have ample strength and durability when properly designed and constructed for buildings not over 3 stories. Other types of superstructure walls may prove suitable in certain localities, or under special conditions, or for buildings in any locality where height, speed of erection or earlier completion may take prior consideration over other factors. Masonry curtain or panel walls with skeleton framed floors permit rapid erection and earlier completion, but generally have higher construction costs, especially for one or two story structures. They may prove economical for buildings higher than 3 stories. Framed walls of light steel sections, having various types

of applied finish are being promoted in various forms. Their material and erection costs are seldom as low as some seem to believe. Some details, such as fastening devices for applied finishes, bracing and protective coatings are often not perfected. The advantage of these types over wood frame is the elimination of combustible materials subject to shrinkage. Pre-fabricated panel walls, load bearing or non-load bearing such as pre-cast concrete, metal-clad wood, metal frames filled with insulating material, wood finish over wood framing with insulation filling, and the like, often result in increased first cost and higher maintenance, and their durability is unknown. They entail problems relative to providing watertight joints, resistance to racking, erection labor jurisdiction, and patent limitations. Walls, such as rammed earth, adobe, and slow-burning timber, may be given consideration in certain localities. Such types usually require special handling and tools, or have other characteristics which make their use an individual problem requiring justification in satisfactory local usage.

(c) *Masonry walls.* Because of prevalent difficulties with leaky masonry walls, special attention to the design and construction of such walls is imperative. The USHA has made, and is continuing to make, a thorough study of this type of construction, in the hope that a way may be found, within economically feasible limits, to assure reasonable watertightness in residential masonry construction. The USHA, in the course of its study, has consulted many individuals who, by virtue of their research and experience, may be considered as authorities on this subject. While these authorities have not agreed on all details, the following conclusions may be reasonably drawn from their opinions. A heavy and continued rain, accompanied by a high wind may drive water through almost any residential masonry wall built by customary contract procedure. This, however, may be an abnormal condition in many locations. Walls can and should be designed and built to meet the climatic conditions which may normally be expected in a particular locality. The first step, therefore, is to examine the wall constructions which have been used in the locality, and to evaluate their success in meeting the climatic conditions prevailing in the locality. The recommendations which follow should be weighed against local experience in arriving at a decision. Some of these recommendations are practically universal in their application. Any variation from them should be made only after a rigorous examination of other practices has convinced the designer of the advisability of a change. The USHA recommends that brick, or brick and tile, walls be constructed 12 inches thick in all localities except where experience indicates a strong probability that walls of a lesser thickness will be watertight. It is important that all joints be filled solidly

with mortar, and an especial effort should be made to see that this is accomplished. An air space between the face and backup is not recommended. Face joints should be tooled with a round tool, having a diameter slightly greater than the thickness of the joint. Tooling should be done after the mortar has partially set. Some mortar in setting has a tendency to shrink, causing fine, almost invisible cracks at the juncture of the brick and mortar, and method of tooling compresses the face of the mortar and presses it against the bricks, increasing the water resistance of the joint. If brick used have relatively high absorption, 16 per cent or more, they should be thoroughly wet when laid. The method of wetting should be such as to insure that each brick be thoroughly and uniformly wetted. This can be accomplished by thoroughly hosing the brick in a pile until the water runs freely from the pile a day before the brick are to be laid. The brick will retain sufficient moisture for 36 hours if wetted in this manner. Walls of solid brick are more likely to resist the penetration of water than walls with brick facing backed up with other masonry units, because of the difficulty of securing completely filled joints with the latter construction. A highly plastic mortar is essential to securing a good bond between the brick or other masonry units and the mortar. The lime is the most important ingredient in the mortar to control the plasticity. The cement is the important ingredient for strength and durability. The cement plus the lime (dry or putty) should always be approximately one-third the volume of the sand, measured dry. A mix in the proportion of 1:1:6, cement, lime and sand is recommended for general use subject to adjustments to suit the plasticity of the lime and the characteristics of the sand and the brick. The plasticity of the lime as determined by the Emley Plasticimeter, described in Federal Specifications SS-L-351, shall not be less than 200 for a 1:1:6 mix. For plasticities of 100 to 200, the proportion of the lime should be increased, but in no event shall the plasticity of the lime be less than 100 nor the amount of the lime exceed two times the amount of the cement. As the strength and durability of the mortar depends upon the Portland cement and the lime is necessary only to give workability, it is important to use a highly plastic lime and keep the quantity of it as low as is consistent with proper workability. A minimum strength of mortar should be required as set forth for Type II cement in Federal Specification SS-181-b. The specification for the mortar should not definitely fix the mix. It should require tests of the brick, masonry units, cement, lime, and sand, and the mortar to conform to the plasticity and strength requirements described, together with general limitations of the mix, the final mix to be determined by trial to suit the properties and the characteristics of the ingredients

and the brick or masonry units. Either furring or dampproofing is recommended for most localities. Furring, which decreases the thermal conductivity of the wall, is to be preferred in the colder sections where heat loss is an important factor, and is particularly advisable with 8 inch walls. When walls are furred, dampproofing is considered inadvisable, because the expense of the latter is not likely to be justifiable, and more rapid drying is likely to occur if the wall is not so sealed on one side. Experience indicates that liquid dampproofing brushed on the inside face of walls is not dependable for preventing moisture penetration. It is difficult to secure a continuous film of sufficient thickness, and the use of too much thinner is common practice. Plastic dampproofing with a minimum thickness of $\frac{3}{32}$ inches, with provision to prevent sagging, is quite effective in preventing moisture from penetrating the plaster, and forms a reasonable secure base for the plaster. In certain localities and under some special conditions, economies may be effected by varying the thickness of design of the walls on different sides of the building. Along the Atlantic seaboard, for instance, where the worst storms come from the Northeast, it may be entirely feasible to build the walls on the South and West of a lesser thickness. Similar conditions may result from the protection which one closely adjacent wall may afford another. Parapet walls are especially difficult to make watertight, and are invariably a source of trouble and expense in the maintenance of a building. It is questionable whether their cost is ever justified in a low-rent housing project, and where building codes permit, their omission is urged. Parapeting is often used to increase resistance to water penetration. While parapeting is commonly applied to the back of the facing brick, better results can be secured by building up the backing first to a height not greater than six courses of brick, and parapeting the surface of the backup adjacent to the facing brick. The former method disturbs the facing brick while it is setting, and it is the face which should offer the greatest resistance to water penetration. Buildings constructed under the PWA Housing Division which had concrete slabs bearing on masonry walls have given considerable trouble with cracked and leaky walls. The exact cause and its remedy has not yet been determined. Especial care must be taken with this type of construction, which is discussed at greater length in subsequent sections of this Part. Window and door openings are always a source of leaks. It is recommended that the heads of openings be flashed and the sides caulked. Pan flashing of non-ferrous metal is to be preferred.

