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The President

EXECUTIVE ORDER

ESTABLISHING THE ECONOMIC DEFENSE BOARD

By virtue of the authority vested in me by the Constitution and statutes of the United States, by virtue of the existence of an unlimited national emergency, and for the purpose of developing and coordinating policies, plans, and programs designed to protect and strengthen the international economic relations of the United States in the interest of national defense, it is hereby ordered as follows:

1. The term "economic defense," whenever used in this Order, means the conduct, in the interest of national defense, of international economic activities including those relating to exports, imports, the acquisition and disposition of materials and commodities from foreign countries including preclusive buying, transactions in foreign exchange and foreign-owned or foreign-controlled property, international investments and extensions of credit, shipping and transportation of goods among countries, the international aspects of patents, international communications pertaining to commerce, and other foreign economic matters.

2. There is hereby established an Economic Defense Board (hereinafter referred to as the "Board"). The Board shall consist of the Vice President of the United States, who shall serve as Chairman, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney General, the Secretary of the Navy, the Secretary of Agriculture, and the Secretary of Commerce. The Chairman may, with the approval of the President, appoint additional members to the Board. Each member of the Board, other than the Chairman, may designate an alternate from among the officials of his Department, subject to the continuing approval of the Chairman, and such alternate may act for such member in all matters relating to the Board.

3. In furtherance of such policies and objectives as the President may from

time to time determine, the Board shall perform the following functions and duties:

a. Advise the President as to economic defense measures to be taken or functions to be performed which are essential to the effective defense of the Nation.

b. Coordinate the policies and actions of the several departments and agencies carrying on activities relating to economic defense in order to assure unity and balance in the application of such measures.

c. Develop integrated economic defense plans and programs for coordinated action by the departments and agencies concerned and use all appropriate means to assure that such plans and programs are carried into effect by such departments and agencies.

d. Make investigations and advise the President on the relationship of economic defense (as defined in paragraph 1) measures to post-war economic reconstruction and on the steps to be taken to protect the trade position of the United States and to expedite the establishment of sound, peacetime international economic relationships.

e. Review proposed or existing legislation relating to or affecting economic defense and, with the approval of the President, recommend such additional legislation as may be necessary or desirable.

4. The administration of the various activities relating to economic defense shall remain with the several departments and agencies now charged with such duties but such administration shall conform to the policies formulated or approved by the Board.

5. In the study of problems and in the formulation of programs, it shall be the policy of the Board to collaborate with existing departments and agencies which perform functions and activities pertaining to economic defense and to utilize their services and facilities to the maximum. Such departments and agencies shall cooperate with the Board in clearing proposed policies and measures involving economic defense considerations and shall supply such information and data as the Board may

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require in performing its functions. The Board may arrange for the establishment of committees or groups of advisers, representing two or more departments and agencies as the case may require, to study and develop economic defense plans and programs in respect to particular commodities or services, geographical areas, types of measures that might be exercised, and other related matters.

6. To facilitate unity of action and the maximum use of existing services and facilities, each of the following departments and agencies, in addition to the departments and agencies represented on the Board, shall designate a responsible officer or officers, subject to the approval of the Chairman, to represent the department or agency in its continuing relationships with the Board: The Departments of the Post Office, the Interior, and Labor, the Federal Loan Agency, the United States Maritime Commission, the United States Tariff Commission, the Federal Trade Commission, the Board of Governors of the Federal Reserve System, the Securities and Exchange Commission, the National Resources Planning Board, the Defense Communications Board, the Office of Production Management, the Office of Price Administration and Civilian Supply, the Office for Coordination of Commercial and Cultural Relations Between the American Republics, the Permanent Joint Board on Defense,

the Administrator of Export Control, the Division of Defense Aid Reports, the Coordinator of Information, and such additional departments and agencies as the Chairman may from time to time determine. The Chairman shall provide for the systematic conduct of business with the foregoing departments and agencies.

7. The Chairman is authorized to make all necessary arrangements, with the advice and assistance of the Board, for discharging and performing the responsibilities and duties required to carry out the functions and authorities set forth in this Order, and to make final decisions when necessary to expedite the work of the Board. He is further authorized, within the limits of such funds as may be allocated to the Board by the President, to employ necessary personnel and make provision for the necessary supplies, facilities, and services. The Chairman may, with the approval of the President, appoint an executive officer.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 30, 1941.

[No. 8839]

[F. R. Doc. 41-5597; Filed, July 31, 1941; 11:20 a. m.]

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING OVERTIME COMPENSATION OF CERTAIN CIVILIAN EMPLOYEES OF THE WAR DEPARTMENT, THE NAVY DEPARTMENT, THE COAST GUARD, AND THE PANAMA CANAL

By virtue of the authority vested in me by section 1 of the act of June 3, 1941, Public Law 100, 77th Congress, I hereby prescribe the following regulations governing the payment of compensation for employment in excess of forty hours in any administrative workweek to per-annum field service employees whose overtime services are essential to and directly connected with the expeditious prosecution of the overtime work upon which employees enumerated in section 5 (a) of the act of June 28, 1940, 54 Stat. 676, 678, and section 1 of the act of October 21, 1940, 54 Stat. 1205, are engaged:

SECTION 1. Whenever the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, or the Governor of The Panama Canal, as the case may be, shall determine that employment in excess of forty hours a week of any per-annum employee in the field services of the War Department, the Navy Department, the Coast Guard, or The Panama Canal is essential to and directly connected with the expeditious prosecution of overtime work which is being required of employees enumerated in section 5 (a) of the said act of June 28, 1940, and section 1 of the said act of October 21, 1940, and for which overtime compensation is being paid, he is authorized to provide compensation for such employment in excess of forty hours in any administra-

tive workweek at one and one-half times such employee's regular rate of pay.

SECTION 2. In determining the overtime compensation which may be paid to any per-annum employee under section 1 hereof, the pay for one hour shall be computed as one-eighth of such employee's pay for one day. The pay for one day shall be considered to be one three-hundred-and-sixtieth of the employee's per-annum salary.

SECTION 3. The Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Governor of The Panama Canal may designate such subordinate officers as they may deem necessary to determine the per-annum employees in their respective field services whose overtime services are essential to and directly connected with the expeditious prosecution of the overtime work upon which the employees enumerated in section 5 (a) of the said act of June 28, 1940, and section 1 of the said act of October 21, 1940, are engaged.

SECTION 4. No overtime compensation may be paid under section 1 hereof to any per-annum employee who during his regular hours of employment is not normally engaged on work essential to and directly connected with the expeditious prosecution of the work upon which employees enumerated in section 5 (a) of the said act of June 28, 1940, and section 1 of the said act of October 21, 1940, are engaged.

SECTION 5. No employee covered by the provisions of section 1 hereof shall be regularly required or allowed to work in excess of forty-eight hours in any administrative workweek: *Provided*, That such limit may be exceeded when it is considered by the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, or the Governor of The Panama Canal, or such subordinate officers as they may designate, to be necessary for the maintenance of the production schedule for an arsenal, shipyard, shop, or other establishment of a similar nature, or to meet other specific emergency situations.

SECTION 6. When in the judgment of the head of the department concerned, the Governor of The Panama Canal, or the subordinate officers mentioned in section 3 of these regulations, the health or efficiency of any employee will be impaired by employment for more than eight hours a day or forty hours a week, such employee shall not be required or permitted to work overtime.

SECTION 7. It shall be the policy of the agencies affected by this order to hold overtime work to the absolute minimum consistent with the requirements of the national-defense program.

SECTION 8. This order shall take effect as of June 3, 1941, and shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 30, 1941.

[No. 8837]

[F. R. Doc. 41-5550; Filed, July 31, 1941;
9:59 a. m.]

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 8798 OF JUNE 19, 1941, TRANSFERRING CERTAIN VESSELS BETWEEN THE NAVY DEPARTMENT AND THE DEPARTMENT OF COMMERCE

By virtue of the authority vested in me by the Constitution and the statutes of the United States, Executive Order No. 8798 of June 19, 1941, transferring certain vessels between the Navy Department and the Department of Commerce, is hereby amended, effective as of June 19, 1941, by substituting the United States Navy Vessel ARGUS for the United States Navy Vessel JAMESTOWN transferred by the said Executive order to the Department of Commerce.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 30, 1941.

[No. 8838]

[F. R. Doc. 41-5551; Filed, July 31, 1941;
9:59 a. m.]

MILITARY ORDER

ORGANIZED MILITARY FORCES OF THE GOVERNMENT OF THE COMMONWEALTH OF THE PHILIPPINES CALLED INTO SERVICE OF THE ARMED FORCES OF THE UNITED STATES

Under and by virtue of the authority vested in me by the Constitution of the United States, by section 2 (a) (12) of the Philippine Independence Act of March 24, 1934 (48 Stat. 457), and by the corresponding provision of the Ordinance appended to the Constitution of the Commonwealth of the Philippines, and as Commander-in-Chief of the Army and Navy of the United States, I hereby call and order into the service of the armed forces of the United States for the period of the existing emergency, and place under the command of a General Officer, United States Army, to be designated by the Secretary of War from time to time, all of the organized military forces of the Government of the Commonwealth of the Philippines: *Provided*, that all naval components thereof shall be placed under the command of the Commandant of the Sixteenth Naval District, United States Navy.

This order shall take effect with relation to all units and personnel of the organized military forces of the Government of the Commonwealth of the Philippines, from and after the dates and hours, respectively, indicated in orders to be issued from time to time by the General Officer, United States Army, designated by the Secretary of War.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 26, 1941

[F. R. Doc. 41-5548; Filed, July 31, 1941;
9:27 a. m.]

16 F.R. 8049.

Rules, Regulations, Orders

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[Fourth Supplement to General Order
No. C-21]

PART 170—REGISTRATION AND FINGER-PRINTING OF ALIENS IN ACCORDANCE WITH THE ALIEN REGISTRATION ACT, 1940

REGULATIONS GOVERNING REPLACEMENT OF LOST, MUTILATED OR DESTROYED ALIEN REGISTRATION RECEIPT CARDS

JULY 30, 1941.

Pursuant to the authority contained in sections 32 (c), 34 (a), and 37 (a) of Title III of the Act of June 28, 1940 (54 Stat. 674, 674, 675; 8 U.S.C. 453 (c), 455 (a), 458 (a)), and to the powers conferred by § 90.1, Title 8, Chapter I, Code of Federal Regulations (5 F. R. 3503), the following regulations are hereby promulgated and published as portions of Part 170 of said Title 8, Chapter I, Code of Federal Regulations (5 F. R. 2836, 3173, 3589, 4560, 4813; 6 F. R. 229, 2560):

Section 170.4 (q) is amended to read as follows:

§ 170.4 Method of registration.

(q) A receipt shall not be issued to any person who has already obtained one unless he surrenders his former receipt, except in case of loss, mutilation, or destruction of the original receipt in which event it may be replaced in accordance with § 170.9 of this part. No person shall use a receipt relating to any other person (except in behalf of his minor child or ward). If the alien dies, permanently departs, or is deported from the United States, his receipt shall be returned to the Immigration and Naturalization Service. If any person finds a lost receipt of registration, he shall return it to the Alien Registration Division, Immigration and Naturalization Service, Washington, D. C.

The following new section is added to Part 170:

§ 170.9 Replacement of lost, mutilated, or destroyed receipt of registration.

(a) Except as hereinafter provided, any alien whose registration receipt card has been lost, mutilated, or destroyed may apply for a new receipt card in lieu thereof. Such application shall be made under oath or affirmation, upon a form prescribed for that purpose, and shall be filed with the district director of the Immigration and Naturalization Service having jurisdiction over the place of the applicant's residence.

(b) When the application for a new receipt card is received by the district director, he shall assign the investigation of the application to any officer of the Service within his jurisdiction. The investigating officer shall conduct such in-

quiry into the circumstances surrounding the alleged loss, mutilation, or destruction of the original receipt card as to satisfy himself that such loss, mutilation, or destruction has occurred. If a receipt card has been mutilated, it must be surrendered to the investigating officer before a new card will be issued. The investigating officer shall also satisfy himself that the applicant is the individual to whom the registration record relates, and shall make any further inquiry justified by the facts in a particular case. If deemed advisable, written sworn statements concerning any pertinent facts may be obtained from the applicant and any other persons whose testimony should be secured. Upon completion of the investigation, the investigating officer shall recommend the granting or denial of the application for a new receipt card, and if his recommendation is adverse, he shall state the reasons therefor in writing. The investigating officer shall obtain the applicant's signature and a print of his right index finger upon Form AR-3a and shall type on the face of that form the name and present address of the applicant. If for any reason the impression of the right index finger cannot be taken, the impression of another finger should be obtained and the form suitably endorsed to show which finger and hand.

(c) The investigating officer shall then forward the application and any testimony taken from the applicant and other persons, together with Form AB-3a, to the district director having jurisdiction. The district director or an officer designated by him shall review the record and may, if he deems it advisable, refer the case to the same or any other officer of the Service for further investigation. If no further investigation is considered necessary, the entire record shall be forwarded to the Alien Registration Division. The reviewing officer shall indicate whether he concurs with the recommendation of the investigating officer, and if not, he shall state the reasons for his non-concurrence.

(d) Upon consideration of the application and record in the Central Office, the Chief of the Alien Registration Division may, if he is satisfied that the original receipt has been lost, mutilated, or destroyed, sign the Form AB-3a, place thereon the proper registration number, and mark the form to show that it is a duplicate issued in lieu of an original receipt which has been lost, mutilated, or destroyed. Both the original date of registration and the date of issuance of the duplicate shall be shown on the new card. If the said officer is not satisfied that a duplicate should be issued, he shall deny the application. If the record indicates that any further action is desirable or necessary in connection with the case of the alien, it should be referred to the

appropriate division of the Central Office for consideration of such further action.

(e) If a duplicate receipt card on Form AR-3a is issued, it shall be sent direct to the applicant by the Alien Registration Division, and the office where the application was filed shall be advised of the final disposition of the case.

(f) Any alien child who was less than fourteen years of age at the time of his registration upon the basis of an application made by his parent or legal guardian under § 170.1 (c) or 170.1 (d) and who desires to obtain a new registration receipt card in lieu of a lost, mutilated, or destroyed original may, if the alien is less than fourteen years of age at the time application is made, obtain a new card through the procedure specified in paragraphs (a) to (e) of this section. In such cases, however, the application for a new card shall be executed by the child's parent or guardian, preferably the same person who made application for the original registration; the testimony of the parent or guardian instead of that of the child shall be obtained and the new Form AR-3a, if issued, shall be delivered to the parent or guardian. No fingerprint of the alien child need be obtained on Form AR-3a, which shall be signed by the parent or guardian. In any such case in which no parent or guardian is available, the matter shall be reported to the Alien Registration Division for special instructions concerning the procedure to be followed in replacing the original receipt card.