(d) *Cinder concrete blocks.* These, without other facing materials, have been successfully used for exterior wall construction in some localities. They

have a low initial cost, and are easily and speedily erected, but will have a higher maintenance cost than brick, as they must be painted periodically. Cinder concrete blocks are very permeable to moisture. Where they are used for exterior wall facing it is important that the face be covered with cement-water coatings. Many varieties of oil paints have been tried, but in nearly all cases results have been unsatisfactory. The cement-water coatings should be of either straight Portland cement, tinted as desired with lime-proof pigments, or cement-silica sand-water coatings. The correct application of the coatings is of major importance. Cinder concrete block walls should be allowed to cure and take possible settlement for two to three months before being painted. This tends to insure that shrinkage cracks will be filled by the applied coatings. The wall should be well dampened, and the painting should be started on the shady side of the building, changing to other sides with the course of the sun. The coatings should be applied with stiff, long fibered brushes (roofers' brushes having been successfully used), and thoroughly brushed into the face, especially into the joints. After the first coating has set for 48 hours, apply the second coating, dampening the walls before application. The walls should be kept damp after the application of the coatings for at least five days. The recommendations regarding furring and other precautions mentioned under *Masonry walls* apply also to this type of wall construction.

(e) *Insulation and tightness at openings.* While the subject of insulation should be carefully considered, types of wall construction and climatic conditions are so variable that it is not possible here to make definite recommendations for wall insulation. However, there is no question that precautions against heat loss, as stated below, are well worthwhile. The first steps that should be taken to insure against undue heat loss through walls are: careful caulking around window and door frames, weatherstripping sash and doors, detailing of frames to provide fins or windbreaks at contact with walls and lintels, and storm sash (in very cold winter regions) or double glazing.*† [Par. III]

§ 645.4 *Interior walls and partitions.* Determination of the type of interior walls to be used involves among other things careful balancing of the cost of interior bearing walls or bearing partitions against beam-and-column construction with non-bearing walls or partitions. Cognizance should be taken of the different size of the building required for equivalent net floor areas due to the different thicknesses of walls or partitions. Comparative cost estimates should include such items as openings, lintels, finishes, returns with corner beads, or jamb and head linings, trim, slowing up of construction by the use of interior bearing walls, and possible difficulties in making satisfactory connections to non-

bearing partitions installed later. First cost, resistance to fire, economy of floor space, and ability to embrace piping, conduits, switches, receptacles, and the like, are important factors in the choice of interior partitions. There are three principal types commonly used for low-cost housing: Wood studs and plaster, masonry units, and solid plaster. The different types should be appraised in relation to the general type of construction adopted for floors and roofs, since non-combustible types would be suitable for use only over floors of non-combustible construction. Wood stud partitions, however, may be suitable over fireproof first floor construction. Wood stud and plaster construction has advantages such as rapid erection, convenient spaces for piping, and the like, and ample strength for bearing walls. It should be carefully fire-stopped to prevent fire action. Gypsum lath, fiber board lath, perforated gypsum lath and paper backed metal fabric and similar materials, used on both sides of fire-stopped partitions, give relatively good fire resistance. The fire resistance of wood stud partitions may be materially increased by filling the spaces between the studs with mineral or rock wool or other similar non-combustible fills. The increased cost of this would probably be warranted only in partitions between dwelling units. Gypsum tile should not be used in wet locations as water causes swelling and disintegration of the material. It is considered good practice to use clay tile or brick for the first course at floors, with gypsum above, and clay tile for the full height for bathroom and kitchen walls. Cinder blocks are relatively difficult to cut and are not economical unless the plans are laid out to eliminate field cutting. For ease in installing piping, and the like, gypsum blocks are preferable, due to the ease of cutting and patching. For non-bearing partitions, with good workmanship, three-inch block masonry partitions have adequate stability for ordinary ceiling heights. Two-inch units have adequate stability for fireproofing around columns and for short runs of walls where corners and cross partitions add to lateral stability. Solid plaster partitions, two inches thick, have adequate strength and stability for use with ordinary ceiling heights. The advantages of this type of partition are light weight, good fire resistance and space savings. Electrical wiring may be easily installed during construction, but there is insufficient space for pipes and ducts. The distance between channel studs is governed by the stiffness of the lath used. The use of flat lath is recommended, since with rib lath, and $\frac{3}{4}$ inch channel studs, difficulty is encountered in obtaining adequate embedment in the plaster. While it is not advisable to add to the cost of dwelling units to increase sound resistance of ordinary room partitions, there are instances where sound resistance should be considered, such as between dwelling units and around shops,

and the like. Tests with respect to sound transmission through the various partitions previously described, indicate poor resistance of all of those types except those with fills. Tests on the latter are now being made. Sound resistance of masonry unit partitions can be increased by using thicker walls. Tests show that the sound resistance is almost directly proportional to mass or weight. Acoustical plaster on either side of thinner masonry unit partitions will also decrease transmission of sound. Where wood stud partitions are used between dwelling units, the acoustical properties of such partitions can be improved by using a double row of staggered studs arranged so as to prevent a direct transfer of sound vibrations from the plaster on one side, through the stud to the plaster on the other side. A one-inch blanket of soft absorbent material may be added to form a sound barrier between the staggered studs, or, the entire space may be filled with loose fill material.*† [Par. IV]

§ 645.5 *Floor constructions*—(a) *General factors*. (1) Insurance rates are an important factor in determining the type of floor construction.