(g) Replacements of lost, mutilated, or destroyed receipt cards in the cases of alien seamen shall be governed by the following:

(1) An alien who has been lawfully admitted to the United States for permanent residence and who is by occupation a seaman may replace a lost, mutilated, or destroyed Form AR-3 in the manner specified in paragraphs (a) to (e) of this section.

(2) An alien seaman who was registered under § 170.8 (d) may, if less than one year has elapsed since the date of his registration and he is in the United States at the time of filing his application, replace a lost, mutilated, or destroyed Form AR-103 in the manner specified in paragraphs (a) to (e) of this section. In such cases Form AR-3a will, if issued, be plainly marked to show both the date of original registration of the seaman and the date on which the new receipt card was issued. In accordance with § 170.8 (a), an alien seaman seeking admission to the United States who does not present a receipt (or duplicate thereof) showing registration within one year of the date of his application for admission, shall not be admitted until he has again been registered and fingerprinted. This one-year period shall extend from the date of original registra-

tion, and in no case from the date on which a new receipt in lieu of one lost, mutilated, or destroyed was issued.

(3) An alien seaman who was fingerprinted only, under the provisions of § 170.8 (e), shall not be entitled to obtain a replacement of the Form AR-103 which was issued to him at the time of such fingerprinting. In such cases, the procedure prescribed by § 170.8 (e) shall again be followed if the alien's receipt card has been lost, mutilated, or destroyed.

[SEAL] LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General in Charge Immigration and Naturalization Service.

Approved:

FRANCIS BIDDLE,
Acting Attorney General.

[F. R. Doc. 41-5549; Filed, July 31, 1941;
9:35 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

[Amendment No. 122 of the Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES (INTERSTATE)

FIRST AID EQUIPMENT FOR AIR CARRIER AIRCRAFT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of July, 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 1, 1941, Part 61 of the Civil Air Regulations is amended by the addition of a new § 61.340 to read as follows:

§ 61.340 *First aid equipment.* No aircraft shall be operated in scheduled air transportation unless equipped with a conveniently accessible first aid kit adequate for proper first aid treatment of passengers and crew which shall contain medical equipment and supplies approved by the Administrator as suitable and sufficient for the type of operation involved.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-5547; Filed, July 30, 1941;
4:08 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 240—RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENT TO RULE X-12F-5

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 12 (f) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by said Act, hereby amends § 240.12f-5 [Rule X-12F-5] of the General Rules and Regulations under the Act to read as hereinafter set forth:

§ 240.12f-5 *Differentiation on ticker between transactions in listed and unlisted securities.* Every national securities exchange and every person directly or indirectly controlled by such exchange, in the publication or making available for publication by ticker of quotations or transactions in securities made or effected upon such exchange, shall differentiate between quotations or transactions in listed securities and quotations or transactions in securities for which unlisted trading privileges on such exchange have been continued or extended, by either adding the letter "L" to the report of each quotation or transaction in such listed securities, or by adding the letter "U" to the report of each quotation or transaction in such securities for which unlisted trading privileges have been continued or extended on such exchange. [Rule X-12F-5]

Effective July 31, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-5600; Filed, July 31, 1941;
11:46 a. m.]

PART 270—INVESTMENT COMPANY ACT OF 1940

ADOPTION OF RULE N-17F-2

Acting pursuant to the Investment Company Act of 1940, particularly sections 38 (a) and 17 (f) thereof, and deeming such action appropriate to the exercise of the powers conferred and the duties imposed upon it in that Act, the

Securities and Exchange Commission hereby adopts § 270.17f-2 [Rule N-17F-2] to read as follows:

§ 270.17f-2 *Custody of securities maintained by management company.* The securities and similar investments of a registered management company may be maintained in the custody of such company upon the following conditions:

(a) Except as provided in paragraph (b), all such securities and similar investments shall be deposited in a vault or other depository maintained by a bank or other company whose functions and physical facilities are supervised by Federal or State authority.

(b) The provisions of paragraph (a) shall not apply to securities on loan which are collateralized to the extent of their full market value, or to securities hypothecated, pledged, or placed in escrow for the account of such registered company in connection with a loan or other transaction authorized by specific resolution of its board of directors, or to securities in transit in connection with a sale, an exchange pursuant to a plan of reorganization, recapitalization or otherwise, redemption, maturity or conversion, the exercise of warrants or rights, assents to changes in terms of the securities, or other transactions necessary in the ordinary routine relating to the management of securities.

(c) The securities and investments deposited pursuant to paragraph (1) shall be physically segregated at all times from those of any other person.

(d) The securities and investments deposited pursuant to paragraph (a) shall be withdrawn only in connection with transactions of the character described in paragraph (b).

(e) No person shall be authorized or permitted to have access to the securities and investments deposited pursuant to paragraph (a) except pursuant to resolution of the board of directors of such registered company. Each such resolution shall designate not more than five persons who shall be either officers or responsible employees of such company, and shall provide that access to such securities and investments shall be had only by two or more such persons jointly, at least one of whom shall be an officer; except that for the purpose of paragraph (g) the independent public accountant shall be permitted access to such securities and investments jointly with any two persons so designated.

(f) Each person designated pursuant to paragraph (e), when depositing in or

withdrawing from the depository securities and investments, shall sign a notation in respect of such deposit or withdrawal, which shall show (1) the date and time of the deposit or withdrawal, (2) the name and amount of the securities and other investments deposited and withdrawn, and an identification thereof by certificate numbers or otherwise, and (3) the manner of acquisition of securities and investments deposited or the purpose for which securities and investments have been withdrawn. Such notation shall be transmitted promptly to an officer or director of the registered company designated by its board of directors who shall not be a person designated for the purpose of paragraph (e). Such notations shall be on forms serially numbered, and shall be preserved for at least one year.

(g) Such securities and investments shall be verified by complete examination by an independent public accountant retained by such registered company at least three times during the fiscal year, at least two of which shall be chosen by such accountant without prior notice to such company. A certificate of such accountant, stating that he has made an examination of such securities and investments and describing the nature and extent of the examination, shall be transmitted to the Commission promptly after each such examination.

(h) Such securities and investments shall at all times be subject to inspection by the Commission through its authorized employees or agents accompanied, unless otherwise directed by order of the Commission, by one or more of the persons designated pursuant to paragraph (e).

(i) All such securities and investments which are stocks and other equity securities acquired by such registered management company after August 14, 1941, for which the issuer or its agent maintains a record or registry of ownership, shall be registered or recorded in the name of such company within 30 days after any such acquisition: *Provided, however,* That this paragraph shall not apply to securities on loan or securities pledged in connection with a loan or other transaction authorized by a specific resolution of its board of directors.

Effective August 15, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-5601; Filed, July 31, 1941;
11:46 a. m.]

§ 323.8 *Special prices—(b) Railroad fuel prices for all movements except via lakes—Supplement R-II.*
For railroad fuel prices, add these mine index numbers to be respective groups set forth in § 323.8 (b) in Price Schedule No. 1. Group No. 1: 218, 221, 222, 223, 593, 698, 1015; Group No. 2: 933; Group No. 3: 220; Group No. 6: 219.

§ 323.8 *Special prices—(c) Railroad fuel prices for movement via all lakes—all ports—Supplement R-III.*
For railroad fuel prices, add these mine index numbers to be respective groups set forth in § 323.8 (c) in Price Schedule No. 1. Group No. 1: 218, 221, 222, 223, 593, 698, 1015; Group No. 2: 933; Group No. 3: 220; Group No. 6: 219.

TRUCK SHIPMENTS

§ 323.23 *General prices—Supplement T*

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Seam	County	Size groups							
					1	2	3	4	5	6	7	
James, Wm. W. Co., The	217	James	Pittsburgh	Gilmer	228	218	218	193	193	178	168	
Leslie Company, The	219	Leslie No. 6	Bakersburg	Freston	235	235	210	210	200	190	190	
Shaban Brothers Coal Company, (J. S. Shaban)	220	Shaban No. 1	M. V. Freepport	Freston	225	225	200	200	200	190	180	
Vi-Dot Coal Co., The (Martin J. Newbrough)	218	Vi-Dot	Pittsburgh	Harrison	228	218	218	193	193	178	168	
Watson & Gocke (Charles E. Gocke)	223	No. 1	Pittsburgh	Marion	228	218	196	196	193	178	168	
West Fork Coal & Coke Company, (L. D. Perry)	221	Vincent No. 3	Pittsburgh	Harrison	228	218	193	193	193	178	168	

[F. R. Doc. 41-5515; Filed, July 30, 1941; 10:00 a. m.]

[Docket No. A-900]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 11; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, and § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplement R-II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applica-

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11
NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members—Supplement R-I*

Mine Index No.	Code member	Mine	Seam	Sub-dist.	Freight origin group No.	Price group
110	Beech Coal Company (Jiles Dunnean)	Beech III Vein	III	LS	60	2

Mine Index No. 110 shall be included in Price Group 2 and shall be accorded the prices shown for other mines in Price Group 2 listed in Part 331 in Minimum Price Schedule for District No. 11 for shipment into various market areas. It shall also be accorded adjustments in f. o. b. mine prices on account of differences in freight rates as those applicable to other mines in Freight Origin Group 60 having the same freight rates.

§ 331.10 *Special prices: Railroad locomotive fuel—Supplement R-II*

Mine Index No.	Code member	Mine	Seam	Sub-dist.	Freight origin group No.	Price group
110	Beech Coal Company (Jiles Dunnean)	Beech III Vein	III	LS	60	3

Mine Index No. 110 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule for District No. 11 as those shown for Mine Index Nos. 1, 2, 3, 23, 30, 56, 68, 70, 73.

[F. R. Doc. 41-5516; Filed, July 30, 1941; 10:01 a. m.]

tions to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: July 18, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

TITLE 32—NATIONAL DEFENSE

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

PART 1335—CHEMICALS

CIVILIAN ALLOCATION PROGRAM FOR COTTON LINTERS

It is essential that there be provided an increasing supply of chemical grade cotton linters, used both in chemical manufacture and in the making of smokeless powder. Cotton linters are cut from cottonseed in such a manner that first cut or mattress linters are not available for chemical processing. It is therefore necessary to require that only a limited amount of the total cut be removed in the first cut process.

Accordingly, pursuant to the powers vested in me by Executive Order No. 8734,¹ particularly section 2(a) thereof, the following program is announced:

§ 1335.11 *Cutting of linters.* No cottonseed oil crushing mill engaged in the production of cotton linters and using more than one cut in the process shall cut first cut linters to a higher proportion than 20% of its total cut.*

*§§ 1335.11 to 1335.15, inclusive, issued pursuant to Executive Order No. 8734.

§ 1335.12 *Sale of linters.* No cottonseed oil crushing mill making more than one cut shall sell any of its second cut chemical grade linters, nor shall any mill making but one cut sell more than 20% of its mill run linters, other than for ultimate use in the chemical industry; nor, on and after July 31, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, entered into prior to such date, shall any person in possession of mill run or second cut chemical grade linters make any deliveries thereof other than in accordance with the foregoing, except that any person seeking to deliver linters in accordance with such a contract of sale entered into prior to July 31, 1941 may apply for permission to make such delivery. Permission to make delivery may be granted by the Director of Priorities of the Office of Production Management, with the concurrence of the Director of Civilian Allocation of the Office of Price Administration and Civilian Supply. *Provided, however,* That nothing in this program shall be construed to apply to sales or deliveries to the United States, or to the Government of any country whose defense the President deems vital to the defense of the United States.*

§ 1335.13 *Definitions.* As used in this order, "first cut cotton linters" means those linters resulting from the first cutting of cottonseed by a crushing mill that makes more than one cut. "Second cut chemical grade linters" means all those linters resulting from all cuts subsequent to the first. "Mill run linters" means all those linters resulting from the cutting of

cottonseed by a crushing mill that makes only one cut.*

§ 1335.14 *Reports.* Each cottonseed oil crushing mill engaged in the production of cotton linters shall each month report to the Office of Production Management the manner of its compliance with this program, and such report shall include a certified statement of the intake of cottonseed by such mill and its production of lint, by grades. And every person purchasing second cut chemical grade and mill run linters shall each month report to the Office of Production Management his purchases and dispositions of such linters.*

§ 1335.15 *Enforcement.* This program shall be administered and enforced by the Office of Production Management.*

Issued this 31st day of July, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-5602; Filed, July 31, 1941;
11.51 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of the Public Debt.

[1941 Department Circular No. 667]

THE UNITED STATES OF AMERICA TREASURY NOTES, DATED AUGUST 1, 1941, DUE AUGUST 1, 1943, ISSUED AT PAR AND ACCRUED INTEREST, ACCEPTABLE AT PAR AND ACCRUED INTEREST IN PAYMENT OF FEDERAL INCOME TAXES

JULY 22, 1941.

I. OFFERING OF NOTES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers for sale, to the people of the United States, through the Federal Reserve Banks, at par and accrued interest, two issues of nontransferable notes of the United States, designated Treasury Notes of Tax Series A-1943, and Treasury Notes of Tax Series B-1943. As hereinafter provided, the notes of both series will be acceptable at par and accrued interest in payment of Federal income taxes: *Provided, however,* That not exceeding \$1,200 principal amount of notes of Tax Series A-1943, and the accrued interest thereon, will be accepted from any one owner in any period of twelve consecutive months in payment of taxes due from such owner. If not presented in payment of taxes, the notes will be redeemable at the purchase price as hereinafter provided.

2. Descriptions of the notes of both series, and their terms are hereinafter fully set forth. The notes will be placed on sale beginning August 1, 1941, and the sale will continue until December 31, 1941, unless earlier terminated, as to either or both series, by the Secretary of the Treasury.

II. DESCRIPTION OF NOTES

1. *General.* The notes of both series will be dated August 1, 1941, and will mature August 1, 1943. The owner's name and address, and the date of issue will be entered on each note at the time of its issue by a Federal Reserve Bank. The month in which payment is received by a Federal Reserve Bank or Branch, or by the Treasurer of the United States, will determine the purchase price and issue date of each note. The notes may not be transferred. No hypothecation of the notes on any account will be recognized by the Treasury Department, and they will not be accepted to secure deposits of public money. Except as herein provided, the notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing bonds and notes of the United States.