(2) Proper relation between floors and walls is essential to sound construction.

(3) Having determined upon the general type of floor construction, details of design and materials will be influenced by such factors as fire resistance, durability, first cost, maintenance, comfort, appearance, and the like.

(4) While it is usually economical to use the same type of construction for all floors, it is sometimes advantageous to use a non-combustible construction for the first floor. It is also sometimes advisable to use a different construction for the first floor if no ceiling finish is required below the floor.

(b) *Wood joists*. Wood joists are widely used and economical. Details of framing supports and connections should be carefully designed to lessen the effects of cross-grain shrinkage. If used for first floor support, precaution must be taken against the presence of excessive moisture and, in some localities, against termites. Termites exist in the ground practically everywhere in the United States. However, except for a narrow strip on the southeast coast, the extreme south, and the extreme southwest, termites are of the common variety for which moisture is a necessity. Dry wood termites, in localities where they have been found to be a menace, require specialized attention.

(c) *Termite protection*. Where a survey of local termite conditions indicates that some definite protective measures are necessary, or where common knowledge of such need exists, measures should be taken to prevent damage from this source. Such measures fall, generally, under three headings: Construction precautions; treatment of lumber; and termite shields. Construction precautions consist generally in taking the same steps as are required to prevent lumber

and millwork from rotting because of dampness, namely: separation of all lumber and millwork from the ground by a minimum distance of two feet; ample ventilation of unexcavated areas; measures to prevent accumulation of water in unexcavated areas; the use, close to the ground, of heart lumber, coastal type red cypress, dense short leaf yellow pine, long leaf yellow pine, or redwood, for timber sills, and the like; complete clearance of areas under buildings of all vegetable matter, including stumps, roots, and wood building debris; and excavated cellar areas should be covered with at least four inches of concrete, and pipes penetrating such concrete should be well cemented or caulked. Treatment of lumber is recommended only where local conditions indicate that the above constructive precautions are insufficient. In such cases the first floor framing lumber should be pressure treated according to the specifications of the American Wood Preservers Institute. Brush and spray treatments are not effective. Copper or zinc coated termite shields are sometimes used in lieu of wood preservative treatment. Though often recommended, their effectiveness is questionable, due to difficulties of installation and maintenance.

(d) *Steel joists*. Steel joists are coming into more general use and should be given consideration. Exposed steel joists should not be used over crawl spaces subject to dampness, over basements where excessive concentrated loads may be hung on them, nor under laundries, public toilet rooms and other areas that are subject to water leakage.

(e) *Monolithic concrete*. Concrete floor slabs, either of solid concrete or of concrete in combination with tile fillers, are fireproof, and have low maintenance cost. Solid concrete slabs are usually economical. Sufficiently smooth surfaces to receive painting may be obtained by the use of plywood forms or pressed wood form linings, or by slightly grinding the surfaces. Paste fillers have been developed which may be brushed over joint marks after projecting fins have been removed, so that it is not difficult to meet acceptable tolerances of smoothness. Extreme smoothness should not be demanded in low-rent housing. Where ceilings are to be plastered, or if a smooth ceiling finish is not needed, slabs formed of concrete joists with tile fillers are probably less expensive and provide better mechanical bond for the plaster than solid concrete. Concrete slabs are usually economical for relatively short spans, supported by interior continuous beams and columns and exterior bearing walls. Variations which generally are not economical but which may suit unusual conditions are: Slabs reinforced in two directions, supported on four sides by interior beams and exterior bearing walls; and flat slab design supported only on interior columns and exterior bearing walls. Many types of concrete slabs have been developed, with various kinds of

fillers and systems of installation. Determination of the economy and suitability of any proposed type must be made by the architects and engineers on each project. New or unusual types should be thoroughly investigated. Where structural slabs bear on masonry walls, it is recommended that an open space of approximately one inch be left between the outer edges of the slab and the back of the brick facing; also, that effective supervision be provided to insure that this space is kept free from mortar and debris. This will aid in draining moisture to the outside of walls. Opinion varies as to whether the slab should bear 4 inches or 8 inches on a 12-inch wall. A 4-inch bearing allows a stronger section of brickwork beyond the outer edge of the slab, thereby aiding in resisting the tendency of the outside wall faces to crack at the floor lines, but increases the eccentricity of the floor loads on the wall. On the other hand, an 8-inch bearing gives greater bond between the wall and the slab. This tends to offset the buttress resistance of the walls above the slabs, to shrinkage or thermal movements in the slab. These opposing movements are believed to be the principal cause of cracks which have occurred at wall intersections. Some authorities favor an increased concrete section over bearings forming a continuous spandrel reinforced with continuous top and bottom peripheral steel.

(f) *Precast concrete*. Precast concrete joists have been used successfully in certain localities. They are used preferably in connection with poured in place monolithic slabs. If precast slabs are used, it is essential that the design of the joint between the joist and the slab permits adequate mechanical bond to develop tee beam action. Tests have demonstrated that slabs resting on smooth surfaces of joists, bonded thereto only with mortar, usually fail in bond between the slab and the joists before the bending stresses in the steel are developed. These failures occurred under such light loads that the use of this type of design is not justified. It is difficult and expensive to conceal electrical wiring in floor construction composed of precast joists and slabs. If suspended ceilings or floor fills are provided, they will also add materially to the cost. Electrical work may be installed within poured in place concrete slabs of a minimum thickness of 2½ inches. Precast slabs are suitable for ceiling construction under attic space and first floors, where the electrical work may be placed either above or below the slab. With either precast or poured in place slabs, openings wider than the clear distance between regularly spaced joists require special framing involving header joists and special trimmer joists, with suitable connections, the frequency of which will affect the economy of this construction. Monolithic poured in place slabs may be used with integral or applied floor finishes. Very few precast slabs have proven satisfactory without an

applied floor finish. The specifications for this work should adequately cover these requirements and local facilities should be available to provide a controlled manufacture which will assure uniformity of members in soundness, appearance, strength, durability and care in proper placing.

(g) *Floor finish.* Cement finish floor is the best available for many purposes and when properly finished and cured, it will require a minimum of additional treatment. The use of surface hardeners improves finished surfaces, increasing the life of the floors, making them easier to clean and decreasing dusting. Asphalt tile, laid on a concrete base, are extensively used. They are low in first cost, easy to clean, sanitary, and comfortable. The tile are sensitive to temperature changes; brittle and subject to breakage when cold; soft and subject to scarring and indentation when hot. Furniture or other heavy articles left resting on one spot for a considerable period are likely to produce a permanent deformation. However, tiles are easy to replace. Asphalt tile are made in two thicknesses, $\frac{1}{8}$ inch and $\frac{3}{16}$ inch, and in different colors. Experience has shown the $\frac{3}{16}$ inch is more economical in the long run. It has also been found that the lighter colored tile are sometimes inferior in quality to darker colored ones, though they show dust less. Asphalt tile should not be used on floors which will be subjected to much wetting or grease, namely, kitchens and bathrooms. Linoleum is extensively used and particularly suitable for kitchen and bathroom floors. When of good quality and properly laid, its maintenance cost will be low. Painted cement floors present a finished appearance at a low first cost; however, such floors need frequent repainting when subjected to traffic. Synthetic rubber base paints have given good service. Wood floors should be of hard wood. Oak, beech, birch and maple, $\frac{3}{8}$ inch nominal thickness, are widely used. If soft wood is used, vertical grain is recommended.*† [Par. VI]

§ 645.6 *Roofs*—(a) *Roof constructions.* Choice between flat roof and pitched roof is influenced by appearance, construction and maintenance cost, insulation and need for attic space. If pitched roofs are built and it is desired to use the attic space, rafter construction with collar beams is advisable. If attic space is not to be used, trussed rafter construction is more economical. For flat roof construction, it is important to consider the factors previously cited under floor construction which govern the selection of type and details of design. Failure to give proper consideration to provisions affecting opposing movements between the roof construction and the walls due to expansion, contraction and shrinkage may result in cracked walls. Joist roof supports may prove more satisfactory than monolithic concrete slabs, unless special provisions can be incor-

porated which will permit or resist the opposing movements without causing damage. It is urged that an open space of about one inch be provided between concrete slabs and wall units, the same as described under floor slabs, or that floor slabs extend over the wall. A concrete slab over the uppermost story often appreciably decreases the insurance rate. Satisfactory fire resistance can usually be obtained with a lighter and lower cost of construction, particularly when a pitched roof is used over the construction. Proposed construction should, however, be checked with the insurance rating bureau, since rating practices are not uniform on such matters. The architectural effect of a pitched roof is obtained only at a high cost when used over a concrete ceiling slab. This practice is not to be commended.

(b) *Built-up roofs.* For built-up roofs, five-ply is desirable for long life. In specifying bituminous material for these roofs, due consideration should be given to the difference between pitch and asphalt in regard to their tendency to flow and susceptibility to deterioration when continuously wet. Asphalt should not be used on slopes less than 2 inches to the foot. While the quantity of bituminous material used is important, its proper application on the roof is more important. All sheets of felt must be uniformly and completely mopped. Rigid inspection is advisable to insure first-class workmanship in laying these roofs.

(c) *Insulation.* Under almost all climatic conditions a low thermal conductivity of the roof construction is very desirable, to minimize the transmission of heat inwards in summer or reduce heat loss in winter, or both. The designer is faced with three decisions to make regarding insulation: the amount of insulation, the type, and the location. The amount of insulation will depend upon the thermal resistance of the roof construction itself. An air space between the roof and ceiling, such as exists in a pitched roof, or in joisted roof construction, adds to thermal resistance. Although difficult to measure, the thermal resistance against summer heat is materially increased if this space is well ventilated. Attic spaces can easily be ventilated at a comparatively low cost and this should always be done in hot summer climates. Provision should be made for closing the attic ventilation in winter. Roofs with air spaces will require less insulation than ordinary concrete slab roofs, which have a high thermal conductance. More insulation is economically justifiable in cold climates than in moderate ones. Since doubling the amount of insulation does not halve the heat loss through the roof construction, the amount of insulation which is economically justified, balanced against saving in heating cost, is soon reached. In climates having a 70 degree design temperature a thermal conductance for the roof construction of not more than .13

is desirable. This can be obtained with a 4 inch concrete slab and 2 inches of rigid board insulation. With an air space, 2 inches of loose fill or batt insulation is economical and will provide appreciably better insulating value. The type of insulation will be determined chiefly by its cost in place, by location, and by the ability of the material to withstand conditions to which it may be subjected. Batt or fill types, which can be placed immediately over the ceiling usually cost the least for a given insulation value, but cannot be used unless there is a space between the roof and ceiling in which they can be placed. Rigid board may be the most economical type, if at the same time, it serves as the ceiling itself or as a base for plaster. On top of a roof slab a stiff material such as rigid board or expanded mica concrete is needed. Some vegetable products, especially paper, unless treated, harbor vermin. Moisture impairs the value of any insulation; some insulation materials are naturally more resistant to moisture than others, some are treated to improve their resistance, others require special precautions if used in certain localities. With a pitched roof, the ceiling will have a lesser area to insulate than the roof. With wood joist construction, batt or fill insulation of a highly fire resistant material placed between the joists decreases the danger of combustion. In climates where the winter temperature frequently drops below freezing, the insulation should be protected from condensation. When the temperature drops outside, the moisture inside the room moves outward through the ceiling surface and may condense in the roof construction. This decreases the insulating value at the time it is needed the most and may damage the ceiling or the joists. To protect the insulation a vapor barrier should be used, placed between the ceiling and the insulation, under the joists, and tight around all openings. The barrier, if used above lath requiring a key, should not be tight against the lath. Materials that are highly resistant to the passage of water are suitable for moisture barriers. The best, inexpensive materials for this purpose are: asphalt impregnated and surface coated sheathing paper, glossy surfaced, weighing 35 to 50 pounds per roll of 500 square feet; laminated sheathing paper made of two or more sheets of Kraft paper cemented together with asphalt; and double-faced reflective insulation mounted on paper. In general, it should be remembered that the real cost of insulation is not the cost per square foot of commercial thickness, but the cost in place of a definite amount of thermal resistance; increasing the depth or thickness of air spaces beyond $\frac{3}{4}$ inch does not increase their insulating value, but each additional separate air space increases the insulating value of the construction. The basis for determining the economical amount of insulation is the

saving in heating plant initial and operating cost.*† [Par. VI]

NATHAN STRAUS,
Administrator.