2. *Denominations and interest.* The notes of Tax Series A-1943 will be issued in denominations of \$25, \$50, and \$100, and interest thereon will accrue during each month after August 1941, in the amount of 16 cents on each \$100 principal amount, that is, 4 cents on each \$25, 8 cents on each \$50, and 16 cents on each \$100 denomination of note. The notes of Tax Series B-1943 will be issued in denominations of \$100, \$500, \$1,000, \$10,000 and \$100,000, and interest thereon will accrue each month after August 1941, in the amount of 4 cents on each \$100 principal amount, that is 4 cents on each \$100, 20 cents on each \$500, 40 cents on each \$1,000, \$4.00 on each \$10,000, and \$40.00 on each \$100,000 denomination of note. In no case, however, shall interest accrue beyond the month in which the note is presented in payment of taxes, or beyond its maturity. Exchanges of authorized denominations of each series from higher to lower, but not from lower to higher, may be arranged at the Federal Reserve Bank of issue.

3. *Purchase price, and tax-payment value.* The notes of both series will be sold at par during August 1941, and will be sold at par and accrued interest during each subsequent month while they remain on sale, the purchase price for a note of any denomination of either series advancing each month after August 1941, in the amount of one month's interest on that note. Tables, showing for each month from August 1941, to August 1943, for each denomination of each series, the principal amount of the notes with accrued interest added, are appended to this circular. The total shown for any denomination for any month—August through December 1941—while the notes remain on sale, is the purchase price, or cost, of the note during that month. Also, the total shown for any denomination for any month thereafter is the tax-payment value, or the amount at which the note will be acceptable during that month in payment of Federal income taxes as herein provided.

4. *Acceptability in payment of taxes.* The notes of both series (but not more

¹ 6 F.R. 1917.

than \$1,200 principal amount of notes of Tax Series A-1943 from any one owner in any period of twelve consecutive months) will be acceptable, at par and accrued interest, in payment of Federal income taxes (current and back personal and corporation taxes, and excess-profits taxes). The conditions of presentation, surrender and acceptance of the notes in payment of such taxes are set forth in Section IV of this circular.

5. *Payment or redemption for cash.* The notes of either series may not be called by the Secretary of the Treasury for redemption prior to maturity. If such notes are not presented in payment of taxes: (1) they will be payable at maturity, or (2) they will be redeemable prior to maturity, at the owner's option and request, as hereinafter provided in Section V, and in either case payment will be made only at the price paid for the notes.

6. *Taxation.* Income derived from the notes shall be subject to all Federal taxes, now or hereafter imposed. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

III. PURCHASE OF NOTES

1. *Applications and payment.* Applications will be received by the Federal Reserve Banks and Branches, and by the Treasurer of the United States, Washington, D. C. Banking institutions generally may submit applications for account of customers, but only the Federal Reserve Banks and the Treasurer of the United States are authorized to act as official agencies. Every application must be accompanied by payment in full, at par and accrued interest to the month in which payment is received by a Federal Reserve Bank or Branch, or the Treasurer of the United States. Any form of exchange, including personal checks, will be accepted subject to collection, and should be drawn to the order of the Federal Reserve Bank or of the Treasurer of the United States, as the case may be. Any depository, qualified pursuant to the provisions of Treasury Department Circular No. 92 (revised February 23, 1932, as supplemented) will be permitted to make payment by credit for notes applied for on behalf of itself or its customers up to any amount for which it shall be qualified in excess of existing deposits.

2. *Reservations.* The Secretary of the Treasury reserves the right to reject any application in whole or in part, and to refuse to issue or permit to be issued hereunder any notes in any case or in any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final. If an application is rejected, in whole or in part, any payment received therefor will be refunded. The Secretary of the Treasury, in his discretion, may

designate agencies other than those herein provided for the sale of, or for the handling of applications for Treasury notes to be issued hereunder.

3. *Delivery of notes.* Upon acceptance of full-paid applications, notes will be duly issued and, unless delivered in person, will be delivered by registered mail within the Continental United States, the Territories and Insular Possessions of the United States, the Canal Zone and the Philippine Islands. No deliveries elsewhere will be made.

4. *Form of application.* In applying for notes under this circular, care should be exercised to specify whether those of Tax Series A-1943, or Tax Series B-1943 are desired, and there must be furnished the name and address of the individual, corporation or other entity in which the notes are to be issued; and if address for the delivery of the notes is different, appropriate instructions should be given. The name should be in the same form as that used in the Federal income tax return of the purchaser. The use of an official application form is desirable, but not necessary. Appropriate forms may be obtained on application to any Federal Reserve Bank or Branch, and banking institutions generally will supply such forms.

IV. PRESENTATION IN PAYMENT OF TAXES

1. After three months from month of purchase (as shown by the date of issue on each note), but not before January 1, 1942, during such time, and under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, notes issued hereunder in the name of a taxpayer (individual, corporation, or other entity) may be presented and surrendered by such taxpayer, his agent, or his estate, to the Collector of Internal Revenue, to whom the tax return is made, and will be receivable by the Collector at par and accrued interest from August 1941, to the month, inclusive (but no accrual beyond August 1943), in which presented in payment of any Federal income taxes (current and back personal and corporation taxes, and excess-profits taxes) assessed against the original purchaser or his estate, but not more than \$1,200 principal amount of notes of Tax Series A-1943, and the accrued interest thereon, may be accepted by the Collector in any period of twelve consecutive months in payment of Federal income taxes due from such owner. The notes must be forwarded to the Collector at the risk and expense of the owner, and, for his protection, should be forwarded by registered mail, if not presented in person.

V. CASH REDEMPTION AT OR PRIOR TO MATURITY

1. *General.* Any Treasury note of Tax Series A-1943 or Tax Series B-1943 will be redeemed for cash at the purchase price at or before maturity. Notes of

Tax Series A-1943 may be redeemed before maturity without advance notice, but notes of Tax Series B-1943 may be redeemed before maturity only after 60 days from date of issue and on 30 days' advance notice. The timely surrender of a note of Tax Series B-1943, bearing a properly executed request for payment, will be accepted as constituting the advance notice required hereunder.

2. *Execution of request for payment.* The owner in whose name the note is inscribed must appear before one of the officers authorized by the Secretary of the Treasury to witness and certify requests for payment, establish his identity, and in the presence of such officer sign the request for payment appearing on the back of the note, adding the address to which check is to be mailed. After the request for payment has been so signed, the witnessing officer should complete and sign the certificate provided for his use.

3. *Officers authorized to witness and certify requests for payment.* Any officers authorized to witness and certify requests for payment of United States Savings Bonds, as set forth in Treasury Department Circular No. 530, Fourth Revision, as amended are hereby authorized to witness and certify requests for cash redemption of Treasury notes issued under this circular. Such officers include United States postmasters, certain other post office officials, and the executive officers of all banks and trust companies incorporated in the United States or its organized territories, including officers at branches thereof who are certified to the Treasury Department as executive officers.

4. *Presentation and surrender.* Notes bearing properly executed requests for payment must be presented and surrendered to the Federal Reserve Bank of issue at the expense and risk of the owner. For the owner's protection, notes should be forwarded by registered mail, if not presented in person.

5. *Disability or death.* In case of the disability or death of the owner, and the notes are not to be presented in payment of Federal income taxes due from his estate, instructions should be obtained from the Federal Reserve Bank of issue before the request for payment is executed, or the notes presented.

6. *Partial redemption.* Partial cash redemption of notes of either series, corresponding to an authorized denomination, may be made in the same manner, appropriate changes being made in the request for payment. In case of partial redemption of a note, the remainder will be reissued with the same date of issue as the note surrendered.

7. *Payment.* Payment of any note, either at maturity or on redemption before maturity, will be made only by the Federal Reserve Bank that issued the note, and will be made by check drawn to the order of the owner, and mailed to the address given in his request for payment. In any case, payment will be

made at the purchase price of the note, that is, at par and accrued interest (if any) paid at the time of purchase.

VI. GENERAL PROVISIONS

1. Federal Reserve Banks, as fiscal agents of the United States, are authorized to perform such services or acts as may be appropriate and necessary under the provisions of this circular, and under any instructions given by the Secretary of the Treasury.

2. The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this circular, or of any amendments or supplements thereto, and may at any time or from time to time prescribe amendatory rules and regulations governing the offering of the notes, information as to which will promptly be furnished to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

TREASURY NOTES—TAX SERIES A—1943

PURCHASE PRICE AND TAX-PAYMENT VALUE DURING SUCCESSIVE MONTHS

Table, showing for each month from August 1941, to August 1943, for notes of each denomination, the principal amount with accrued interest added. The total shown for any denomination, for any month—August through December 1941—while the notes remain on sale, is the Purchase Price, or Cost, of the note during that month. Also, the total shown for any denomination for any month thereafter is the Tax-Payment Value, or the amount at which the note will be acceptable during that month in payment of Federal income taxes.

	Denomination		
	\$25	\$50	\$100
	Purchase Price		
August 1941.....	\$25.00	\$50.00	\$100.00
September 1941.....	25.04	50.08	100.16
October 1941.....	25.08	50.16	100.32
November 1941.....	25.12	50.24	100.48
December 1941.....	25.16	50.32	100.64
	Tax-payment value		
January 1942.....	\$25.20	\$50.40	\$100.80
February 1942.....	25.24	50.48	100.96
March 1942.....	25.28	50.56	101.12
April 1942.....	25.32	50.64	101.28
May 1942.....	25.36	50.72	101.44
June 1942.....	25.40	50.80	101.60
July 1942.....	25.44	50.88	101.76
August 1942.....	25.48	50.96	101.92
September 1942.....	25.52	51.04	102.08
October 1942.....	25.56	51.12	102.24
November 1942.....	25.60	51.20	102.40
December 1942.....	25.64	51.28	102.56
January 1943.....	25.68	51.36	102.72
February 1943.....	25.72	51.44	102.88
March 1943.....	25.76	51.52	103.04
April 1943.....	25.80	51.60	103.20
May 1943.....	25.84	51.68	103.36
June 1943.....	25.88	51.76	103.52
July 1943.....	25.92	51.84	103.68
August 1943.....	25.96	51.92	103.84

TREASURY NOTES—TAX SERIES B—1943
PURCHASE PRICE AND TAX-PAYMENT VALUE DURING SUCCESSIVE MONTHS

Table, showing for each month from August 1941, to August 1943, for notes of each denomination, the principal amount with accrued interest added. The total shown for any denomination, for any

	Denomination				
	\$100	\$500	\$1,000	\$10,000	\$100,000
	Purchase Price				
August 1941.....	\$100.00	\$500.00	\$1,000.00	\$10,000	\$100,000
September 1941.....	100.04	500.20	1,000.40	10,004	100,040
October 1941.....	100.08	500.40	1,000.80	10,008	100,080
November 1941.....	100.12	500.60	1,001.20	10,012	100,120
December 1941.....	100.16	500.80	1,001.60	10,016	100,160
	Tax-payment value				
January 1942.....	\$100.20	\$501.00	\$1,002.00	\$10,020	\$100,200
February 1942.....	100.24	501.20	1,002.40	10,024	100,240
March 1942.....	100.28	501.40	1,002.80	10,028	100,280
April 1942.....	100.32	501.60	1,003.20	10,032	100,320
May 1942.....	100.36	501.80	1,003.60	10,036	100,360
June 1942.....	100.40	502.00	1,004.00	10,040	100,400
July 1942.....	100.44	502.20	1,004.40	10,044	100,440
August 1942.....	100.48	502.40	1,004.80	10,048	100,480
September 1942.....	100.52	502.60	1,005.20	10,052	100,520
October 1942.....	100.56	502.80	1,005.60	10,056	100,560
November 1942.....	100.60	503.00	1,006.00	10,060	100,600
December 1942.....	100.64	503.20	1,006.40	10,064	100,640
January 1943.....	100.68	503.40	1,006.80	10,068	100,680
February 1943.....	100.72	503.60	1,007.20	10,072	100,720
March 1943.....	100.76	503.80	1,007.60	10,076	100,760
April 1943.....	100.80	504.00	1,008.00	10,080	100,800
May 1943.....	100.84	504.20	1,008.40	10,084	100,840
June 1943.....	100.88	504.40	1,008.80	10,088	100,880
July 1943.....	100.92	504.60	1,009.20	10,092	100,920
August 1943.....	100.96	504.80	1,009.60	10,096	100,960

[F. R. Doc. 41-5589; Filed, July 31, 1941; 10:13 a. m.]

WAR DEPARTMENT.

[Contract No. W 535 ac-45]

SUMMARY OF CONTRACT¹ FOR SUPPLIES

CONTRACTOR: UNILLOY ACCESSORIES CORPORATION

Contract for: Oxygen Regulators

Amount: \$1,010,278.14.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 123-30 A 0021-13, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 16th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Oxygen Regulators * * * for the consideration stated one million, ten thousand two hundred seventy eight dollars and fourteen cents (\$1,010,278.14) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

¹ Approved by the Under Secretary of War June 21, 1941.

month—August through December 1941—while the notes remain on sale, is the Purchase Price, or Cost, of the note during that month. Also, the total shown for any denomination for any month thereafter is the Tax-Payment Value, or the amount at which the note will be acceptable during that month in payment of Federal income taxes.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays-Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments

would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Option. The Government is granted the right and option at any time during the life of this contract to increase the quantity of Regulators called for under Item 1 by any amount not exceeding * * * at not more than the unit price stipulated in Article 1 for said Regulators. The Government is granted the further right and option at any time during the life of this contract to increase the quantity of Regulators called for under Item 2 by any amount not exceeding * * * at not more than the unit price stipulated in Article 1 for said Regulators.

Advance payments. At any time and from time to time, after the approval of this contract, at the request of the Contractor and subject to the approval of the Chief of the Air Corps as to the necessity therefor, the Government shall advance to the Contractor, without payment of interest therefor by the Contractor, sums not to exceed three hundred three thousand eighty three dollars and forty-four cents (\$303,083.44) or thirty percentum (30%) of the contract price.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-5592; Filed, July 31, 1941;
10:35 a. m.]

[Contract No. W 535 ac-20003; 5215]

SUMMARY OF CONTRACT¹ FOR SUPPLIES
CONTRACTOR: CURTISS-WRIGHT CORPORATION,
AIRPLANE DIVISION—BUFFALO PLANTS

Contract for: Maintenance Parts for
* * * Airplanes.

Amount: \$7,809,597.00.

Place: Matériel Division, Air Corps,
U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 28 P 82-3037 A 0705-01, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 27th day of June 1941.

¹ Approved by the Under Secretary of War June 30, 1941.

Scope of this contract. The contractor shall furnish and deliver maintenance parts for * * * airplanes for the consideration stated seven million eight hundred nine thousand five hundred ninety seven dollars (\$7,809,597.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Advance payments. Advance payments may be made from time to time for the supplies called for when the Secretary of War deems such action necessary in the interest of the National Defense.

Price adjustment. The contract prices stated in this contract for Parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the Parts.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Partial payments. The contracting officer may, from time to time, authorize partial payments to the contractor upon property acquired and/or produced by it for the performance of this contract.

Title to property where partial payments are made. The title to all property upon which any partial payment is

made prior to the completion of this contract, shall vest in the Government.

Fire insurance. The contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government. Such property is to be considered as delivered to the Government upon its final acceptance.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-5593; Filed, July 31, 1941;
10:35 a. m.]

[Contract No. W 535 ac-18864; 4765]

SUMMARY OF CONTRACT¹ FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION,
AEROPRODUCTS DIVISION

Contract for: * * * Propeller Assemblies and Data.

Amount: \$1,481,088.50.

Place: Matériel Division, Air Corps,
U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authorities listed below, the available balances of which are sufficient to cover cost of same.

AC 34 P 12-3037 A 0705-01

AC 26 P 81-3037 A 0705-01

AC 28 P 82-3037 A 0705-01

This contract, entered into this 21st day of May 1941.

Scope of this contract. The contractor shall furnish and deliver * * * propeller assemblies and data for the consideration stated One Million Four Hundred Eighty One Thousand Eighty Eight Dollars and Fifty Cents (\$1,481,088.50) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time

¹ Approved by the Under Secretary of War June 17, 1941.

specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Option. The Government is granted the right and option at any time prior to * * * to increase the quantity of propeller assemblies called for under paragraph (1) of Article 16 hereof to any quantity not exceeding * * *.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of Section 1 (a), Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-5594; Filed, July 31, 1941;
10:35 a. m.]

[Contract No. W 535 ac-18393 (4617)]

SUMMARY OF CONTRACT¹ FOR SUPPLIES

CONTRACTOR: DOUGLAS AIRCRAFT COMPANY,
INC.

Contract for: * * * Airplanes,
Spare Parts Therefor and Data
Amount \$10,587,192.00

Place: Matériel Division, Air Corps,
U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover costs of same:

AC 34 P 12-30 A 0705-12
AC 28 P 82-30 A 0705-12

This contract, entered into this 16th day of June 1941.

¹ Approved by the Under Secretary of War June 24, 1941.

Scope of this contract. The contractor shall furnish and deliver * * * airplanes, spare parts therefor and data for the consideration stated not to exceed Ten Million Five Hundred Eighty-seven Thousand One Hundred Ninety-two Dollars (\$10,587,192.00) in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

Price adjustment. The contract prices stated in this contract for airplanes and spare parts are subject to adjustments for changes in labor and material costs.

It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the airplanes and spare parts.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Title to property where partial payments are made. The title to all prop-

erty upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

Fire insurance. The contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

This contract is authorized under the provisions of Section 1 (a) Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-5595; Filed, July 31, 1941;
10:35 a. m.]

[Contract No. W 535 ac-120]

SUMMARY OF CONTRACT¹ FOR SUPPLIES

CONTRACTOR: NORTHROP AIRCRAFT, INC

Contract for * * * Airplanes,
Spare Parts Therefor, and Data.
Amount, \$16,287,134.00.

Place, Matériel Division, Air Corps,
U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 111-30 A 0021-13, the available balance of which is sufficient to cover cost of same.

This contract, entered into this June 26th, 1941.

Scope of this contract. The contractor shall furnish and deliver * * * airplanes, spare parts and data for the consideration stated sixteen million two hundred eighty seven thousand one hundred thirty four dollars (\$16,287,134.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

¹ Approved by the Under Secretary of War June 28, 1941.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

Price adjustment. The contract prices stated in this contract for airplanes and spare parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the airplanes and spare parts.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

Fire insurance. The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government. Such property is to be considered as delivered to the Government upon its final acceptance.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default by a notice in writing relative thereto from the contracting officer to the contractor.

This contract is authorized under the provisions of section 1 (a), Act of July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-5596; Filed, July 31, 1941;
10:36 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1732-FD]

IN THE MATTER OF OWL COAL COMPANY,
A PARTNERSHIP, CODE MEMBER, DE-
FENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 6, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 15, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 24, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division the Post Office Building, Terre Haute, Indiana.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order,

shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That during the period March 1, 1941, to March 4, 1941, inclusive, the defendant violated the effective minimum prices by selling to various purchasers including Walter Scott, Jessie Mason, Teal Whalker, Harold Walter, Levi Gambill, and Chester Bodwers, approximately 21,200 pounds of coal prepared over a one-inch bar screen, produced at the defendant's McCammon Mine, Mine Index No. 1133 located in Sullivan County, Indiana, at the price of \$1.80 per ton f. o. b. the mine whereas the effective minimum price for such coal, Size Group No. 6, was and is \$2.20 per ton.

Dated: July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5552; Filed, July 31, 1941;
10:04 a. m.]

[Docket No. 1681-FD]

IN THE MATTER OF A. E. BONDS,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 29, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 1, 1941, by Bituminous Coal Producers Board for District No. 13, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 16, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 303, Jefferson County Courthouse, Birmingham, Alabama.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to

conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during February 1941, to Republic-Pratt Coal Company, Birmingham, Alabama, approximately 22½ tons of 1½" x 0 coal, Size Group No. 23, produced at defendant's Blue Diamond Mine, Mine Index No. 287, located in Jefferson County, Alabama, in District No. 13, at prices of \$1.50 per ton and \$1.85 per ton delivered to Republic, Alabama, whereas the applicable minimum price f. o. b. the mine established for such coal is \$2.40 per net

ton, as contained in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments, plus an amount at least equal, as nearly as practicable, to the actual transportation, handling or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operations) from the transportation facilities at said mine to the point from which all such charges were assumed and directly paid by the purchaser.

Dated: July 28, 1941

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5553; Filed, July 31, 1941;
10:04 a. m.]

[Docket No. 1682-FD]

IN THE MATTER OF C. T. NORMAN,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 29, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 1, 1941, by Bituminous Coal Producers Board for District No. 13, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 16, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 303, Jefferson County Court House, Birmingham, Alabama.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Be-

fore the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the period October 1, 1940, through February 1941, to Tombrello Coal Company, Cardiff, Alabama, approximately 949 tons of 1½" x 0 coal, Size Group No. 23, produced at defendant's Norman Coal Co. Mine, Mine Index No. 852, located in Jefferson County, Alabama, in District No. 13, at a price of \$2.05 per ton delivered to Cardiff, Alabama, whereas the applicable minimum price f. o. b. the mine established for such coal is \$2.40 per net ton, as contained in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments, plus an amount at least equal, as nearly as practicable, to the actual transportation, handling or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operations) from the transportation facilities at said mine to the point from which all such charges were assumed and directly paid by the purchaser.

Dated: July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5554; Filed, July 31, 1941;
10:04 a. m.]

[Docket No. 1683-FD]

IN THE MATTER OF ED SHEELOR,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 29, 1941, pursuant to the provisions of sections

4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 1, 1941, by Bituminous Coal Producers Board for District No. 13, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 16, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division, Room 303, Jefferson County Court House, Birmingham, Alabama.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other

matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling subsequent to September 30, 1940, to Tombrello Coal Company, Cardiff, Alabama, approximately 90 tons of 1½" x 0 coal, Size Group No. 23, produced at defendant's Sheelor Mine, Mine Index No. 371, located in Jefferson County, Alabama, in District No. 13, at a price of \$2.05 per ton delivered to Cardiff, Alabama, whereas the applicable minimum price f. o. b. the mine established for such coal is \$2.30 per net ton, as contained in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments, plus an amount at least equal, as nearly as practicable, to the actual transportation, handling or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operations) from the transportation facilities at said mine to the point from which all such charges were assumed and directly paid by the purchaser.

Dated: July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5555; Filed, July 31, 1941;
10:04 a. m.]

[Docket No. 1684-FD]

IN THE MATTER OF DAISY CITY COAL COMPANY, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 29, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 1, 1941, by Bituminous Coal Producers Board for District No. 13, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 16, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division, Room 303, Jefferson County Court House, Birmingham, Alabama.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records

deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the period October 1, 1940, through February 1941, to Tombrello Coal Company, Cardiff, Alabama, approximately 1202 tons of 1½" x 0 coal, Size Group No. 23, produced at defendant's Daisy City #1 & #2 Mine, Mine Index No. 310, located in Jefferson County, Alabama, in District No. 13, at a price of \$2.05 per ton delivered to Cardiff, Alabama, whereas the applicable minimum price f. o. b. the mine established for such coal is \$2.40 per net ton, as contained in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments, plus an amount at least equal, as nearly as practicable, to the actual transportation, handling or incidental charges of whatsoever kind or character (exclusive of customary

costs of mine operations) from the transportation facilities at said mine to the point from which all such charges were assumed and directly paid by the purchaser.

Dated: July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5556; Filed, July 31, 1941;
10:05 a. m.]

[Docket No. 1685-FD]

IN THE MATTER OF K. D. ABNEY,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 29, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 1, 1941, by Bituminous Coal Producers Board for District No. 13, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 16, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division, Room 303, Jefferson County Court House, Birmingham, Alabama.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

No. 149—3

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the period October 1, 1940, through February 1941, to Tombrello Coal Company, Cardiff, Alabama, approximately 739 tons of 1½" x 0 coal, Size Group No. 23, produced at defendant's Abney Mine, Mine Index No. 278, located in Jefferson County, Alabama, in District No. 13, at a price of \$2.05 per ton delivered to Cardiff, Alabama, whereas the applicable minimum price f. o. b. the mine established for such coal is \$2.40 per net ton, as contained in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments, plus an amount at least equal, as nearly as practicable, to the actual transportation, handling or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operations) from the transportation facilities at said mine to the point from which all such charges were assumed and directly paid by the purchaser.

Dated: July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5557; Filed, July 31, 1941;
10:05 a. m.]

[Docket No. 1687-FD]

IN THE MATTER OF LONG & EARLY,
DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 29, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 1, 1941, by Bituminous Coal Producers Board for District No. 13, a District Board, complainant, with the Bituminous Coal Division alleging willful

violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 16, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division, Room 303, Jefferson County Court House, Birmingham, Alabama.

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

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling during the period October 1, 1940, through February 1941, to Tombrello Coal Company, Cardiff, Alabama, approximately 49 tons of 1½" x 0 coal, Size Group No. 23, produced at defendants' Long & Early Mine, Mine Index No. 346, located in Jefferson County, Alabama, in District No. 13, at a price of \$2.05 per ton delivered to Cardiff, Alabama, whereas the applicable minimum price f. o. b. the mine established for such coal is \$2.40 per net ton, as contained in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments, plus an amount at least equal, as nearly as practicable, to the actual transportation, handling or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operations) from the transportation facilities at said mine to the point from which all such charges were assumed and directly paid by the purchaser.

Dated: July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5558; Filed, July 31, 1941;
10:05 a. m.]

[Docket No. 1666-FD]

IN THE MATTER OF W. H. WARNER & COMPANY, INC., REGISTERED DISTRIBUTOR,
REGISTRATION NO. 9432, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not W. H. Warner & Company, Inc., Registered Distributor, whose address is 570 Union Commerce Building, Cleveland, Ohio, located in District No. 4, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement"), executed July 20, 1939, by respondent, pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division, July 1, 1939.

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;
and for said purposes gives notice that information in the possession of the Division is to the effect that:

2. During the months of October, November and December, 1940, the respondent purchased large quantities of ¾" slack coal from Costanzo Coal Mining Company, Registered Distributor, at prices below the effective minimum prices

therefor, and resold and delivered the same to the Ohio Edison Company at Toronto, Ohio, at less than the effective minimum prices therefor, and in addition thereto failed to add at least the actual transportation charges from the respective mines at which the coal was produced to the point from which all such charges were assumed and directly paid by the Ohio Edison Company at Toronto, Ohio, as follows:

Producer	Total tons	Minimum price f. o. b. mine, truck shipments	Price at which delivered to Ohio Edison Co. at Toronto, Ohio
Hitchman Coal & Coke Co.	8,086.40	\$1.90	\$1.45
Clean Coal Company	557.85	1.90	1.45
Boggs Run Mining Co.	280.00	1.90	1.45
City Coal Co.	502.40	1.90	1.45
Reyman Coal Co.	321.40	1.90	1.45
Wooddale Fuel Co.	358.70	1.90	1.45
Short Creek Coal Co.	36.10	1.90	1.45
Liberty Coal Co.	63.95	1.90	1.45
Reliable Coal Co.	294.20	1.90	1.45
Perry Coal Co.	19.40	1.90	1.45
Total	10,520.40		

The respondent, in making the sales hereinabove described, violated section 4 II (e) of the Act, the Schedule of Effective Minimum Prices, for District No. 6, for Truck Shipment, paragraph (6) of the Price Instructions of said Schedule, and paragraphs (b), (c) and (e) of the Agreement.

It is therefore ordered, That a hearing pursuant to §304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on September 11, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the New Post Office Building, Room 4083, Cleveland, Ohio.

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

Notice of such hearing is hereby given to said respondent, and to all other par-

ties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5559; Filed, July 31, 1941;
10:05 a. m.]

[Docket No. 1736-FD]

IN THE MATTER OF NORRIS COAL COMPANY,
A PARTNERSHIP, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 1, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 7, 1941, by Bituminous Coal Producers Board for District 10, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 5, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division Circuit Court Room, County Court House, Marion, Illinois.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings

of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under §301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That defendant violated the Effective Minimum Prices by selling and delivering to Ray Minter, on or about February 18, 1941, approximately 6 tons of mine run coal produced at defendant's mine at the price of \$1.50 per ton f. o. b. the mine, and by selling and delivering approximately 1.2 tons of such coal on or about February 20, 1941, at the price of \$1.53 per ton f. o. b. the mine, whereas the effective minimum price for such coal was and is \$1.80 per ton f. o. b. the mine.

Dated: July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5560; Filed, July 31, 1941; 10:06 a. m.]

[Docket No. 1738-FD]

IN THE MATTER OF CARTERVILLE COAL COMPANY, PARTNERSHIP, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on April 26, 1941, by Bituminous Coal Producers Board for District 10, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 5, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court Room, County Court House, Marion, Illinois.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceed-

ings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant violated the effective minimum prices during the period subsequent to September 30, 1940, by selling to various purchasers in Carterville, Illinois, 3" Lump coal produced at the mine of the defendant at the price of \$2.00 per ton f. o. b. the mine, and by selling 2" x 7/8" coal produced at said mine at the price of \$1.65 per ton f. o. b. the mine, whereas the effective minimum prices for such coal were and are \$2.15 per ton f. o. b. the mine for 3" Lump coal and \$1.80 per ton f. o. b. the mine for 2" x 7/8" coal. The sales so made in violation of the effective minimum prices are as follows:

Date	Purchaser	Amount	Size	Price
		Pounds		
Oct. 5, 1940	Hopper.....	12,725	3" Lump.....	\$12.72
Nov. 1, 1940	C. McNeill.....	2,000	2" x 7/8".....	1.65
Nov. 1, 1940	L. Russell.....	2,000	2" x 7/8".....	1.65
Jan. 2, 1941	W. E. Groves.....	4,000	3" Lump.....	4.00
Jan. 20, 1941	L. C. Yates.....	4,000	3" Lump.....	4.00
Jan. 21, 1941	Carterville Feed and Milling Co.....	2,000	2" x 7/8".....	1.65

Dated: July 28, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5561; Filed, July 31, 1941; 10:06 a. m.]