[F. R. Doc. 40-1662; Filed, April 26, 1940;
9:26 a. m.]

TITLE 36—PARKS AND FORESTS
CHAPTER I—NATIONAL PARK
SERVICE

LASSEN VOLCANIC NATIONAL PARK
SUBSIDIARY REGULATIONS

Pursuant to the authority granted to the Secretary of the Interior by the Act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 3), and pursuant to the authority granted to the Director of the National Park Service by the Rules and Regulations issued thereunder (1 F.R. 672, 36 CFR, Chapter I, Part 2), the following subsidiary regulations are prescribed for Lassen Volcanic National Park, to become effective immediately:

§ 20.11 *Lassen Volcanic National Park*—(a) *Fishing; open season.* The fishing season shall be from June 1 to October 31, inclusive, except in special areas as follows:

(1) In Manzanita Creek, between Manzanita Lake and the powerhouse pipeline intake, the season shall be from July 1 to September 30, inclusive.

(2) In the following waters the season shall be from May 1 to October 31, inclusive:

Manzanita Lake.
Reflection Lake.
Hat Lake.
Hat Creek.
Summit Lake.
Echo Lake.

(b) *Fishing; limit of catch.* The limit of catch per person per day shall be 10 fish, or 10 pounds and 1 fish, in all waters except Manzanita Lake and Reflection Lake, where the limit shall be 5 fish, or 5 pounds and 1 fish.

(c) *Fishing; closed waters.* The following waters are closed to fishing:

Upper Kings Creek, from the source to the Lower crossing of the Loop Highway.
Manzanita Creek, above the domestic water supply intake.
Grassy Swale Creek.
Grassy Creek.
Emerald Lake.

(d) *Entrance roads.* The Manzanita Lake and Sulphur Works entrances will be open from 6:00 A. M. to 10:00 P. M. daily.

(e) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 20 miles per hour in the Manzanita Lake area, which includes the following roads:

Manzanita Lake Campground Roads Nos. 1 and 2.

The road to Reflection Lake picnic ground.

One-half mile of the Lassen Peak Loop Highway between the Manzanita Lake checking station and the gasoline station.

(f) *Supersedure.* All previous subsidiary regulations for Lassen Volcanic National Park are hereby superseded.

Approved, April 19, 1940.

[SEAL] ARNO B. CAMMERER,
Director.

[F. R. Doc. 40-1660; Filed, April 26, 1940;
9:25 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

KLAMATH PROJECT, OREGON-CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

MARCH 23, 1940.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the act of June 26, 1936 (49 Stat. 1076), it is recommended that the following described land be withdrawn from public entry under the first form withdrawal as provided in section 3, act of June 17, 1902 (32 Stat. 388).

KLAMATH PROJECT, OREGON-CALIFORNIA

Willamette Meridian, Oregon

Township 40 South, Range 14 East, Section 5,
NE $\frac{1}{4}$ NE $\frac{1}{4}$.

Respectfully,

JOHN C. PAGE,
Commissioner.

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,
Under Secretary of the Interior.

APRIL 2, 1940.

[F. R. Doc. 40-1661; Filed, April 26, 1940;
9:25 a. m.]

DEPARTMENT OF AGRICULTURE.

Division of Marketing and Marketing
Agreements.

DETERMINATION OF THE SECRETARY OF AGRICULTURE, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO THE ISSUANCE OF ORDER No. 930, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA

Whereas M. L. Wilson, Acting Secretary of Agriculture of the United States

of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, tentatively approved, on July 30, 1938, a marketing agreement and issued, effective September 16, 1938, an order, both of which regulate the handling of milk in the Toledo, Ohio, marketing area; and

Whereas the Secretary, having reason to believe that the execution of a marketing agreement, as amended, and the issuance of an order, as amended, with respect to the handling of milk in the Toledo, Ohio, marketing area, would tend to effectuate the declared policy of said act, gave, on the 25th day of November 1939, notice of a public hearing to be held at Toledo, Ohio, which hearing was held on the 2d day of December 1939 on proposed amended provisions of the marketing agreement and of the order, and at said time and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on the proposed amended provisions of the marketing agreement and of the order; and

Whereas after said hearing and after the tentative approval by the Secretary, on March 29, 1940, of a marketing agreement, as amended, handlers of more than fifty percent of the volume of milk covered by such proposed Order No. 930, as amended, which is produced for sale in the Toledo, Ohio, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk:

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby determines:

(1) That the refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) That the issuance of the proposed Order No. 930, as amended, is the only practical means, pursuant to such policy, of advancing the interests of producers of milk which is produced for sale in said area; and

(3) That the issuance of the proposed Order No. 930, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of January 1940, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United

States, has executed this determination in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 20th day of April 1940.

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

Approved:

FRANKLIN D ROOSEVELT,
The President of the United States.

Dated, April 22, 1940.

[F. R. Doc. 40-1674; Filed, April 26, 1940;
11:47 a. m.]

PROCLAMATION MADE BY THE SECRETARY OF AGRICULTURE CONCERNING THE BASE PERIOD TO BE USED IN CONNECTION WITH THE EXECUTION OF A MARKETING AGREEMENT AND THE ISSUANCE OF AN ORDER REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

Pursuant to the powers conferred upon the Secretary of Agriculture by the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture hereby finds and proclaims that, in connection with the execution of a marketing agreement and the issuance of an order regulating the handling of milk in the Fall River, Massachusetts, marketing area, the purchasing power of such milk during the base period August 1909-July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk can be satisfactorily determined from available statistics in the Department of Agriculture for the period August 1923-July 1929; and the period August 1923-July 1929 is hereby found and proclaimed to be the base period to be used in connection with ascertaining the purchasing power of milk handled in the Fall River, Massachusetts, marketing area, for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of milk in that area.