[Docket No. 1671-FD]

IN THE MATTER OF FOREST CITY COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 3092, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not the Forest City Coal Company, Registered Distributor, Registration No. 3092, whose address is Rockefeller Building, Cleveland, Ohio, the respondent in the above-entitled matter, has violated any provisions of the Act, Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors and the Distributor's Agreement (the "Agreement") executed April 25, 1939, by respondent, pursuant to Order of the National Bituminous Coal Commission, dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Division July 1, 1939; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that information in the possession of the Division is to the effect that:

2. On or about February 11, 1941, respondent purchased 54.20 tons of 1¼" x 5" egg industrial coal from Industrial Coal & Iron Company, Pittsburgh, Pennsylvania, Mine No. 7-Apex, Code member, District No. 4, and resold and delivered said coal to United Milk Products Company of Cleveland, Ohio, at its Kent, Ohio, plant. The respondent prepaid transportation charges on said coal to said point of delivery, of \$73.71, and accepted discounts from the effective minimum prices for such coal, in violation of section 4 II (h) and subsections 3 and 6 of section 4 II (i) of the Act, Rule 1 (J) of section VII of the Marketing Rules and Regulations and paragraphs (c) and (e) of the Agreement.

3. Between March 4 and March 20, 1941, both dates inclusive, respondent purchased 6 carloads of coal from Industrial Coal & Iron Company, Pittsburgh, Pennsylvania, and other Code members in District No. 4, and resold and delivered said coal to United Milk Products Company of Cleveland, Ohio, at its Kent, Ohio, plant. The respondent prepaid transportation charges on such coal to said point of delivery, and accepted discounts from the effective minimum prices for such coal in violation of section 4 II (h) and subsections 3 and 6 of section 4 II (i) of the Act, Rule 1 (J) of section VII of the Marketing Rules and Regulations of paragraphs (c) and (e) of the Agreement.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the

registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on September 12, 1941 at 10 a. m. at a hearing room of the Bituminous Coal Division at the New Post Office Building, Room 4083, Cleveland, Ohio.

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

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5562; Filed, July 31, 1941;
10:06 a. m.]

[Docket No. 1759-FD]

IN THE MATTER OF MORRIS & CAMPBELL, A PARTNERSHIP, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 6, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of

1937, having been duly filed on May 15, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 24, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division, the Post Office Building, Terre Haute, Indiana.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That subsequent to October 1, 1940, the defendants violated the effective minimum prices by selling to various purchasers including W. H. Dean, Sullivan Cheese Factory, Jesse Clark, and G. Weaver, unknown quantities of lump coal produced at the defendants' Rock Hollow Mine, Mine Index No. 641, located in Sullivan County, Indiana, at the price of \$1.80 per ton; and by selling on January 30, 1941, to Jim Unstead, Hymera, Indiana, at the price of \$1.80 per ton f. o. b. the mine, 2,100 pounds of lump coal produced at defendants' said mine and hauled to the place of delivery by one James Smallwood, whereas the effective minimum prices for all sizes of lump coal produced at the defendants' said mine are in excess of \$1.80 per ton.

Dated July 28, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5563; Filed, July 31, 1941;
10:06 a. m.]

[Docket No. 1758-FD]

IN THE MATTER OF McCANNON BROS. COAL
COMPANY, A PARTNERSHIP, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 6, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 15, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 24, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the

recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant during the period from March 1, 1941 to March 25, 1941, violated the effective minimum prices by selling an unknown quantity of mine run coal and 1¼" lump coal produced at the defendant's McCannon Mine, Mine Index No. 1155, located in Sullivan County, Indiana, at the price of \$1.50 per ton, f. o. b. the mine, whereas the effective minimum prices for such coal were and are \$1.80 per ton, f. o. b. the mine for mine run, and \$2.20 per ton, f. o. b. the mine for 1¼" lump.

Dated July 28, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5564; Filed, July 31, 1941;
10:06 a. m.]

[Docket No. 1761-FD]

IN THE MATTER OF ALLEN PAYTON,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 6, 1941, pursuant to the provisions of sections 4 II

(j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 15, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 3, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Commissioners' Court Room, County Court House, Evansville, Indiana.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other

matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That during the period, January 28, 1941, to February 17, 1941, defendant sold and delivered to various purchasers, coal produced by him at his Payton Mine, Mine Index No. 921, located in Warrick County, Indiana, in District No. 11, at prices below the effective minimum prices established for such coal, as contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, as follows:

Amount in tons	Size	Size group	Selling price	Effective Minimum price
268.07	2" lump.....	4	\$2.20	\$2.30
192.18	2" x 1" nut.....	8	1.70	1.85
36.62	1" 0 screenings.....	14	1.375	1.40
22.76	Mine run.....	7	1.75	1.80
2.	Mine run.....	7	1.625	1.80

Dated July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5565; Filed, July 31, 1941;
10:07 a. m.]

[Docket No. 1750-FD]

IN THE MATTER OF HARVEY W. WRALEY,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 28, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 29, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the County Court House, Shoals, Indiana.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the

production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That since October 1, 1940, defendant sold to various purchasers, including Roy Purkiser, an undetermined amount of 1½" x 0 and 1¼" x 0 screenings coal, Size Group No. 14, produced at his Wralely Mine, Mine Index No. 435, located in Martin County, Indiana, in District No. 11, at a price of 60¢ per ton, f. o. b. the mine, whereas the effective minimum price established for such 1½" x 0 and 1¼" x 0 screenings coal, Size Group No. 14, was and is \$1.55 per net ton, f. o. b. the mine, as contained in the Schedule of Effective Minimum

Prices for District No. 11 for Truck Shipments; and

That defendant violated the Order of the Acting Director, No. 296, dated September 23, 1940 and the Orders of the Director, No. 297, dated October 22, 1940 and No. 307 dated December 11, 1940, by failing to maintain and file such records as were and are required thereby.

Dated July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5566; Filed, July 31, 1941;
10:07 a. m.]

[Docket No. 1751-FD]

IN THE MATTER OF MELVIN FOSTER,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 28, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on September 29, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the County Court House, Shoals, Indiana.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days be-

fore the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That since October 1, 1940, defendant has sold to various purchasers, including Cecil Elliot and Alva Curtis, an undetermined amount of coal of unknown size, produced at his Foster Mine, Mine Index No. 509, located in Perry County, Indiana, in District No. 11, at a price of 40¢ per ton, f. o. b. the mine, whereas the effective minimum prices established for the coal produced by the Foster Mine range from \$2.50 per net ton, f. o. b. the mine for Size Group No. 1, to 55¢ per net ton, f. o. b. the mine, for Size Group No. 16, as contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments; and

That defendant violated the Order of the Acting Director, No. 296, dated September 23, 1940, and the Orders of the Director, No. 297, dated October 22, 1940, and No. 307, dated December 11, 1940, by failing to maintain and file such records as were and are required thereby.

Dated July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5567; Filed, July 31, 1941;
10:07 a. m.]

[Docket No. 1757-FD]

IN THE MATTER OF KIEFFNER COAL COMPANY, A PARTNERSHIP, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 14, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 28, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bitu-

minous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered. That a hearing in respect to the subject matter of such complaint be held on September 26, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the County Court House, Shoals, Indiana.

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

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said com-

plainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That since October 1, 1940, defendant sold to various purchasers, including Alva Curtis, an undetermined amount of $\frac{3}{8}$ " x 0 screenings coal, Size Group No. 15, produced at its Kieffner Mine, Mine Index No. 312, located in Dubois County, Indiana, in District No. 11, which actually contained $1\frac{1}{4}$ " x $\frac{3}{8}$ " over-size coal, Size Group No. 10, at a price of 85¢ per ton, f. o. b. the mine, whereas the effective minimum price established for such coal was and is \$1.70 per net ton, f. o. b. the mine, as contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments; and

That subsequent to September 30, 1940, defendant violated paragraph 8 of section 4 II (i) of the Act, and Rule 8 of section XIII of the Marketing Rules and Regulations by invoicing and selling the aforesaid coal as $\frac{3}{8}$ " x 0 screenings coal.

Dated: July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5568; Filed, July 31, 1941;
10:07 a. m.]

[Docket No. 1754-FD]

IN THE MATTER OF CHESTER TEDROW,
DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated May 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on May 28, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered. That a hearing in respect to the subject matter of such complaint be held on September 29, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division, the County Court House, Shoals, Indiana.

It is further ordered. That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact

and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That during the months of January, 1941 and February, 1941, defendant sold and delivered to various purchasers, including W. H. Purkhiser, approximately 36 tons of 1½" x 1" nut coal at a price of \$1.65 per ton f. o. b. the mine, and approximately 50 tons of 1" x 0 screenings coal, at a price of 60¢ per ton f. o. b. the mine, produced at his Chester Tedrow Mine, Mine Index No. 433, located in Martin County, Indiana, in District No. 11, whereas the effective minimum prices established for such coal were and are \$1.85 per net ton f. o. b. the mine, for the 1½" x 1" nut coal and \$1.55 per net ton f. o. b. the mine for the 1" x 0 screenings coal, as contained in the Schedule of Effective Minimum Prices for District No. 11 for truck shipments.

Dated July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5569; Filed, July 31, 1941;
10:07 a. m.]

[Docket No. A-893]

PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR A CHANGE IN THE BOUNDARY LINES OF MARKET AREAS 26 AND 30, AND AMENDMENT OF PRICE EXCEPTION 4 ON PAGE 40 OF THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8 FOR ALL SHIPMENTS EXCEPT TRUCK, OR, IN THE ALTERNATIVE FOR F. A. S. PRICES FROM DISTRICT NO. 8 FOR THE KIEFFER PAPER MILLS, BROWNSTOWN, INDIANA, IN MARKET AREA 30

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 25, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

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

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 19, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other mat-

ters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of the Bituminous Coal Consumers' Counsel for an order extending the boundary of Market Area No. 26 westward along the B & O Railway to include Brownstown and Valonia, Indiana, or, in the alternative, extending said boundary to include Brownstown, Indiana; and that Price Exception 4 on page 40 of the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be amended to apply to shipments to Brownstown, Indiana. In the alternative, the petition prays that the present Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be modified to permit code members in District No. 8 to sell to the Kieffer Paper Mills, Brownstown, Indiana, in Market Area 30, at the minimum prices established for f. a. s. delivery.

Dated July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5570; Filed, July 31, 1941;
10:08 a. m.]

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4 PART II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT; AND IN RE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10, FOR ORDER MODIFYING SCHEDULE OF MAXIMUM DISCOUNTS THAT MAY BE ALLOWED TO REGISTERED DISTRIBUTORS ON COAL OF DISTRICT NO. 10 MINES RESOLD TO THE WABASH RAILWAY COMPANY

ORDER OF POSTPONEMENT OF HEARING

The American Coal Distributors Association, on July 26, 1941, having moved that the hearing in the above-entitled matter, set for August 4, 1941, be postponed to a date not earlier than August 26, 1941, representing that its participation in the proceedings in General Docket No. 21 precludes it "from fairly and properly devoting adequate time now in the preparation of its case in the above-entitled matter," and that the Petitioner herein, District Board No. 10, concurs in the said Motion for a postponement, and

It appearing that the Movant, as well as other parties having an interest in

the subject matter of this hearing, are engaged in the proceedings in General Docket No. 21, and good cause having been shown,

It is ordered, That the hearing in the above-entitled matter, originally set for August 4, 1941, at 10:00 a. m. in a hearing room of the Division in Washington, D. C., be and the same is hereby postponed to August 26, 1941, at the same place and hour.

Dated July 30, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-5571; Filed, July 31, 1941;
10:08 a. m.]

[Docket No. A-964]

PETITION OF SWANTON BIG VEIN COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF THE SWANTON NO. 1 MINE (MINE INDEX NO. 837) OF THE SWANTON BIG VEIN COAL COMPANY

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

An original petition and amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party requesting the establishment of both temporary and permanent price classifications and minimum prices for coals to be produced at the Swanton No. 1 mine (Mine Index No. 837) of the petitioner; and

District Board No. 1 having filed a petition for leave to intervene in the above-entitled proceeding and an answer to the aforesaid petition;

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held, under the applicable provisions of said Act and the rules and regulations of the Division, on August 29, 1941, at 10 o'clock a. m. (eastern standard time) in a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings

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of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become parties herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before August 25, 1941.

The matter concerned herewith is in regard to the petition of the Swanton Big Vein Coal Company, a code member in District No. 1, for the establishment

of price classifications and minimum prices for all shipments except truck and for truck shipments of coals to be produced at the Swanton No. 1 mine (Mine Index No. 837) of the Swanton Big Vein Coal Company.

All persons are hereby notified that the hearing in the above-entitled matter and any orders therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petition.

It is further ordered, That, a reasonable showing of the necessity therefore having been made, pending final disposition of the petition in the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck, is temporarily amended by adding thereto the following:

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Freight origin group No.	1	2	3	4	5
837	Swanton Big Vein Coal Company, c/o R. C. Clark.	Swanton #1.....	44	Big Vein..	104	D	D	D	D	D

Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments is temporarily amended by adding thereto the following:

Code member	Mine index No.	Mine name	Sub-dist. No.	County	Seam	1	2	3	4	5
Swanton Big Vein Coal Company, c/o R. C. Clark.	837	Swanton #1...	44	Garrett.....	Big Vein....	255	230	230	220	210

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated July 30, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-5572; Filed, July 31, 1941;
10:08 a. m.]

[Docket No. 1639-FD]

IN THE MATTER OF F. B. FRY, CODE MEMBER, DEFENDANT

CEASE AND DESIST ORDER

A complaint, dated March 28, 1941, in the above-entitled matter, having been filed with the Bituminous Coal Division (the "Division") pursuant to the pro-

visions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") by the Bituminous Coal Producers Board for District No. 8, complainant, alleging that F. B. Fry, the defendant herein, willfully violated the provisions of the Bituminous Coal Code (the "Code") and the effective minimum prices, by selling, delivering and offering to sell four (4) tons or more of 2' x 3/4" stoker (Size Group 5) coal on February 12, 1941, produced by the defendant at its Fry Mine, Mine Index No. 2921, located at or near Wayne County, West Virginia, in District No. 8, to Charley Short and Cecil Brown, truckers of coal, at a price of \$1.00 per net ton f. o. b. truck transportation facilities at said mine, whereas the effective minimum price for such coal was \$1.85 per net ton f. o. b. transportation facilities at said mine; and the complaint herein and notice of and order for hearing thereon having been duly served on the defendant on April 21, 1941; and

The defendant, by stipulation made July 2, 1941, a true copy of which is on file herein, having admitted the truth of the allegations contained in the complaint herein and the facts set out in said stipulation and having consented to the making and entry of this order:

It is hereby found That:

1. On June 13, 1940, the defendant filed with the Division his acceptance dated June 12, 1940, of the Code. Said acceptance was approved by the Division to take effect as of June 13, 1940. The defendant has been since June 13, 1940, and is now a code member in District No. 8.

2. The defendant wilfully violated the provisions of the Code and the effective minimum prices established by the Division by offering to sell, selling and delivering four (4) tons or more of 2' x 3/4" stoker (Size Group 5) coal on February 12, 1941, produced by the defendant at his Fry Mine, Mine Index No. 2921, located at or near Wayne County, West Virginia, to Charley Short and Cecil Brown, truckers of coal, at a price of \$1.00 per net ton f. o. b. truck transportation facilities at said mine. The effective minimum price established for such coal was \$1.85 per net ton f. o. b. said transportation facilities at said mine.

Now, therefore, based upon the above findings and the defendant's above stipulation:

It is ordered, That the defendant, his representatives, agents, servants, employees and attorneys and all persons acting or claiming to act in his behalf or interest, cease and desist and they hereby are permanently enjoined and restrained from violating the Code and the effective minimum prices established by the Division;

It is further ordered, That the Division, in its discretion, may apply to the Circuit Court of Appeals of the United States within any circuit where such defendant resides and carries on business for the enforcement hereof; and

It is further ordered, That this order shall not constitute a waiver by or on behalf of any person entitled to file a complaint under sections 4 II (j) and 5 (b) of the Act, or either of them, or of any right which they or any of them or which the Division may have against the defendant or of any penalty or forfeiture to which the defendant may be subject by reason of any violation other than those referred to in paragraph 2 of the findings herein, or a waiver by or on behalf of any code member of any right which he may have against the defendant under section 5 (d) of the Act in respect to said violations.

Dated: July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5573; Filed, July 31, 1941;
10:08 a. m.]

[Docket No. A-525]

PETITION OF DISTRICT BOARD NO. 7 FOR REDUCTION IN THE MINIMUM PRICES FOR LOW VOLATILE RUN OF MINE COAL PRODUCED IN DISTRICTS NOS. 7 AND 8, WHEN SHIPPED FOR OFF-LINE RAILWAY LOCOMOTIVE FUEL, EXCEPT VIA TIDEWATER

ORDER OF THE ACTING DIRECTOR DENYING RELIEF

Petition having been filed with the Bituminous Coal Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 seeking a reduction in the off-line railway locomotive fuel price of District 7 and 8 low volatile run of mine coals, except via tidewater;

Petitions of intervention having been filed by District Boards 1 and 3;

A hearing having been held in this matter on February 6, 1941, pursuant to an Order of the Director, before a duly designated examiner of the Division, at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record thereupon having been submitted to the Acting Director;

The Acting Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the prayers for relief contained in the petition herein be, and are hereby, denied.

Dated July 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5574; Filed, July 31, 1941;
10:09 a. m.]

[Docket No. A-780]

PETITION OF DELTA MINING COMPANY, SAHARA COAL COMPANY AND THE UNITED ELECTRIC COAL COMPANIES, CODE MEMBER PRODUCERS IN DISTRICT NO. 10, FOR MINIMUM F. O. B. MINE PRICES FOR F. A. S. DELIVERY FROM DISTRICT NO. 10 TO RETAIL DEALERS AT MINNEAPOLIS AND ST. PAUL, PURSUANT TO SECTION 3 (A), SPECIAL RIVER PRICE INSTRUCTIONS AND EXCEPTIONS, SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10, OR IN THE ALTERNATIVE FOR ESTABLISHMENT OF JUST AND EQUITABLE PRICES

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This proceeding was instituted upon an original joint petition filed with the Bituminous Coal Division on March 31, 1941, by Delta Coal Mining Company ("Delta"), Sahara Coal Company ("Sahara"), and the United Electric Coal Companies ("United Electric"), code members in District No. 10, pursuant to the provisions of Section 3 (A), Special River Price Instructions and Exceptions

in the Schedule of Effective Minimum Prices for District 10 for All Shipments Except Truck. Petitioners seek authority to sell coal produced at their mines in District No. 10 to retail dealers in the cities of Minneapolis and St. Paul, Minnesota, for delivery to or over the municipal docks there, at minimum f. o. b. mine prices for f. a. s. delivery, and for general relief.

Franklin County Coal Corporation, Old Ben Coal Corporation, Bell & Zoller Coal and Mining Company, Chicago, Wilmington & Franklin Coal Company, Peabody Coal Company and Wasson Coal Company ("Franklin County Coal Corporation et als."), code members in District No. 10, intervened in support of the petition and ask the same measure of relief as may be granted to original petitioners. The City of Minneapolis, a political subdivision of the State of Minnesota, intervened in support of the original petition.

District Boards 7 and 11 intervened in opposition to the requested relief and District Board 11 moved to dismiss the original petition, which motion was denied by the Director. District Boards 2, 6, and 10 and Carter Coal Company, a code member in District 7, intervened generally, and Consumers' Counsel Division (now Office of the Bituminous Coal Consumers' Counsel) filed a notice of appearance.

A hearing was held on May 27, 28 and 29, 1941, and on May 29 was continued until July 15, 1941. The hearing resumed on that date and was concluded on July 22, 1941. Appearances were noted for original petitioners, Consumers' Counsel and all interveners and Carter Coal Company. District Board 8 appeared and participated but did not intervene.

On May 29, 1941, during the course of the hearing, petitioners filed a motion for leave to amend their original petition, in order more clearly to define the issues involved, by requesting as alternative relief (if section 3 (A) of the Special River Price Instructions and Exceptions, Schedule of Effective Minimum Prices for District No. 10, should be construed as being inapplicable) the establishment of just and equitable prices under section 4 II (d) of the Bituminous Coal Act of 1937. District Board 7 filed a reply in opposition. On June 17, 1941, the Director granted leave so to amend, gave notice of the amendment and of the continuance of the hearing, and extended the period for intervention. No new petitions of intervention were filed.

On June 4, original petitioners, filed a motion supported by a brief, requesting temporary relief. District Board 7 filed a brief opposing the granting of temporary relief.

During the hearing, petitioners offered evidence that:

Illinois coals moved all-rail into the Twin Cities market in substantial quantities until about 1924, when rail rates were increased and Great Lakes Dock

rates decreased; as a result, the Twin Cities market was virtually lost to Illinois coals; during the last five years the upper part of the Mississippi River has been developed by the Federal Government; due to this development, and because of lower transportation charges for river as compared to all-rail shipments, Illinois coals began to move by barge to the Twin Cities, and beginning in 1939 moved in continually increasing quantities until the establishment of effective minimum prices on October 1, 1940.¹

It was also testified that the cities of Minneapolis and St. Paul, in order that their inhabitants might enjoy the lower river transportation rates, constructed coal docks on the Mississippi River; that these docks are operated as a municipal function at moderate cost with allocation of storage space to retail coal dealers on a yearly basis; and that although actual storage space on the dock is limited, there is ample capacity for movement of coal across the dock for storage at inland retail coal yards.²

It was further testified that: In 1939 and 1940 petitioners shipped a substantial percentage of the Illinois coal moving by river to the Twin Cities; in 1939 Sahara shipped via the Minneapolis dock to about six purchasers, including retail coal dealers, and to its own retail coal yard on the Minneapolis dock where it sold to retail coal dealers and in 1940 to the dockyard of its own subsidiary, Saline Coal and Dock Co., and to others including retail coal dealers with inland retail coal yards; United Electric shipped to retail coal dealers over the St. Paul dock; Delta's coals moved via the Minneapolis dock to Republic Coal & Coke Company, its exclusive sales agent, acting as retail coal dealer on the dock, to retail coal dealers and to certain consumers taking coal over the dock direct from barge to railroad car; interveners, Franklin County Coal Corporation et als., also shipped by river to the Twin Cities, Franklin County Coal Corporation and Peabody Coal Company, at least, shipping on a regular basis and in substantial tonnages; since October 1, 1940, neither original petitioners nor any of the interveners have shipped coal via river to retail coal dealers in the Twin Cities; in fact, very little Illinois coal has since been delivered to such retail coal dealers either by river or all-rail.

It appears that under the established minimum prices, water-borne Illinois coals have been unable to compete with water-borne eastern coals from Minimum Price Area 1, having the advantage of the Great Lakes dock rates. Since it is es-

timated that 85-95% of the coal delivered in the Twin Cities is water-borne, these eastern coals present the real competition to the coal from District No. 10.

Petitioners contended that either free alongside prices should be granted or, if the relationship with all-rail coals must be maintained, that the prescribed differentials should be revised properly to take into account, not only the lower cost of river over all-rail transportation, but also certain cost factors involved in the handling of river coals, and that relief should be extended to inland retail coal dealers as well as those having dockyards, because storage space on the municipal docks is limited and occupied only by a few persons and because much of the coal has customarily moved across the docks to inland retail coal dealers' yards for storage. There appear to be no private coal docks and no possible locations for them within the Twin Cities area.

Certain interveners, particularly District Board 7, opposed the granting of any relief, temporary or permanent, urging that it would upset coordination with eastern Lake dock coals by depriving them of their existing competitive opportunities in the Twin Cities market by failing properly to reflect relative market values.

District Board 7 produced two witnesses who testified concerning the propriety of f. a. s. prices. One of these witnesses stated that he was opposed to such relief whereas another witness, representing lake dock interests regularly shipping the preponderant tonnages consumed in the Twin Cities, stated that f. a. s. prices should be established for sales to retail coal dealers with dock facilities at the Twin Cities. The witnesses for District Board 7 also testified, concerning the effect of the establishment of f. a. s. prices upon coordination at the Twin Cities.

Entirely apart from, and without considering, the issue of re-coordination, it is appropriate, on the basis of the above-mentioned evidence, to grant temporary relief under section 3 (A) of the Special River Price Instructions and Exceptions in the Minimum Price Schedule for District No. 10. Unless petitioners are granted temporary relief they will suffer irreparable injury, due to the shortness of the river navigation season. And unless such relief is granted immediately, petitioners will be deprived of any opportunity to negotiate for the sale and shipment of river coals during the current season. Half of the season already having passed, substantially less Illinois coal can be shipped during the remainder of the season than was shipped during 1940; certainly no more. There can not be possible prejudice, therefore, to the eastern producers if temporary relief, as hereinafter provided, is granted.

Whether temporary relief should be made permanent and whether permanent relief should be granted under the "Special Cases" provision, by a re-coor-

dination of established minimum prices, or by any other means is a matter which can only be determined after more studied consideration of the record in this proceeding. And in that connection, pending final disposition of the petition, the Division will also study carefully the results which follow from the granting of temporary relief.

Now, therefore, it is ordered, That temporary relief pending final disposition of this proceeding is granted forthwith by temporarily amending the schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, as follows:

Under the Section "Prices for River (free alongside deliveries) and Ex-River Shipments, Special River Price Instructions and Exceptions," "Special Cases C," page 53, add the following provision:

Any code member producer, sales agent or registered distributor may sell coal for barge delivery to and over the municipal docks at Minneapolis and St. Paul at the minimum f. o. b. mine prices for free alongside delivery when shipped from the mines by rail and reloaded into barges on the Mississippi River for transshipment on the Mississippi River to retail coal dealers for resale at retail by such dealers located within the switching limits of these cities, whether such coal is for storage on the municipal docks or at inland retail coal yards.

Provided, however, That the relief herein granted shall apply only to coal shipped from the mine subsequent to the date hereof, and

Provided further, That any code member, sales agent or registered distributor offering for sale, selling or reselling any coal pursuant to this Order shall submit to the Bituminous Coal Division at 734 Fifteenth Street NW., Washington, D. C. within five (5) days after such offer, sale or resale, a complete description of such offer, sale or resale as is required by the Marketing Rules and Regulations of the Division, Order 313, and any other orders of the Division. The filing of this data at the offices of the Bituminous Coal Division in Washington, D. C. shall be in addition to that required for filing with the field office.

Each report or description required herein shall be duly verified and marked for incorporation in this docket as part of the record in these proceedings.

It may be required from time to time that there shall be made available for inspection for representatives of the Bituminous Coal Division at all reasonable times and places, all books, records, correspondence or other documents pertaining to the offer for sale, sale, delivery or other transactions of and involving such coals.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regu-

¹The evidence offered was that in 1931 the movement totaled 7,896 tons. There were no shipments in 1932 and 1933. In 1940 a total of 204,672 tons was shipped by Federal Barge Line alone.

²The testimony is that in 1940 about 230,000 tons of Illinois coal moved to and over the municipal dock at Minneapolis.

lations Governing Practices and Procedure for the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be deemed to constitute a ruling or expression of the Director's views concerning the final disposition of these proceedings or the nature of the relief which may hereafter be granted.

Dated July 29, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-5575; Filed, July 31, 1941;
10:09 a. m.]

[Docket No. 1557-FD]

IN THE MATTER OF BECKLEY FIRE CREEK
COAL COMPANY, DEFENDANT

ORDER GRANTING APPLICATION FOR REIN-
STATEMENT OF CODE MEMBERSHIP

A written complaint, dated February 5, 1941, having been filed herein by the Bituminous Coal Producers Board for District No. 7, pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the Beckley Fire Creek Coal Company ("Beckley"), of the Bituminous Coal Code (the "Code"), and rules and regulations thereunder; and

An Order having been made herein on July 18, 1941, by the Acting Director, pursuant to stipulation of Beckley and said District Board, dated July 16, 1941, cancelling and revoking the code membership of Beckley and providing that such cancellation and revocation shall become effective six (6) days after service thereof on Beckley; and

Said Order having been duly served on Beckley on July 23, 1941; and

Beckley having filed with the Division its application, dated July 25, 1941, for reinstatement of code membership to become effective simultaneously with the effective date of such cancellation and revocation of its code membership; and

It appearing from said application that Beckley has paid to the Collector of Internal Revenue at Parkersburg, West Virginia, the sum of One Thousand Nine Hundred Seven Dollars and Thirty-seven Cents (\$1,907.37), pursuant to said Order made July 18, 1941, as a condition precedent to reinstatement of its code membership.