In witness whereof, the Secretary of Agriculture has executed this proclamation in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 25th day of April 1940.

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

[F. R. Doc. 40-1678; Filed, April 26, 1940;
11:48 a. m.]

DETERMINATION OF THE SECRETARY OF AGRICULTURE, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO THE ISSUANCE OF AN ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

Whereas the Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, effective as of September 1, 1938, Order No. 27 regulating the handling of milk in the New York Metropolitan Marketing Area, which order was amended, effective as of October 1, 1939; and

Whereas, the Secretary, having reason to believe that amendments to said order would tend to effectuate the declared policy of the act, gave, on the 22d day of September 1939, notice of a public hearing which was held, beginning on the 10th day of October 1939, at Albany, New York, and beginning on the 16th day of October 1939, at New York City, New York, and at said times and places afforded all interested parties an opportunity to be heard on proposed amendments to said order; and

Whereas, after said public hearing, representatives of the Secretary heard, at a public hearing held in New York City on the 10th day of January 1940, oral arguments on a proposed order, as amended, prepared by the Dairy Section, Division of Marketing and Marketing Agreements, United States Department of Agriculture, for the purpose of such hearing; and

Whereas, the Secretary, having reason to believe that further amendments to said order would tend to effectuate the declared policy of the act, gave, on the 16th day of February 1940, notice of a public hearing which was held, beginning on the 29th day of February 1940, at New York City, New York, at which time and place all interested parties were afforded an opportunity to be heard on said further proposed amendments to said order; and

Whereas after said hearings and after the tentative approval, by the Secretary, on March 30, 1940, of a marketing agreement, handlers of more than fifty percent of the volume of milk covered by the proposed order, as amended, which is produced for sale in the New York Metropolitan Milk Marketing Area, refused or failed to sign such tentatively approved marketing agreement relating to milk:

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by said act, hereby determines:

1. That the refusal or failure of said handlers to sign said tentatively approved marketing agreement tends to prevent

the effectuation of the declared policy of the act;

2. That the issuance of the order, as amended, is the only practical means, pursuant to such policy, of advancing the interests of producers of milk which is produced for sale in said area; and

3. That the issuance of the proposed order, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of February 1940, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States, has executed this determination in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 23d day of April 1940.

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

Approved,

FRANKLIN D ROOSEVELT,
The President of the United States.

Dated, April 24, 1940

[F. R. Doc. 40-1676; Filed, April 26, 1940;
11:47 a. m.]

ORDER OF THE SECRETARY OF AGRICULTURE MAKING EFFECTIVE THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA

Whereas H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, on March 30, 1940, an order, as amended, regulating the handling of milk in the New York Metropolitan Milk Marketing Area, said order, as amended, to become effective at such time as the Secretary might subsequently declare; and

Whereas the requirements of section 8c (9) of the act have been complied with:

Now, therefore, H. A. Wallace, Secretary of Agriculture of the United States, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby declares that said order, as amended, regulating the handling of milk in the New York Metropolitan Milk Marketing Area shall be effective on and after 12:01

a. m., e. s. t., May 1, 1940, and hereby orders that from said date such handling of milk produced for sale in the New York Metropolitan Milk Marketing Area as is in the current of interstate commerce, or as directly burdens, obstructs, or affects interstate commerce, shall conform to and be in compliance with the terms and conditions of said order, as amended.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States has executed this order in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 25th day of April 1940.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-1677; Filed, April 26, 1940;
11:48 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 48]

DELEGATING AUTHORITY TO ALL REGIONAL DIRECTORS, ACTING REGIONAL DIRECTORS AND TERRITORIAL REPRESENTATIVES TO ISSUE ORDERS OF INVESTIGATION AND SUBPOENAS

Pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, all Regional Directors, Acting Regional Directors and Territorial Representatives of the Wage and Hour Division, United States Department of Labor, are hereby authorized to execute and issue orders for investigation; to designate and authorize representatives to make such investigations; to execute and issue subpoenas for the attendance of witnesses and the production of books, papers and documents; and to delegate to representatives who are authorized to make investigations, the authority to execute and issue such subpoenas in connection therewith.

This order delegates the powers given to the Administrator to compel by subpoena or otherwise the attendance of witnesses and the production of books, papers and documents under Sections 9 and 11 (a) of the said Act.

Signed at Washington, D. C., this 26th day of April 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-1672; Filed, April 26, 1940;
11:38 a. m.]

FINAL AMENDED DETERMINATION AND ORDER RE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY AT WAGES LOWER THAN THE MINIMUM WAGE APPLICABLE UNDER SECTION 6 OF THE FAIR LABOR STANDARDS ACT OF 1938

Whereas the original applications made by the Cotton Textile Institute and sundry other parties pursuant to Section 14

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

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

Whereas after due notice a reconvened public hearing was held on these applications in Washington, D. C., on October 12, 1939, before Merle D. Vincent, authorized representative of the Administrator, who was duly designated to preside at the hearing and to determine:

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

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

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

Whereas, on October 31, 1939, the said Merle D. Vincent duly made findings of fact, copies of which were filed in the office of the Acting Administrator on November 4, 1939, and are there available for inspection by interested parties, and made the following determination and order:

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

tificates shall be issued for the operation of sewing machines, but for no other occupations.

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

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

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

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

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

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

2. Any special certificate issued pursuant to this order may be cancelled as of the date of issue if it is found that such certificate was issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that skilled workers have become available. No certificate issued pursuant to this or-

der shall be valid after October 24, 1940, subject to modification or extension on or before that time following an appropriate reconsideration of this Order.

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

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

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

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

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

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

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

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

(g) The manufacturing or processing of yarn or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any

of the fibers designated in clause (a), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

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

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

Whereas, pursuant to hearing held before Merle D. Vincent as presiding officer on December 13, 1939, said Determination and Order was amended by notice published in the FEDERAL REGISTER on January 23, 1940, (5 F.R. 265) as follows:

1. The sewing-machine operation in the (novelty) curtain branch of the Textile Industry is a simple semi-skilled occupation that does not require any learning period at subminimum wages.

2. No certificates authorizing the employment of learners at subminimum wages shall be issued to employers in the (novelty) curtain branch of the Textile Industry.

3. All matters set forth in the Undersigned's Determination and Order on the employment of learners in the Textile Industry dated October 31, 1939, inconsistent with the foregoing are hereby rescinded; and

Whereas, the Throwsters Research Institute, and the Southern Cotton Manufacturers' Association filed petitions for review of the said Determination and Order; and

Whereas, the Administrator caused to be published in the FEDERAL REGISTER on January 23, 1940, (5 F.R. 265) a notice which stated that the Administrator for the purpose of reviewing the aforementioned presiding officer's Determination and Order, as amended, and to make a final determination of the questions set forth in the third paragraph of this notice, would receive briefs from interested parties, provided that original briefs were filed with the Administrator prior to the close of business February 23, 1940, and provided that rebuttal briefs were filed with the Administrator prior to the close of business March 8, 1940; and

Whereas, the Throwsters Research Institute duly filed its brief requesting amendments to the aforesaid Determination and Order with respect to the silk throwing branch of the industry; and

Whereas, no other party to this proceeding has filed a brief requesting modification of the Determination and Order with respect to other branches of the industry; and

Whereas, additional information with respect to silk throwing establishments has been obtained from letters of numerous applicants and from informal conferences attended by representatives of the Throwsters Research Institute, the Textile Workers' Union of America, and representatives of the Administrator; and

Whereas, upon due examination and consideration of the record of the several hearings before Merle D. Vincent and the aforesaid briefs, letters and other data, I have found that the Determination and Order, as amended, is appropriate for all branches of the Textile Industry, with the exception of the silk throwing branch of said industry, and that certain provisions of the Determination and Order with respect to the silk throwing branch of the industry require amendment as provided herein.

Now, therefore, the Determination and Order of October 31, 1939, as amended, is amended as follows:

1. In the silk throwing branch of the Textile Industry, the learning period shall be 12 weeks for the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, except that no certificate shall be deemed to apply to any employees performing functions similar to those performed by the following: sweepers, scrubbers, yard-employees, watchmen, clerical workers and supervisors, time-keepers, machine cleaners, janitors and truckers.

2. In the silk throwing branch of the Textile Industry the term "learner" shall mean a person who has had less than 12 weeks' experience in the learner occupations specified in the preceding paragraph.

3. In the silk throwing branch of the Textile Industry learners employed under the certificate shall not exceed 3% of the total number of persons in the learner occupations, provided, that the employment of as many as 3 learners may be authorized by any certificate for establishments having 30 or fewer employees engaged in the learner occupations, and, provided further, that the employment of as many as 5 learners may be authorized by any certificate for establishments having 31 or more employees engaged in the learner occupations.

The above amendments shall become effective upon publication of this Notice in the FEDERAL REGISTER.

All provisions of the Textile Industry Learner Determination and Order of October 31, 1939, as amended, which are not inconsistent with the foregoing, are hereby affirmed.

Signed at Washington, D. C., this 26th day of April 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-1673; Filed, April 26, 1940; 11:33 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 3906]

IN THE MATTER OF VERONICA IGNATOVITCH,
TRADING AS MADAME VERA, MADAM VERA,
AND MME. VERA

ORDER APPOINTING EXAMINER AND FIXING
TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of April, A. D. 1940.

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 Lewis C. Russell, 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, May 3, 1940, at nine o'clock in the forenoon of that day (eastern standard time), in Room 324, Post Office Building, Bridgeport, Connecticut.

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] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 40-1670; Filed, April 26, 1940;
11:34 a. m.]

SECURITIES AND EXCHANGE-COMMISSION.

[File No. 59-6]

IN THE MATTER OF THE UNITED GAS IMPROVEMENT COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER DISMISSING CERTAIN PARTIES FROM
PROCEEDING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23d day of April, A. D. 1940.

(1) The Commission on March 4, 1940, having issued a notice of and order for hearing¹ pursuant to Section 11 (b) (1) of the Public Utility Holding Company Act of 1935 in the above captioned matter; and

(2) Midland United Company and Midland Utilities Company, subsidiaries of The United Gas Improvement Company, under Section 2 (a) (8) of the Act, and Hugh M. Morris, surviving Trustee of the Estate of Midland United Company, Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of

Midland Utilities Company, Gary Electric and Gas Company, Northern Indiana Power Company, Public Service Company of Indiana, Dresser Power Corporation, Indiana Hydro-Electric Power Company, Gary Heat, Light and Water Company, Hobart Light and Water Company, Indiana Service Corporation, Northern Indiana Public Service Company, Berrien Gas and Electric Company, Terre Haute & Western Railway Company, Terre Haute Electric Company, Inc., Traction Light & Power Company, Union City Electric Company, West Indiana Utilities Company, Brazil Electric Company, Central Indiana Power Company, South Construction Company, Inc., Terminal Realty Corporation, Indiana Industrial Land Company, Indiana Railroad, Indiana Motor Transit Company, Interstate Public Service Realty Company, Killbuck Milling Company, Chicago South Shore and South Bend Railroad (Indiana), Chicago South Shore and South Bend Railroad (Michigan), Michigan City Terminal, Incorporated, Indiana & Kensington Railroad, Shore Line Shops, Incorporated, Utilities Building, Incorporated, M. U. Securities Corporation, Shirley Realty Company, Traction Land Company, Wabash Hydro-Electric Company, Michigan City Terminal, Midland Subsidiary Corporation, Midland Stock Transfer Company and Subsidiary Service Corporation, being among the respondents in the aforesaid proceedings, and having filed their respective answers, and various of said respondents having requested that they be dismissed as parties to these proceedings;

(3) A joint answer having been filed by The United Gas Improvement Company and certain of its subsidiaries other than the companies named in paragraph (2) above; and