It is ordered, That said application of Beckley, dated July 25, 1941, for reinstatement of its code membership be and it hereby is granted.

It is further ordered, That the code membership of Beckley be and it hereby is restored as of the effective date of said cancellation and revocation of code membership.

Dated July 30, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-5576; Filed, July 31, 1941;
10:09 a. m.]

[Docket No. 821-FD]

IN THE MATTER OF THE APPLICATION OF
BELLEVILLE FUELS, INCORPORATED, FOR
PROVISIONAL APPROVAL AS A MARKETING
AGENCY; IN RE: APPLICATION OF THE AP-
PLICANT FOR RENEWAL OF THE ORDER
GRANTING IT PROVISIONAL APPROVAL AS A
MARKETING AGENCY

ORDER GRANTING INTERIM RENEWAL OF ORDER
GRANTING APPLICANT PROVISIONAL AP-
PROVAL AS A MARKETING AGENCY

Applicant, Belleville Fuels, Incorporated, having filed an application with the National Bituminous Coal Commission (predecessor of the Bituminous Coal Division) requesting provisional approval as a marketing agency pursuant to Order No. 6 issued by said National Bituminous Coal Commission on June 21, 1937; and

The Bituminous Coal Division by Order of the Director dated January 9, 1940, as modified by Order of the Director dated January 15, 1941, having granted the application of the Belleville Fuels, Incorporated, for provisional approval as a marketing agency for one year from the date of said Order of January 9, 1940, subject to renewal upon application therefor; and

Applicant having on June 27, 1941, filed an application for renewal of said Order granting it provisional approval as a marketing agency, requesting that said Order be renewed retroactively to January 9, 1941; and

By an Order dated July 15, 1941, a hearing having been scheduled on said application for renewal of the Order granting Applicant provisional approval as a marketing agency, at 10 o'clock in the forenoon of August 4, 1941, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.; and Applicant having been required at the same time to show cause why its provisional approval, if renewed, should not be modified and amended in certain specified respects;

Now, therefore, it is ordered, That, pending the determination of the aforementioned proceeding, an interim renewal of the Order granting the Applicant provisional approval as a marketing agency is hereby granted as of January 9, 1941;

It is further ordered, That the renewal of the provisional approval hereby granted is specifically subject to such further orders as may be entered in this docket.

Dated July 28, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-5577; Filed, July 31, 1941;
10:09 a. m.]

APPLICATIONS FOR REGISTRATION
AS DISTRIBUTOR

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name, address, and date application filed:

Montevallo Coal Mining Co., Aldrich, Ala., 6/2/41.
Clarence Payne, Barbourville, Ky., 7/21/41.

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before August 18, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. D. C.

Dated July 29, 1941.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 41-5578; Filed, July 31, 1941;
10:10 a. m.]

[Docket No. 1541-FD]

IN THE MATTER OF THE WYATT COAL SALES
COMPANY, REGISTERED DISTRIBUTOR,
REGISTRATION No. 9906, DEFENDANT
ORDER OF SUSPENSION OF REGISTRATION

The Notice of and Order for Hearing in the above entitled matter dated February 17, 1941, having been duly made by the Director pursuant to the provisions of Section 304.14 of the Rules and Regulations for the Registration of Distributors, promulgated by the Bituminous Coal Division (the "Division"), pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 (the "Act"), to determine whether the Wyatt Coal Sales Company ("Wyatt"), registered distributor, Registration No. 9906, defendant in the above entitled matter has violated the provisions of section 4 II (e) and (h) of the Act, § 304.12 (b) of the Rules and Regulations for the Registration of Distributors, and Sections (b) and (e) of the agreement executed by said defendant pursuant to said § 304.12 (b), and said Notice of and Order for Hearing having been duly served upon the defendant on February 19, 1941; and

The defendant having filed its answer herein with the Division on March 3, 1941, and an order having been made and entered herein, dated July 23, 1941, permitting the withdrawal thereof; and

The defendant having by stipulation made July 19, 1941, a true copy of which is annexed hereto and made a part hereof, admitted the truth of the allegations contained in said Notice of and Order for Hearing, and the facts set out in said stipulation and having consented to the making and entry of this order of suspension; and

The defendant having by said stipulation waived (a) hearing on the Notice of and Order for Hearing herein; (b) oral argument on the filing of briefs be-

fore the Director or other presiding officer; (c) the preparation and submission of any report, findings of fact or recommendations by the Director or other presiding officer; (d) the presentation of oral argument before the Director or other presiding officer and (e) the preparation and submission of tentative findings of fact or proposed order by the Director; and

The defendant by said stipulation (a) having admitted improperly substituting, during the months of October and November, 1940, as agent for the Beckley Fire Creek Coal Company ("Beckley") 2717.05 tons of $\frac{3}{4}$ " x 0 slack coal produced at the Penman Mine, Mine Index No. 140, located in District No. 7, on an order of Bethlehem Steel Company, dated October 30, 1940, for 2400 tons of $\frac{3}{8}$ " x 0 slack coal at \$1.75 per net ton f. o. b. said mine, whereas the effective minimum price for said substituted $\frac{3}{4}$ " x 0 slack was \$1.80 per net ton f. o. b. said mine; (b) having further admitted the statements of fact and conclusions of law contained in the order made by the Director dated July 18, 1941, in Docket No. 1557-FD, cancelling and revoking the code membership of Beckley and assessing the tax payable by Beckley at Nineteen Hundred and Seven Dollars and Thirty-seven Cents (\$1907.37), as a condition to its reinstatement to membership in the Bituminous Coal Code ("Code"); and (c) having further admitted that the transactions set forth in (a) and (b) hereof violated the applicable minimum prices set out in the Schedule of Effective Minimum Prices for District No. 7, for All Shipments Except Truck, § 304.12 (b), 2, 3, and 5 of the Rules and Regulations for the Registration of Distributors, paragraphs (b), (c), and (e) of the Agreement made April 25, 1939 (the "Distributor's Agreement"), pursuant to the order of the National Bituminous Coal Commission ("Commission") dated March 24, 1939, entered in General Docket No. 12 and adopted as an order of the Division on July 1, 1939, the execution of said agreement by the defendant having been a condition precedent to the granting of the defendant's application for registration as a distributor, Rules 1 (a), (b), (c) and (e) and 2 of Section XI, Rule 3 of Section XII and Rule 6 of Section XIII of the Marketing Rules and Regulations and Section 4 II (e) and (h) and paragraph 6 of Section 4 II (i) of the Act.

It is hereby found that:

(1) The defendant is a corporation organized and existing under and by virtue of the laws of the State of West Virginia, with its principal office located at Charleston, West Virginia, and is engaged under the powers granted to it by its corporate charter in the business of selling and distributing coal.

(2) On April 26, 1939, pursuant to the Order of the Commission dated March 24, 1939, entered in General Docket No. 12 and adopted as an order of the Division on July 1, 1939, the defendant filed

with the Commission its application dated April 25, 1939, for registration as a distributor which was accompanied by its Agreement executed April 25, 1939, (the "Distributor's Agreement"), said application was approved by the Division on November 18, 1939, and Certificate No. 9906 was issued to the defendant authorizing it to act as a registered distributor and the defendant has been ever since the last-mentioned date and is now acting as a registered distributor.

(3) Beckley is a corporation duly organized and existing under and by virtue of the laws of the State of West Virginia, whose principal office is located at Charleston, West Virginia, and is engaged under the powers granted to it by its corporate charter, in the business of mining and producing bituminous coal.

(4) On June 19, 1937, Beckley filed with the Commission its acceptance of the Code dated June 17, 1937; said acceptance was approved by the Commission on June 28, 1937, to take effect as of June 19, 1937, and was adopted as of July 1, 1939, by the Division, and Beckley since said last-mentioned date, has been a code member operating the Penman Mine, Mine Index No. 140, located in District No. 7 in Raleigh County, West Virginia.

(5) The defendant owns all the outstanding corporate shares of stock of Beckley and controls its corporate acts and doings. The defendant acted as the duly authorized agent of Beckley in the transaction referred to in (6) hereof.

(6) The defendant sold and substituted during the months of October and November, 1940, as agent for Beckley 2,717.05 ton of $\frac{3}{4}$ " x 0 slack coal produced at the Penman Mine, Mine Index No. 140 located in District No. 7, on the order of Bethlehem Steel Company dated October 30, 1940, for 2,400 tons of $\frac{3}{8}$ " x 0 slack coal at \$1.75 per net ton f. o. b. said mine, whereas the effective minimum price for said substituted $\frac{3}{4}$ " x 0 slack coal was \$1.80 per net ton f. o. b. said mine.

(7) That $\frac{3}{4}$ " x 0 slack coal shipped to Bethlehem Steel Company on the order for $\frac{3}{8}$ " x 0 slack referred to in (6) hereof aggregating 2,717.05 tons were sold and shipped in violation of the applicable minimum prices as set forth in the Schedule of Effective Minimum Prices for District No. 7 For All Shipments Except Truck, § 304.12 (b), (2), (3) and (5) of the Rules and Regulations for the Registration of Distributors, paragraphs (b), (c) and (e) of the Distributor's Agreement, Rules 1 (a), (b), (c) and (e) and 2 of Section XI, Rule 3 of Section XII and Rule 6 of Section XIII of the Marketing Rules and Regulations and section 4 II (e) and (h) and paragraph 6 of section 4 II (i) of the Act.

(8) The defendant in shipping the $\frac{3}{4}$ " x 0 slack coal to the Bethlehem Steel Company referred to in (6) hereof, violated the Commission's Order No. 156 dated December 18, 1937, and adopted as an order of the Division on July 1, 1939,

by failing to file currently as rendered, invoices to cover shipments of 447.75 tons (6 cars), 446.59 tons (6 cars) and 456.9 tons (6 cars), respectively made on November 8, 11, and 14, 1940, respectively, of said substituted $\frac{3}{4}$ " x 0 slack coal at \$1.75 per net ton f. o. b. said mine, such invoices not having been filed until December 28, 1940.

Now, therefore, based upon the above findings; upon the defendant's agreement that during said periods of suspension it will not act as registered distributor and that it will not accept or receive as registered distributor, either directly or indirectly, any discounts on coal purchased by it from code members during the period of suspension herein which would reduce the price thereof below the effective minimum price therefor and that during said period it will observe and faithfully abide by all the provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, the Distributor's Agreement, and all applicable orders of the Division, and Beckley having paid said tax of Nineteen Hundred and Seven Dollars and Thirty-seven Cents (\$1907.37) to the Bureau of Internal Revenue pursuant to an order of the Director dated July 18, 1941 in Docket No. 1557-FD and applied to the Division for reinstatement of membership in the Code.

It is ordered, That the registration of the defendant in the above entitled matter, Wyatt Coal Sales Company, as a distributor is hereby suspended for a period of thirty (30) days from the date of service hereof upon the defendant herein and that the defendant, its officers, representatives, agents, servants, employees and attorneys and all affiliates and subsidiaries of the defendant shall be and are hereby prohibited from receiving or accepting any discounts from the effective minimum prices, either directly or indirectly, on coal purchased by them or any of them from code members during said thirty (30) day period of suspension: *Provided, however*, That the making and entry of this order of suspension will not prevent the defendants, its officers, representatives, agents, servants, employees and attorneys and all affiliates and subsidiaries of defendant from accepting sales commissions on coal sold by them or any of them as sales agent under bona fide sales contracts filed with the Division on or before January 1, 1941: *And Provided further*, That if the defendant shall not have complied with the provisions of Section 304.15 of the Rules and Regulations for the Registration of Distributors within the said thirty (30) day period, said suspension shall continue in full force and effect until five (5) days after the affidavit requested by said Section 304.15 shall have been filed with the Division; and

It is further ordered, That the defendant, during such said period of suspension shall continue fully to observe, abide by and remain in all respects subject to

all pertinent and applicable provisions of the Act, Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, the Distributor's Agreement and all applicable orders of the Division; and

It is further ordered, That in the event the defendant shall hereafter violate any of its agreements set forth in said stipulation dated July 19, 1941, a true copy of which is annexed hereto and made a part hereof, this matter may be reopened and such action taken and orders entered herein as to the Director may seem just and proper under the circumstances, and jurisdiction of this matter is hereby expressly reserved for such purposes.

Dated July 30, 1941

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-5579; Filed, July 31, 1941;
10:10 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL No. 165, ALASKA

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729; 49 U.S.C. 214, that the public lands lying within the following described boundaries in the vicinity of McGrath, Alaska, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air navigation facilities:

TRACT No. 1

Beginning at a point on the south boundary of U. S. Survey No. 1962, from which corner No. 3 of such survey bears west 178.8 feet in approximate latitude 62°57'30" N., longitude 155°37' W. Thence by metes and bounds,

East 1320.0 feet;
South 2990.4 feet to a stake on the left bank of Kuskokwim River;
Thence with meanders of the left bank,
N. 73°40' W., 622.7 feet;
N. 75°00' W., 500.0 feet;
N. 72°00' W., 251.7 feet to a stake, thence
North 2608.1 feet to the place of beginning containing 84.8 acres.

TRACT No. 2

Beginning at a point on the west boundary of U. S. Survey No. 1962, from which corner No. 3 of such survey bears south 2253.8 feet. Thence by metes and bounds,

S. 81°14' W., 1873.8 feet to a stake on the left bank of Kuskokwim River;
Thence with meanders of left bank,
N. 20°14' E., 171.5 feet;
N. 43°14' E., 300.0 feet;
N. 47°14' E., 295.6 feet to a stake; thence
N. 81°14' E., 1386.3 feet to a stake on the west boundary of U. S. Survey No. 1962, thence

South, 505.9 feet along the west boundary of such survey to the place of beginning, containing 19.4 acres.

TRACT No. 3

A 100-foot right-of-way, the center line as follows:

Beginning at a point on the west boundary line of the tract withdrawn October 1, 1940, under Air Navigation Site Withdrawal No. 145, from which U. S. L. M. 1961, located on

the northeast bank of the Kuskokwim River and in the south edge of the town of Old McGrath, bears

N. 45°50' W., 325 feet;
N. 47°08' E., 354 feet;
N. 48°50' W., 6458 feet, in approximate latitude 62°57'40" N., longitude 155°37' W.,
Thence by metes and bounds,
S. 67°04' W., 1050.0 feet;
S. 79°00' W., 1200.0 feet;
N. 76°24' W., 1100.0 feet;
N. 47°22' W., 1300.0 feet;
N. 32°37' W., 2185.5 feet;
N. 48°56' W., 400.0 feet more or less, to a point on the east boundary line of U. S. Survey No. 1962.