(4) It appearing unlikely that the Commission will find it necessary to issue any order, in said proceeding, directing said companies specified in paragraph (2) above to take any action pursuant to Section 11 (b) of said Act;

It is hereby ordered, That Midland United Company, Midland Utilities Company, and the other persons and companies hereinbefore named in paragraph (2) of this order, be and are hereby dismissed as parties to this proceeding; *Provided*, That nothing herein shall be construed as an admission of the contentions set forth in the answers of such respondents so dismissed; nor be deemed to limit the power of the Commission to issue any appropriate order directed to The United Gas Improvement Company and its subsidiaries (other than the respondents so dismissed) with respect to their direct or indirect security holdings in the respondents so dismissed; nor to limit the taking of any future action, after notice and opportunity for hearing, in this proceeding or otherwise, to require that any of the respondents so dismissed take any action which the Commission may find necessary or appropriate to

effect compliance with Section 11 (b) of the Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1668; Filed, April 26, 1940;
11:23 a. m.]

[File No. 70-23]

IN THE MATTER OF KANSAS GAS AND
ELECTRIC COMPANY

ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23d day of April, A. D. 1940.

Kansas Gas and Electric Company, a subsidiary of American Power & Light Company, a registered holding company, which in turn is a subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration and amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale to ten insurance companies of \$16,000,000 principal amount of Kansas Gas and Electric Company's First Mortgage Bonds, 3 $\frac{3}{8}$ % Series due 1970;

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

It is ordered, That said declaration as amended be, and the same hereby is, permitted to become effective, subject to the following conditions:

(1) That the issue and sale of the aforesaid bonds shall be effected in substantial compliance with the terms and conditions set forth in and for the purposes represented by, said declaration, as amended;

(2) That the transactions set forth in the declaration, as amended, be consummated within sixty (60) days after the date of this order; and

(3) That within ten (10) days after the issue and sale of the said bonds, declarant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration, as amended.

(4) That the Commission reserves jurisdiction over the payment of the proposed fees to Counsel including Counsel for the Trustees and over the payment of the \$60,000 proposed fee for Dillon, Read & Company, agent for Declarant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1669; Filed, April 26, 1940;
11:23 a. m.]

¹ 5 F.R. 981.

IN THE MATTER OF A PROSPECTUS FILED BY AVENAL TRUST, MARGARET McCOMB AND C. L. McCOMB, RESPONDENTS, ON MARCH 14, 1940

ORDER CONSENTING TO WITHDRAWAL OF PROSPECTUS AND TERMINATING PROCEEDING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of April, A. D. 1940.

The above-named respondents, having filed a prospectus and trust indenture under Regulation B-T of the General Rules and Regulations under the Securities Act of 1933, and the Commission having instituted a proceeding pursuant to Rule 380 (a) of said Regulation to determine whether an order should issue permanently suspending the effectiveness of such prospectus, and the respondents having filed an application for an order consenting to withdrawal of the prospectus and having represented to the Commission in writing that none of the securities described in said prospectus have been sold;

It is ordered, That consent of the Commission to withdrawal of such prospectus be and hereby is granted; but the Commission does not consent to removal of said prospectus or any papers relating thereto from the files of the Commission; and

It is further ordered, That the suspension proceeding pursuant to Rule 380 (a) of the General Rules and Regulations under the Securities Act of 1933 be and the same is hereby terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1667; Filed, April 26, 1940; 11:23 a. m.]

[File No. 1-2120]

IN THE MATTER OF CHICAGO AND EASTERN ILLINOIS RAILWAY COMPANY COMMON STOCK, \$100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of April 1940.

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, \$100 Par Value, of Chicago and Eastern Illinois Railway Company; 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 Wednes-

day, May 29, 1940, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, 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 Adrian C. Humphreys, 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. 40-1665; Filed, April 26, 1940; 11:23 a. m.]

[File No. 1-381]

IN THE MATTER OF ULEN AND COMPANY COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 25th day of April 1940.

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of Ulen and Company; 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, May 28, 1940, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, 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, Adrian C. Humphreys, 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. 40-1666; Filed, April 26, 1940; 11:23 a. m.]

[File Nos. 70-7, 70-25 and 70-26]

IN THE MATTER OF THE MANUFACTURERS LIGHT AND HEAT COMPANY ET AL.

ORDER FOR POSTPONEMENT OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of April, A. D. 1940.

It appearing to the Commission that the hearing¹ in the above matter which has been set for the 30th day of April, 1940, at 10:00 o'clock in the A. M. in room 1102 of the offices of the Securities and Exchange Commission in Washington, D. C., should be postponed to May 16, 1940, and the applicants concerned herewith having agreed to such postponement;

It is therefore ordered, That the hearing in the above captioned matter be and the same is hereby postponed until the 16th day of May, 1940, at 10:00 o'clock in the A. M. at the offices of the Securities and Exchange Commission at Washington, D. C., before Willis E. Monty, Trial Examiner, or any other officer or officers of the Commission designated by it for the purpose of presiding at the hearing. On such day the hearing room clerk in room 1102 will advise as to the room where the hearing will be held.

Notice of such postponement is hereby given to each 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.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1664; Filed, April 26, 1940; 11:23 a. m.]

[File No. 70-42]

IN THE MATTER OF CENTRAL STATES EDISON, INC., THE SEDAN GAS 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 26th day of April, A. D. 1940.

A declaration and an application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on May 8, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown

¹5 F.R. 1426.

why such declaration shall become effective.

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

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 May 8, 1940.

The matter concerned herewith is in regard to a declaration by Central States Edison, Inc. concerning an open account advance in the amount of \$8,500 bearing 6% interest to its subsidiary, The Sedan Gas Company and an application by the

Sedan Gas Company for approval of the proposed purchase for \$8,380 of the natural gas utility assets of Major Gas & Oil Company located in Peru and Chautauqua, Kansas.

The declarant has designated Section 12 (b) and Rule U-12B-1 and the applicant has designated Sections 9 (a) (1) and 10 as applicable to this matter.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Recording Secretary.

[F. R. Doc. 40-1684; Filed, April 26, 1940; 12:02 p. m.]