HAROLD L. ICKES,
Secretary of the Interior.

JULY 16, 1941.

[F. R. Doc. 41-5591; Filed, July 31, 1941;
10:34 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6159]

ORDER IN THE MATTER OF WITHDRAWAL OF FREQUENCIES FROM AMATEUR SERVICE

At a meeting of the Federal Communications Commission held in its offices in Washington, D. C., on the 29th day of July, 1941:

The Commission having under consideration its Rules Governing Amateur Radio Stations and Operators with particular reference to the provisions governing the use of frequencies; and

It appearing that the needs of National Defense require the temporary re-assignment, on September 1, 1941, of one hundred and at later dates of an additional two hundred kilocycles presently allocated to amateur stations under §§ 12.111, 12.115 and 12.116, to the conduct of communications necessary for the training of military airplane pilots exclusively;

It is ordered, That on August 18, 1941, a public hearing be held at the offices of the Commission in Washington, D. C., to determine whether the adoption of the following order will promote public convenience or interest or will serve public necessity or enable a fuller compliance with the provisions of the Communications Act of 1934, as amended;

It is ordered, That §§ 12.111, 12.115 and 12.116 of Part 12 of the Rules and Regulations of the Commission, insofar as they pertain to the continental limits of the United States, be, and they are hereby, suspended until further order of the commission;

It is further ordered, That the following Temporary Rules Governing Amateur Radio Stations be effective during the period of the suspension of the foregoing sections:

Temporary Rule 12.111 *Frequencies for exclusive use of amateur stations.* The following bands of frequencies are allocated exclusively for use by amateur stations subject to change with respect to 150 frequencies in the 3500-3800 kilo-

cycle band and 50 frequencies in the 3900-4000 kilocycle band upon further order of the Commission:

1,750 to 2,050 kilocycles
3,500 to 3,800 kilocycles
3,900 to 4,000 kilocycles
7,000 to 7,300 kilocycles
14,000 to 14,400 kilocycles
28,000 to 30,000 kilocycles
56,000 to 60,000 kilocycles
112,000 to 116,000 kilocycles
224,000 to 230,000 kilocycles
400,000 to 401,000 kilocycles

Provided, however, That amateur licensees located in the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Wyoming, Montana, Idaho, Oregon, and Washington, may use the frequencies in the band 3800-3900 kilocycles for Type A-1 emission during the period between two hours after local sunrise and two hours before local sunset subject to the condition that no interference is caused to government operation on these frequencies. The privilege conferred by this proviso with respect to any amateur or to the amateurs within any area may be terminated at any time without advance notice or hearing should interference develop.

Temporary Rule 12.115 *Additional bands for types of emission using amplitude modulation.* The following bands of frequencies are allocated for use by amateur stations using additional types of emission as shown:

1,750 to 1,900 kilocycles --- A-4 ---
1,900 to 2,050 kilocycles --- A-3 ---
3,900 to 4,000 kilocycles --- A-3 ---
7,250 to 7,300 kilocycles --- A-3 ---
14,150 to 14,250 kilocycles --- A-3 ---
28,100 to 30,000 kilocycles --- A-3 ---
56,000 to 60,000 kilocycles A-2 A-3 A-4 ---
112,000 to 116,000 kilocycles A-2 A-3 A-4 A-5
224,000 to 230,000 kilocycles A-2 A-3 A-4 A-5
400,000 to 401,000 kilocycles A-2 A-3 A-4 A-5

This order shall take effect September 1, 1941.

It is further ordered, That any existing holder of an amateur radio station license desiring to object to the foregoing proposed order shall, not later than August 14, 1941, file an appearance with the Commission setting forth in detail the grounds of such objection.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-5582; Filed, July 31, 1941;
10:11 a. m.]

[Docket No. 6149]

NOTICE RELATIVE TO AMERICAN REPUBLICAN, INC. (WBRY)

Application dated February 20, 1941, for modification of C. P.; class of service, broadcast; class of station, broadcast; location, Waterbury, Connecticut; operating assignment specified: Frequency, 560 kc.; power, 1 kw. (DA night and day); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether completion of construction heretofore authorized (B1-P-2756) was prevented by causes not under control of the applicant-permittee.
2. To determine whether the granting of the instant application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.
3. To determine whether the granting of this application would be consistent with the standards of good engineering practice, particularly in view of the expected nighttime interference limitation to the service of Station WBRV as proposed.
4. To determine whether the proposed directional antenna array would afford adequate protection to the services of Stations WFIL and WGAN, particularly in view of the distances between said stations and Station WBRV.
5. To determine the extent of any interference which would result from simultaneous operation of Station WBRV as proposed, and Stations WMCA, WFIL and WGAN.
6. To determine the areas and populations which may be expected to lose interference-free primary service, particularly from Stations WMCA, WGAN and WFIL, should Station WBRV operate as proposed, and what other broadcast service is available to these areas and populations.
7. To determine the areas and populations now receiving interference-free primary service from Station WBRV which may be expected to lose such service should this application be granted, and what other broadcast service is available to these areas and populations.
8. To determine areas and populations which may be expected to gain interference-free primary service from the operation of Station WBRV, as proposed, and what other broadcast service is available to these areas and populations.
9. To determine the extent of any interference which would result from simultaneous operation of Station WBRV, as proposed, and WFIL as proposed in application No. B2-P-2894, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.
10. To determine whether in view of the facts adduced under the foregoing issues that public interest, convenience and necessity will be served by the granting of this application.

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

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382(b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

American Republican, Inc., Radio Station WBRV, 136 Grand St., Waterbury, Connecticut.

Dated at Washington, D. C., July 29, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-5583; Filed, July 31, 1941;
10:11 a. m.]

[Docket No. 6084]

NOTICE RELATIVE TO BOONE BIBLICAL
COLLEGE (KFGQ)

Application dated May 21, 1941, for renewal of license; class of service, broadcast; class of station, broadcast; location, Boone, Iowa; operating assignment: frequency, 1,400 kc.; power, 100 w. day; hours of operation, specified hours.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reason:

1. To determine whether public interest, convenience or necessity would be better served through the unlimited time operation of Station KVFD on the frequency 1,400 kc. than through the continued operation of Station KFGQ.

The application involved herein will not be granted by the Commission unless the issue listed above is determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issue by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Boone Biblical College, Radio Station KFGQ, 924 West Second St., Boone, Iowa.

Dated at Washington, D. C., July 28, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-5584; Filed, July 31, 1941;
10:11 a. m.]

[Docket No. 6139]

NOTICE RELATIVE TO SEABOARD RADIO
BROADCASTING CORPORATION (WIBG)

Application dated March 18, 1941, for modification of license; class of service, broadcast; class of station, broadcast; location, Glenside, Pennsylvania; operating assignment specified: Frequency, 990 kc.; power, 1 kw. day; hours of operation, limited to Knoxville, Tenn.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would be consistent with the provisions of the North American Regional Broadcasting Agreement.
2. To determine whether, in view of the facts adduced under the foregoing issue and the issues relating to the application for renewal of license of Station WIBG, Docket No. 6062, public interest, convenience and necessity will be served by the granting of the instant application.

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

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Seaboard Radio Broadcasting Corp., Radio Station WIBG, Easton Road and Mt. Carmel Avenue, Glenside, Pennsylvania.

Dated at Washington, D. C., July 28, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-5585; Filed, July 31, 1941;
10:11 a. m.]

[Docket No. 6131]

NOTICE RELATIVE TO HENNESSY BROADCASTING Co. (NEW)

Application dated April 2, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Butte, Montana; operating assignment specified: Frequency, 1,490 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine applicant's legal, technical, and other qualifications to

construct and operate the proposed station.

2. To determine the type and character of the service, both program and technical, which applicant may be expected to render if granted a permit to construct the proposed station.

3. To determine the identity, residence, experience and familiarity with the needs of the population to which it is proposed to render a local broadcast service, of the persons having ultimate control of the applicant.

4. To determine the practices and policies which the applicant may be expected to follow in the operation of the proposed station, particularly in view of its connections with the Hennessey Company, owner of a retail department store in Butte, Montana, and the Mercantile Stores Company, Inc., engaged in the business of operating department stores and owning real estate.

5. To determine whether public interest, convenience or necessity would be served by a grant of this application and the application of Barclay Craighead (File No. B5-P-3103, Docket No. 6132), or either of them.

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

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Hennessey Broadcasting Company, %
Hennessey Company, Hennessey Building,
Butte, Montana.

Dated at Washington, D. C., July 28, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-5586; Filed, July 31, 1941;
10:12 a. m.]

[Docket No. 6132]

**NOTICE RELATIVE TO BARCLAY CRAIGHEAD
(NEW)**

Application dated February 4, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Butte, Montana; operating assignment specified: Frequency, 1,500, (1,490 kc. NARBA); power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated

the matter for hearing for the following reasons:

1. To determine applicant's legal, technical, and other qualifications to construct and operate the proposed station.

2. To determine the type and character of the service, both program and technical, which applicant may be expected to render if granted a permit to construct the proposed station.

3. To determine whether public interest, convenience and necessity would be served by a grant of this application and the application of the Hennessey Broadcasting Company (File No. B5-P-3158, Docket No. 6131), or either of them.

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

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Barclay Craighead, Wheeler Block, 122
W. Broadway, Butte, Montana.

Dated at Washington D. C., July 28, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-5587; Filed, July 31, 1941;
10:12 a. m.]

[Docket Nos. 6151, 6152]

**NOTICE RELATIVE TO GEORGE W. MCCAULEY,
d/b AS AERONAUTICAL RADIO COM-
PANY (WQEB)**

Application dated March 28, 1941, for renewal of license; class of service, aviation; class of station, airport; location, Roosevelt Field, Mineola, New York; operating assignment: Frequency, 278 kc.; power, 15 watts; emission, A-3; Pts. of Comm., ground to aircraft stations.

Application dated April 9, 1941, for construction permit; class of service, aviation; class of station, airport; location, Roosevelt Field, Mineola, New York; operating assignment specified: Frequency, add: 130,400 kc.; (Alternates 129,200 and 129,800 kc.); power, 100 watts; emission, A-3; Pts. of Comm., ground to aircraft stations.

You are hereby notified that the Commission has examined the above described applications and has designated

the matter for hearing for the following reasons:

1. To determine whether or not airport control radio station WQEB has in the past operated in accordance with the Commission's Rules and Regulations Governing Aviation Service, particularly §§ 9.9, 9.62 and 9.113.

2. To determine the ultra high frequency assignment most suitable for this station.

3. To determine whether the continued operation of this station would serve public interest, convenience or necessity.

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

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

George W. McCauley, d/b as Aeronautical Radio Company, Roosevelt Field, Mineola, New York.

Dated at Washington, D. C., July 29, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-5588; Filed, July 31, 1941;
10:12 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5721]

**IN THE MATTER OF MONTANA-DAKOTA
UTILITIES CO.**

NOTICE OF APPLICATION

July 29, 1941.

Notice is hereby given that on July 29, 1941, an application was filed with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and carrying on electric and gas utilities business in the States of Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of \$350,000.00 of unsecured Purchase Money Notes in three equal installments on or before April 1, 1943, January 1, 1944, and October 1, 1944, respectively, and bearing interest at the rate of 2½ per cent per annum; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 15th day of August, 1941, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-5590; Filed, July 31, 1941;
10:34 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 7-492 to 7-511, inclusive]

IN THE MATTER OF APPLICATIONS BY THE CHICAGO STOCK EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO TWENTY (20) STOCKS

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of July, A. D. 1941.

The Chicago Stock Exchange having made application to the Commission, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to twenty securities; and

After appropriate notice a hearing having been held in this matter in Chicago, Illinois; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the instant applications of such exchange be and the same are hereby granted by the Commission permitting the applicant exchange to extend unlisted trading privileges to the American Radiator & Standard Sanitary Corporation Common Stock, No Par Value; Anacosta Copper Mining Company \$50 Par Value Common Stock; Atchison, Topeka & Santa Fe Railway Company \$100 Par Value Common Stock; Bethlehem Steel Corporation Common Stock, No Par Value; Curtiss-Wright Corporation \$1 Par Value Common Stock; General Electric Company Common Stock, No Par Value; Interlake Iron Corporation Common Stock, No Par Value; Glenn L.

No. 149—5

Martin Company \$1 Par Value Common Stock; Nash-Kelvinator Corporation \$5 Par Value Capital Stock; New York Central Railroad Company Capital Stock, No Par Value; Paramount Pictures, Inc. \$1 Par Value Common Stock; Pullman, Inc. Capital Stock, No Par Value; Pure Oil Company Common Stock, No Par Value; Radio Corporation of America Common Stock, No Par Value; Republic Steel Corporation Common Stock, No Par Value; Standard Brands, Inc. Common Stock, No Par Value; Standard Oil Company (New Jersey) \$25 Par Value Capital Stock; Studebaker Corporation \$1 Par Value Common Stock; United States Rubber Company \$10 Par Value Common Stock; and Yellow Truck & Coach Manufacturing Company \$1 Par Value Class B Stock.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-5598; Filed, July 31, 1941;
11:45 a. m.]

[File No. 70-363]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of July, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than August 15, 1941, at 4:45 p. m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Consolidated Electric and Gas Company, a registered holding company, proposes to sell to Southeastern Indiana Power Co., an Indiana corporation, the following described securities of its subsidiary, Hoosier Public Utility Company:

(a) 17,270 shares of the Common Capital Stock of no par value;

(b) \$318,750 principal amount of 6% 10-Year Note, dated July 1, 1935 and due July 1, 1945; and

(c) \$150,000 principal amount of the First Mortgage 5% Sinking Fund Bonds, due December 1, 1954, with all unattached coupons appertaining thereto attached.

The purchase price to be paid for the foregoing securities is the sum of the following:

(a) One Million One Hundred Thousand Dollars (\$1,100,000);

(b) Interest on the Note and Bonds described above, accrued to date of closing and unpaid; and

(c) An amount equal to the net earnings of Hoosier Public Utility Company applicable to the Common Stock of Hoosier Public Utility Company described above, from January 1, 1941 to the date of closing, less an amount equal to the total amount of all payments made by Hoosier Public Utility Company to Consolidated Electric and Gas Company during the period from January 1, 1941 to the date of closing, representing dividends paid on the Common Stock of Hoosier Public Utility Company described above.

The foregoing securities are now pledged with the City National Bank and Trust Company of Chicago, Successor Trustee under the Collateral Trust Indenture of Central Gas and Electric Company securing its Collateral Trust Bonds, due 1946, (assumed by Consolidated Electric and Gas Company), and the proceeds representing said purchase price will be applied to acquire and retire such Collateral Trust Bonds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-5599; Filed July 31, 1941;
11:45 a. m.]







